



Guide to Political Activities for Postal & Federal Employees

Relevant Provisions  
of the

HATCH ACT

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# HATCH ACT

## Permitted Activity

- Register and vote in any election.
- May solicit, accept, and receive political contributions for COPA from an employee who is an APWU member, and who is not supervised by you.
- Take an active part as a candidate or in support of a candidate, in a nonpartisan election.
- Take an active part in managing the political campaign of a partisan political candidate or a candidate for political party office.
- Serve as an election judge or clerk, or in a similar position, to perform nonpartisan duties as prescribed by State or local law.
- Be a member of a political party or other political group and participate in its activities.
- Serve as an officer of a political party or other political group, a member of a national, State, or local committee of a political party, an officer or member of a committee of a political group, or be a candidate for any of these positions.
- Attend and participate fully in the business of nominating caucuses of political parties.
- Participate in a political convention, rally, or other political gathering.
- Drive voters to polling places for a partisan political candidate, partisan political group, or political party.
- May contribute money to political organizations.
- May attend political fundraising functions.
- May anonymously stuff envelopes with campaign literature which includes an appeal for political contributions.
- May give a speech at a fundraiser, as long as the speech does not include an appeal for political contributions.

- **May be identified as a guest speaker on an invitation to a fundraiser as long as the reference in no way suggests that the employee is soliciting or encouraging contributions.**
- **May serve as Treasurer of a campaign or political organization if the duties are limited to preparing financial disclosure forms, giving advice, etc.**
- **May serve as an officer or chairperson of a political fundraising organization or committee, as long as he or she does not personally solicit, accept, or receive political contributions.**
- **May help organize a fundraiser as long as he or she does not personally solicit, accept, or receive political contributions.**
- **May solicit, accept, and receive political contributions on behalf of a candidate for public office in a local nonpartisan election.**
- **May solicit, accept, and receive political contributions for his or her own campaign for public office in a local nonpartisan election.**
- **May solicit, accept, and receive political contributions on behalf of a nonpartisan group.**

## **Prohibited Activity**

- **May not be a candidate in a partisan election.**
- **May not participate in political activities:**
  - (1) While he or she is on duty;**
  - (2) While he or she is wearing a uniform, badge, insignia, or other similar item that identifies the employing agency or instrumentality or the position of the employee;**
  - (3) While he or she is in any room or building occupied in the discharge of official duties by an individual employed or holding office in the Government of the United States or any agency or instrumentality thereof; or**
  - (4) While using a Government-owned or leased vehicle or while using a privately-owned vehicle in the discharge of official duties.**
- **May not solicit, accept, or receive political contributions from the general public, except under specifically defined circumstances.**
- **May not coerce another employee to make a political contribution.**
- **May not become personally identified with partisan fundraising activities.**
- **May not solicit personal services, paid or unpaid, from a business or corporation.**

- May not sign campaign letters which include a solicitation for political contributions.
- May not participate, even anonymously, in phone bank solicitations for political contributions.
- May not solicit political contributions in speeches given at fundraisers.
- May not otherwise allow the use of his or her name on an invitation to a fundraiser, as a sponsor of a fundraiser, or as a point of contact for the fundraiser.
- May not serve as Treasurer if the duties include solicitation, acceptance or receipt of political contributions.

## **Definitions**

***Accept*** means to come into possession of something from a person officially on behalf of a candidate, a campaign, a political party, or a partisan political group.

***Candidate*** means an individual who seeks nomination or election to any elective office whether or not the person is elected. An individual is deemed to be a candidate if the individual has received political contributions or made expenditures or has consented to another person receiving contributions or making expenditures with a view to bringing about the individual's nomination or election.

***Campaign*** means all acts done by a candidate and his or her adherents to obtain a majority or plurality of the votes to be cast toward a nomination or in an election.

***Election*** includes a primary, special, runoff, or general election.

***Employee*** means any individual (other than the President, Vice President, or a member of the uniformed services) employed or holding office in --

- (1) An Executive agency other than the General Accounting Office;
- (2) A position within the competitive service which is not in an Executive agency;
- (3) The Government of the District of Columbia, other than the Mayor or a member of the City Council or the Recorder of Deeds; or
- (4) The United States Postal Service or the Postal Rate Commission.

***Employing office*** shall have the meaning given by the head of each agency or instrumentality of the United States Government or District of Columbia Government covered by this part. Each agency or instrumentality shall provide notice identifying the appropriate employing offices within it through internal agency notice procedures.

***Federal employee organization*** means any lawful nonprofit organization, association, society, or club composed of Federal employees.

***Federal labor organization*** means an organization defined in 5 U.S.C. 7103(a)(4).

***Multicandidate political committee*** means an organization defined in 2 U.S.C. 441a(a)(4).

***Nonpartisan election*** means--

(1) An election in which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected; or

(2) An election involving a question or issue which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance, or any question or issue of a similar character.

***Office*** means the U.S. Office of Personnel Management.

***On Duty*** means the time period when an employee is:

(1) In a pay status other than paid leave, compensatory time off, credit hours, time off as an incentive award, or excused or authorized absence (including leave without pay); or

(2) Representing any agency or instrumentality of the United States Government or any agency or instrumentality of the District of Columbia Government in an official capacity.

***Partisan*** when used as an adjective means related to a political party.

***Partisan political group*** means any committee, club, or other organization which is affiliated with a political party or candidate for public office in a partisan election, or organized for a partisan purpose, or which engages in partisan political activity.

***Partisan political office*** means any office for which any candidate is nominated or elected as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected, but does not include any office or position within a political party or affiliated organization.

***Person*** means an individual; a State, local, or foreign government; or a corporation and subsidiaries it controls, company, association, firm, partnership, society, joint stock company, or any other organization or institution, including any officer, employee,

***Political activity*** means an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group.

***Political contribution*** means any gift, subscription, loan, advance, or deposit of money or anything of value, made for any political purpose.

(a) A political contribution includes:

(1) Any contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any political purpose;

(2) Any payment by any person, other than a candidate or a political party or affiliated organization, of compensation for the personal services of another person which are rendered to any candidate or political party or affiliated organization without charge for any political purpose; and

(3) The provision of personal services, paid or unpaid, for any political purpose.

(b) A political contribution does not include the value of services provided without compensation by any individual who volunteers on behalf of any candidate, campaign, political party, or partisan political group.

*Political management* means the direction of supervision of a partisan political group or campaign for partisan political office.

*Political party* means a national political party, a State political party, or an affiliated organization.

*Political purpose* means an objective of promoting or opposing a political party, candidate for partisan political office, or partisan political group.

*Receive* means to come into possession of something from a person officially on behalf of a candidate, a campaign, a political party, or a partisan political group.

*Solicit* means to request expressly of another person that he or she contribute something to a candidate, a campaign, a political party, or partisan political group.

*Subordinate* refers to the relationship between two employees when one employee is under the supervisory authority, control or administrative direction of the other employee.

*Uniformed services* means uniformed services as defined in 5 U.S.C. 2101(3).

## **Jurisdiction**

(a) The United States Office of Special Counsel is authorized to investigate allegations of political activity prohibited by 5 CFR part 734, prosecute alleged violations before the United States Merit Systems Protection Board, and render advisory opinions concerning the applicability of 5 CFR part 734 to the political activity of Federal employees and employees of the District of Columbia Government.

(b) The Merit Systems Protection Board is authorized to determine whether a violation has occurred and to impose a minimum penalty of suspension for 30 days and a maximum penalty of removal for violation of the political activity restrictions regulated by this part. (5 U.S.C. 1204, 1212, 1216, and 7326).

(c) The Office of Personnel Management is authorized to issue regulations describing the political activities which are permitted and prohibited under the Hatch Act Reform Amendments of 1993. (5 U.S.C. 1103, 1104, 7325; Reorganization Plan No. 2 of 1978, 92 Stat. 3783, 3 CFR 1978 Comp. P. 323; and E.O. 12107, 3 CFR 1978 Comp. P.264.)