



Hatch Act for the Modern Age

With primary election season in full swing and the November mid-terms not far off, PASS reminds its members and all federal employees that there are certain restrictions on their political activity. The Hatch Act, a federal law passed in 1939 that limits certain political activities of federal employees, is changing according to modern times. Recently, the Office of Special Counsel (OSC), the agency that enforces the law, released updated guidance on the Hatch Act as it relates to social media and email. However, new guidance does not negate traditional rules and regulations and all federal employees should be fully educated before pursuing any politically-related activity.

The [OSC website](#) includes a long list of activities in which federal workers may and may not participate. Most importantly, under the Hatch Act, federal employees may NOT do the following:

- Engage in political activity while on duty, in any federal room or building, while wearing a uniform or official insignia, or using any federally owned or leased vehicle.
- Use official authority or influence to interfere with or affect the result of an election.
- Solicit, accept or receive a donation or contribution for a partisan political party, candidate for partisan political office or partisan political group.

However, under the Hatch Act, federal employees MAY do the following:

- Be a candidate for public office in nonpartisan elections.
- Register and vote as you choose.
- Assist in voter registration drives.
- Contribute money to political campaigns, political parties or partisan political groups.
- Attend fundraising functions.
- Sign and circulate petitions.
- In order to address modern means of communication, the OSC released an [updated series of FAQs](#) in February dealing with federal employees and the use of social media and email. In general, federal employees may use social media and email and comply with the Hatch Act if they: (1) do not engage in political activity while on duty or in the workplace; (2) do not engage in political activity in an official capacity at any time; and (3) do not solicit or receive political contributions at any time.
- The OSC considers some specific social media situations and how they relate to the Hatch Act. For instance, federal employees may express their opinions about a partisan group on Facebook or Twitter, but they cannot do so while on duty or in the workplace. In addition, they can become a “friend,” “like” or “follow” the social media page of a partisan group or candidate, but not while on duty or in the workplace. In other words, even pressing “like” on a Facebook post while on duty can lead to a Hatch Act violation. Federal employees also cannot refer to their official titles or positions while using Facebook or Twitter, although including one’s official title on a social media profile without additional information is



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allowed, or suggest asking anyone to make political contributions at any time.

- Related to email, a federal employee may receive a partisan political email while on duty or in the workplace, but these emails cannot be replied to or forwarded to others when on official time or at the workplace.
- In addition, federal employees may display campaign logos or candidate photographs as their cover or profile picture on their personal Facebook or Twitter accounts. However, because a profile picture accompanies most actions on social media, employees would not be permitted while on duty or in the workplace to post, “share,” “tweet,” or “retweet” any items on Facebook or Twitter, since each such action would show their support for a partisan group or candidate in a partisan race, even if the post is not about those entities.
- The OSC guidance discuss a variety of situations in greater detail and federal employees are encouraged to review it thoroughly. If you are at all worried that you might be in violation of the Hatch Act, it is always better to save politically-related activity until you are off duty, not at the workplace and not using a government-issued computer.