

U.S. Department of Energy
Washington, D.C.

NOTICE

DOE N 514.1

2-22-96

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**SUBJECT: POLITICAL ACTIVITIES UNDER THE HATCH ACT
AMENDMENTS**

The 1993 Amendments to the Hatch Act substantially changed the restrictions on political activities for most employees of the Executive Branch. The Office of Personnel Management has promulgated interim regulations.

This notice addresses frequently asked questions concerning political activity restrictions. The penalty for violation of the Hatch Act can include loss of Federal employment.

QUESTION: What types of activities are generally prohibited by the Hatch Act?

ANSWER: Every employee is prohibited from:

- Using official authority for the purpose of interfering with or affecting the result of an election;
- Being a partisan candidate for public office (there is a limited exception allowing some employees to run as independent candidates in certain partisan elections; please seek advice from your ethics counselor if you want more information about this exception);
- Soliciting political contributions (with one exception);
- Coercing an employee to engage in any political activity, including voting; and
- Seeking to influence the political activity of persons doing business with the Department.

QUESTION: What types of activities are permitted by the Hatch Act?

ANSWER: Every employee may:

- Be an independent candidate for a nonpartisan election for public office;
- Register and vote as he or she chooses;
- Participate in nonpartisan voter registration drives;
- Express opinions about candidates and issues;
- Contribute money to political organizations or candidates;
- Attend political fund-raising functions, rallies and meetings;
- Sign political petitions;
- Campaign for or against an issue that is not specifically identified with a political party such as referendum questions, constitutional amendments, or municipal ordinances;

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- Campaign for or against a candidate in a nonpartisan election; and
- Serve as an election official whose duties are nonpartisan by law.

For all employees, except those appointed by the President by and with the advice and consent of the Senate (other than the Inspector General), the above-listed permissible political activities cannot be engaged in while on duty, in any government office, while wearing an official uniform, or while using a government vehicle.

QUESTION: Can I volunteer to work for a candidate who is running in a partisan election?

ANSWER: If you are a career member of the Senior Executive Service, a member of the Board of Contract Appeals, or an Administrative Law Judge you may not actively participate in a partisan election.

All other employees may actively participate in a partisan election. However, these employees (except those appointed by the President by and with the advice and consent of the Senate) are prohibited from engaging in political activity while on duty, in any government office, while wearing an official uniform, or while using a government vehicle. Permissible activities include:

- Organizing or speaking at political rallies;
- Participating in partisan voter registration drives;
- Distributing campaign literature;
- Working on a phone bank provided campaign contributions are not solicited;
- Transporting voters to the polls;
- Managing a campaign(except fund-raising); and
- Supervising or organizing volunteers.

Employees who are appointed by the President by and with the advice and consent of the Senate (other than the Inspector General) may participate in political activities while on duty. These officials may hold partisan political meetings or receptions (other than fund-raisers) in their conference rooms during normal business hours. However, any refreshments served must not be paid for by money derived from the Treasury of the United States.

QUESTION: What types of activities are included in the prohibition on soliciting contributions for partisan campaigns?

ANSWER: Every employee is subject to this prohibition. Prohibited activities include:

- You may not request or accept contributions for a partisan political campaign;
- You may not sell tickets to a fund-raising activity of a partisan candidate or political party;
- Your name may not appear on an invitation to a fund-raiser as a sponsor of the fund-raiser or a point of contact;
- You may not host a fund-raiser at your home; however, your spouse may host such a fund-raiser, if he or she is not subject to these restrictions;

- You may not allow your official title to be used in connection with fund-raising activities; and
- You may not solicit, accept, or receive uncompensated volunteer services from an individual who is a subordinate.

There is one exception to the general prohibition on soliciting political contributions for partisan campaigns. If you are an employee other than a career member of the Senior Executive Service, a member of the Board of Contract Appeals, or an Administrative Law Judge, you may solicit political contributions if both you and the other person are members of the same Federal labor organization or Federal employee organization, the contribution is for the political committee of the labor or employee organization, and the person being solicited is not your subordinate. Also these employees may stuff envelopes for a partisan political candidate, campaign, or party, including literature that solicits a money contribution, provided that the employee's name or signature does not appear on the solicitation material.

In addition, a career member of the Senior Executive Service, a member of the Board of Contract Appeals, or an Administrative Law Judge may not organize or actively participate in a fund-raising activity of a candidate for partisan political office, or of a political party or partisan political group.

QUESTION: Are there any restrictions on wearing partisan political buttons or having a partisan bumper sticker on my car?

ANSWER: All employees, except those appointed by the President by and with the consent of the Senate (other than the Inspector General), are prohibited from wearing political buttons while on duty, in uniform (or while wearing a badge or insignia identifying DOE), in a Federal workplace (a room or building in which any Federal employee discharges his duties), or while using a government vehicle (owned or leased).

These employees may have partisan bumper stickers on their own private automobiles while commuting or parked in a Federal garage or parking space. However, partisan bumper stickers on a private automobile must be covered while the automobile is being used on official business, i.e., travel for which the employee may be reimbursed.

Employees who are appointed by the President by and with the consent of the Senate should not wear a partisan political button while performing official duties for the Department.

Under no circumstances should a partisan bumper sticker be placed on a Government vehicle.

QUESTION: Are there any restrictions on having partisan political material displayed in my Federal office?

ANSWER: You may not display in your office or while performing official duties pictures, signs, stickers, or badges associated with a current political campaign or candidate or a political party. However, you may display the photographs of past or current Presidents. You may also display political memorabilia from past partisan political

campaigns which have no effect on a current campaign.

QUESTION: Are there any restrictions on serving as an election official?

ANSWER: In any election, including a partisan election, you may serve as an election judge, clerk, or other official whose duties are nonpartisan by law. All employees other than career members of the Senior Executive Service, members of the Board of Contract Appeals, and Administrative Law Judges may also serve as representatives of a political party or candidate at a polling place, including a poll watcher, recorder, or challenger.

QUESTION: Are there any restrictions on participating in the activities of a political party?

ANSWER: You may be a member of a political party (or other political group) or, as an observer, attend its meetings, rallies, caucuses, or conventions. All employees other than career members of the Senior Executive Service, members of the Board of Contract Appeals, and Administrative Law Judges may also participate in the activities of a political party (or other political group) including:

- Serving as an officer of or a member of a local, State, or national committee of a party;
- Organizing or reorganizing a party; and
- Participating fully in and speaking before a nominating caucus, political convention, rally, or other gathering.

QUESTION: Where can I get information if I have any questions about restrictions on political activities?

ANSWER: Headquarters personnel may direct questions to the Office of the Assistant General Counsel for General Law (202-586-1522). Field personnel may address questions to their respective field counsel.

BY ORDER OF THE SECRETARY OF ENERGY:



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Assistant Secretary for
Human Resources and Administration