



Political Activity and The Hatch Act

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Political Activity of DoD Personnel

Coverage

All Civilian Employees in the Executive Branch except the President and Vice President are covered by the Hatch Act.

Members of the Armed Forces are covered by Department of Defense Directive 1344.10 – *Political Activities by Members of the Armed Forces.*



Political Activity is –

➤ An activity directed toward the success **or** failure of a:

- Political Party
- Candidate for Partisan Political Office, or a
- Partisan Political Group

What is not political activity?

Activity not associated with a political party

- Legislation
- Issue discussions/campaigns
- Candidacy in a nonpartisan election (no political party affiliations)
- Attending a march/rally

Coverage at DoD for Civilians

What Group Are You In?

Hatch Act Restrictions

Further Restricted

Group 1

- PAS
- Non-career SES

Group 2

- Career SES
- Contract Appeals Board
- NSA
- DIA
- NGA

Less Restricted

Group 3

- DoD Civilian Employees
- Schedule C Appointments

Political Activity of DoD Personnel

Further restricted employees may not take an active part in political management or political campaigns.

Less restricted employees may take an active part in certain political activities.

Permitted Activities

All DoD Employees May:

- Place a campaign sign in their yard
- Place A campaign bumper sticker on their personal car
- Make financial contributions to political parties or candidates running for partisan political office
- Express personal opinions on candidates and issues
- Attend political events
- Participate in nonpartisan elections
- Follow, like, or comment on the social media pages of a candidate for partisan office, a political party, or a partisan group*



Permitted Activities: Less Restricted Employees

“Less Restricted” Employees May:

- Volunteer for the campaign of a candidate for partisan political office
- Attend and be active at political rallies and meetings
- Join and hold office in a political party or political organization
- Work at the polls on election day for a candidate for partisan political office
- Assist in partisan voter registration drives

Permitted Activities: Further Restricted Employees

“Further Restricted” Employees May:

- Express personal opinions about candidates and issues
- Attend (but not be active at) political rallies and meetings
- Make a financial contribution to a political party or candidate running for partisan political office
- Participate in nonpartisan elections
- Assist in nonpartisan voter registration drives
- Sign a nominating petition
- Place a campaign sign in their yard
- Place a campaign bumper sticker on their personal car

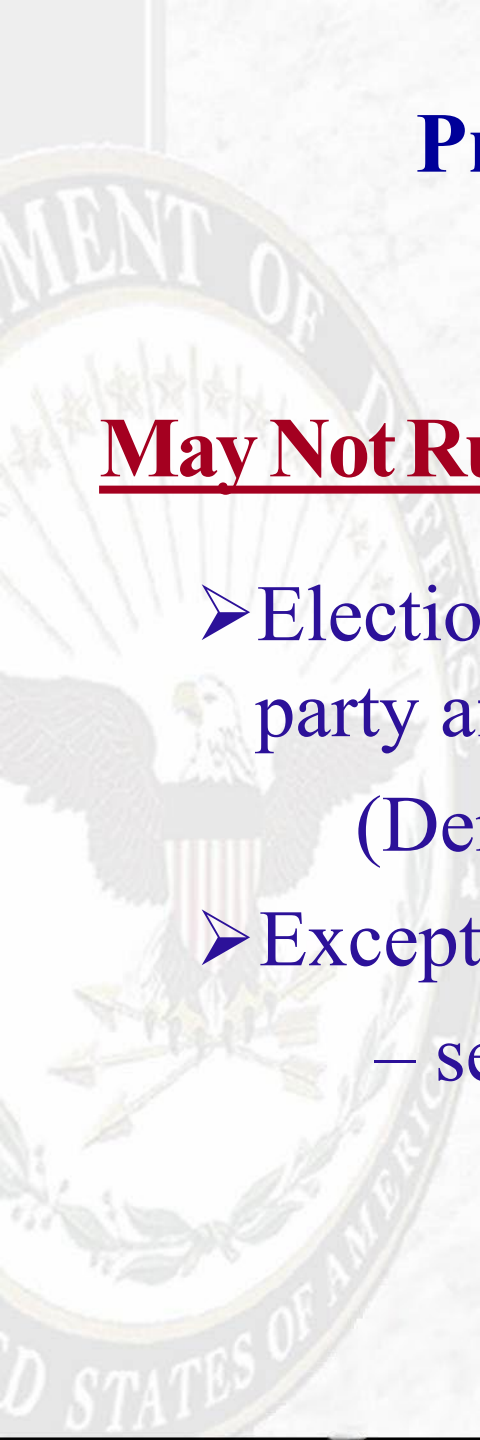
Prohibited Political Activities: All DoD Employees

May not: Solicit, Accept or Receive Political Contributions

- May not host or serve as the POC for a fundraiser
- May not ask for donations by mail, email, or social media
- May not invite others to a fundraising event
- May not solicit through a phone bank
- *May not share or like a fundraising post on social media*

Recent OSC Examples

- On three separate days prior to the 2024 election, and Army civilian employee made on-duty social media posts directed toward the success of a partisan political candidate. The employee also made a social media post soliciting contributions to that candidate's campaign.
- An employee of the VA admitted to violating the Hatch Act by making at least 13 Facebook posts while on duty that expressed support or opposition to a political party and candidates for partisan political office



Prohibited Political Activities: All DoD Employees

May Not Run for Public Office in a Partisan Election

➤ Election where candidates are running with party affiliation

(Democrat, Republican, Green, etc.)

➤ Exception for designated communities

— see 5 *C.F.R.* 733

Prohibited Political Activities: All DoD Employees

May Not Use Official Authority to Affect the Outcome of an Election

- May not invite subordinates to campaign events
- May not use official title or position while engaging political activity
- May not use agency resources, e.g., official social media account while engaging in political activity
- May not use non-public information for political purposes

Energy employee debarred from federal employment for three years

- A U.S. DOE employee violated the Hatch Act when she provided a tour of a radioactive waste treatment plant in Washington State to a candidate for U.S. Congress.
- The purpose of the private tour was to provide the candidate with information for her campaign. The candidate had repeatedly sought a tour of the plant to demonstrate her familiarity with the project to potential voters. Citing potential Hatch Act violations, DOE denied the candidate's requests.
- Three days before the employee gave the tour, she received a reminder about how such a tour could violate the Hatch Act. Information and photographs from the tour were then used to further the candidate's campaign. (01/2020)

Prohibited Political Activities: All DoD Employees

May Not Engage in Political Activity While:

- On Duty (in a pay status or representing the agency)
 - Includes teleworking
- In a Federal Building (even when off-duty)
 - Includes breakrooms, conference rooms, gyms, and cafeterias
- Wearing a Uniform or Official Insignia
- Using a Government Vehicle

Examples of Prohibited Political Activity in the Workplace

- Buttons, Posters, Coffee Mugs, Screen Savers, etc., that support or oppose political parties or candidates running for partisan political office
- E-mailing, blogging, tweeting, posting to social media, prohibited:
 - Even if using a personal device or email account
 - Even if sharing or forwarding content which was authored by others
 - Even if sharing or forwarding to friends or like-minded coworkers



Office of Special Counsel – CCPFs

- May 20, 2024 OSC Advisory created a “year-round workplace political item prohibition” for items related to the campaigns of “current or contemporaneous political figures” (CCPFs).
- In April 2025, OSC concluded that the CC PF rule created too great a burden on First Amendment interests.
- OSC is therefore returning to its previous advice that the Hatch Act does not prohibit displaying campaign items in the workplace after election day, which was most recently published on November 4, 2020.



Office of Special Counsel – October 2019

- A DLA employee violated the Hatch Act by displaying the words “Vote Republican” on a PowerPoint presentation that he gave while on duty and in the federal workplace.
- The employee had received extensive Hatch Act training and was explicitly told prior to giving the presentation that certain images he planned to use, including the “Vote Republican” image, would be problematic.
- In a settlement agreement, the employee agreed to a **30-day suspension without pay.**

Prohibited Activities:

“Further restricted” Employees

Further restricted employees may not:

- Make campaign speeches
- Distribute campaign literature
- Organize a political rally, meeting or fundraiser
- Hold political party office or be a party delegate
- Participate in partisan voter registration drives
- Circulate nominating petitions

Key: No activity in concert with a political party or candidate.

Social Media Guidance:

All Employees

May Not:

- Tweet, Retweet, Share or Like a post or content that solicits political contributions.
- Engage in political activity via social media while on duty or in the workplace (e.g., share, like, or retweet a post from a candidate or partisan group; or post/tweet a comment directed at the success or failure of a candidate or partisan group)

Social Media Guidance:

All Employees

May Not:

- Use official authority or influence to affect outcome of an election (includes use of personal social media account)
 - Use a social media account in your official capacity to engage in political activity
- **But** including your official title or position on the profile of your personal social media page is okay



About

Overview

Work and Education

Places He's Lived

Contact and Basic Info

Family and Relationships

Details about Hatch Actor

CONTACT INFORMATION

Mobile Phones	555-555-5555
Address	123 Main Street
Email	HatchActor@faceb
Email	ilovethehatchact@

BASIC INFORMATION

Birthday	November 26, 1986
Political Views	Republican

It is OKAY to fill in your political views on your Facebook profile, even if you also identify your place of work elsewhere on your profile.

Installation Visits by Elected Officials and Candidates (PA Guidance)

- Distinguish type of visit:
 - Official government visits = Yes
 - Senator participates in “Town Hall” on Military Family issues
 - Personal visit = Yes
 - MOC Reservist goes to fitness center
 - Campaign visit or event = No
- No use of installation or facilities by candidates or for campaign activities
 - Consult PA Guidance on Installation Visits by elected officials and candidates
 - Guidance is intended to assist installation commanders by drawing bright and clear lines, insulate military members/federal employees from partisan politics

Use of DoD Facilities and Resources (PA Guidance)

- Candidate for office may not engage in campaign or election related activities while on an installation.
- A political candidate may access an installation to conduct official business; however, no candidate running for office is permitted access for campaign or election purposes.

Candidates at DoD Facilities

- A candidate running for the U.S. Senate in FL contacted SOCOM to set up a “candidate tour” to discuss military issues.
- Sitting Congresswoman will discuss the working of the legislative branch to school children.
- Senator asks to use the NDU auditorium to make a foreign policy speech.
- Congressman seeks to hold a Congressional hearing on a Norfolk-based aircraft carrier. (During primary season.)

Participation in political activity?

- Sharing a fundraising post of a candidate running for public office in a partisan election
- Using DoD email to forward an article about Congress cutting the budget
- Serving as an election judge for the county
- Receiving an email from a political party on your DoD email account

Penalties for Violating Hatch Act

Merit Systems Protection Board May Order An Employee's –

- Removal
- Reduction in grade
- Debarment from employment
- Suspension
- Civil penalty

Reference Materials

Political Activities - Civilian Employees

- The Hatch Act, 5 U.S.C. 7321-7326
- 5 C.F.R. Parts 733 & 734
- DoDD 1442.11, *Political Activity Rules for DoD Political Appointees*
- DoDI 5400.18, *Public Affairs Procedures and Operations for Political Campaigns and Election*
- DoDD 1344.10, *Political Activities by Members of the Armed Forces*
- SOCO website; OSC website

Hatch Act Information/Advice

Employees May:

- Obtain answers to specific questions about political activity by calling the Office of Special Counsel (OSC) at 800-85-HATCH
- Obtain written advisory opinions about the Hatch Act by contacting OSC by mail at:
U.S. Office of Special Counsel
1730 M Street NW (Suite 218)
Washington, DC 20036-4505
ATTN: HATCH ACT UNIT
- **Email: hatchact@osc.gov**

Political Activities by Members of the Armed Forces



**A picture is worth a
thousand words**



Ripped from the Headlines...

Trump visits Arlington cemetery for holiday commemoration



Gen. Mark Milley Apologizes For Appearing In A Photo-Op With President Trump



References

Political Activities by Military Personnel and on Military Installations

- **10 U.S.C. 973**, Duties: officers on active duty; performance of civil functions restricted
- **DoD Directive 1344.10**, *Political Activities by Members of the Armed Forces* *(re-write underway)*
- **DoDI 5400.18**, *Public Affairs Procedures and Operations: Political Campaigns and Elections*
- **DoD Instruction 1334.01**, *Wearing of the Uniform*

DoD Policy

- Members on Active Duty should not engage in partisan political activity, and members not on active duty **should avoid inferences that their political activities imply or appear to imply official sponsorship, approval, or endorsement.** *DoDD 1344.10, para 4.*
 - *See also, paras. 4.1.1.3, 4.1.1.4, and 4.1.1.9.*
- Members of the Armed Forces **may not wear the uniform during or in connection with furthering political activity or when an inference of official sponsorship for the activity may be drawn.** *DoDI 1334.01, para 3.1.2.*



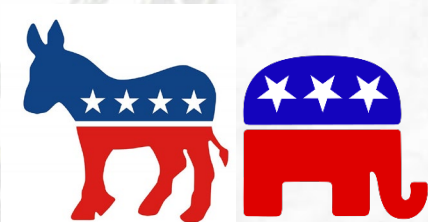
Political Activity: Learning Check

Partisan Political Activity

- Activity directed toward success or failure of a:
 - Political Party
 - Partisan Political Group, or
 - Candidate for Partisan Political Office

Non Partisan Political Activity

- Activity not associated with a political party
- **Examples?**
 - Legislation/ballot initiatives
 - Discussing issues
 - Attending march/rally



Permissible

Activities (Active Duty)

- Register and vote
- Express personal political opinion
 - In personal capacity, not as rep of Armed Forces
- Encourage others to participate in political process
- Sign a petition for a specific legislative action
 - As a private citizen
- Write letter to editor expressing personal views
 - Can't solicit votes for or against political party or partisan political cause or candidate



Permissible

Activities (Active Duty)

- Donate money to political organization, party, committee
 - **Caution** – Members not on AD must consider JER
- Work as an election official (poll worker) when
 - Not as a representative of a political party
 - Not in uniform
 - Does not interfere with performance of military duties
 - **Caution** – Requires permission of the Secretary of the Military Department
- Display a bumper sticker on private vehicle
 - **Caution** – NOT a large sign or banner



PROHIBITED

Activities (Active Duty)

- **Participate** in partisan political fundraising activities
 - **May attend** partisan and nonpartisan political fundraising activities when not in uniform and when no inference or appearance of official sponsorship, approval or endorsement
- Publish partisan political articles, letters, or endorsements that solicit votes
- Speak before a partisan political gathering
- Participate in any radio, television, or other program or group discussion as an advocate for partisan party, candidate, or cause
- Engage in fundraising activities for any political cause or candidate on military installation
- Display partisan political sign, poster, banner visible to public in military installation housing

PROHIBITED

Activities (Active Duty)

- Activities not expressly prohibited may be contrary to the spirit and intent of this Directive (DoDD 1344.10). Any activity that may be reasonably viewed as directly or indirectly associating the Department of Defense or any component of these Departments with a partisan political activity or is otherwise contrary to the spirit and intention of this Directive shall be avoided. *DoDD 1344.10, para 4.1.5*

“CATCH-ALL”

Social Media and Political Activities

facebook

Facebook helps you connect and share with the people in your life.



Linked in



Instagram

Dos & Do Nots

– Social Media

May

- Express personal views on public issues or political candidates on *personal* social media account (no mention of DoD position)
 - Off duty / away from workplace
- “Follow,” “friend,” or “like” a political party or candidate running for partisan office on a social media platform

May Not

- Engage in political activity via social media while *on duty* or in the *workplace*
- Retweet/Share/Like a post or content that solicits political contributions
- Cannot suggest that others “like”, “friend” or “follow” the partisan account
- Cannot forward invitations to partisan events, solicit or fundraise

Check on Learning

- May you display these items in your office?
- What about after the election?



Hypotheticals

- SSgt Pete Political wants to attend an upcoming Trump rally in his hometown.
 - May he attend?
 - May he attend in uniform?
 - May he speak at the rally?
- Lt Fanny Fundraising would like to donate money to the Harris/Walz campaign.
 - Can she do so personally?
 - Can she fundraise for the campaign on base?

Hypotheticals

- Lt Larry Liberal would like to express his views on the upcoming Presidential election on his private Facebook page. Is this permissible?
 - May he reference that he works for the military in the post?
 - May he re-tweet/re-share content that candidate has previously shared on their page?
- Capt Benny Bumpersticker would like to show his support for his favorite candidate on his motor vehicle.
 - Can he display a bumper sticker on his vehicle? Two?
 - May he display a large political sign on his vehicle?

Hypotheticals

- Capt Cara Conservative would like to volunteer as an election official (poll worker) during the upcoming Nov election? May she do so?
 - May she wear her military uniform?
 - May she do so as a representative of the Republican party?
 - Is she required to do anything else before volunteering?
- TSgt Tim Telework is an environmental activist and a proud member of the Green Party.
 - May he attend a Zoom call camera on with a Jill Stein poster in the background?
 - What if he is off camera?



QUESTIONS?

For further information

SOCO Website

<https://dodsoco.ogc.osd.mil/ETHICS-TOPICS/Political-Activities/>

OSC Website

<https://osc.gov/Services/Pages/HatchAct.aspx>

Contact your servicing legal office

**Contact DoD Standards of Conduct Office
(SOCO)**

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