



# THE HATCH ACT

## Permitted and Prohibited Activities for Most Federal Employees

### A Message from APWU

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No one likes their rights being infringed upon. The Hatch Act is a law that does exactly this to federal and postal employees. The Hatch Act directs what activities we can and cannot do during partisan elections.

The Hatch Act became law in 1939. There have been several legal challenges made on many of the Hatch Act restrictions concerning the 1<sup>st</sup> Amendment (free speech), 5<sup>th</sup> Amendment (due process), 9<sup>th</sup> Amendment (protection against invasion of the Bill of Rights). These losses in court have not stopped efforts to amend the Hatch Act.

Making changes in this law requires congressional action. We encourage every APWU member to exercise their rights to the fullest extent the law permits. Please review this document.

If you have any questions, you can contact the APWU Legislative Department at 202-842-4211 or the U.S. Office of Special Counsel, whose job is to enforce the Hatch Act, 202-254-3650. They also have additional information on their website at [hatchact@osc.gov](http://hatchact@osc.gov).

### Permitted Activities

- May be candidates in non-partisan elections.
- May register and vote as they choose.
- May assist in voter registration drives.
- May contribute money to partisan groups and candidates in partisan elections.
- May attend political fundraisers.
- May attend and be active at political rallies and meetings.
- May join, be active, and hold office in partisan groups.
- May sign and circulate nominating petitions.
- May campaign for or against candidates in partisan elections.
- May make campaign speeches for candidates in partisan elections.
- May distribute campaign literature in partisan elections.
- May campaign for or against referendum questions, constitutional amendments, or municipal ordinances.
- May express opinions about political issues.
- May express opinions about partisan groups and candidates in partisan elections while not at work or using official authority.













### Prohibited Activities

- May not be candidates in partisan elections.
- May not use official authority to interfere with an election or while engaged in political activity.
- May not invite subordinate employees to political events or otherwise suggest that they engage in political activity.
- May not knowingly solicit or discourage the political activity of any person with business before the agency.
- May not solicit, accept, or receive political contributions (including hosting or inviting others to political fundraisers) unless both persons are members of the same federal labor or employee organization, the person solicited is not a subordinate employee, the solicitation is for a contribution to the organization's political action committee, and the solicitation does not occur while on duty or in the workplace.
- May not engage in political activity while on duty, in the workplace, wearing a uniform or official insignia, or in a government vehicle. For example:
  - May not wear, display, or distribute partisan materials or items.
  - May not perform campaign-related chores.
  - May not make political contributions.
  - May not use email or social media to engage in political activity.

Information obtained from the  
U.S. Office of Special Counsel

# Hatch Act Social Media Quick Guide

For All Federal Employees

<i>Social Media Action</i>	<i>May Not Do Anytime</i>	<i>May Not Do on Duty or at Work</i>	<i>May Do Anytime</i>
Like, share, or retweet a post that solicits political contributions, including invitations to fundraising events			
Post or tweet a message that solicits political contributions or invites people to a fundraising event			
Use an alias on social media to solicit a political contribution for a political party, candidate in a partisan race, or partisan political group			
Use a social media account designated for official purposes to post or share messages directed at the success or failure of a political party, candidate in a partisan race, or partisan political group			
Engage in political activity on a personal social media account if you use such an account for official purposes or post in your official capacity			
Send to subordinates, or a subset of friends that includes subordinates, any message that is directed at the success or failure of a political party, candidate in a partisan race, or partisan political group			
Use your official title or position when posting messages directed at the success or failure of a political party, candidate in a partisan race, or partisan political group			
Post, like, share, or retweet a message in support of or opposition to a political party, candidate in a partisan race, or partisan political group			
Like, follow, or friend the social media account of a political party, candidate in a partisan race, or partisan political group			
Use an alias on social media to engage in any activity that is directed at the success or failure of a political party, candidate in a partisan race, or partisan political group			
Accept invitations to, or mark yourself as "attending," a fundraising event on social media			
Include your official title or position and where you work in your social media profile, even if you also include your political affiliation or otherwise use your account to engage in political activity			
Continue to follow, be friends with, or like the official social media accounts of government officials after they become candidates for reelection			