

POLITICAL ACTIVITIES CHECKLIST

FEDERAL HATCH ACT

5 U.S.C. § 7321-7326

5 C.F.R. Part 734

✓ Active Participation in Partisan Political Management or Campaigns Permitted (Except for Career SES, ALJs, and PHS Commissioned Corps) While Off-Duty, Off-Premises, and Without Use of Government Title, Position, or Property; Subject to Four Basic Prohibitions:

NOTES:

- ❶ ✗ No Candidacy for Partisan Elective Office
- ❷ ✗ No Use of Official Title, Authority, or Appropriations for Partisan Political Purposes
- ❸ ✗ No Solicitation, Acceptance, or Receipt of Campaign Contributions
- ❹ ✗ No Active Participation in Political Events Targeted at Persons or Entities with Business before the Department

NOTE: Senate confirmed Presidential appointees (PAS) are exempted from the bar on political activities during duty hours and while on government premises, but the PAS remain fully subject to the basic prohibitions at all times.

ELECTION OFFENSES AND PATRONAGE CRIMES

18 U.S.C. §§ 595, 600-603,
606-607, & 610

- ❶ ✗ No Use of Official Authority to Affect Outcome of Nomination or Election
- ❷ ✗ No Aggravated, Coercive Political “Shakedowns” to Obtain Support or Contributions, e.g., a Promise to Provide, or a Threat to Deprive, an Individual of Government Employment, Grants, Contracts, or Other Benefits
- ❸ ✗ No Receipt or Solicitation of Political Contributions on Federal Property

NOTES:

APPROPRIATIONS LAW LIMITATIONS

31 U.S.C. §1301

✗ No Use of Appropriated Funds for Political Purposes, including Speech Writing and Travel

Factors to Determine Status of Events

- Source of Invitation • Sponsor or Planner
- Purpose • Timing • Location • Attendees

❑ ANTI-LOBBYING

18 U.S.C. § 1913

① Anti-Lobbying Act, 18 U.S.C. § 1913

NOTES:

✘ No Use of Appropriated Funds > \$50,000 to Engage in Substantial “Grass Roots” Lobbying Campaign of Telegrams, Letters, and other Private Forms of Communication Expressly Asking Recipients to Contact Members of Congress or State Government Officials, in Support of or in Opposition to Legislative Matters

✓ Permitted Activities

• Direct Communications to Congress or State Legislatures • Public Speeches, Appearances, and Published Writings by Senate Confirmed Presidential Appointees (PAS) that Support Administration or Department Positions

CAUTION: Although not specifically required by the Anti-Lobbying Act, federal employees other than PAS officials should not expressly urge citizens to contact Congress or State and local legislative bodies in support of or opposition to proposed or pending legislative matters.

② Appropriations Acts – “Publicity or Propaganda” Riders

✘ No Use of Appropriated Funds to:

- (1) Provide Administrative Support for the Lobbying Activities of Private Organizations;
- (2) Prepare Editorials or other Communications for Dissemination without an Accurate Disclosure of the Government Role in its Origin;
- (3) Appeal to Members of the Public to Contact their Elected Representatives at the Federal or State level in Support of or Opposition to proposals before Congress or a State Legislature

NOTE: Federal employees retain a constitutional right, as recognized by 5 U.S.C. § 7211, to petition Congress, provided the individuals act in a personal capacity or in a representative capacity on behalf of outside persons or organizations. The anti-representation statutes, 18 U.S.C. §§ 203, 205, do not bar lobbying activities directed to Congress. The employee should provide a disclaimer which indicates that the views expressed are those of the employee or others and do not necessarily reflect the position of the individual's employing agency.

Division G, Title V, § 503,
Departments of Labor, HHS, and
Education Appropriations Act, 2008,
as enacted by § 6, Consolidated
Appropriations Act, 2008, Pub. L.
110-161, 121 Stat. 1844, 2207
(December 26, 2007)

Division D, Title VII, §§ 720, 723
Financial Services and General
Government Appropriations Act,
2008, as enacted by § 6, Consolidated
Appropriations Act, 2008, Pub. L.
110-161, 121 Stat. 1844, 2207
(December 26, 2007)

FEDERAL EMPLOYEES IN
DESIGNATED LOCALITIES

5 U.S.C. § 7325
5 C.F.R. Part 733

Designated Localities—certain Washington, D.C.,
Suburbs (but not the District of Columbia itself)
and Specified Communities in Seven Other States,
AK, AZ, CA, GA, IN, TN, & WA

NOTES:

Maryland: *Annapolis, Anne Arundel County, Berwyn Heights, Bethesda, Bladensburg, Bowie, Brentwood, Calvert County, Capitol Heights, Cheverly, Chevy Chase, Martin Additions 1, 2, 3, and 4, Chevy Chase sections 1, 2, 3, and 4, Chevy Chase View, College Park, Cottage City, District Heights, Edmonston, Fairmont Heights, Forest Heights, Frederick County, Garrett Park, Glenarden, Glen Echo, Greenbelt, Howard County, Hyattsville, Kensington, Landover Hills, Montgomery County, Morningside, Mount Ranier, New Carrollton, North Beach, North Brentwood, North Chevy Chase, Northwest Park, Prince Georges County, Riverdale, Rockville, Seat Pleasant, Somerset, Takoma Park, University Park, Washington Grove, Saint Mary's County.*

Virginia: *Alexandria, Arlington County, Clifton, Fairfax County, Town of Fairfax, Falls Church, Herndon, Loudon County, Manassas, Manassas Park, Portsmouth, Prince William County, Vienna, Spotsylvania County, Stafford County.*

Other States: *Anchorage, AK; Benecia, CA; Bremerton, WA; Centerville, GA; Crane, IN; Elmer City, WA; Huachuca City, AZ; New Johnsonville, TN; Norris, TN; Port Orchard, WA; Sierra Vista, AZ; Warner Robins, GA.*

Resident Federal Employees:

- ✓ MAY run as independent candidates for local partisan elective office, but outside these areas, federal employees may be candidates only in nonpartisan races;
- ✓ MAY solicit, accept or receive political contributions or uncompensated volunteer services as, or on behalf of, an independent candidate for partisan political office in the designated locality;
- ✓ MAY accept or receive political contributions on behalf of local candidates who represent political parties, but they may not solicit funds on their behalf.

CAUTION: These employees remain subject to the "time, place, and manner" restrictions governing other federal employees, i.e., political activities must occur off-duty, off-premises, and without an indication of a governmental connection. In addition, candidacy for office cannot result in neglect of, or interference with, the performance of an employee's duties or create a real or apparent conflict of interest.

STATE AND LOCAL
HATCH ACT

5 U.S.C. §§ 1501-1508
5 C.F.R. Part 151

State and Local Government Employees in
Executive Branch Agencies Principally Employed
in Programs Financed by Federal Grants or Loans

NOTES:

Head Start Agency Employees
Community Service Block Grant Employees

Subject to the Following Prohibitions:

- ❶ ✘ No Candidacy for Partisan Elective Office
- ❷ ✘ No Use of Official Authority or Influence To Affect Outcome of Nomination or Election
- ❸ ✘ No Coercion of Campaign Contributions from Subordinates

Permitted Activities

- ✓ MAY be a candidate for public office only in a nonpartisan race;
- ✓ MAY campaign for and hold elective office in political clubs and organizations;
- ✓ MAY actively campaign for candidates for public office in both partisan and nonpartisan elections;
- ✓ MAY contribute money to political organizations or attend political fundraising functions;
- ✓ MAY participate in any activity not specifically prohibited by law or regulation.

CAUTION: State and local government employees may be subject to additional restrictions on political activity under State law.

Office of the General Counsel
Ethics Division
Department of Health and Human Services
Room 700-E, Hubert H. Humphrey Building
200 Independence Avenue, S.W.
Washington, D.C. 20201



(202) 690-7258

July 2008