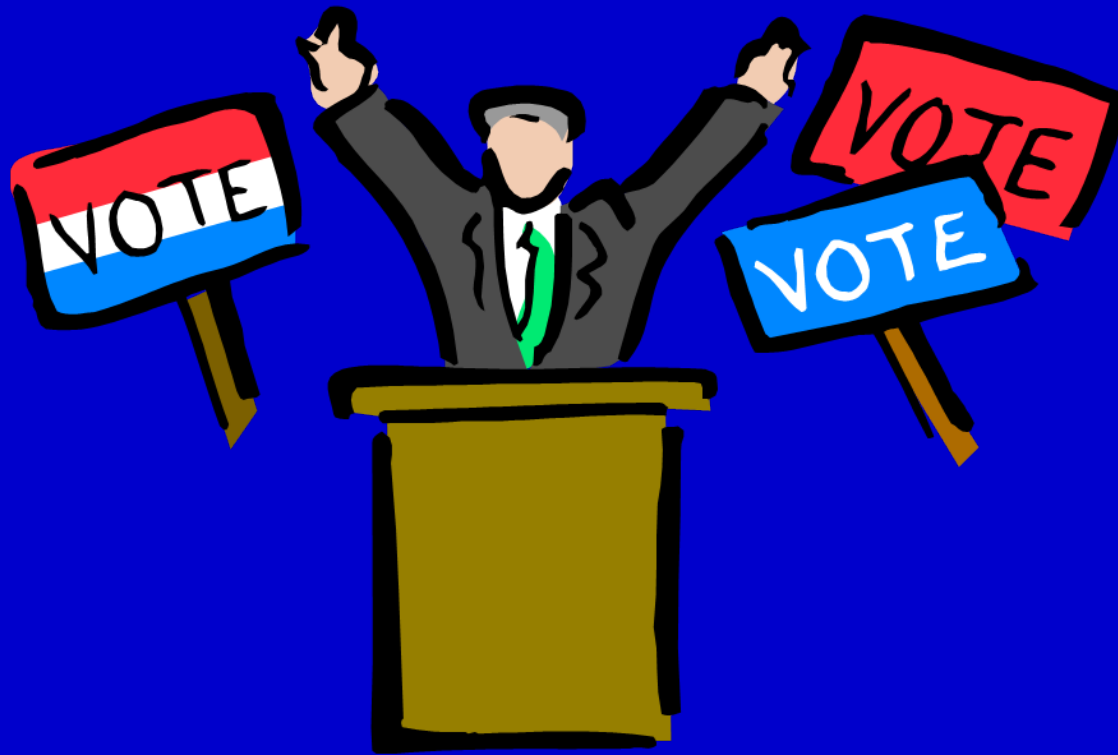


Political Activity



The LAW



- The Hatch Act
- 1993 Reforms
- 5 CFR Part 734



Applies to...

- Federal Departments/Agencies
- Employees of State/Local agencies that work in connection with programs financed in whole or in part by Federal loans or grants (limited application, not discussed further)
- Also includes
 - Special Government Employees – when engaged in government business



Federal Hatch Act

Two Categories of Employees:

Further Restricted

- Career SES
- Admin. Law Judges
- Admin. Appeals Judges
- Members of Contracts Appeals Boards

Less Restricted

- GS
 - WG
 - PAS*
 - Schedule C*
 - Non-Career SES
- * subject to White House guidance



Partisan Political Activity

- An activity directed toward the success or failure of a:
 - Political Party;
 - Candidate for Partisan Political office; or
 - Partisan Political Group.



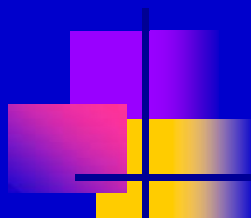
Nonpartisan Activity.....

- Is not associated with a political party.
 - The Hatch Act does not restrict participation in nonpartisan activities
 - Employees may be candidates in nonpartisan elections
 - Can be tricky...watch out!



When does nonpartisan become partisan?

- Candidate:
 - Seeks and receives party endorsement;
 - Advertises party endorsement;
 - Uses party resources;
 - Identifies with a party; or
 - Other evidence that partisan politics entered the candidate's campaign.



What can I do?



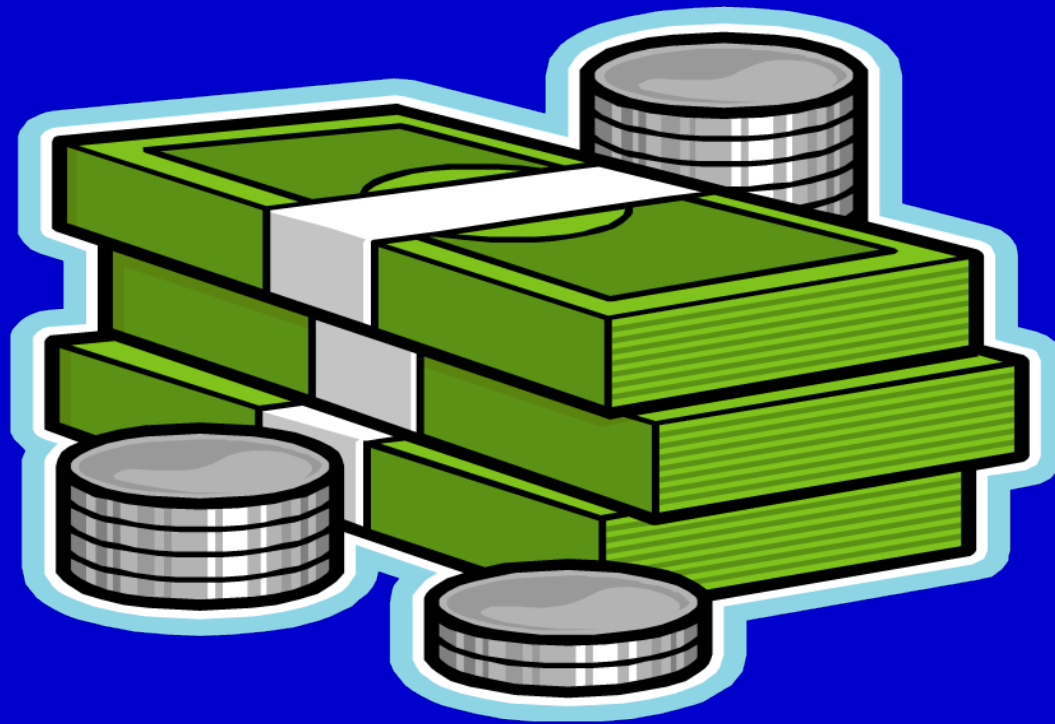
Hatch Act DO's

Generally less restricted employees may –

1. Engage in Partisan Political Campaigning

- vote
- distribute campaign literature
- attend political rallies
- organize campaign events
- speak on behalf of a candidate
- assist with voter registration drives
- express opinions
- endorse a candidate
- attend and speak at campaign events (do not use title)
- plan fundraising event and host meet and greet
- contribute money

Speaking of Money





Political Contribution Limits

- Candidate/Election: \$2,400
- National Party Committee: \$30,400
- State/District/Local Party
Committee per Year: \$10,000



Hatch Act DO's

2. Engage in Partisan Political Management

- Hold party office (Treasurer may be tricky)
- Committee chair
- Manage a campaign
- Act at rallies
- Endorse and influence others
- Credential checker/challenger
- Organize party events/meetings
- Serve on a party committee
- Install yard signs

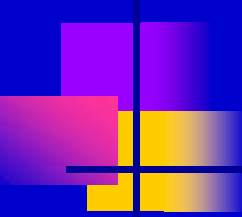


Hatch Act DO's

3. Displaying items with the following:

- "Think Globally – Act Locally"
- "Crime control - not gun control"
- "Right to Life"
- "Pro-Choice"

4. Supporting or opposing ballot initiatives or pending legislation.



This is too good to be true....there must be some prohibitions!



Hatch Act DON'Ts

Covered employees may not –

1. Use official authority or influence to interfere with or affect an election.
 - Use of official title
 - Circulation of press articles/news clips
 - Contacting candidates/campaigns to provide information
 - Coerce/Discourage Subordinates



Hatch Act DON'Ts

2. Solicit or discourage political activity of anyone doing business before your agency.
 - Actual pending business (permits, licenses, grants, contracts, enforcement actions, investigations, audits)



Hatch Act DON'Ts

3. Solicit or receive political contributions (fundraising)

- Solicitation letters (signed or unsigned)
- You cannot host a fundraising event, but you may attend
- Invite others to a fundraising event
- "bundle money"
- Phone banks (anonymity irrelevant)
- Campaign treasurer
- Websites
- Blogs

(Making political donations is permitted, although it may earn you the title of fundraiser-host.)



Exceptions

- Nonpartisan Campaigns
- Federal Union: Multi-Candidate PAC
- Local OPM-rule Campaigns



Hatch Act DON'Ts

4. Engage in political activity while -

- On duty
- In a Federal office
- Wearing an official uniform
- Using a government vehicle
- Providing names/address of employees to candidate/campaign
- Providing contacts developed through official duties



Federal Hatch Act

Potentially Sticky Political Activity Issues

- Buttons, t-shirts, signs, emblems, etc.
- Posters
- E-mail (official and personal)
- Blogs
- Social Networks
- Telecommuting
- Bumper stickers (GOV vs POV)
- Appearances with candidates
- “Water-cooler” discussions

Remember: do not use government equipment, supplies, resources, personnel or time for political purposes.

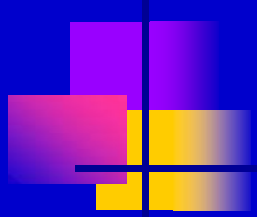


Bumper Stickers

Do we have a problem?

- Personal car with 20 Obama/Biden '08 stickers parked in front of the Whitten Building.
- Personal car with 1 "Obama 12" bumper sticker driven by a FSA SED for official business.
- Government car with a bumper sticker for an independent candidate for race for a school board candidate in Kentucky.

Official Appearances with Candidates





May I appear with an incumbent with official interest?

- Factors
 - Nature of the official's intent
 - Nature of the event
 - Ultimate source of the invitation
 - Timing and location
 - Attendees
 - Subject matter

How about non-incumbents and incumbents with no interest?



- Less justifiable as official duties
- Treat the same as the general public
- Watch timing and appearances of favoritism
- Be prepared to extend to all candidates

General Safety Hints



- Misuse of title
- Photo ops
- Remember to –
 - Establish ground rules
 - Do your research
 - Expect the unexpected



Hatch Act DON'Ts

5. Candidacy in partisan elections.

- When does it begin?
 - Preliminary activities leading to candidacy (e.g. collecting signatures for nominating petition, fundraising, establish campaign committee, and testing the waters)
 - Nominee or candidate
 - Beware of non-partisan elections
 - Designated locality – local elections

Hatch Act DO's

Further Restricted Employees

- Further restricted employees may –
 - Join political clubs or parties
 - Express opinions about candidates and issues
 - Sign nominating petitions
 - Attend political rallies and conventions
 - Participate in non-partisan activities

Hatch Act DON'Ts

Further Restricted Employees

- Further restricted employees may not engage in partisan political activity and political management –
 - 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



Disciplinary Action

- May be sought by the Office of Special Counsel from –
 - The Merit Systems Protection Board
 - Removal or suspension (30-day minimum)
 - OSC-MSPB has jurisdiction, not the USDA
 - The President for most Presidential Appointees



Time for a quiz...and prizes!

- Write a letter to the editor in support of a candidate?
- Wear a political button to the grocery store?
- Work at the polls on election day?
- Use your personal email to forward campaign information?



Questions/Advice

Office of Special Counsel

- 1-800-85-HATCH
- Hatchact@ocs.gov

USDA Office of Ethics

- 202-720-2251
- daeo.ethics@usda.gov