

# THE HATCH ACT

## Political Activity Limits Under the Hatch Act

Stating our political opinions is a fundamental right of democracy in the United States. However, Federal Government employees are prohibited from engaging in political activity while on duty under the Hatch Act. Additionally, while the Hatch Act does not apply to active duty service members, uniformed personnel are still subject to the Department of Defense Directive 1344.10. This DODD encompasses the spirit and intent of the Hatch Act. AFI 51-902 provides guidance on the distinctions between DODD 1344.10 and the Hatch Act.

### **What constitutes Political Activity?**

Political activity for purposes of this restriction is defined as activity directed at the success or failure of a political party or group, or a candidate for political office. This is a very broad prohibition that includes things like wearing, displaying, or distributing items with campaign slogans or hashtags and even includes displaying non-official pictures of candidates for reelection. On the other hand, discussing issues, legislation, ballot initiatives, or budget items in general terms is not restricted.

### **On Duty?**

Federal employees are on duty when they are in a pay status, or are representing the government in an official capacity. Employees are prohibited from engaging in political activities while on duty or in the workplace even if using a personal device or email account. Additionally, employees may not engage in political activity while wearing a uniform or official insignia identifying the

office or employee's position, or while using a government owned or leased vehicle.

### **Social Media Use**

Federal employees are prohibited from posting, liking, sharing, retweeting, or commenting in support or opposition of a political party, candidate in a political race, or political group while on duty. Even when not on duty or in the workplace, employees may not post, tweet, like, share, or retweet a message that solicits political contributions or invites people to a political fundraising event. This applies to private and alias social media accounts. Employees are allowed to continue to follow, be friends with, or like official social media accounts of government officials after those officials have become candidates for reelections and may accept invitations to, or mark themselves as "attending," a fundraising event on social media. (ex: If you are following the President and he/she announces his or her candidacy for re-election, you may continue to follow him/her.)

### **What about a profile picture?**

Employees may display the political party or campaign logo or photograph of a candidate in a political race as a profile picture, cover or header but they may not post, share, tweet, or retweet on those accounts while on duty or in the workplace.

### **Official Title**

While employees may have official titles or positions in their social media profiles, they may not use these titles or positions when posting messages directed at the success or failure of a political party, group, or candidate due to the fact that employees may not engage in any activity that would

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imply that the Air Force endorses or supports their participation in the activity.

## **Does employees = AD?**

Yes, all the restrictions above apply equally to federal civilian employees and military members in Active Duty status.

## **Questions?**

When it comes to participating in political activity, especially on the installation, if you have a specific activity that you would like to take part in, or a specific group with whom you would like to engage, but have some concerns, seek advice by contacting the legal office at [55WG.JAGeneralLaw@us.af.mil](mailto:55WG.JAGeneralLaw@us.af.mil) or visit: <https://osc.gov/pages/hatchact-affectsme.aspx>.