

MEMORANDUM FOR ALL DEPARTMENT OF ENERGY EMPLOYEES

FROM: SUSAN F. BEARD  
DESIGNATED AGENCY ETHICS OFFICIAL

SUBJECT: Restrictions on Political Activities

The Hatch Act restricts the political activities of Executive Branch employees, and the Office of the General Counsel routinely distributes periodic advice about these restrictions. This memorandum addresses frequently asked questions concerning political activity restrictions. The penalty for violation of Hatch Act restrictions, which are generally described below, can include loss of Federal employment.

Please remember that DOE employees should not provide any non-public information to any person or entity outside the Department without authorization. This restriction applies to all campaign organizations and political parties.

QUESTION: What types of activities are generally prohibited by the Hatch Act?

ANSWER: You and every other DOE employee are prohibited from:

- \* Using your official authority for the purpose of interfering with or affecting the result of an election;
- \* Coercing an employee to engage in any political activity, including voting or not voting;
- \* Seeking to influence, encourage, or discourage the political activity of any person doing business with or affected by the policies of the Department;
- \* Using your official title while engaging in an otherwise permissible political activity;
- \* Soliciting or accepting financial contributions for a political campaign or party (with one limited exception described below);
- \* Being a partisan candidate for public office (there is a limited exception allowing some employees to run as independent candidates in certain partisan elections - please seek advice from your ethics counselor if you want more information about this exception); and
- \* Using official resources, including your DOE e-mail account, for political purposes.

QUESTION: What types of activities are included in the prohibition on soliciting contributions for partisan campaigns?

ANSWER: Every employee is subject to this prohibition. Prohibited activities include:

- \* Requesting or accepting financial contributions for a partisan political party, candidate, or campaign;
- \* Selling tickets to a fundraising activity of a partisan political party, candidate, or campaign;
- \* Allowing your name to appear on an invitation to a fundraiser as a sponsor, host, or a point of contact;
- \* Hosting a fundraiser (however, your spouse may host such a fundraiser, if he or she is not subject to these restrictions);

- \* Allowing your official title to be used in connection with a fundraising activity; and
- \* Soliciting, accepting, or receiving uncompensated volunteer services from a subordinate.

There is one exception to the general prohibition on soliciting political contributions for partisan campaigns. You may (unless you are a career member of the Senior Executive Service) solicit financial contributions for a political purpose if both you and the person you are soliciting are members of the same Federal labor organization or Federal employee organization, the contribution is for the political committee of the labor or employee organization of which you both are members, and the person being solicited is not your subordinate. All three of these conditions must exist.

In addition, you may (unless you are a career member of the Senior Executive Service) actively participate in planning, organizing, or conducting a fundraising activity of a candidate for partisan political office, a political party, or a partisan political group, provided that you do not solicit or accept contributions. For example, you may stuff envelopes for a partisan political candidate, campaign, group, or political party, including literature that solicits a money contribution, provided that your name or signature does not appear on the solicitation material.

QUESTION: What types of activities are permitted by the Hatch Act?

ANSWER: You and every other DOE employee may:

- \* Register and vote as you choose;
- \* Express opinions about candidates and issues;
- \* Contribute money to political organizations or candidates;
- \* Participate in nonpartisan voter registration drives;
- \* Attend political fundraising functions, rallies, and meetings;
- \* Sign political petitions;
- \* Campaign for or against an issue that is not specifically identified with a political party such as referendum questions, constitutional amendments, or municipal ordinances;
- \* Campaign for or against a candidate in a nonpartisan election;
- \* Serve as an election official whose duties are nonpartisan by law; and
- \* Be an independent candidate in a nonpartisan election for public office.

However, all permissible political activities, including those listed above, are subject to the following four limitations, which prohibit Executive Branch employees from engaging in political activities:

- \* while on duty,
- \* while in any Federal office or workplace (a room or building in which any Federal employee discharges his duties),
- \* while using a Government vehicle, or
- \* while wearing an official uniform, badge, or insignia identifying DOE.

Only those DOE employees who are appointed by the President by and with the advice and consent of the Senate (other than the Inspector General) are exempted from these limitations under certain circumstances.

QUESTION: If I or my supervisor is asked to appear at a partisan political event what should I do?

ANSWER: Because the rules regarding official/political travel are complex, ANY employee asked to participate in a partisan political event that involves travel should contact his or her ethics official for advice PRIOR to committing to the appearance. Employees whose duties include scheduling, advancing, or accompanying a DOE official on official/political travel must contact ethics counsel for guidance well in advance of departure whenever travel involving a political purpose is contemplated.

QUESTION: If I receive a partisan political e-mail on a government email account, have I violated the Hatch Act?

ANSWER: No. Simply receiving a partisan political e-mail while at work, without more, does not constitute prohibited political activity. However, you must not send or forward this email to others.

QUESTION: Can I send or forward a partisan political e-mail from my work e-mail address to my non-government e-mail address while I am at work (i.e. on duty and in a federal room or building?)

ANSWER: Yes, provided you simply forward the e-mail to your non-government address. However, you WILL violate the Hatch Act if you send the e-mail to other people while you are on duty and/or at work, even if done from your non-government e-mail address. You should tell the sender, from your home e-mail account, to not send partisan e-mails to your government account.

QUESTION: May I volunteer to work for a candidate who is running in a partisan election?

ANSWER: Subject to the above four restrictions, you may (unless you are a career member of the Senior Executive Service) actively participate in a partisan election, including participation in the following activities:

- \* Organizing or speaking at political rallies;
- \* Participating in partisan voter registration drives;
- \* Distributing campaign literature;
- \* Working on a phone bank, provided that financial contributions are not solicited;
- \* Transporting voters to the polls;
- \* Managing a campaign; and
- \* Supervising or organizing volunteers (provided no subordinates).

Again, only those employees who are appointed by the President by and with the advice and consent of the Senate (other than the Inspector General) may participate in political activities while on duty and may hold partisan political meetings or receptions (other than fundraisers) in their conference rooms during normal business hours. However, any refreshments served at such meetings or receptions must not be paid for with appropriated funds.

QUESTION: May I wear a partisan political button or have a partisan bumper sticker on my car?

ANSWER: Partisan political buttons and bumper stickers are treated differently under the regulations. Wearing partisan political buttons is considered participating in a partisan political activity and, thus, is subject to the four limitations (i.e., may not be done while on duty, while in a Federal office or workplace, while using a Government vehicle, or while wearing an official uniform, badge, or insignia identifying DOE). However, employees who are appointed by the President by and with the advice and consent of the Senate (other than the Inspector General) are exempted from these four limitations under certain circumstances; but nonetheless, should not wear partisan political buttons while performing official duties for the Department.

Under no circumstances should a partisan bumper sticker be placed on a Government vehicle. All employees may have partisan bumper stickers on their own private vehicles while commuting, when the vehicle is parked in a Federal garage or parking space, and when the vehicle is being used on official business if such use is infrequent or occasional. However, partisan bumper stickers on a private vehicle must be covered while the vehicle is being used on official business (i.e., travel for which the employee may be reimbursed) if such use is frequent or recurrent or while the vehicle is clearly identified as being on official business.

QUESTION: May I have partisan political material displayed in my Federal office?

ANSWER: No. You may not display in your office or while you are performing official duties pictures, signs, stickers, or badges associated with a current political campaign or candidate or a political party. However, you may display photographs of past elected officials and other political memorabilia from past partisan political campaigns that have no effect on a current campaign.

QUESTION: May I serve as an election official?

ANSWER: In any election, including a partisan election, you may serve as an election judge, clerk, or other official if those duties are nonpartisan by law. You may (unless you are a career member of the Senior Executive Service) serve as a representative of a political party or candidate at a polling place, including serving as a poll watcher, recorder, or challenger. In so serving, you remain subject to the four limitations described above, including the prohibition against wearing a DOE badge or insignia identifying you as a DOE employee.

QUESTION: How may I participate in the activities of a political party?

ANSWER: All employees may, of course, be a member of a political party (or other political group) and may attend its meetings, rallies, caucuses, or conventions, as an observer. Further, unless you are a career member of the Senior Executive Service, you may also actively participate in the functions of a political party or other political group, including performing the following activities:

- \* Serving as an officer of or a member of a local, State, or national committee of a political party or club;
- \* Organizing or reorganizing a political party or club;

\* Serving as a delegate, alternate, or proxy to a state or national party convention; and

\* Participating fully in and speaking before a nominating caucus, political convention, rally, or other gathering.

However, you should keep in mind that these permitted activities are subject to the four limitations mentioned earlier and the prohibition against soliciting or accepting political contributions.

QUESTION: May I create a social media page (e.g., Facebook or Twitter) in my official capacity and advocate for or against a political party, partisan political group, or partisan candidate on the page?

ANSWER: No. Any page created in an employee's official capacity (e.g. a Cabinet member) must be limited to official business matters and must remain politically neutral. Advocating for or against a political party, partisan group, or partisan candidate on such a page would violate the Hatch Act.

QUESTION: May I advocate for or against a political party, partisan political group, or partisan candidate on my personal social media page?

ANSWER: Yes, to the extent such activity does not violate one of the other Hatch Act restrictions enumerated above. You may not ask or encourage readers to make political contributions or post a link to the contribution page of the partisan political campaign. Moreover, you may not refer to your official position with the government in an effort to bolster the political advocacy statements. However, you may include your official position with the federal government on your social media profile.

QUESTION: May I write a blog expressing support or opposition to partisan political candidates and political parties?

ANSWER: Yes, to the extent such activity does not violate one of the other Hatch Act restrictions enumerated above. You must not identify your official title or use your federal employee status to bolster the opinions concerning partisan political candidates or political parties that they post on the blog. You must not suggest or ask the reader at any time to make contributions to a political party, partisan political candidate or partisan political group or post a link to the contribution page of such groups.

QUESTION: Where can I get information if I have any questions about restrictions on political activities?

ANSWER: Headquarters personnel may direct questions to the Office of the Assistant General Counsel for General Law (202-586-1522), <mailto:standardsconduct@hq.doe.gov>. Field personnel may address questions to their respective field counsel. For additional information on the Hatch Act, you may also contact the Office of Special Counsel directly at <http://www.osc.gov>.