



Hatch Act Info for Federal Employees

The Hatch Act (primarily 5 U.S.C. §§ 7321–7326 and implementing regulations in 5 C.F.R. Part 734) restricts partisan political activities of most federal civilian executive-branch employees to protect a nonpartisan civil service. It does not cover the President or Vice President, members of the uniformed services (military personnel are governed by separate DoD rules), or (in most cases) the legislative or judicial branches. It continues to apply during leave or furlough.

DISCLAIMER (READ FIRST):

This document is general educational guidance only. It is **not** an eligibility determination, legal opinion, or substitute for official advice. Rules are fact-specific. Before announcing candidacy, filing paperwork, soliciting support, fundraising, coordinating with any political organization (including Fairfax GOP), or taking any other public step, contact **both** your agency ethics/Hatch Act official **and** the U.S. Office of Special Counsel Hatch Act Unit (osc.gov; hatchact@osc.gov) and obtain written guidance. Agency policies or other ethics/military/state rules may impose stricter limits.

Federal contractors are generally not covered by the Hatch Act because they are not federal “employees.” (Separate campaign-finance rules under the Federal Election Campaign Act restrict federal contractors from making certain contributions or expenditures in connection with federal elections, but those are distinct from Hatch Act political-activity limits.)

Special Government Employees (SGEs)—those expected to work no more than 130 days in a 365-day period—are subject to the applicable Hatch Act restrictions only while **on duty** (see 5 C.F.R. § 734.601).

Covered federal employees fall into two main categories. Classification depends on the employee’s **exact agency, component, and appointment**—not simply whether the work appears related to intelligence or law enforcement:

- **Less Restricted Employees:** The large majority of federal executive-branch employees (including most career and many non-career staff). They may take an active part in partisan political management or campaigns, subject to general limits.
- **Further Restricted Employees:** Those in specified intelligence, law-enforcement, or election-related agencies/components (e.g., FBI, CIA, NSA, Secret Service, FEC, Election Assistance Commission, certain DOJ divisions, MSPB, OSC, and others) or in certain positions (career Senior Executive Service, administrative law judges, administrative appeals judges, contract appeals board members), generally excluding Presidentially appointed, Senate-confirmed officials in those agencies. They are barred from taking an active part in partisan political management or partisan political campaigns *at any time*.



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“Political activity” means activity directed at the success or failure of a political party, candidate for partisan political office, or partisan political group. A “partisan political office” is one for which *any* candidate is nominated or elected as representing a political party whose candidates received votes for presidential elector in the preceding election. Nonpartisan elections are those in which *none* of the candidates represent a political party.

Important qualification on “nonpartisan” elections: An election does **not** necessarily qualify as nonpartisan for Hatch Act purposes merely because Virginia law or the ballot labels it that way. If any candidate receives and advertises a party endorsement or works in concert with a political party, the Office of Special Counsel (OSC) may treat the entire election as partisan. Prospective candidates must confirm the status of the *entire* election, not merely their own ballot designation.

1. Running for Political Office (Local, State, or Federal Elections)

All covered federal employees are prohibited from running for the nomination or as a candidate for election to a *partisan political office*. This applies to federal, state, *and* local offices if the election is partisan.

Whether (and when) someone has become a “candidate” is fact-specific. The cautious approach is to resign from federal employment before taking steps that may constitute candidacy. **Before** announcing, forming a committee, filing paperwork, collecting signatures, fundraising, or otherwise publicly pursuing the office, consult OSC and obtain written guidance.

- **Federal elections** (e.g., Congress) are partisan, so running is prohibited while employed.
- **State and local partisan elections** are likewise prohibited (subject to the designated-locality exception below).
- **Nonpartisan elections** (none of the candidates represent a political party under Hatch Act standards) are generally permitted for both less- and further-restricted employees. Employees may solicit/accept contributions for their own nonpartisan campaigns (subject to other ethics rules). Confirm the status of the entire election with OSC.
- **Designated-locality exception (critical for Fairfax):** Both Fairfax County and the City of Fairfax are designated localities under 5 C.F.R. § 733.107. A federal employee who resides in one of these localities may be permitted to run as an *independent* candidate for *local* partisan office in that same designated locality. This exception:



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- Applies **only** to local office in the designated locality where the employee resides;
- Does **not** apply to state or federal office;
- Requires the candidacy to remain genuinely independent; and
- Generally, precludes receiving or advertising a political party's endorsement or coordinating with a party to promote the candidacy.
- Does not apply to career employees of the Department of Justice's Criminal Division and National Security Division.

Further-restricted employees in designated localities may also qualify in some circumstances but face additional limits. The independence analysis is highly fact-specific. **Any prospective candidate must obtain written OSC guidance before announcing, filing, soliciting support, or coordinating with a political organization.**

Employees who already hold elective office when they enter federal service may generally finish the term and may sometimes accept an appointment to fill a vacancy. They may **not** seek election or reelection in a partisan race while employed unless a valid exception applies. Agency-specific rules or other ethics restrictions can apply; consult an ethics official or OSC before any candidacy activity.

2. Volunteering for a Political Campaign or Political Party / Limits on Party Involvement

Less Restricted Employees may volunteer and take an active part in partisan campaigns or party activities (e.g., canvassing, distributing literature, making speeches, circulating petitions, managing a campaign, holding party office, serving as a convention delegate), *provided* they do so:

- Off duty;
- Outside any federal room or building;
- Not while wearing a uniform or official insignia; and
- Not using a government-owned or -leased vehicle.

They may not use official authority or title in connection with the activity and they may not solicit work subordinates to volunteer. However, holding party office or active party involvement can undermine the required independence of a designated-locality candidacy.



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Further Restricted Employees may *not* take an active part in partisan political management or partisan political campaigns at any time. This bars volunteering for a partisan candidate's campaign or actively working for a political party (e.g., no campaigning, distributing materials, holding party office, managing a partisan campaign, serving as a party delegate, organizing partisan events, or acting in concert with a party/candidate/group). They may still:

- Register and vote;
- Express personal opinions (not in concert with a party/candidate);
- Contribute money;
- Attend rallies, meetings, party conventions, or fundraisers as spectators;
- Joining a *political party* as a rank-and-file member is generally allowed for further-restricted ("super-Hatched") employees. Joining a *political committee* such as the Fairfax County Republican Committee (FCRC / Fairfax GOP) is not, because committee membership is obtained by standing for election as a voting member. That election to a partisan political committee is treated as taking an active part in partisan political management, the same reason further-restricted employees cannot serve as convention delegates. Spectator attendance at meetings is allowed; becoming an elected voting or non-voting member is not;
- Assist in *nonpartisan* voter registration or campaigns.

PAS officials and certain Executive Office of the President employees have some additional flexibility regarding on-duty activity (with restrictions on use of appropriated funds).

3. Candidate-Specific Fundraising Warnings (Highest Practical Risk)

Federal employees are generally prohibited **at all times** from personally soliciting, accepting, or receiving partisan political contributions. Do **not**:

- Ask anyone to donate;
- Send or forward fundraising invitations;
- Sell tickets or collect payments;
- Share, like, or repost donation links or fundraiser invitations;
- Host a fundraiser in their home (spouses not subject to the Hatch Act may host a fundraiser and the employee may attend, but may not appear on any fundraiser materials);
- Allow your name to appear as a host, sponsor, or fundraising contact; or



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- Use party or campaign leadership responsibilities to perform prohibited fundraising functions.

Narrow exceptions exist for certain labor-organization PACs. The designated-locality rules may permit a qualifying independent candidate to solicit contributions for that independent local campaign, but this is another area in which **written OSC advice must be obtained first**.

4. Volunteering as an Election Officer

Purely nonpartisan election-administration duties on behalf of a state or local government (e.g., serving as a municipal or county poll worker, election judge, clerk, or similar official) are generally permitted for *both* less- and further-restricted employees. These duties are not considered “political activity” under the Hatch Act. Employees should still check with their agency ethics official about compensation, conflicts, or other rules. Federal employees may be eligible for limited paid administrative leave for such nonpartisan service.

Partisan roles at the polls (e.g., poll watcher, challenger, or similar work on behalf of or in coordination with a political party, partisan group, or campaign) follow the same rules as other campaign volunteering:

- **Less Restricted:** Permitted off-duty, outside federal premises, without uniform/insignia or government vehicle.
- **Further Restricted:** Prohibited.

5. Civilian Employees of the Department of Defense (also using the secondary title Department of War)

The Hatch Act covers nearly all federal civilian employees in the executive branch (except the President and Vice President). This includes civilian employees of the Department of Defense (also using the secondary title Department of War) and its components (Army, Navy, Air Force, etc.). Uniformed military members are *not* covered by the Hatch Act (they are subject to separate DoD political-activity rules), but DoD *civilian* employees are fully covered, including while on leave. Special Government Employees are covered only while on duty.

Less Restricted vs. Further Restricted

Most civilian employees in the Department of Defense are **Less Restricted**. They may actively participate in partisan political management and campaigns (off-duty, off federal premises, without using official authority, uniform/insignia, or government vehicles),



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subject to the Act's general prohibitions (e.g., no soliciting political contributions in most cases, no running for partisan office except under a valid designated-locality exception).

Further Restricted status applies only to employees in specifically listed agencies, components, or positions under 5 U.S.C. § 7323(b) (and related regulations). Within DoD, this includes employees of certain intelligence or enforcement-related components, such as:

- Defense Intelligence Agency (DIA)
- National Security Agency (NSA)
- National Geospatial-Intelligence Agency (NGA)
- And similar listed entities

It also covers career Senior Executive Service (SES) members, administrative law judges, and certain other positions across agencies (including DoD), regardless of the parent department. Employees in those further-restricted roles (with limited exceptions for some Presidentially appointed, Senate-confirmed officials) are prohibited from taking an active part in partisan political management or campaigns at any time.

In short: Ordinary civilian employees in the Department of Defense are Less Restricted; those in the specifically enumerated intelligence/enforcement components or covered senior positions are Further Restricted. Classification depends on the exact agency component and role. For a definitive determination, check the statutory list or consult OSC or the agency's ethics/Hatch Act official.

6. Practical Rules Concerning Federal Employment

Candidate or political activity must **not** involve:

- Federal duty time;
- Federal personnel;
- Federal email, equipment, office space, vehicles, or other resources;
- Uniforms or official insignia; or
- Official social-media accounts.

Using a personal phone does **not** cure activity performed while on duty. Federal titles must not be used to lend authority or prestige to a candidacy. Supervisors must not solicit political support or participation from subordinates.



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All covered employees (regardless of category) are always barred from using official authority or influence to interfere with an election, soliciting/discouraging political activity by persons with business before their agency, or engaging in political activity while on duty, in a federal workplace, in uniform/insignia, or using a government vehicle (with limited exceptions for certain senior officials).

7. Decision Checklist for Prospective Candidates

Before taking **any** public step, determine:

- Whether you are a regular (less-restricted), further-restricted, or Special Government Employee;
- Whether the office is federal, state, or local;
- Whether the election is actually nonpartisan under Hatch Act standards (not merely under state law or ballot label);
- Whether you reside in the same designated locality (e.g., Fairfax County or City of Fairfax) in which the local office is elected;
- Whether any party endorsement, assistance, or coordination is contemplated;
- Whether fundraising will occur; and
- Whether another agency rule, ethics rule, military rule, or state law imposes additional restrictions.

Obtain written guidance from both your agency ethics office and OSC's Hatch Act Unit before announcing, filing, fundraising, or coordinating with Fairfax GOP or any other political organization.

Rules can be fact-specific (e.g., social media, hybrid work, or whether an election is truly nonpartisan). Agency policies may impose stricter limits. For authoritative guidance on a particular situation, contact the U.S. Office of Special Counsel (osc.gov; hatchact@osc.gov) or your agency's ethics/designated Hatch Act official. OSC publishes detailed FAQs, advisory opinions, and agency-specific lists of further-restricted positions.