



212 FW 6 **Political Activities**

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6.1 What is the purpose of this chapter? This chapter provides policy on permitted and prohibited political activities of Service employees in accordance with the statutory provisions of the Hatch Political Activity Act (Hatch Act).

6.2 To whom does this chapter apply? This chapter applies to all Service employees.

6.3 What authorities govern employee political activities?

A. 5 U.S.C. 7321 - 7326

B. 5 CFR 733 and 734

C. Public Law 103-94

6.4. What are the responsibilities of ethics officials?

A. The **Director**, in his or her capacity as Service Ethics Counselor, is responsible for administering the regulations governing the political activities of employees.

B. The **Chief, Division of Human Resources**, in his or her capacity as Deputy Ethics Counselor, is responsible for developing, implementing, and disseminating Service policy on the Hatch Act.

C. The **Associate and Assistant Ethics Counselors** are responsible for providing technical advice and guidance to employees on Hatch Act matters.

6.5 What are the definitions of terms used in this chapter?

A. Political contribution. Any gift, subscription, loan, advance, or deposit of money or anything of value made for any political purpose. A political contribution includes:

(1) Any contract, promise, or agreement, expressed or implied, whether or not legally enforceable, to make a contribution for any political purpose.

(2) Any payment by any person, other than a candidate or a political party or affiliated organization, of compensation for the personal services of another person that are rendered to any candidate or political party or affiliated organization without charge for any political purpose.

(3) The provision of personal services for any political purpose.

B. Election. The selection of a person or persons for office. As used in this chapter, the term applies to a primary, special, runoff, or general election.

C. Nonpartisan Election.

(1) An election at which none of the candidates is to be nominated or elected as representing a political party that had a presidential candidate who received electoral votes in the last presidential election.

(2) An election involving a question or issue that is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance, or any question or issue of a similar character.

D. Partisan Election. An election at which any of the candidates to be nominated or elected as representing a political party had a presidential candidate who received electoral votes in the last presidential election.

E. Political Party. A National political party, a State political party, or an affiliated organization.

6.6. What political activities are permitted?

A. The Director and noncareer Senior Executive Service, Schedule C, full-time, part-time, temporary, and intermittent General Schedule, Wage Grade, and Special Government employees may:

(1) Be candidates for public office in nonpartisan elections.

(2) Register and vote as they choose.

(3) Express personal opinions about candidates and issues.

(4) Contribute money to political organizations.

(5) Attend political fundraising functions.

(6) Assist in voter registration drives.

(7) Attend and be active at political rallies and meetings.

(8) Join and be an active member of a political party or club.

(9) Sign nominating petitions.

(10) Campaign for or against referendum questions, constitutional amendments, municipal ordinances, etc.

(11) Campaign for or against candidates in partisan elections.

(12) Distribute campaign literature in partisan elections.

(13) Make campaign speeches for candidates in partisan elections.

(14) Hold office in political clubs or parties including serving as a delegate to a convention.

B. Career SES employees may:

(1) Register and vote as they choose.

- (2) Assist in voter registration drives.
- (3) Express personal opinions about candidates and issues.
- (4) Participate in campaigns where none of the candidates represent a political party.
- (5) Contribute money to political organizations and attend political fundraising functions.
- (6) Attend political rallies and meetings.
- (7) Join political clubs or parties.
- (8) Sign nominating petitions.
- (9) Campaign for or against referendum questions, constitutional amendments, and municipal ordinances, and so on.

6.7 Can I engage in permitted political activities while on duty? Except for the Director, employees must pursue all permitted activities on their own (off-duty) time.

6.8 Are there special considerations for the Director? The Director may engage in political activity while (1) on duty, (2) in any Government room or building, or (3) wearing a uniform or official insignia. However, money derived from the Treasury of the United States cannot be used to pay for costs associated with such political activities.

6.9 What political activities are prohibited?

A. The Director and noncareer SES, Schedule C, full-time, part-time, temporary, and intermittent GS, WG and Special Government employees may not:

- (1) Be granted leave without pay to work on a political campaign.
- (2) Be candidates for public office in partisan elections See paragraph 6.10 for exceptions.
- (3) Use their official title, authority, or influence to interfere with an election.
- (4) Solicit or receive political contributions (may be done in certain limited situations by Federal labor or other employee organizations).
- (5) Solicit or discourage political activity of anyone with business before the Department.
- (6) Engage in political activity while on duty (does not apply to the Director).
- (7) Engage in political activity in any Government office (does not apply to the Director).
- (8) Use Government property for political activity (does not apply to the Director).
- (9) Use Government vehicles for political activity.
- (10) Engage in political activity while wearing an official uniform (does not apply to the Director).

(11) Wear political buttons while on duty or in Government buildings.

(12) Promise or withhold Federal benefits (jobs, grants, contracts, and so on) based on political support or nonsupport.

(13) Require subordinate employees to work on campaign activities or penalize them for not participating.

B. Career SES employees may not:

(1) Be candidates for public office in partisan elections.

(2) Use their official authority or influence for the purpose of interfering with or affecting the results of a partisan election.

(3) Solicit or discourage the political activity of any person who has business before the Department.

(4) Promise or withhold Federal benefits (jobs, grants, contracts, and so on) based on political support or nonsupport.

(5) Require subordinate employees to work on campaign activities or penalize them for not participating.

(6) Campaign for or against a candidate or slate of candidates in partisan elections.

(7) Make campaign speeches.

(8) Collect contributions or sell tickets to political fundraising functions.

(9) Distribute campaign material in partisan elections.

(10) Organize or manage political rallies or meetings.

(11) Hold office in political clubs or parties.

(12) Circulate nominating petitions.

(13) Work to register voters for one party only.

(14) Wear political buttons at work.

6.10 Are there exceptions to political activity restrictions? In certain communities where the population consists of large numbers of voters who are Federal employees, the Office of Personnel Management has determined that it is in the domestic interest of employees to participate in local elections. In these approved municipalities (see paragraph [6.11](#)), you may participate actively in local partisan campaigns and elections subject to the following conditions:

(1) You must not neglect your duties.

(2) You may not run for local office as a candidate representing a political party.

(3) If you are a candidate for local elective office, you must run as an independent candidate and must conduct your campaign in a purely nonpartisan fashion.

(4) If you are elected or appointed to an elective local office requiring full-time service, you must resign your position with the Federal Government. If elected or appointed to an elective local office requiring only part-time service, you may accept and hold that office without relinquishing your Federal employment, provided the holding of a part-time office does not conflict or interfere with your Federal duties.

6.11 What are the approved municipalities?

A. Maryland: Annapolis, Anne Arundel County, Berwyn Heights, Bethesda, Bladensburg, Bowie, Brentwood, Calvert County, Capitol Heights, Cheverly, Chevy Chase, section 3, Chevy Chase, section 4, Chevy Chase View, Town of Chevy Chase Village, 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, Village of Martin's Additions, Montgomery County, Morningside, Mount Rainier, New Carrollton, North Beach, North Brentwood, North Chevy Chase, Northwest Park, Prince Georges County, Riverdale, Rockville, St. Mary's County, Seat Pleasant, Somerset, Takoma Park, University Park, Washington Grove.

B. Virginia: Alexandria, Arlington County, Clifton, City of Fairfax, Fairfax County, Falls Church, Herndon, Loudoun County, Manassas, Manassas Park, Portsmouth, Prince William County, Spotsylvania County, Stafford County, Vienna.

C. Other Municipalities: Anchorage, Alaska; Benicia, California; Bremerton, Washington; Centerville, Georgia; Crane, Indiana; Elmer City, Washington; Huachuca City, Arizona; New Johnsonville, Tennessee; Norris, Tennessee; Port Orchard, Washington; Sierra Vista, Arizona; Warner Robins, Georgia.

6.12 Where should I report suspected violations of the Hatch Act? The Office of Special Counsel and the Merit Systems Protection Board enforce the Hatch Act. Report suspected violations to your servicing ethics counselor.

6.13 What are the sanctions for violation of the Hatch Act? The minimum penalty is suspension without pay for 30 days; the most severe penalty is removal.

For information on the specific content of this chapter, contact the Division of Human Resources. For additional information regarding this Web page, contact [Krista Bibb](mailto:Krista_Bibb@fws.gov), in the Division of Policy and Directives Management, at Krista_Bibb@fws.gov.

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