

## Directive 362.1

11/1/94

POLITICAL ACTIVITY

## I. PURPOSE

This Directive contains general information on laws and regulations which govern political activities of Agency employees.

## II. REPLACEMENT HIGHLIGHTS

This Directive replaces AMS Instruction 362.1, Political Activity, dated August 17, 1989. Changes are marked with asterisks.

## III. APPLICATION

A. Application of Regulations. \* - The Hatch Act Reform Amendments of 1993 apply to all AMS employees, regardless of the type of appointment, except career members of the Senior Executive Service (SES) who remain under the "old" Hatch Act rules of 1939. - \*

B. Employees on Leave. The political activity prohibitions apply to employees while they are on leave with or without pay, including furlough.

C. Exclusions. The following employees are exempt from the political activity restrictions:

1. Collaborators without compensation.
2. Cooperative employees if supervised and controlled by the cooperating party.
3. \* - Intermittent employees on the days they perform no service. - \*

## IV. RESPONSIBILITIES

A. Supervisors are responsible for providing each employee with a copy of this Directive.

B. All employees are responsible for:

1. Familiarizing themselves with the contents of this Directive and adhering to the regulations. This Directive does not cover every type of political activity question that might arise. Employees who are uncertain whether a particular action would violate the rules, or have additional questions regarding political activity, should contact the Employee Relations Branch, Personnel Division.

**2. Ensuring that candidacy for, or service in, a partisan political office does not result in neglect of or interference with the performance of duties, or create a conflict or apparent conflict of interest.**

3. \* - Obtaining approval in accordance with AMS Directive 365.2, Conflicts of Interest and Outside Employment, for outside activity involving candidacy for office or positions in a political club or party.

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## V. DEFINITIONS

A. Nonpartisan Election. An election in which **none** of the candidates represents a political party whose Presidential candidate received electoral votes in the preceding Presidential election; or an election involving a question or issue which is not specifically identified with a political party, such as a constitutional amendment, referendum or municipal ordinance.

B. Partisan Election. An election is partisan if any candidate for an elected public office is running as a representative of a political party whose Presidential candidate received electoral votes in the last Presidential election.

C. \* - Partisan Political Office. Any office for which any candidate is nominated or elected as representing a party whose Presidential candidate received electoral votes in the last Presidential election, but does not include any office or position within a political party or affiliated organization. - \*

D. \* - Political Contribution. Any gift, subscription, loan, advance, or deposit of money, service, or anything of value made directly or indirectly for any political purpose. - \*

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

## VI. PERMISSIBLE POLITICAL ACTIVITY

A. All Federal employees may:

1. Register and vote as they choose.
2. Express personal opinions on political issues and candidates privately and publicly.
3. Contribute money to political organizations.
4. Attend, but not host, political fundraising functions.
5. Attend political rallies, meetings, mass conventions, committees, and/or caucuses where the general public is admitted, and vote on any question presented.
6. Sign nomination petitions.
7. Join a political club or party and vote on any questions presented.

8. Participate in nonpartisan activities of a civic, community, social, labor, or professional organization, or of a similar organization.
9. Be a nonpartisan candidate for election in a partisan campaign in political subdivisions designated by the Office of Personnel Management (see Attachment 1).
10. Join and hold office in civic and citizens' organizations interested in promoting good government.
11. Campaign for or against referendum questions, constitutional amendments, or municipal ordinances which are not identified with any national or State political party.
12. Take an active part as a candidate, or in support of a candidate, in a nonpartisan election.

B. \* - All employees, except SES Career employees, may:

1. Campaign, **on a partisan basis**, for or against partisan candidates or issues by:

- a. Distributing campaign literature, badges, or buttons.
- b. Making campaign speeches.
- c. Writing or signing letters for publication soliciting votes.
- d. Registering voters.
- e. Driving voters to the polls in "get-out-the-vote" efforts.
- f. Acting for a political party at a polling place.
- g. Organizing, managing, or holding office in campaign organizations.
- h. Actively participating at political rallies and meetings.
- i. Taking a prominent part in primary meetings or caucuses.
- j. Serving as delegates to party conventions.
- k. Initiating nomination petitions.

2. Hold office in partisan political clubs or parties.

3. Solicit, accept, or receive political contributions only if both individuals are members of the same labor organization, the solicitee is not a subordinate employee, **and** the solicitation is for a contribution to the multicandidate political committee of the labor organization. - \*

C. Career SES employees may:

1. Engage in activities listed in Section VI. A., above.
2. Serve as election officers as prescribed by State or local law, except that they cannot become candidates for such office in a partisan election.

## VII. PROHIBITED POLITICAL ACTIVITY

### A. Federal employees may not:

1. Intimidate, threaten, or coerce any employee to engage in, or not engage in, any political activity.
2. Use official authority or influence for the purpose of interfering with an election or affecting its results.
3. Promise employment or some other benefit as a reward for political activity.
4. **Engage in any political activity while on duty, in any room or building occupied in the conduct of Government business, while wearing a uniform or official insignia identifying the office or position of the employee, or while using any Government owned or leased vehicle.**
5. Solicit or discourage the political activity of any person who: (1) has any application pending before the Department; or (2) is a subject or participant in an ongoing audit, investigation, or enforcement action being carried out by the Department.
6. Solicit political contributions from the general public.
7. Be a partisan candidate for public office.
8. Furnish names and addresses of subordinates for the purpose of political solicitation.

### B. SES Career employees may not:

1. Engage in any activity listed in Section VII.A., above.
2. Register voters for one party only.
3. Transport voters and/or candidates (other than immediate family members) to or from the polls as a partisan service, with or without pay.
4. Participate in, organize, or manage a political parade, rally or meeting.
5. Campaign for or against partisan candidates or political parties, make campaign speeches, solicit votes in support of or in opposition to a candidate in a partisan election, or engage in other activities to elect a partisan candidate.
6. Initiate and/or circulate nominating petitions on behalf of a partisan candidate.
7. Solicit, accept, or receive political contributions from anyone.
8. Solicit or collect contributions for any political organization, including selling tickets to political

fundraising functions.

9. Distribute campaign literature, badges, or buttons in a partisan election.

10. Hold office in a political club or party, or attempt to influence club members on a partisan political issue.

11. Campaign for, or serve as a delegate, alternate, or proxy in a political convention.

12. Act as an officer or take any prominent part in any primary meeting or mass convention.

13. Address a political meeting or rally on any partisan political matter.

14. Serve as precinct or ward committee persons for any political organization.

15. Act as an accredited checker, watcher, or challenger of any political party.

#### VIII. POLITICAL ACTIVITY VIOLATIONS

A. All instances of alleged or suspected violations of laws and regulations governing political activity shall be reported promptly to the Director, Personnel Division, for referral to the Office of Personnel and the Office of the Special Counsel for investigation and action.

B. The penalty for engaging in prohibited political activity is generally removal from the Service.

C. \* - It is a crime, punishable by fine of not more than \$5,000 or imprisonment for not more than 3 years, or both, for any person to coerce or attempt to coerce an employee to engage in, or not to engage in, any political activity. - \*

L. P. Massaro

Deputy Administrator, Management

Attachment

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## Attachment 1

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Activities Permitted in Certain Designated Communities

Employees who reside in a municipality or political subdivision listed on page 2 of this Attachment:

1. MAY campaign as independent candidates, and may actively work for or against any candidate, **BUT**
  - a. MAY NOT allow their political activity to interfere with the performance of their official duties or place themselves or the agency in a conflict of interest situation, or one which gives the appearance of a conflict of interest.
    - b. MAY NOT campaign for local office as candidates representing a partisan political party.
2. \* - MAY accept or receive political contributions in connection with the local elections of the municipality or political subdivision, **BUT MAY NOT** solicit political contributions from the general public. - \*

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Designated Communities in Which Employee Residents May Engage in Certain Political ActivitiesIn Maryland

Annapolis

Anne Arundel County

Berwyn Heights/Bethesda

Bladensburg Bowie

Brentwood

Calvert County

Capitol Heights

Cheverly

Chevy Chase (Sections 1-4 and

Martin's Additions 1-4) Chevy Chase View

In Virginia

Alexandria

Arlington County

Clifton

Fairfax, Town of

Fairfax County

Falls Church

Herndon

Loudoun County

Manassas

College Park	Manassas Park
Cottage City	Portsmouth
District Heights	Prince William County
Edmonston	Stafford County
Fairmont Heights	Vienna
Forest Heights	<u>Other Municipalities</u>
Frederick County	Anchorage, Alaska
Garrett Park	Benicia, California
Glenarden	Bremerton, Washington
Glen Echo	Centerville, Georgia
Greenbelt	Crane, Indiana
Howard County	District of Columbia
Hyattsville	Elmer City, Washington
Kensington	Huachuca City, Arizona
Landover Hills	New Johnsonville, Tennessee
Montgomery County	Norris, Tennessee
Morningside	Port Orchard, Washington
Mount Rainier	Sierra Vista, Arizona
New Carrollton	Warner Robins, Georgia
North Beach	
North Brentwood	
North Chevy Chase	
Northwest Park	
Prince Georges County	
Riverdale	

Rockville

Seat Pleasant

Somerset

Takoma Park

University Park

Washington Grove

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