

AGENCYWIDE MESSAGE TO ALL NASA CIVIL SERVICE EMPLOYEES

Memorandum from the General Counsel

March 28, 2016

Office of the General Counsel

TO: NASA Employees

FROM: General Counsel

SUBJECT: Political Activities of Federal Employees

As the primary elections continue and Election Day on November 8 approaches, NASA employees may wish to participate in election-related activities. This is a brief summary of the restrictions imposed on Federal employees with respect to political activities; that is, activities directed towards the success or failure of a candidate for partisan political office or a partisan political party or group. The political activities of executive branch employees have long been restricted by a law known as the Hatch Act. In 1993, Congress amended the Hatch Act, allowing most Federal employees to take an active part in political management or in political campaigns. However, some employees continue to be prohibited from engaging in partisan political activity, and all employees face at least some restrictions on their conduct.

General Schedule, Non-Career, and Certain Other Employees (Less Restricted Employees)

Most employees may participate in most types of political activity on their own time. This category includes General Schedule, Senior Level (SL), Senior Scientific (ST), Schedule C, NASA Excepted (NEX) and non-career Senior Executive Service (SES) employees.

Specifically, these employees may:

- Assist in voter registration drives.
- Express opinions.
- Contribute money.
- Attend fundraisers.
- Join or attend rallies, meetings, parties, and clubs.
- Sign nominating petitions.
- Campaign for or against candidates or questions.
- Make campaign speeches.
- Distribute campaign literature.

However, some activities remain prohibited. Specifically, employees may not:

- Use official position to interfere with an election. Nor may they use their official title or position while engaged in political activity.
- Solicit, collect, or receive political contributions (unless both individuals are members of certain kinds of labor or employee organizations and the one solicited is not a subordinate.)
- Knowingly solicit or discourage political activity of someone who has business with the Government.
- Engage in political activity while on duty (including during telecommuting hours), in the federal workplace, while wearing a uniform or official insignia, or using a Government vehicle.

The restriction on conduct of political activities while on duty prohibits, among other things, wearing campaign buttons and placing posters in work areas. It does not prohibit bumper stickers on privately owned vehicles parked in a NASA parking lot or garage.

Career Members of the Senior Executive Service (Further Restricted Employees)

Career SES may not take an active part in partisan political management or partisan political campaigns. This is a significant additional restriction. These employees may:

- Attend political rallies and meetings.
- Join political clubs or parties.
- Sign nominating petitions.
- Campaign for or against referendum questions, constitutional amendments, and municipal ordinances.

However, most partisan political activities are prohibited. Specifically, in addition to the prohibited activities listed above for the “less restricted employees,” these employees also may not:

- Solicit or receive contributions for partisan political organizations.
- Collect contributions for or sell tickets to political fundraising functions.
- Campaign for or against candidates or slates of candidates in partisan elections.
- Make campaign speeches for candidates in partisan elections.
- Distribute campaign material in partisan elections.
- Organize or manage partisan political rallies or meetings.
- Hold office in partisan political clubs or parties.
- Circulate nominating petitions in partisan elections.
- Take part in deliberations or proceedings of party conventions or convention committees.
- Register voters on behalf of a particular political party.

These restrictions apply in electronic venues in the same way they do in other modes of interaction. Moreover, various social media platforms have functions, such as the ability to make “friends,” obtain “followers,” express “likes,” and other attributes that can be used in conjunction with partisan political activity. Recent guidance from the Office of

Special Counsel includes some notable updates and changes particularly with regard to social media, including the use of campaign logos and candidate photographs in conjunction with social media profiles, and the “like” function. Detailed guidance on how use of these features and other online conduct implicate Hatch Act requirements can be found on the web page of the U.S. Office of Special Counsel (OSC) at <https://osc.gov/Pages/Hatch-Act-Social-Media-and-Email-Guidance.aspx>. More general information on how the Hatch Act applies to Federal employees can also be found at <https://osc.gov/Pages/HatchAct-FAQs.aspx>.

However, neither this brief summary, nor materials produced by OSC, are a substitute for individualized advice. In the event of any uncertainty on the application of the Hatch Act, employees should [contact an ethics official in their local NASA legal office.](#)

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