

**Federal Hatch Political Activities Act** as Amended: 5 U.S.C. 1501  
through 1508**Definitions**

- a) "State" means a State or territory or possession of the United States;
- b) "State or local agency" means the executive branch of a State, municipality, or other political subdivision of a State, or an agency or department thereof;
- c) "Federal agency" means an executive agency or other agency of the United States, but does not include a member bank of the Federal Reserve System;
- d) "State or local officer or employee" means an individual employed by a State or local agency whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States of a Federal agency but does not include:
  - 1) An individual who exercises no functions in connection with that activity;
  - 2) An individual employed by an educational or research institution, establishment, agency or system which is supported in whole or in part by a State or political subdivision thereof, or by a recognized religious, philanthropic, or cultural organization.
- e) "Political party" means a National political party, a State political party, and an affiliated organization;
- f) "Election" includes a primary, special, and general election.
- g) "Nonpartisan election" means an election at which none of the candidates is to be nominated or elected as representing a political party and of whose candidates for Presidential electors received votes in the last preceding election at which Presidential electors were selected.
- h) "Partisan" when used as an adjective means related to a political party.
- i) "Partisan political office" means any office for which any candidate is nominated or elected as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential elections were selected, but does not include any office or position within a political party or affiliated organization.
- j) "Elective office" means any office which is voted upon at an election as defined in above, but does not include political party office.

**Permissible political activities**

- A State or local officer or employee may participate in all political activity not specifically restricted by law; including the following:
- a) candidacy for office in a nonpartisan election,
  - b) candidacy for political party office.

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<b>Use of official authority; coercion; candidacy; prohibitions</b>	<p>A State or local officer or employee may not -</p> <ul style="list-style-type: none"><li>a) Use his official authority of influence for the purpose of interfering with or affecting the result of an election or a nomination for office; or</li><li>b) Directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency, or person for a political purpose.</li><li>c) Be a candidate for elective public office in a partisan election.*</li><li>d) Use federal, State or other public funds to support a candidacy</li><li>e) Use State or local office to support a candidacy, including using official email, stationary, office supplies, or other equipment or resources,*</li></ul> <p>*Effective January 27, 2013, Congress passed the Hatch Act Modernization Act to state that only State and local employees whose salaries are paid for entirely by federal funds are prohibited from running for partisan office.</p>
<b>Candidacy; exceptions</b>	<p>The Act exempts the following specified employees from the prohibition on candidacy for elective office—</p> <ul style="list-style-type: none"><li>a) The Governor or Lieutenant Governor of a State or an individual authorized by law to act as Governor;</li><li>b) The Mayor of a city;</li><li>c) A duly elected head of an executive department of a State or municipality who is not classified under a state or municipal merit of civil service system;</li><li>d) An individual holding a public_elective office; or</li><li>e) Activity in connection with a nonpartisan election; or</li><li>f) Candidacy for a position of officer of a political party, delegate to a political party convention, member of a National, state, or local committee of a political party, or any similar position.</li></ul>
<b>Leave of Absence</b>	<p>A State or local officer or employee subject to the Hatch Act continues to be covered while on a leave of absence with or without pay.</p>

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