# **United States Department of State**



Washington, D.C. 20520

# **MEMORANDUM**

TO: All Presidential Appointees and All Political Appointees

FROM: Office of the Legal Adviser

RE: Rules on Political Activities

This memorandum outlines the current restrictions on political activities that apply to all presidential and political appointees, including Foreign Service and Civil Service career employees serving in such positions. This guidance reflects the provisions of the Hatch Act (the federal statute governing political activities by federal employees), government-wide regulations implementing that Act, and State Department policies. The Department has a long-standing policy of limiting participation in partisan campaigns by its political appointees in recognition of the need for the U.S. Government to speak with one voice on foreign policy matters. The combination of Department policy and Hatch Act requirements effectively bars you from engaging in partisan political activities while on duty, and, in many circumstances, even when you are off duty. It is not exhaustive guidance and is intended as a general reference tool. Any questions should be submitted to the Ethics Attorney Mailbox (EthicsAttorneyMailbox@state.gov).

# **Political Activities Abroad**

In addition to the restrictions enumerated below, 3 FAM 4123.3 contains long-standing Department rules restricting U.S. citizen employees and their spouses and family members from engaging in partisan political activities abroad related to U.S. elections. This prohibition includes attending campaign rallies and other partisan political events.

Under extremely limited circumstances, Posts may be able to provide informational briefings to candidates and political groups on a nonpartisan basis and in accordance with the Department's interests. Posts are strongly advised to consult with L/Ethics in advance of any such briefings. In addition, Posts can engage in certain activities to support the overseas voting program, in accordance with 7 FAM 1560.

#### **Activities that are Permissible Outside of Work**

- Registering to vote and voting
- Making financial contributions to political candidates, parties, or partisan groups within legal monetary limits
- Being a member of a political party or group
- Assisting in nonpartisan voter registration activities
- Serving as election judge or clerk performing nonpartisan duties
- Participating in nonpartisan activities of a civic, community, social, labor, or professional organization
- Participating in nonpartisan electoral campaigns, i.e. campaigns where none of the candidates represents a political party, acts in concert with a political party, or receives party resources
- Campaigning for or against nonpartisan issues, such as referendum questions, constitutional amendments, municipal ordinances, etc.
- Signing a partisan or nonpartisan petition in your personal capacity, e.g. without reference to your official title or employer

# The following additional activities are permissible outside of work <u>only</u> when in the United States:

- Displaying partisan pictures, signs, stickers, banners, badges, or buttons in your personal capacity in off-duty times and places
- Placing a partisan bumper sticker on your privately owned vehicle and parking it in a U.S. Government parking facility. If the car is used for official business on a recurrent basis or is clearly identified as being used on official business, however, you must cover the sticker while the car is being used for official business
- Attending a partisan political rally, fundraising function, election party, meet-the-candidate event, or other political gathering as a spectator if you are a political appointee other than a Senate-confirmed Presidential appointee
- Attending a political party convention or convention-related event as a spectator, if you are a political appointee other than a Senate-confirmed Presidential appointee

#### **Prohibited Political Activities**

# You may not:

- Engage in any political activity while on duty, including:
  - While escorting others as part of your official duties
  - In official publications, postings, statements, or communications
- Engage in *any* political activity, even while off duty, in government work facilities, using government resources, or using your title or authority. This prohibits, for example, political activities:
  - In a government office or building, including while using a personal device
  - In any room or building occupied in the discharge of official duties by a U.S. Government official
  - Using your official title or official photograph
  - Using nonpublic information or other information that you would not possess but for your federal employment
  - Using government computers, laptops, phones, blackberries, and other resources

- Wearing a uniform, badge, insignia, or other item identifying you as a U.S. Government employee
- Using a government owned or leased vehicle
- Using a privately-owned vehicle which is used in the discharge of official duties
- Use your official authority to interfere with or affect the result of an election
- Knowingly solicit or discourage the participation in any political activity of any employee or person regulated by or doing business with the Department (e.g., someone who has a matter pending before the Department)
- Run or take steps leading to a run for partisan political office. If you reside in certain designated localities (primarily in the Washington, DC area), you may run as an independent candidate in partisan races for local electoral office, with certain fundraising restrictions
- Organize or reorganize a political party or partisan political group
- Initiate or circulate a partisan nominating petition
- Engage in political activity in concert with a partisan candidate, political party, or partisan political group. This restriction covers a range of activities, such as:
  - Endorsement, solicitation of votes, dissemination of campaign literature or online campaign content
  - Providing policy guidance to a candidate, party, or partisan group
  - Hold any position in a partisan campaign, political party, or partisan political group, or seek such a position
  - Serve as a delegate, alternate, or proxy to a political party convention. Senateconfirmed Presidential appointees may not even attend a political party convention or convention-related event
  - Work at the polls on behalf of a partisan candidate, political party, or partisan political group by acting as a checker, challenger, or watcher, or in a similar partisan position
  - Drive voters in a private vehicle to polling places for a partisan candidate, political party, or partisan political group
  - Speak for or against a partisan candidate, political party, or partisan political group at a convention, rally, or similar gathering sponsored by such entities, or at any other gathering if the address is given in concert with such entities
  - Take any other active role in the political campaign of a partisan candidate or a candidate for political party office
- Fundraising: You may not solicit, accept, or receive a partisan political contribution, regardless of whether the candidate is a spouse or family member, except in certain circumstances involving a Federal labor union. This prohibition includes:
  - Collecting or handling contributions
  - Signing, sending, or forwarding letters or emails soliciting contributions, including emails with links to political contribution webpages or "Contribute" buttons
  - Allowing your name or official title to be listed on a fundraising invitation, or as part of a host committee for a fundraiser; personally inviting others to a fundraiser; or otherwise promoting the fundraising activities of a partisan candidate, political party, or partisan political group
  - Personally hosting, performing duties traditionally associated with a host, or engaging in non-logistical organizing work for a fundraiser

- Serving as a guest of honor at a fundraiser
- If you are a Senate-Confirmed Presidential Appointee, you may not attend any partisan political fundraiser, even if hosted by a spouse in your residence.

# **Social Media**

Employees covered by this guidance may engage in permissible political activities on social media pursuant to guidelines for "Further Restricted" employees. The Office of Special Counsel (OSC)-issued guidance on social media and political activities is available here.

The following activities constitute political activity, and are <u>not permissible</u> while on duty; on an official social media account, email account, or webpage; in a government building; on a government device; etc.:

- Posting, liking, friending, sharing, emailing, tweeting, or retweeting pages or content supporting or opposing a partisan candidate, political party, or partisan political group
- Using an alias to post, like, friend, share, email, tweet, or retweet partisan pages or content

# The following activities are <u>never</u> permissible for employees covered by this guidance:

- Referring to your official title or position while engaging in political activity on social media
- Posting, sharing, emailing, tweeting, or retweeting *any* pages or content created by or disseminated through the social media or webpage of a political campaign, party, or partisan political group
- Sharing partisan pages or content with subordinates or persons regulated by or doing business with the Department, unless the activity is directed at *all* of your Facebook friends or Twitter followers
- Posting, liking, friending, sharing, tweeting, or retweeting fundraising pages or content, apart from accepting invitations to fundraising events on Facebook or Twitter

# The following activities are <u>always</u> permissible:

- Posting, liking, friending, sharing, emailing, tweeting, or retweeting nonpartisan pages or content
- Continuing to friend, like, or follow the official social media pages of government officials after they become a candidate for reelection