

POLITICAL ACTIVITY DO'S AND DON'TS

Federal employees may participate in elections and political activities—voting and contributing to the candidates and party of your choice—but, unlike other citizens, you are subject to some limitations in order to ensure confidence in the impartiality of Government operations.

This handout covers: basic rules, examples, social media, staff support for PAS political activities, and employees overseas. More information can be obtained at the Commerce ethics website at www.commerce.gov/ethics.

A. BASIC RULES

You can:

- contribute funds to a campaign or political party and attend a political fundraiser;
- support a candidate through volunteer work while not on duty and not on Federal premises (unless you are a career SES member);
- run for office in a nonpartisan election; and
- otherwise participate in political activities that are not expressly prohibited (as explained below).

However, you cannot:

- engage in political activities while on Government premises (unless you are a Presidential appointee in a Senate-confirmed position);
- use Government resources or the authority of your position to support or oppose a candidate in an election or a political party;
- engage in political activities while on Government time;
- ask for or accept funds or otherwise engage in fundraising for a political party, a political action committee, or a candidate in a partisan election (with an exception for some union fundraising); or
- run for office in a partisan election (in most cases).

The President recently announced his candidacy for the 2020 election. Although the President recently announced that he is a candidate for reelection in 2020, you may continue to take actions as part of your Government duties in support of the President's policies and Administration programs, including through public speeches and in correspondence.

As a personal activity, you are permitted to express your opinions about events, issues, or matters, such as healthcare, gun control, abortion, immigration, Federal employee benefits, etc., even while at work, provided that it is not disruptive to office operations. However, comments supporting or opposing a candidate, including the President, or a political party are not allowed on Government premises or while on duty.

B. EXAMPLES OF IMPERMISSIBLE AND PERMISSIBLE ACTIVITY

1. Because President Trump recently announced his candidacy for reelection, you **cannot** display unofficial pictures of the President. (Official pictures of the President and Vice President can be displayed as can personal pictures you have with the President in some cases.)
2. You **cannot** host a political fundraiser in your home (although your spouse **can** host an event in your home if your spouse is not a Federal employee).
3. You **cannot** wear or post items associated with a campaign or party, although you **can** wear and post items relating to policy issues—such as support for the 2nd Amendment or support for Dreamers, unless it will be disruptive to office operations. This means that you **cannot** wear a “Make America Great Again” or “Keep America Great!” hat in the office because it uses a campaign slogan for a current Presidential candidate—the President (even though the first slogan is from a prior campaign).
4. You **cannot** send an email from your Government phone making comments opposing the President’s reelection. (However, you **can** comment in personal emails about your views on policy issues, even if a candidate or party is associated with support for, or opposition to, the policy).
5. If you are an SES career employee, even on your own time, you **cannot** volunteer to stuff envelopes for a mayoral candidate (in an election with candidates identified by party affiliation). (You **can** do this if you are a career civilian employee not in the SES or if you are a political appointee.)
6. You **cannot** respond to an email from a campaign or political party while in your office, even if you use your personal smart phone and send the email during your lunch hour (unless you are in a Senate-confirmed position).
7. You **cannot** wear a t-shirt in the office opposing the President’s reelection.
8. You **can** park in a Government parking lot with a car that has a political bumper sticker displayed (but **not** multiple stickers concerning the same candidate or party).
9. You **can** run for office in a non-partisan election, such as a school board election in which candidates are not identified by party affiliation.
10. You **can** browse news sites, blogs, and even campaign sites on Government premises and using Government equipment during non-duty time (such as a lunch break) for general information and entertainment purposes, but **not** to help or oppose a candidate or party, such as for purposes of conducting research for the campaign or party.
11. You **can** donate to a campaign (but **not** while on Government premises, during duty hours, or using Government equipment).

POLITICAL ACTIVITIES DO'S AND DON'TS (continued)

C. SOCIAL MEDIA

The rules described above apply in the context of social media as well as other forms of communication, but some particular problems or issues may arise when using social media.

You can post, like, share, or retweet a message or comment in support of or opposition to a candidate or political party while on personal time and using a personal device, but you cannot do so while on duty or in the workplace, even if you are using a personal device and your social media account is private and, if you are a career SES employee, you cannot retweet or forward a posting by a political campaign.

You cannot, even while on personal time, post, like, tweet, share, repost, or retweet, a message that solicits political contributions or invites people to a fundraising event.

You cannot use an official Commerce social media account to post or share messages directed at the success or failure of a political party or candidate.

For a full discussion with more examples of permissible and impermissible social media activities, the Office of Special Counsel has published guidance, which is available through this link: <https://osc.gov/Resources/HA%20Social%20Media%20FINAL%20r.pdf>.

D. PRESIDENTIAL APPOINTEES ENGAGING IN POLITICAL ACTIVITIES AND STAFF SUPPORT FOR SUCH APPOINTEES

Presidential appointees are permitted to engage in political activities (except fundraising) and often may be asked by candidates and campaigns to speak at campaign events, including fundraisers. This is permitted but the appointee must be careful that:

- the official's Government title is not used in campaign literature,
- the official's name does not appear on the same page as a request for contributions or a link to make contributions, and
- Government funds are not used for such activities (including for staff support to assist in the activity, such as for advance work or speech writing, or for travel costs; for trips that include both official and political events, a formula is applied to allocate costs between the Government and political campaigns; the Ethics Law and Programs Division should be consulted for advice on allocating costs).

Although Commerce staff members cannot assist a Presidential appointee in performing political activities, when deemed necessary, Government staff can accompany an appointee to a political event to perform official Government duties, such as a security person or an agency liaison to handle Government issues that may arise.

E. EMPLOYEES SERVING FOR 130 DAYS OR FEWER AND EMPLOYEES ON AN INTERMITTENT SCHEDULE

If you serve as a Federal employee for 130 days or fewer in a 365-day period, or if you are serving on an intermittent schedule, you are subject to the restrictions on fundraising for a political campaign or party only on the days on which you are performing Government duties. Similarly, you can run for office in a partisan election, but cannot engage in campaign activities on days you are performing Government duties.

F. CONTRACTORS, FELLOWS, INTERNS AND OTHER NON-EMPLOYEES

If you are not a Federal employee, you are generally not subject to the restrictions on political activities that apply to Federal officials but some limitations apply; you cannot:

- post signs or wear clothing indicating support or opposition to a candidate when on Government premises;
- use Government equipment or supplies for political purposes, such as to send a political email, even if not on Government premises;
- engage in political activities during a period that you or your employer are being paid to perform programmatic activities;
- make comments supporting or opposing a candidate while on Government premises; or
- make comments on agency premises that are disruptive to Government operations.

G. EMPLOYEES SERVING OVERSEAS

If you are a Commerce employee serving overseas, you are subject to the restrictions identified above regarding United States elections (Federal, state, and local). In addition:

- you cannot engage in political activities while representing the United States Government, even if it is not on duty time;
- if you are a United States citizen, you cannot engage in any activities in connection with non-U.S. elections (unless you have dual citizenship);
- if you are not a United States citizen, you can engage in political activities regarding the country of your citizenship, but the restrictions that apply to U.S. elections also apply to non-U.S. elections:
 - you cannot engage in such activities while on U.S. Government premises;
 - you cannot engage in such activities while on duty;
 - you cannot use U.S. Government equipment, supplies, or other resources for political activities; and
 - you cannot wear or display campaign or political party items on U.S. Government premises or while performing U.S. Government duties; and
- if you are not a United States citizen, you must comply with restrictions in U.S. law regarding participating in U.S. elections (such as campaign contribution restrictions for U.S. elections).

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