

POLITICAL ACTIVITIES DO'S AND DON'TS

As a Federal employee, you may participate in elections and political activities—voting and contributing to the candidates and party of your choice—but, unlike others, 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 may:

- + contribute funds to a campaign or political party and attend a political fundraiser;
- + support a candidate through volunteer work while off duty and off 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 (see below).

You may not:

- 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).

Although the President is a candidate for reelection, you may continue to take actions as part of your Government duties to support the President's policies and programs, including through public speeches but you may not, as an official activity, advocate for or against his reelection.

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 and is not likely to be perceived as support or opposition to the President's reelection. 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. You may not display pictures of the President (who is running for reelection) other than the official picture (and, in some cases, pictures of you with the President.)
2. You may not host a political fundraiser in your home (although your spouse may host an event in your home if your spouse is not a Federal employee).
3. You may not wear or post items associated with a campaign or party on Government premises. This means that you may not wear a “Make America Great Again” hat in the office because it uses a campaign slogan.
4. You may not send an email (or text, tweet, Instagram, WhatsApp, etc.) from your Government smartphone making comments opposing the President’s reelection.
5. If you are an SES career employee, even on your own time, you may not volunteer to stuff envelopes for a mayoral candidate (in an election with candidates identified by party affiliation). (You may do this if you are a career civilian employee not in the SES or if you are a political appointee.)
6. You may not 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 may not wear a t-shirt in the office supporting the President’s impeachment.
8. You may park in a Government parking lot with a car that has a political bumper sticker displayed (but may not display multiple stickers for the same candidate or party).
9. You may 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 may 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 may not to help or oppose a candidate or party, such as by conducting research for a campaign or party.
11. You may donate to a campaign (but may not make donations while on Government premises, during duty hours, or using Government equipment).

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 may 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 may not 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 may not retweet or forward a posting by a political campaign.

You may not, 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 may not use an official Commerce social media account to post or share messages directed at the success or failure of a political party or candidate, including use of terms that are recognized as supporting or opposing a candidate (such as “#RESIST”)

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 Office of the Office of General Counsel should be consulted for advice on allocating costs).

Commerce staff members may not assist a Presidential appointee in performing political activities but, when deemed necessary, Government staff may 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 may run for office in a partisan election, but may not engage in campaign activities on days on which 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 may not:

- 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 may not 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 may not 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 may 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 may not engage in such activities while on U.S. Government premises;
 - you may not engage in such activities while on duty;
 - you may not use U.S. Government equipment, supplies, or other resources for political activities; and
 - you may not 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 U.S. elections (such as campaign contribution restrictions for U.S. elections).

Ethics Office – Office of General Counsel – U.S. Department of Commerce
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