



## U.S. Department of Justice

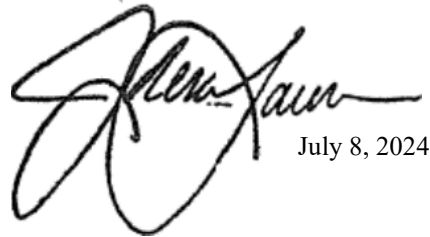
Justice Management Division

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Washington, D.C. 20530

### MEMORANDUM FOR ALL DEPARTMENT OF JUSTICE CAREER EMPLOYEES

From: Jolene Ann Lauria  
Assistant Attorney General  
for Administration  
Designated Agency Ethics Official



July 8, 2024

Subject: Restrictions on Political Activities

This memorandum serves as a reminder to all Department of Justice (Department) employees that we must be familiar with the rules governing participation in partisan political activities and ensure that politics does not compromise the integrity of our work. The public trusts Department employees to enforce the laws of the United States in a neutral and impartial manner, without actual or apparent influence of political agendas. With that objective in mind, the purpose of this memorandum is to outline the restrictions on political activity applicable to all employees, as well as the additional restrictions imposed on certain employees within the Department.

#### Hatch Act

The Hatch Act, 5 U.S.C. §§ 7323(a) and 7324(a), generally prohibits Department employees from engaging in partisan political activity while on duty, in a federal facility, or using federal property. An underlying purpose of the Hatch Act is to maintain a politically neutral workplace. Political activity under the Hatch Act is activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group. The statute applies to all federal employees, with some variation in the specific restrictions based on an employee's position. "Less restricted" employees are generally able to participate actively in political management or partisan political campaigns, while off-duty and not in a government facility. "Further restricted" employees are held to stricter rules that preclude active participation in political activities. The following Department employees are "further restricted" by statute: all career Senior Executive Service (SES) employees; administrative law judges; employees in the Criminal Division (CRM), the Federal Bureau of Investigation (FBI), and the National Security Division (NSD); and the Office of Law Enforcement in the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).<sup>1</sup>

#### Restrictions Applicable to All Department Employees

Department employee may *not*:

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<sup>1</sup> Under Department policy, all political appointees are subject to the restrictions applicable to further restricted employees. I have issued separate guidance for political appointees.

- A. Engage in political activity (for example, wearing a political button or displaying campaign materials) while on duty, while in a government-occupied office or building (or on video calls while teleworking), while wearing an official uniform or insignia, or while using a government vehicle. An employee may put a bumper sticker on a personal vehicle and park the vehicle in a government-owned or subsidized parking lot but may not use the vehicle in the course of official business. Employees may display signs on their lawns and in their residences.
- B. Use their official authority or influence to interfere with or affect the result of an election.
- C. Solicit, accept, or receive a political contribution;<sup>2</sup> solicit, accept, or receive uncompensated volunteer services from an individual who is a subordinate; allow their official titles to be used in connection with fundraising activities; or host a fundraising event.
- D. Run for nomination or election to public office in a partisan election.<sup>3</sup>
- E. Solicit or discourage the political activity of any person who is a participant in any matter before the Department.

Additional Restrictions Applicable to All Career SES; Administrative Law Judges; CRM, FBI, and NSD Employees; ATF's Office of Law Enforcement; and Department Political Appointees

In addition to the restrictions noted above, these individuals may *not*:

- A. Distribute fliers printed by a candidate's campaign committee, a political party, or partisan political group.
- B. Serve as an officer of a political party, a member of a national, state, or local committee of a political party, an officer or member of a committee of a partisan political group or be a candidate for any of these positions. This restriction includes advising a partisan political party or group on political strategies, areas of the law, and policies.

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<sup>2</sup> The only statutory exception is for soliciting, accepting, or receiving a political contribution to a multi-candidate political committee from a fellow member of a federal labor organization or certain other employee organizations, so long as the solicited employee is not a subordinate, and the activity does not violate E above.

<sup>3</sup> Under a regulation promulgated by OPM, federally-employed residents of the District of Columbia may participate in the following activities: (1) run as an independent candidate in a local election to partisan political office; (2) solicit, accept, or receive political contributions as, or on behalf of, an independent candidate for partisan political office in a local election; (3) accept or receive political contributions on behalf of an individual who is a candidate for local partisan political office and who represents a political party; (4) solicit, accept, or receive uncompensated volunteer services as an independent candidate, or on behalf of an independent candidate, for local partisan political office; and (5) solicit, accept, or receive uncompensated volunteer services on behalf of an individual who is a candidate for local partisan political office and who represents a political party. None of these activities may be done while on duty, in a government building, using government equipment, wearing items that identify an employee's agency, or operating a government vehicle. There are several additional caveats to this new rule, and we advise you contact your ethics official for further guidance. 5 C.F.R. § 733.107(c) and 5 C.F.R. § 733.103.

- C. Organize or reorganize a political party organization or partisan political group.
- D. Serve as a delegate, alternate, or proxy to a political party convention.
- E. Address a convention, caucus, rally, or similar gathering of a political party or partisan political group in support of or in opposition to a candidate for partisan political office or political party office, if such address is done in concert with such a candidate, political party, or partisan political group.
- F. Organize, sell tickets to, promote, or actively participate in a campaign event, convention, or fundraising activity of a candidate for partisan political office or of a political party or partisan political group. Active participation includes making a speech at an event, appearing on the program, on the dais or in the receiving line of an event, or allowing your name to be used in connection with the promotion of the event (for career employees only, passive participation is allowed, which means merely attending a fundraising or campaign event, and acceptance of a gift of free or discounted attendance may be approved if it meets an exception to the gift rules).
- G. Canvass for votes in support of or in opposition to a candidate for partisan political office or a candidate for political party office, if such canvassing is done in concert with such a candidate, political party, or partisan political group.
- H. Endorse or oppose a candidate for partisan political office or a candidate for political party office in a political advertisement, broadcast, campaign literature, or similar material if such endorsement or opposition is done in concert with such a candidate, political party, or partisan political group.
- I. Initiate or circulate a partisan nominating petition.
- J. Act as a recorder, watcher, challenger, or similar officer at polling places in consultation or coordination with a political party, partisan political group, or a candidate for partisan political office.
- K. Drive voters to polling places in consultation or coordination with a political party, partisan political group, or a candidate for partisan political office.

### Social Media

The rules governing political activity apply at all times, including when using social media (*e.g.*, Facebook, LinkedIn, X, etc.). In fact, violations of the Hatch Act committed on social media often have heightened visibility, so any employee using social media must be familiar with the rules on political activity. Violations of the Hatch Act have consequences, including fines and suspensions. Even an employee's appearance of violating the Hatch Act, while not damaging to the employee, can cause public distrust of the government.

To avoid Hatch Act violations in using social media, please review the specific, detailed guidance on use of social media in connection with political activities, which is available on the Department's website ([Justice Management Division | Political Activities](#)). The Office of Special Counsel (OSC) has also issued social media specific Hatch Act guidance, which can be found at [osc.gov](https://osc.gov).

### Candidate Photographs

Displaying photographs of candidates for partisan office is considered partisan political activity, and therefore is not permitted in the federal workplace. There are limited exceptions to this ban, including official photographs of the President (when the President is a candidate for re-election), and for some personal photographs of a candidate which generally include the employee in the photograph. Be cautious when using photo-based social media sites such as Instagram and Tumblr, as the Hatch Act restrictions may apply to photographs posted on those sites as well (and also may apply if posted while on duty, in a government workplace, or using government equipment).

If you have candidate photographs in your office or workspace and have any question whether you may display the photographs, please contact your ethics official.

### Running for Office

Generally, federal employees may not be candidates in partisan elections, even if they run as a political independent. Only those federal employees residing in specific localities designated by the Office of Personnel Management (OPM), as listed in 5 C.F.R. § 733.107, may run as independent candidates in local partisan elections.

Conversely, federal employees may be candidates in nonpartisan elections. A nonpartisan election is one in which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected.

In some instances, an election that is designated as nonpartisan can turn into a partisan election. Accordingly, if you plan to run as a candidate in any election, whether partisan or nonpartisan, you should contact your ethics official for guidance and coordination with the Departmental Ethics Office (DEO).

A summary of the Hatch Act can be found here: [Justice Management Division Fact Sheet: Political Activity and the Hatch Act](#). If you have questions concerning any of these rules or policies, please contact your Deputy Designated Agency Ethics Official (DDAEO). Check this link for a list of ethics officials across the Department ([Justice Management Division | Ethics Officials](#)).