

CHAPTER 17

POLITICAL ACTIVITY

Section I - General Provisions

1-1. **Purpose.** The purpose of this Chapter is to inform technicians of their rights and their restrictions pertaining to political activity.

1-2. **Scope.** All National Guard Technicians are subject to the basic political activity restrictions covered by the provisions of the Hatch Act Reform Amendments of 1993 (Public Law 103-94).

Section II - Definitions

2-1. **Definitions.** In this Chapter:

a. Political party means a national political party, a state political party, and an affiliated organization.

b. Election includes a primary, special, and general election.

c. Nonpartisan election means:

(1) An election at 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; and

(2) An election involving a question or issue which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance, or any question or issue of a similar character.

d. The term "partisan" has reference to a political party whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected, such as the Republican and Democratic parties. Thus, any activity connected with the management, campaigns, or candidates of the above-mentioned parties is considered partisan.

Section III - Permissible & Prohibited Activities

3-1. **Permissible Activities.** Under the Hatch Act Reform Amendments of 1993, technicians generally may: Be candidates for public office in nonpartisan elections; register and vote as they choose; assist in voter registration drives; express opinions about candidates and issues; contribute money to political organizations; attend political fundraising functions; attend and be active at political rallies and meetings; join and be an active member of a political party or club; sign nominating petitions; campaign for or against referendum questions, constitutional amendments and municipal ordinances; campaign for or against candidates in partisan elections; distribute campaign literature in partisan elections, and hold office in political clubs or parties.

3-2. **Prohibited Activities.** Under the law, technicians generally may not: Use their official authority or influence to interfere with an election; collect political contributions unless both the donor and solicitor are members of the same federal labor organization or employee organization, the one solicited is not a subordinate employee and the contribution is for the organization's multi-candidate political committee; knowingly solicit or discourage the political activity of any person who has business before the agency; engage in political activity while on duty, in any government office, while wearing an official uniform or while using a government vehicle; solicit political contributions from the general public; be candidates for public office in partisan elections.

3-3. **Questions About Political Activity Restrictions.**

a. Any questions regarding political activities should be addressed to the Human Resources Office, or

b. Individuals may request oral and written opinions about activities which are permitted or prohibited by the Hatch Act from the Office of Special Counsel (OSC). Requests may be submitted to:

HATCH ACT UNIT
U.S. Office of Special Counsel
1730 M Street N.W., Suite 218
Washington D.C. 20036-4505
Tel: (800) 85-HATCH
(202) 254-3650
Fax: (202) 653-5151
Email: hatchact@osc.gov
Web site: <http://www.osc.gov>

Section IV - Penalties

The most severe penalty for violation of the Hatch Act is removal and the minimum penalty is suspension without pay for 30 days.

Section V - How to File a Complaint Alleging a Violation of the Hatch Act

5-1. Filers alleging a violation of the Hatch Act may use Form OSC-13, Complaint of Possible Prohibited Political Activity, to submit their allegation to OSC. Form OSC-13 can be printed from the following Web site address: <http://www.osc.gov/forms.htm>. Once the form is completed it should be mailed or faxed to OSC.

Hatch Act Unit
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 201
Washington, DC 20036-4505
Fax: (202-653-5151)

5-2. If filers use another format to submit a Hatch Act violation, the following information should be included:

- a. name, mailing address, and telephone number of the complainant, and a time when the complainant can be safely contacted, unless the matter is submitted anonymously;
- b. the department or agency, location, and organizational unit complained of; and
- c. a concise description of the actions complained about, names and positions of employees who took these actions, if known to the complainant, and dates, preferably in chronological order, together with any documentary evidence the complainant may have.