

**From:** [HQ-NASA-INC](#)  
**Subject:** Memorandum from the General Counsel -- Political Activities of Federal Employees  
**Date:** Monday, August 17, 2020 3:30:59 PM

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## **AGENCYWIDE MESSAGE TO ALL NASA CIVIL SERVICE EMPLOYEES**

### **Memorandum from the General Counsel**

**August 17, 2020**

**Office of the General Counsel**

**TO: NASA Employees**  
**FROM: General Counsel**  
**SUBJECT: Political Activities of Federal Employees**

As Election Day on November 3 approaches, NASA employees may wish to participate in election-related activities. This is a brief summary of the restrictions imposed on Federal employees with respect to partisan political activities; that is, activities directed towards the success or failure of a candidate for partisan political office or a partisan political party or group. The partisan political activities of executive branch employees have long been restricted by a law known as the Hatch Act. In 1993, Congress amended the Hatch Act, allowing most Federal employees to take an active part in political management or in political campaigns. However, some employees continue to be prohibited from engaging in partisan political activity, and all employees face at least some restrictions on their conduct.

Partisan political activity is activity directed at the success or failure of a partisan group or candidate in a partisan election. "Partisan group" includes, in addition to political parties, committees, clubs, and other organizations organized for a partisan political purpose. Partisan political activity is distinct from discussions of current events, policy issues, and matters of public interest that the Hatch Act does not restrict Federal employees from engaging in on duty, and employees may express their opinions about current events and matters of public interest at work so long as their actions are not considered political activity. Employees are also free to express their views and take action as individual citizens on such questions as referendum matters, changes in municipal ordinances, constitutional amendments, pending legislation or other matters of public interest.

#### **General Schedule, Non-Career, and Certain Other Employees (Less Restricted Employees)**

Most employees may participate in most types of political activity on their own time. This category includes General Schedule, Senior Level (SL), Senior Scientific (ST), Schedule C, NASA Excepted (NEX) and non-career Senior Executive Service (SES) employees.

Specifically, these employees may:

- Assist in voter registration drives.
- Express opinions.
- Contribute money.
- Attend fundraisers.
- Join or attend rallies, meetings, parties, and clubs.
- Sign nominating petitions.
- Campaign for or against candidates or questions.
- Make campaign speeches.
- Distribute campaign literature.

However, some activities remain prohibited. Specifically, employees may not:

- Use official position to interfere with an election. Nor may they use their official title or position while engaged in political activity.

- Solicit, collect, or receive political contributions (unless both individuals are members of certain kinds of labor or employee organizations and the one solicited is not a subordinate). This includes, for example, soliciting or receiving contributions for partisan political organizations or candidates, or collecting contributions for or selling tickets to partisan political fundraisers.
- Knowingly solicit or discourage political activity of someone who has business with the Government.
- Engage in partisan political activity while on duty (including during telecommuting duty time), in the federal workplace, while wearing a uniform or official insignia, or using a Government vehicle.

The restriction on conduct of partisan political activities while on duty prohibits, among other things, wearing campaign buttons and placing posters in work areas. It does not prohibit bumper stickers on privately owned vehicles parked in a NASA parking lot or garage.

It is important to remember that the restriction on partisan political activities while on duty applies when teleworking. Even in your own home, when teleworking you are on duty, so that you may not engage in partisan political activities on duty time, even on a personal communications device.

### **Career Members of the Senior Executive Service (Further Restricted Employees)**

Career SES may not take an active part in partisan political management or partisan political campaigns. This is a significant additional restriction. These employees may:

- Attend political rallies and meetings.
- Join political clubs or parties.
- Sign nominating petitions.
- Campaign for or against referendum questions, constitutional amendments, and municipal ordinances.

However, most partisan political activities are prohibited. Specifically, in addition to the prohibited activities listed above for the “less restricted employees,” these employees also may not:

- Campaign for or against candidates or slates of candidates in partisan elections.
- Make campaign speeches for candidates in partisan elections.
- Distribute campaign material in partisan elections.
- Organize or manage partisan political rallies or meetings.
- Hold office in partisan political clubs or parties.
- Circulate nominating petitions in partisan elections.
- Take part in deliberations or proceedings of party conventions or convention committees.
- Register voters on behalf of a particular political party.

### **Social Media**

These restrictions apply in electronic venues in the same way they do in other modes of interaction. Moreover, various social media platforms have functions, such as the ability to make “friends,” obtain “followers,” express “likes,” and other attributes that can be used in conjunction with partisan political activity. The U.S. Office of Special Counsel (OSC) provides detailed guidance with regard to social media. The implications of certain user choices are complex. For example, an employee who includes a political party, campaign logo or candidate photographs in his or her Facebook or Twitter profile picture—which accompanies actions from those platforms—may not post, share, tweet or retweet from those accounts while on duty or in the Federal workplace. OSC’s guidance on how use of these features and other online conduct implicate Hatch Act requirements can be found on the web page of the U.S. Office of Special Counsel (OSC) at <https://osc.gov/Documents/Hatch%20Act/Advisory%20Opinions/Federal/Social%20Media%20Guidance.pdf>. More general information on how the Hatch Act applies to Federal employees can also be found at <https://osc.gov/Services/Pages/HatchAct-Federal.aspx>.

However, neither this brief summary, nor materials produced by OSC, are a substitute for individualized advice. In the event of any uncertainty on the application of the Hatch Act, employees should [contact an ethics official in their local NASA legal office.](#)

Sumara M. Thompson-King  
General Counsel

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