



# Hatch Act Training

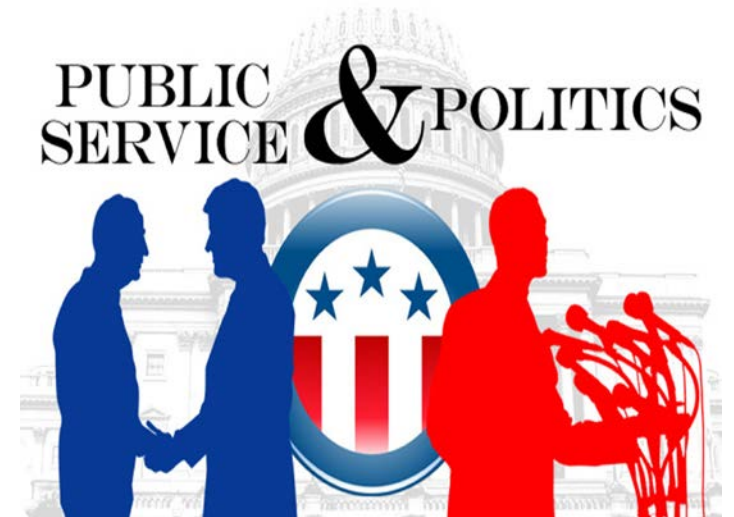
Ethics Week 2020

Ethics and Open  
Government in a  
Virtual World



# Local Hatch Act

- The Local Hatch Act establishes restrictions on the ***political activity*** of D.C. government employees.



# Who is Covered?



# Who is Covered?

## Employees

- Any individual **paid by the D.C. government** from grant or appropriated funds for his or her services.
- Any member of a Board or Commission nominated pursuant to § **2(e)** of the Confirmation Act of 1978;
- Members of a Board or Commission nominated pursuant to § **2(f)** of the Confirmation Act of 1978 ***when the member is engaged in political activity that relates to the subject matter that the member's board or commission regulates.***

## Not an Employee

- Employees of the courts of the District of Columbia;
- The Mayor;
- The members of the Council;
- Advisory Neighborhood Commissioners;
- Members of the State Board of Education;
- Members of the District of Columbia Statehood Delegation; and
- The Attorney General



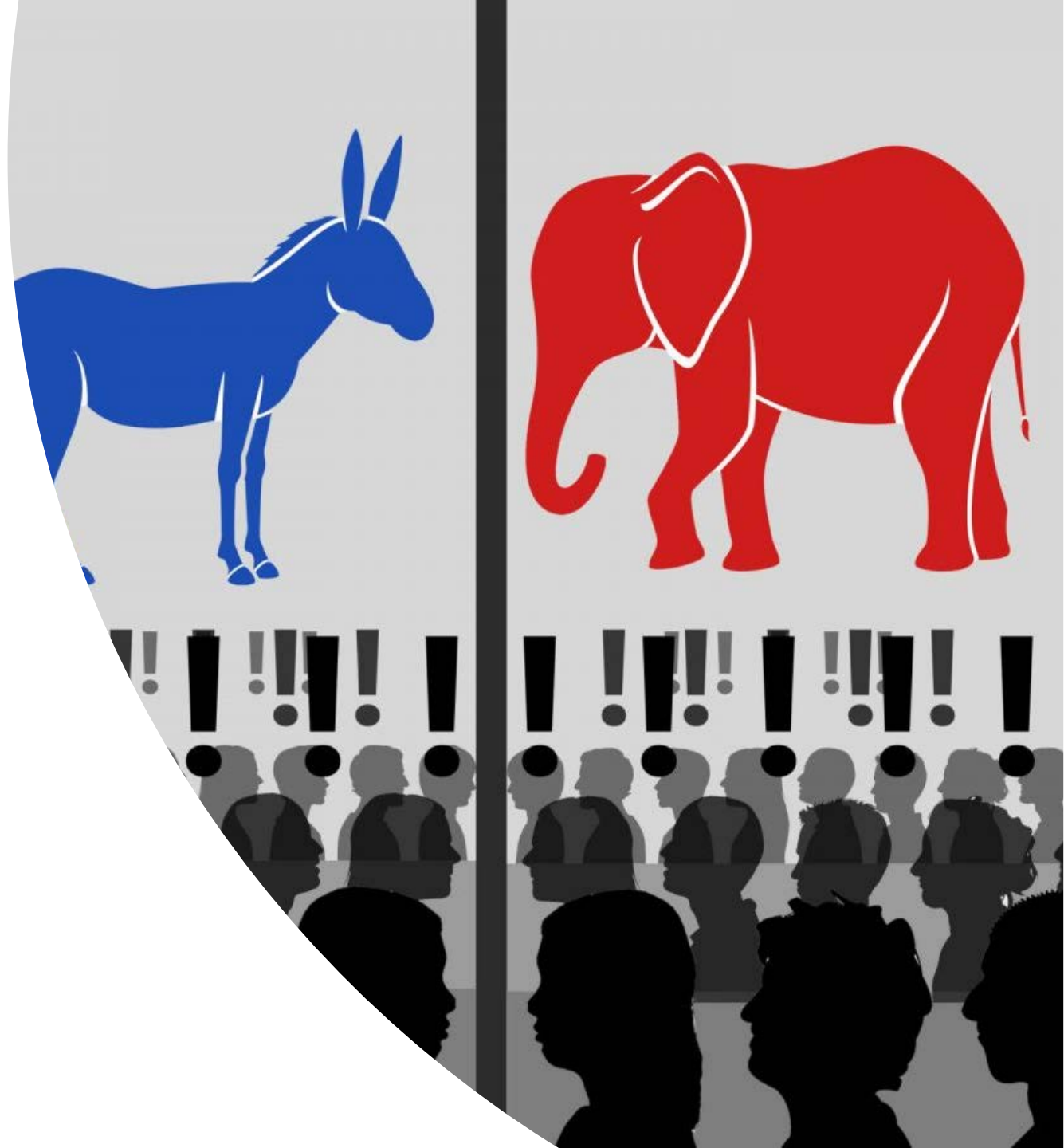


Political Activity

# Political Activity

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- Any activity that is ***regulated by the District*** and directed toward the success or failure of a political party, candidate for partisan political office, partisan political group, ballot initiative, or referendum.



# **Political Activity that is “Regulated by the District”**

Any political party, candidate for partisan political office, partisan political group, ballot initiative, or referendum that is regulated by the District of Columbia Board of Elections



**District of Columbia**  
**Board of Elections**

# What Is Not Political Activity

- Answering questionnaires
- Scheduling
- Working as a volunteer poll worker
- Discussing legislation and nonpartisan elections
  - Obamacare, gun control measures, government budget, or ANC candidates
- Discussing issues
  - abortion, immigration, or Black Lives Matter
- Attending a social march or rally
  - March for Life, Women's March, or March for Science

*Key: Activity does not include showing support for or opposition to a political party or candidate*



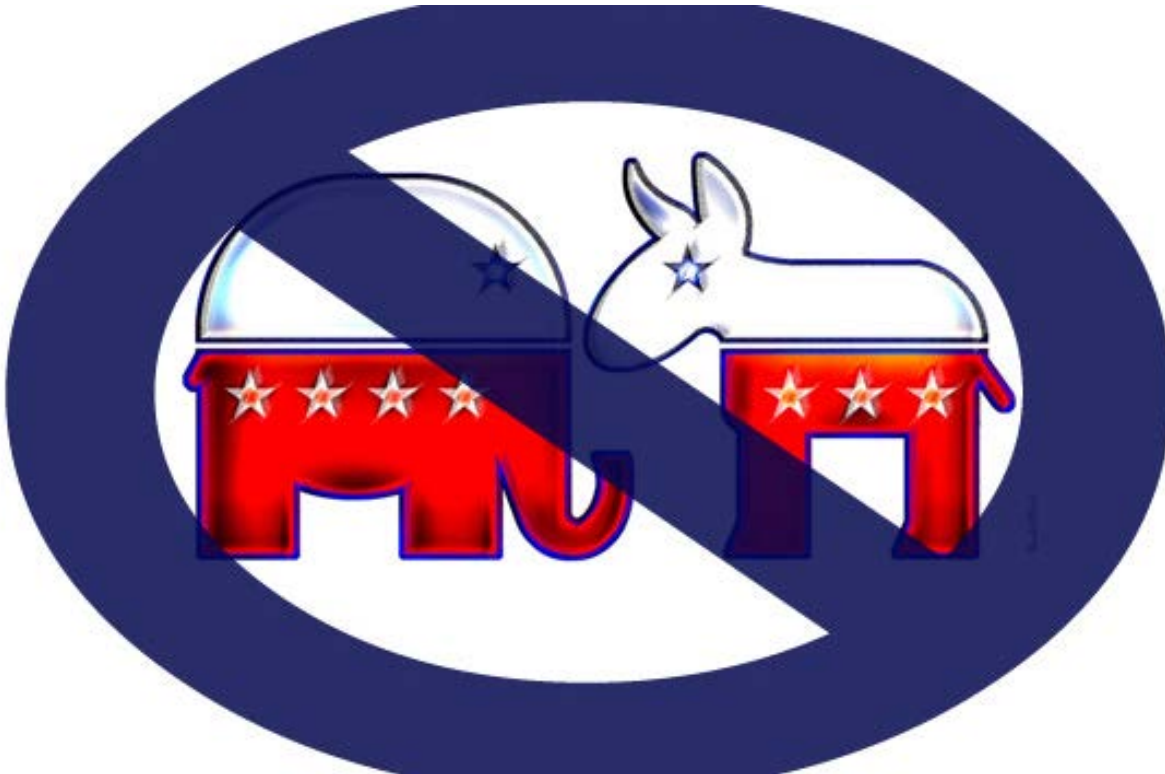




# Political Activity Prohibitions

- When engaging in “political activity” that is **regulated by the District**, D.C. government employees cannot:
  - **File as a candidate for election to a partisan political office.**

# Non-Partisan Political Office



- D.C. government employees who ***are*** District residents may file as candidates for ***non-partisan*** District office.

# Political Activity *not* regulated by the District

- When engaging in “political activity” that is *not* regulated by the District:
- An employees who *is not* a District resident may file as a candidate to a **partisan political office** in their own local election



# Political Activity Prohibitions

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When engaging in “political activity” that is **regulated by the District**, D.C. government employees cannot:

- **Knowingly solicit, accept, or receive a political contribution from any person (except if the employee has filed as a candidate for political office)**



# Fundraising

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- Fundraising allowed for
  - Your own District regulated non-partisan campaign;
  - The non-partisan District-regulated campaign of another;
  - A non-District regulated partisan campaign

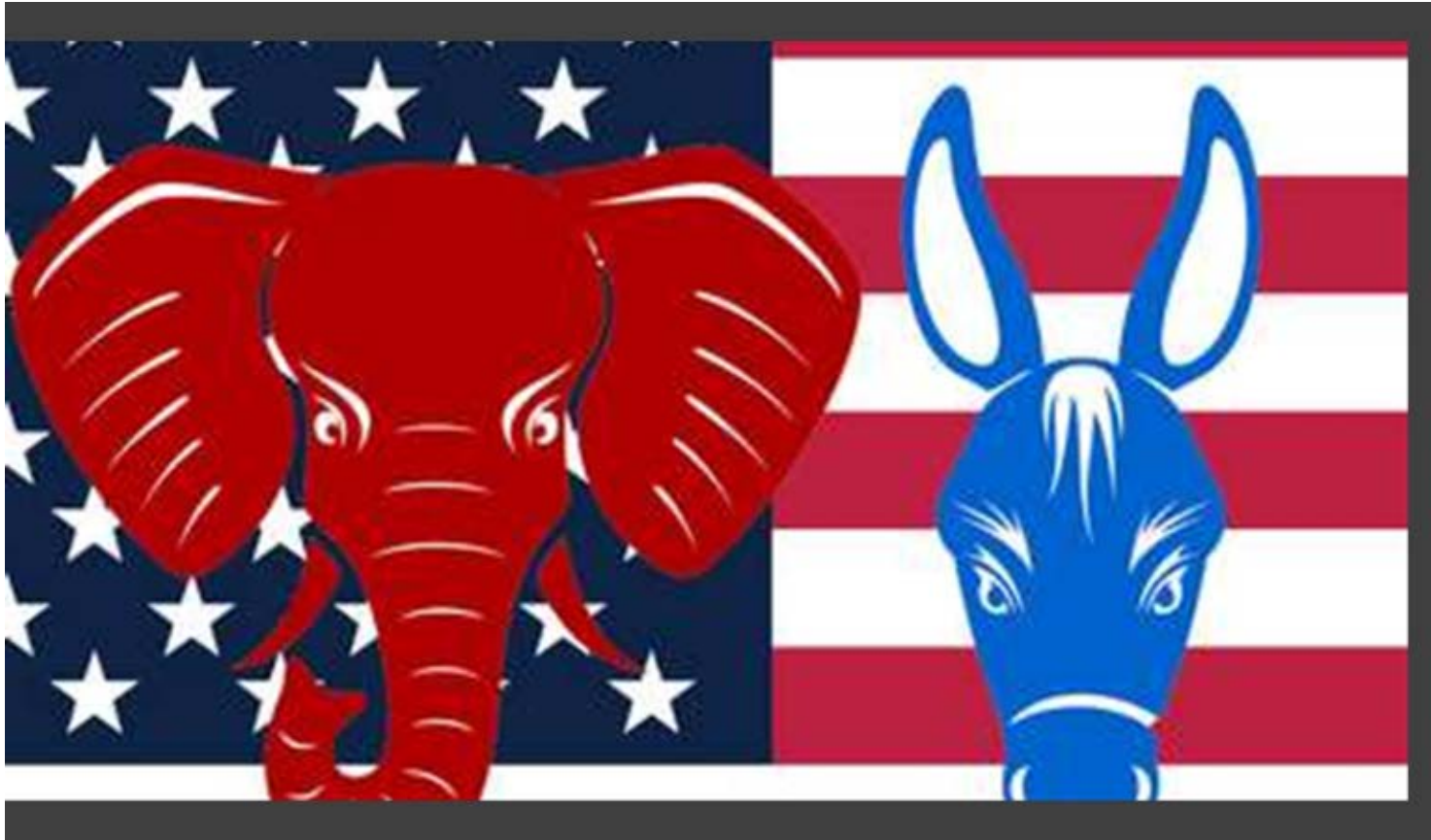




# Fundraising

- Hosting/Co-hosting an in-person/virtual fundraiser
- Fundraising Speech
- Direct Fundraising
  - In person
  - Telephone
  - Social Media
    - Like, post, share, or retweet a post that solicits political contributions





## Designated Employees of the Mayor or Council

- The Mayor and each member of the Council may designate **one** D.C. government employee **while on leave** to knowingly solicit, accept, or receive political contributions.
- On duty or in any room or building occupied in the discharge of official duties in the District government.



# **Democratic "Meat" & Greet BBQ**



**Join us for dinner with our**

## **Democratic Candidates**

**June 7, 2014**

**4:00 - 6:30pm**

**Helper Parkway Pavilion**

**52 S 100 W Helper UT**

**Bring your family & friends to a BBQ in the park**

**And come and meet our Democratic Candidates**

**Hosted by the Carbon County Democratic Candidates  
And the Carbon County Democratic Executive Committee**

# “Meet and Greet” Events

- A “**Meet & Greet**” event is an event where attendees can meet and greet a candidate.
- Organizing a “Meet and Greet” event is a permissible “Political Activity” because the Local Hatch Act permits District employees to take an active part in political management & campaigns.
  - **BUT -**
- District employees are **prohibited** from **fundraising** for the District regulated campaign of another person. Recommend placing a disclaimer on the flier.
  - **THEREFORE –**
- If the Meet & Greet is for fundraising purposes or has a cost to attend, District employees are prohibited from taking an active part in the event (other than attending).



# All Prohibited Political Activity







# Prohibited “Political Activity”

- On duty;
  - Including when **telecommuting** or on official time for union duties
- In any room or building occupied in the discharge of official duties in the D.C. government, including any agency or instrumentality thereof;
  - Including break rooms, conference rooms, and union offices, if inside a government building

# On Duty & Telecommuting



## Examples:

- Wearing buttons, t-shirts, hats, etc. while in a virtual meeting/training.
- Displaying, posters, candidate photographs, campaign materials, etc.
- Using political related identifiers



# On Duty & Telecommuting

1. Post, like, share, or retweet a message in support of or opposition to a political party, candidate in a partisan race, or partisan political group
2. Emailing, texting, blogging, or using social media for political activity is a violation even if:
  - Using a personal device or email account
  - Sharing or forwarding to friends or like-minded coworkers
3. Fundraising
  - Accept invitations to, or mark yourself as “attending,” a fundraising event on social media
  - Making online contributions for a political purpose

*Prohibition includes union email activity if it meets the definition of political activity*



# Prohibited or Permitted

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# Prohibited or Permitted

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# Prohibited or Permitted

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## Prohibited “Political Activity”

- Wearing a uniform or official insignia identifying the office or position of the employee;
- Using any vehicle owned or leased by the District, including an agency or instrumentality thereof.



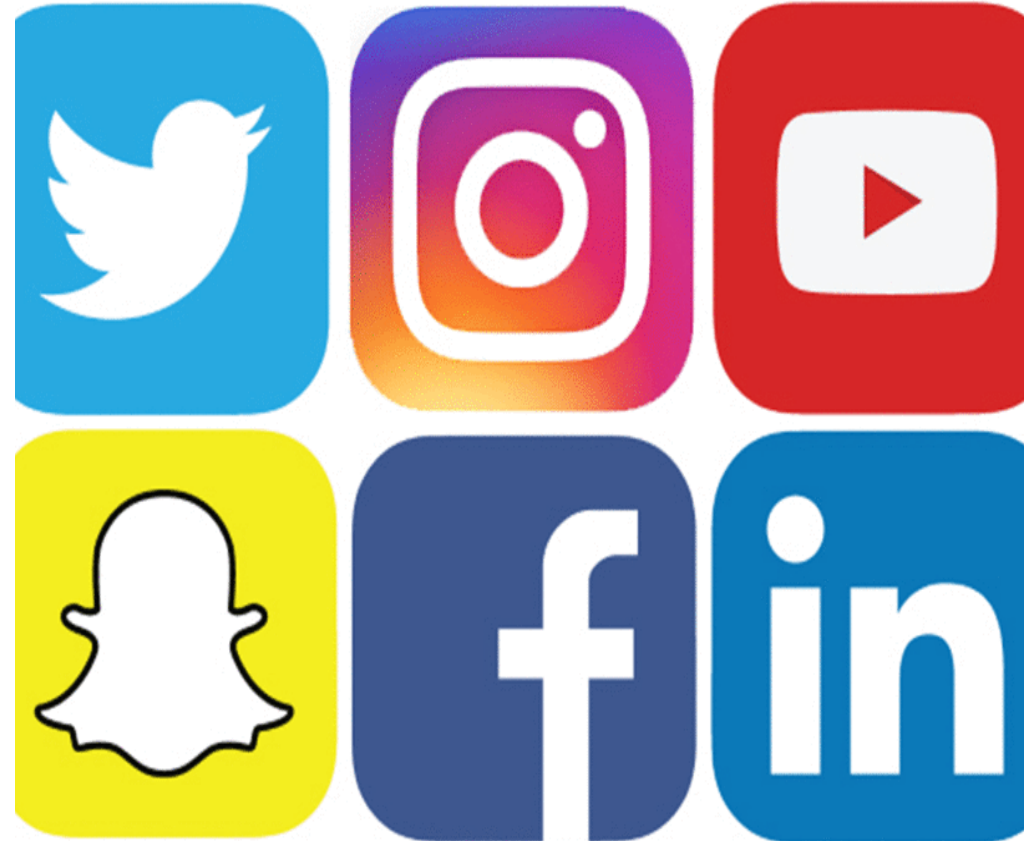
# Prohibited “Political Activity”

- In addition, a D.C. government employee may not coerce, explicitly or implicitly, any subordinate employee to engage in political activity.
- Use their official authority or influence for the purpose of interfering with or affecting the result of an election.

## 24/7 Social Media Rules

### **Employees may not:**

- Tweet, Retweet, Share, Like, Link to a post or content that solicits political contributions (District regulated)
- Use an official social media account to engage in any political activity or fundraising
- Use your official title or position when posting political activity messages
  - But including your official title or position on the profile of your personal social media page is okay

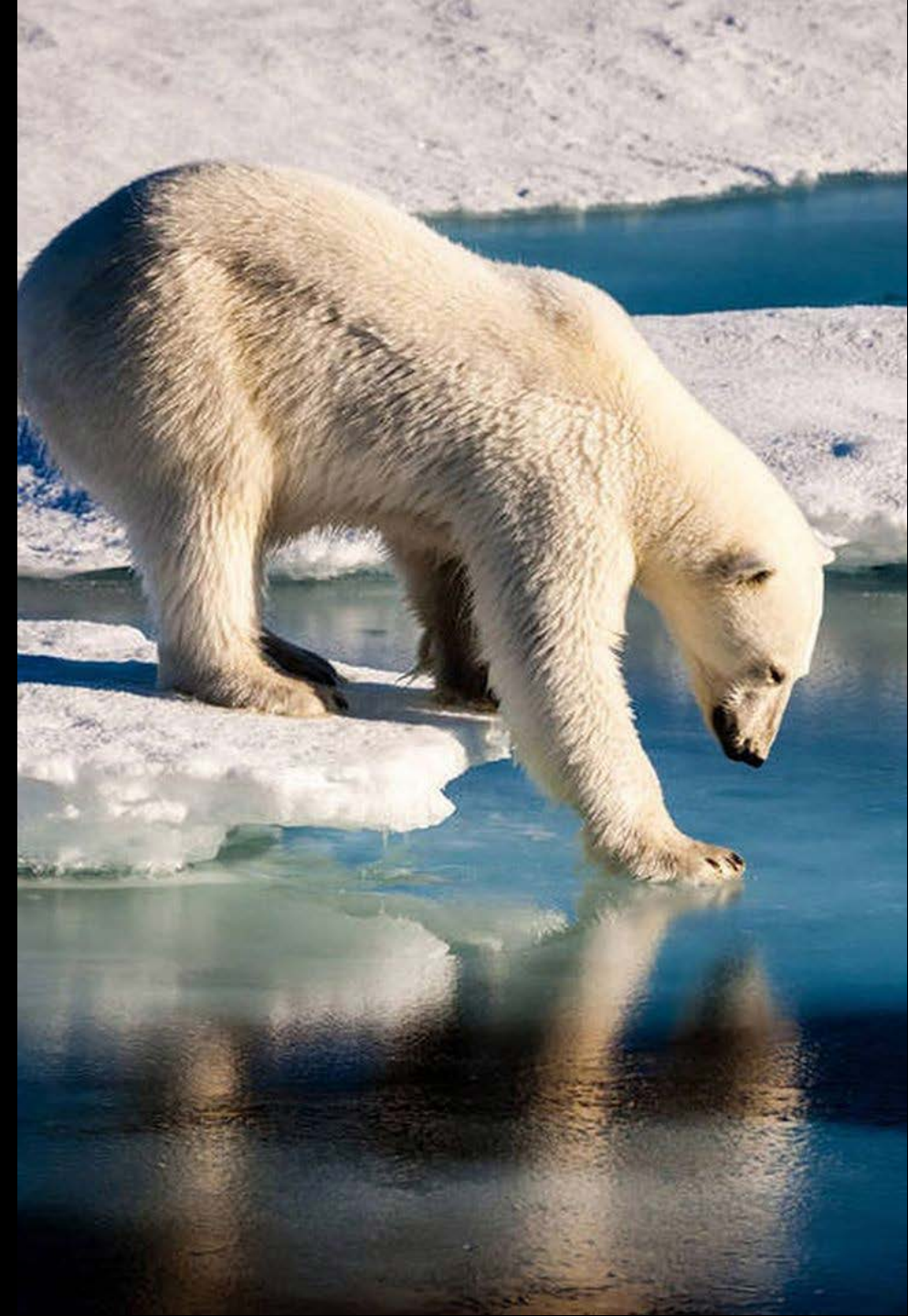




# EXPLORATORY COMMITTEES

## Testing the Waters of Candidacy

- Can a District employee form an **Exploratory Committee** before becoming a candidate?
- Yes
- **No Exploratory Committee *formed by an employee* may engage in fundraising.** An Exploratory Committee formed by an individual or a group other than the employee, acting on behalf of the employee, may engage in fundraising as long as the District government employee for whom the Exploratory Committee has been formed does not.





# The Federal Hatch Act

- Although all D.C. government employees are now covered by the Local Hatch Act, those employees whose salaries are paid ***in whole or in part*** with federal funds (“covered District employees”) are also covered by specific provisions in the federal Hatch Act.
  - Your agency head is required to inform you if you are a covered District employee.
  - Covered District employees must comply with the federal Hatch Act, the Local Hatch Act, and the Ethics Act.
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- 5 U.S.C. § 1501(4) (defining who is covered).

# May Not

# May

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|--|--|
| ❖ <b>MAY NOT</b> use your official authority or influence for the purpose of interfering with or affecting the result of an election.  | ❖ <b>MAY</b> take an active part in political management or in political campaigns, including working on or managing a campaign.   |
| ❖ <b>MAY NOT</b> knowingly solicit, accept, or receive a political contribution from any person for a District regulated election. ( <i>except</i> if the employee filed as a candidate)   | ❖ <b>MAY</b> contribute money to political campaigns, political parties, or partisan political groups.<br>❖ <b>MAY</b> attend and be active at political rallies and meetings.   |
| ❖ <b>MAY NOT</b> file as a candidate for election to a <i>partisan</i> political office in a District regulated election.  | ❖ <b>MAY</b> file as a candidate for election to a <i>non-partisan</i> political office in a District regulated election.  |
| ❖ <b>MAY NOT</b> coerce, explicitly or implicitly, any subordinate employee to engage in political activity.   | ❖ <b>MAY</b> register and vote as you choose.<br>❖ <b>MAY</b> assist in voter registration drives.<br>❖ <b>MAY</b> attend and be active at political rallies and meetings.   |
| ❖ <b>MAY NOT</b> engage in political activity while –<br>❖ on duty<br>❖ in any room or building occupied in the discharge of official duties of the District government, including an agency or instrumentality<br>❖ wearing a uniform or official insignia identifying the office or position of the employee<br>❖ using any vehicle owned or leased by the District. | ❖ <b>MAY</b> join and be an active member of political clubs or parties.<br>❖ <b>MAY</b> hold office in political clubs or parties.<br>❖ <b>MAY</b> express opinions about candidates and issues. If the expression is political activity, however, then the expression is not permitted while on duty, in a District government building, while wearing uniform or insignia, or while using any District vehicle. |

# True or False

Mary Ann's spouse is running for At-Large D.C. Council in the upcoming election. She has organized a fundraiser on Zoom and created a GoFund Me account to support the campaign. The fundraiser is scheduled for 7p.m. on Saturday, and Mary Ann will not be on-duty at that time.

Mary Ann is allowed to host the fundraiser and maintain the GoFund Me account.



# True or False

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John can attend a virtual campaign event that occurs one hour before his tour-of-duty ends.



# Questions about the Local Hatch Act?

- If you have questions about the Local Hatch Act, you may contact BEGA.
- Inquiries may be made by telephone or by email to:

Phone: (202) 481-3411

Email: [bega@dc.gov](mailto:bega@dc.gov)

Additional Guidance – [bega.dc.gov](http://bega.dc.gov)





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# Hatch Act Training Ethics Week 2020

