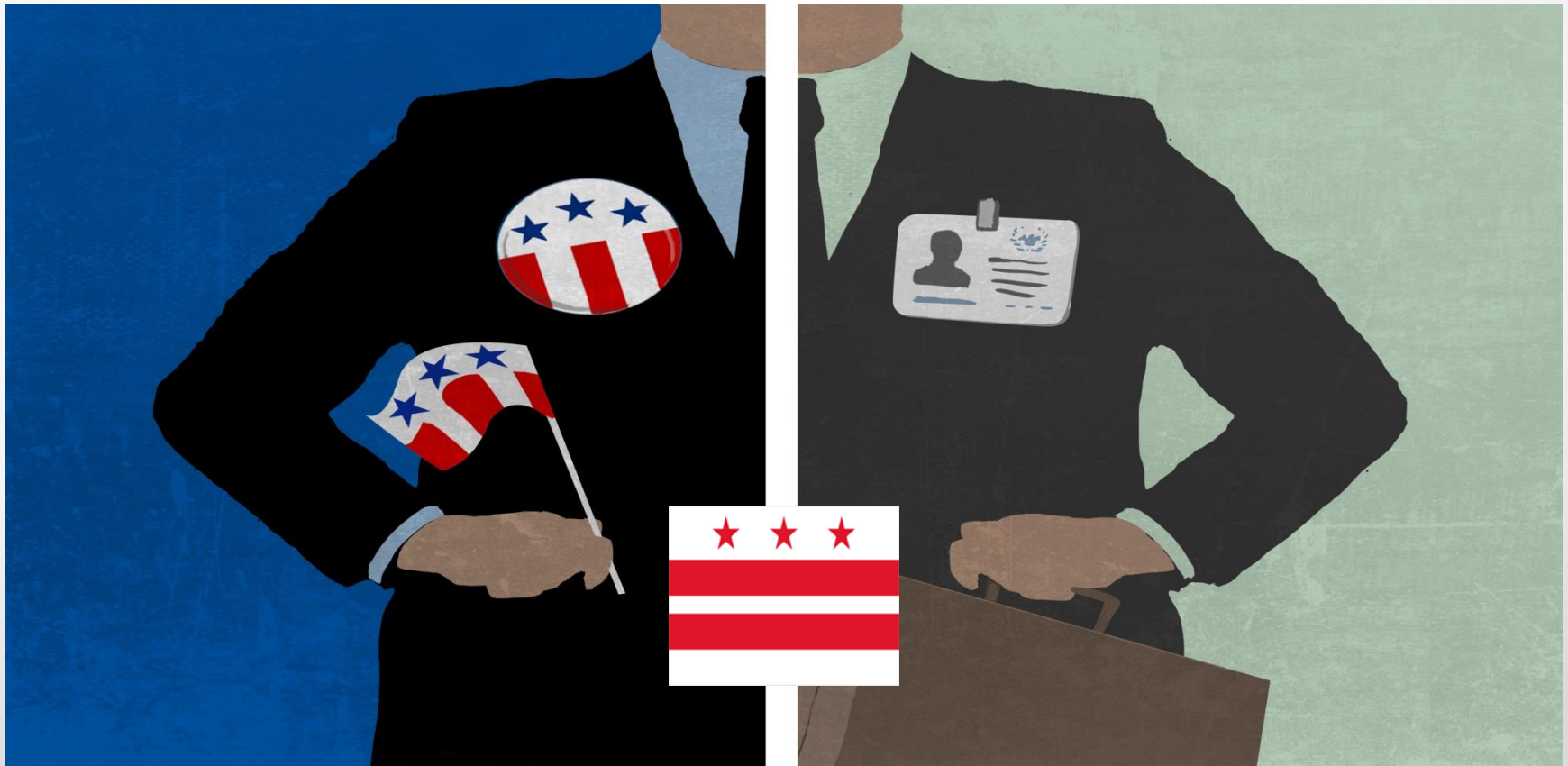


# HATCH ACT TRAINING (REGARDING POLITICAL ACTIVITIES)



# Local Hatch Act

- The Local Hatch Act became effective on March 7, 2013 and came under BEGA's jurisdiction.
- The Local Hatch Act establishes restrictions on the **political activity** of D.C. government **employees** similar to those previously provided by the federal Hatch Act.



# Employees



# Who is Covered?

## Employee

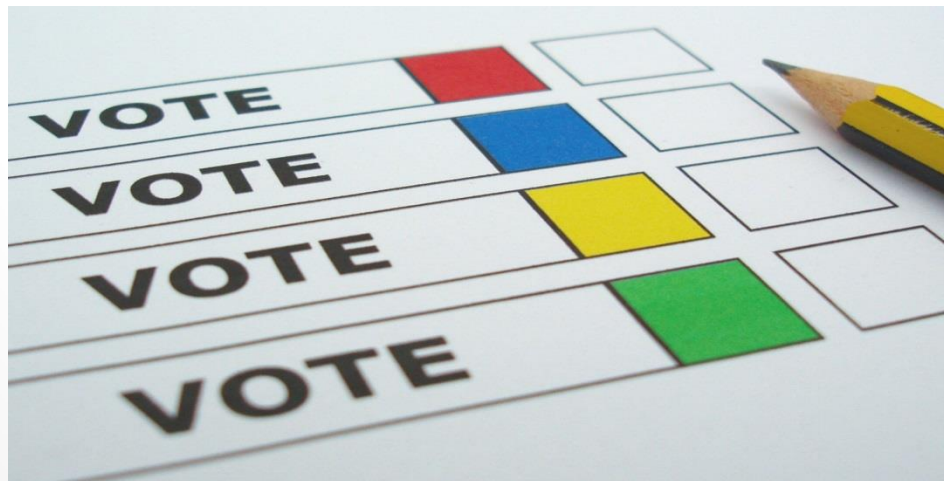
- Any individual **paid by the D.C. government** from grant or appropriated funds for his or her services.
- Any member of a Board or Commission nominated pursuant to § **2(e)** of the Confirmation Act of 1978;
- Unpaid members of a Board or Commission nominated pursuant to § **2(f)** of the Confirmation 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

- The Local Hatch Act defines “political activity” as:
  - 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.
  - D.C. Official Code § 1-1171.01(8)(A)



# Political Activity that is “Regulated by the District”

“Regulated by the District” =

- any election, ballot initiative, or referendum that is regulated by the District of Columbia Board of Elections.



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

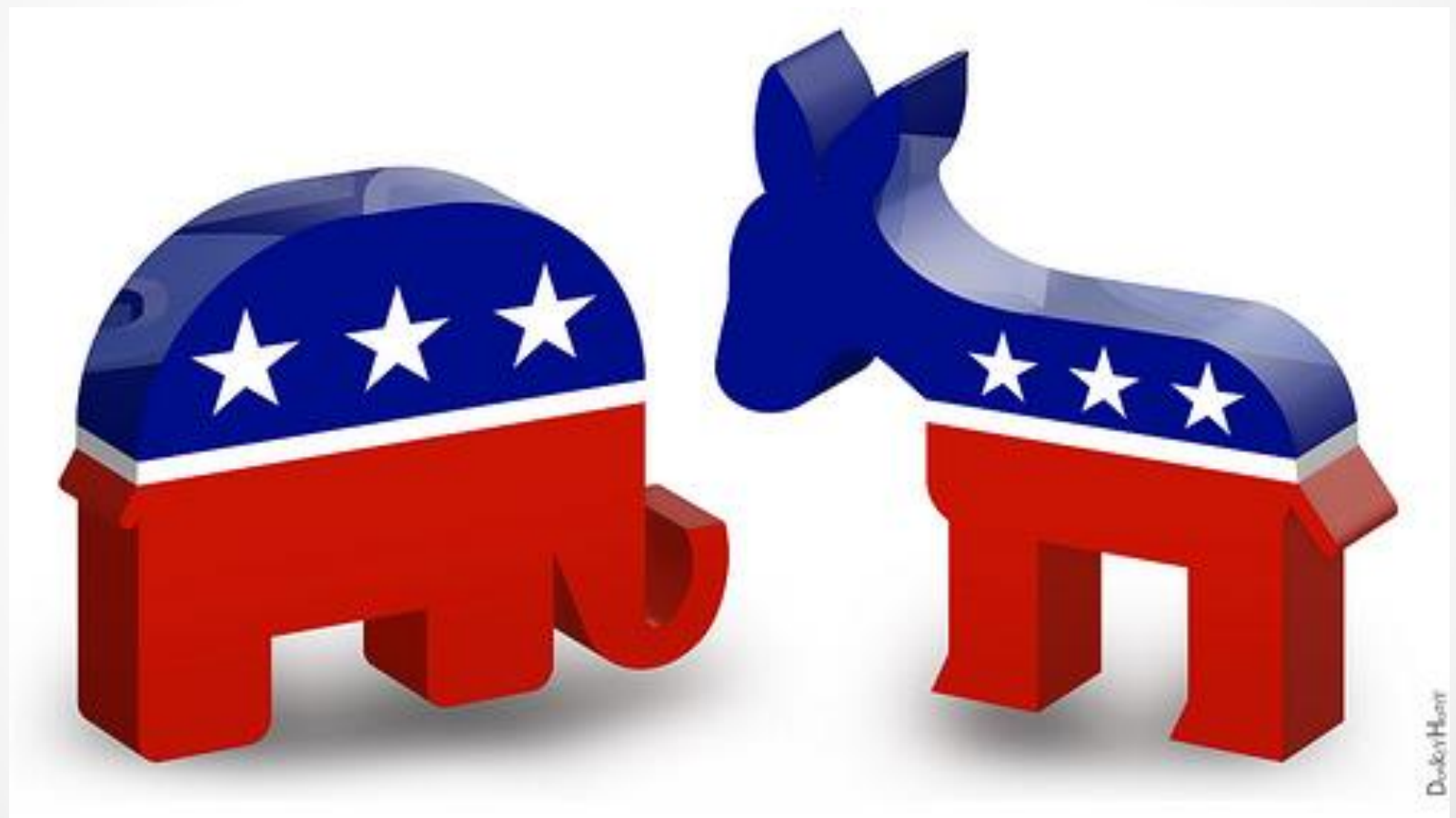
# “Political Activity” Prohibitions

- 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);
  - File as a candidate for election to a **partisan** political office.
  - Knowingly direct, or authorize anyone else to direct, that any subordinate employee participate in an election campaign or request a subordinate to make a political contribution.
- When engaging in **ANY** “political activity,” D.C. government employees cannot:
  - Use their official authority or influence for the purpose of interfering with or affecting the result of an election;

• D.C. Official Code § 1-1171.02



# Partisan Political Office



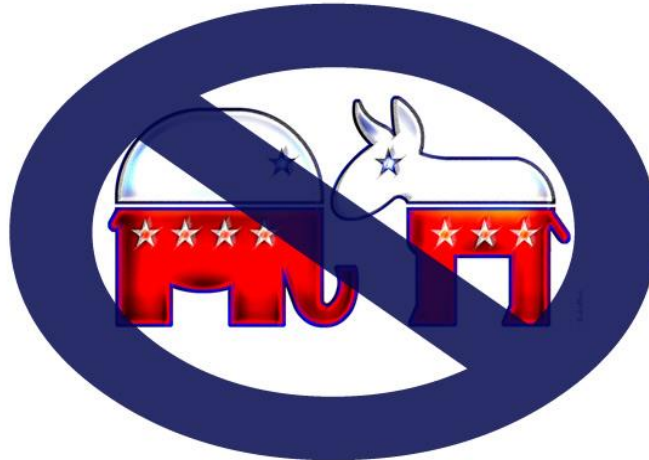


# Partisan Political Office

- Any office **in the District Government** for which any candidate is nominated or elected as representing a party.
- Parties whose candidates received votes in the last/preceding Presidential election (2016)
  - 1. Democrat
  - 2. Republican
  - 3. Libertarian
  - 4. Statehood Green

# Non-Partisan Political Office

- D.C. government employees who **are** District residents may file as candidates for ***non-partisan*** District office.
  - D.C. Official Code § 1-1171.02



# **“Political Activity” that is *not* regulated by the District**

- When engaging in “political activity” that is ***not*** regulated by the District:
  - A D.C. government employees who ***is not*** a District resident may file as a candidate to a partisan political office in their own local, non-District elections without restriction by the Local Hatch Act.
  - A D.C. government employee engaged in political activity that is ***not*** regulated by the District is permitted to solicit, accept, or receive political contributions from any person.
- D.C. Official Code § 1-1171.02

# Fundraising as “Political Activity”

- The Local Hatch Act permits D.C. government employees to take an active part in political management or in political campaigns.
  - This means that, if you are D.C. government employee:
    - you can work on and manage the District-regulated partisan or non-partisan political campaign of another;
    - you can work on, manage, and fund-raise for your own District regulated non-partisan campaign;
    - you can work on, manage, and fund-raise for a non-District regulated campaign of another or yourself, regardless of whether it is a partisan or non-partisan campaign.
  - **AND**
    - you **CAN** fund-raise for the District-regulated campaign of another if it is a non-partisan campaign.

Meet and Greet



# “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).
  - Contributions made to cover the costs of the event constitute political contributions. Therefore, if the Meet & Greet event has a cost, it is a fundraising event and District employees are prohibited from taking an active part in the event, other than attending.



# Linda

## SZYNKOWICZ 2016

Candidate for State Representative  
in the 33<sup>rd</sup> District Middletown, CT

## Meet and Greet with Chubby Checker, a Szynkowicz Supporter

*Friday, April 22, 2016  
6-10 PM*

*Suggested Campaign  
Donation: \$25*

*Elk's Lodge #771  
44 Maynard Street  
Middletown, CT  
Patio Room*



SZYNKOWICZ 2016 140 KNOX BLVD. MIDDLETOWN, CT 06457  
Info at [www.szynkowicz2016.com](http://www.szynkowicz2016.com) or contact (860) 575-7125

— *"Fresh Ideas & Common Sense"* —

Paid for by Szynkowicz 2016 - Hollies Goldman, Treasurer.  
Approved by Linda Szynkowicz, Candidate State Rep 33rd.





# 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.
- The designated D.C. government employee may not perform this function while on duty or in any room or building occupied in the discharge of official duties in the District government, including any agency or instrumentality thereof.

○ D.C. Official Code § 1-1171.02(b)

# Prohibited “Political Activity”



# Prohibited “Political Activity”

- **ALL** D.C. government employees are prohibited from engaging in **ALL** political activity, regardless of whether it is regulated by the District, while:
  - 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
  - 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.

**IMPEACH BUSH**

LIES - WAR - INCOMPETENCE =  
**IMPEACHMENT**  
(Guns, Oil, Katrina)

**IMPEACH BUSH**

**WARNING:**  
THIS VEHICLE PULLS  
TO THE LEFT

AM **940 WINZ**  
940 AM 940 WINZ

Bush's Third Term  
**MCCAIN**



 **OBAMA'08**  
www.sarakobama.com



TOYOTA

PRIDE

**BULLSHIT**  
Mr. President

Bush bin-Lyin'

Who is Bush kidding?  
A Budget Deficit IS  
A Tax Increase

**DEMOCRATS**  
*The people who brought you  
the surplus*

**Jesus**  
Was a Social Activist Liberal  
Are You?

Republican Health Plan:  
DON'T GET SICK

Apathy is  
Dangerous.

**GREED**  
IS A MORAL ISSUE

GOVERNMENT BY ORGANIZED MONEY  
IS AS DANGEROUS AS  
GOVERNMENT BY ORGANIZED MOB



George Bush is a  
**CORPORATE WHORE**

Enough Is Enough!

**Vote Democratic!**  
www.democrats.org

**Hate, Lies, Greed.**  
THE REPUBLICAN WAY



Postal Workers Campaigned for Hillary



# Government Insignia



Sheriff Campaign - Hillsdale, MI

# TAX PAYERS MONEY HARD AT WORK



Spotsylvania County Sheriff's candidate



# Prohibited “Political Activity”

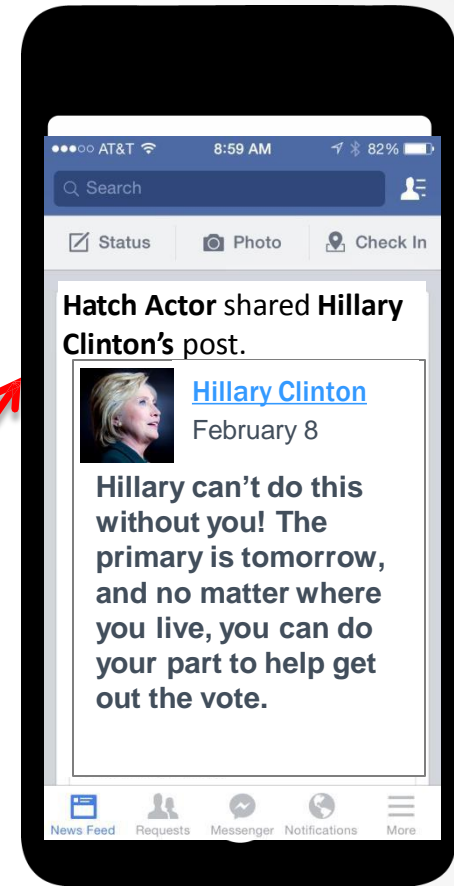
- In addition, a D.C. government employee may not coerce, explicitly or implicitly, any subordinate employee to engage in political activity.
  - D.C. Official Code § 1-1171.03(b)
  - or
- Use their official authority or influence for the purpose of interfering with or affecting the result of an election;
  - D.C. Official Code § 1-1171.02(a)(1)



May I use a smartphone or other personal device to post or share political content on Facebook or Twitter while I am on duty or in the workplace?



You log on to your Twitter or Facebook app on your smartphone and post political comments, or share, like, or retweet political content posted by others.



**NO. This is NOT OKAY.** You may not engage in political activity via social media at any time when you are on duty or in the workplace, regardless of the method used to access your social media sites.



Search

**Kerry O'Grady**Sunday at 11:06 PM · 

As a public servant for nearly 23 years, I struggle to not violate the Hatch Act. So I keep quiet and skirt the median. To do otherwise can be a criminal offense for those in my position. Despite the fact that I am expected to take a bullet for both sides. But this world has changed and I have changed. And I would take jail time over a bullet or an endorsement for what I believe to be disaster to this country and the strong and amazing women and minorities who reside here. Hatch Act be damned. I am with Her.



Write a commen...



Post

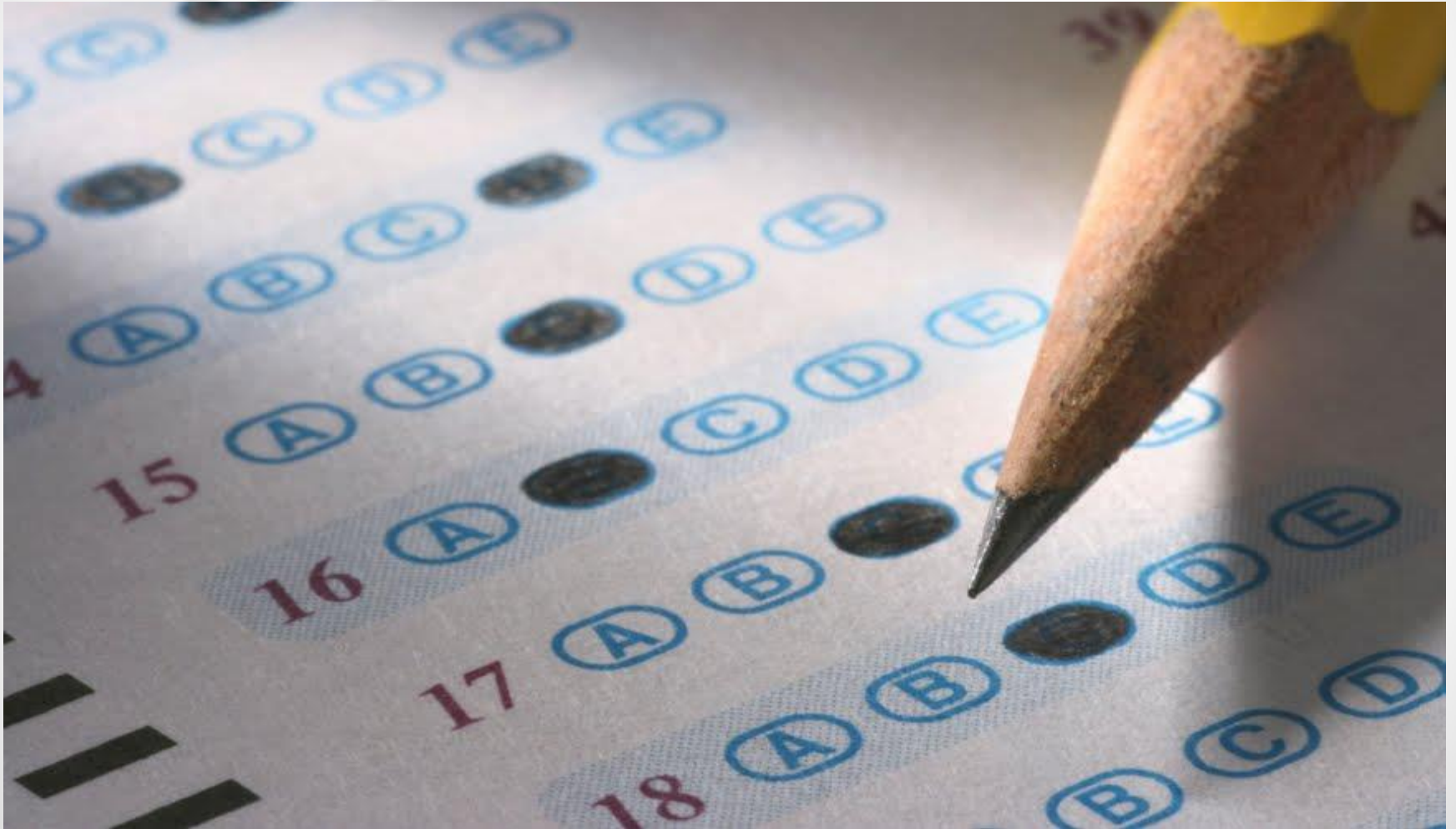


# EXPLORATORY COMMITTEES

## Testing the Waters of Candidacy

- Can a District employee form an **Exploratory Committee** before becoming a candidate?
- The answer is: YES. Theoretically, for purposes of the Ethics Act and the LHA, it is permissible for a government employee to **HAVE** an Exploratory Committee without being deemed a Candidate.
- **BUT**
- The Employee should not **CREATE** the Exploratory Committee because of the risk that the employee will be deemed a candidate if any fundraising occurs.
- Important distinction because becoming a Candidate for purposes of the LHA leads to the employee being required to resign his/her government position.
- **Thus, 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 engage in fundraising for the Exploratory Committee;
  - Does not receive contributions or make expenditures regarding the Exploratory Committee; and
  - Does not coordinate or otherwise consent to another person receiving contributions or making expenditures regarding the Exploratory Committee.
- **REMEMBER THE RISK:**
- **DISTRICT EMPLOYEES MAY NOT ENGAGE IN FUNDRAISING FOR A PARTISAN DISTRICT REGULATED ELECTION.**
- - **IMPORTANT NOTE:** If your position is paid in whole or in part by federal funds, be advised that you are also subject to the federal Hatch Act which **DOES NOT** allow for an exploratory committee.

# Apply Your Knowledge



# Apply Your Knowledge

- Question: I am a District government employee paid entirely with District funds. I reside in the District, but my childhood friend is running for office in Maryland, on a partisan ticket. Am I permitted to **campaign** for my friend.
- Answer: Yes
- Question: Am I permitted to **solicit campaign funds** for my friend's campaign?
- Answer: Yes



# Apply Your Knowledge

- Question: May an employee distribute brochures for a political party outside of a polling place on Election Day?
- Answer: Yes, the employee can distribute brochures outside of a polling place as long as she is off duty and not wearing any government insignia.



# Apply Your Knowledge

- Question: I am a District government employee and my spouse is running for partisan office in the District. Can I fundraise for my spouse's campaign?
- Answer: No, there is no spousal exception for fundraising for a District regulated election.
- Question: I run into someone in the grocery store who wants to give me a check for my spouse's campaign. Can I pass the check along to my spouse?
- Answer: No, this constitutes taking part in fundraising for a District regulated election.

# Apply Your Knowledge

- Question: Whether a public official can give a speech on behalf of a political candidate using their official title.
- Answer: No. He or she can only do so in their personal capacity.

# Apply Your Knowledge

- Question: Can I wear a partisan political button or t-shirt while I am in my District government office?
- Answer: No, that's prohibited political activity.
- Question: Can I wear a partisan political button or t-shirt while I am in a District government office or building that I don't work in?
- Answer: No, the prohibition covers all District government buildings.

# 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.
  - 5 U.S.C. § 1501(4) (defining who is covered).

# Covered District Employees

- ▶ A covered District employee whose salary is paid ***in whole*** with federal funds may not:
  - ▶ Be a candidate for elective office.
  - ▶ 5 U.S.C. § 1502.



# Covered District Employees

- A covered District employee whose salary is paid ***in part*** with federal funds may:
  - Be a candidate for elective office, if not otherwise prohibited by the Local Hatch Act.



# Questions about the federal Hatch Act?

- If you have questions about the federal Hatch Act specifically, you may contact the Hatch Act Unit of the federal government's Office of Special Counsel (OSC). Inquiries about the federal Hatch Act may be made in writing or by telephone 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 or (800) 854-2824  
(202) 254-3650  
Fax: (202) 254-3700

Requests for federal Hatch Act advisory opinions (only) may be made by e-mail to: [hatchact@osc.gov](mailto:hatchact@osc.gov)



# May Not May

❖ <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. ❖ <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. ❖ <b>MAY</b> assist in voter registration drives. ❖ <b>MAY</b> attend and be active at political rallies and meetings.
❖ <b>MAY NOT</b> engage in political activity while – ❖ on duty ❖ in any room or building occupied in the discharge of official duties of the District government, including an agency or instrumentality ❖ wearing a uniform or official insignia identifying the office or position of the employee ❖ using any vehicle owned or leased by the District.	❖ <b>MAY</b> join and be an active member of political clubs or parties. ❖ <b>MAY</b> hold office in political clubs or parties. ❖ <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.

# 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)