

The Hatch Act restricts Executive Branch employees' ability to be politically active and is governed by the U.S. Office of Special Counsel. Under the Hatch Act, employees may not be politically active while on Government time, in a Government building, while wearing a Government uniform, or while in a Government vehicle. Political activity is any activity directed towards the success or failure of either a candidate or a political party. In addition, the Hatch Act prohibits employees from soliciting or receiving political contributions. Employees may never solicit political contributions, not even on the weekends or while taking leave.

During the past few years, blogs have become a popular way for people to communicate and interact. Most candidates and political campaigns now have websites which contain blogs and allow visitors to either blog on the candidate's website or create their own blogs which are then linked to the candidate's website. Creating or posting a political blog is considered political activity under the Hatch Act. Because employees may not engage in political activity while in a Government building or during official time, employees must not blog on political websites or blog about partisan political topics while at work or while on official time.

There are some circumstances where blogging is a Hatch Act violation regardless of when and where the blogging occurs. For example, many of the candidate and campaign websites put a "donate" button next to the blogs posted on their website. If a "donate" button is next to an employee's blog, the employee is considered to be soliciting political contributions from the readers of the blog in violation of the Hatch Act. The Hatch Act has a blanket prohibition on Executive Branch employees soliciting political contributions. Therefore, a Hatch Act violation could occur even if the employee didn't identify himself/herself as a federal employee or have any control over the "donate" button. Consequently, if you are going to post your own blog or post to a blog on a campaign or candidate's website, please do not authorize a "donate" button to be placed in or near your blog. In order to avoid a Hatch Act violation, you should not blog on a website if you do not have a choice as to whether a button is placed in or near your blog.

For more general information about the Hatch Act, please view the video or booklet prepared by the U.S. Office of Special Counsel that describes the rights and responsibilities of federal employees under the Hatch Act (see links below). If you would like clarification on the rules discussed above, or you have additional Hatch Act questions, please feel free to the Ethics Law Staff at 202-501-0765 or your Office of Regional Counsel.