



Protecting and serving  
all of America's voters  
on Election Day

## The Hatch Act

### What it means for police officers, deputy sheriffs, and other state and local law enforcement

*(Please note: This document does not provide legal advice. Agencies are encouraged to confer with their legal counsel for clarification about whether they are subject to the Hatch Act and for guidance about specific situations.)*

### How the Act Applies to State and Local Government Employees

[The Hatch Act](#) is a federal law that limits certain political activities of federal employees, as well as some state and local government employees working in organizations that receive federal funding, such as many local law enforcement agencies do.<sup>1</sup> This Act would impact nearly all local law enforcement agencies. State law or regulations of the employing agency may impose additional restrictions beyond those in the Hatch Act.

### The Prohibitions of the Act<sup>2</sup>

The Hatch Act specifically prohibits federal, state, and local employees—including law enforcement—from several types of political activities including:

- Be candidates for public office in a partisan election if their salary is entirely federally funded
- Use official authority or influence to interfere with or affect the results of an election or nomination
- Directly or indirectly coerce, attempt to coerce, command, or advise a state, D.C., or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes

### Permitted Activities<sup>3</sup>

Employees must be **acting in their personal capacity, not their official capacity** (for example, identifying their official title) when engaging in activities including:

- 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 active members of a political party or club
- Sign and circulate nominating petitions
- Campaign for or against referendum questions, constitutional amendments and/or municipal ordinances
- Campaign for or against candidates in partisan elections
- Make campaign speeches for candidates in partisan elections
- Distribute campaign literature in partisan elections
- Campaign for and hold office in political clubs or parties
- Volunteer to work on a partisan political campaign
- Participate in any activity not specifically prohibited by law or regulation

*(Continued)*

<sup>1</sup> <https://osc.gov/Services/Pages/HatchAct.aspx>

<sup>2</sup> <https://osc.gov/Services/Pages/HatchAct-StateLocal.aspx#tabGroup31|tabGroup12|tabGroup54>

<sup>3</sup> <https://osc.gov/Services/Pages/HatchAct-StateLocal.aspx#tabGroup32>



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## What does 'Official Capacity' Mean?

While federal government guidelines do not define what 'official capacity' specifically means for local and state government employees, agencies may look to the guidance and definitions provided to federal employees to set local standards and policies. Agencies are encouraged to work with counsel for guidance around specific situations and the extent to which these terms and restrictions apply.

**As the Office of Special Counsel<sup>4</sup>** indicates, federal employees may not engage in political activity – i.e., activity directed at the success or failure of a political party, candidate for partisan political office, or partisan political group – while the employee is on duty, in any federal room or building, while wearing a uniform or official insignia, or using any federally owned or leased vehicle.

Additionally, while at work, federal employees may not:

- Distribute campaign materials or items
- Display campaign materials or items
- Perform campaign related chores
- Wear or display partisan political buttons, t-shirts, signs, or other items
- Make political contributions to a partisan political party, candidate for partisan political office, or partisan political group
- Post a comment to a blog or a social media site that advocates for or against a partisan political party, candidate for partisan political office, or partisan political group
- Use any email account or social media to distribute, send, or forward content that advocates for or against a partisan political party, candidate for partisan political office, or partisan political group

Although these Hatch Act prohibitions apply specifically to federal employees, state law may impose similar restrictions on state and local employees

## The Rationale

The rationale behind the Hatch Act is that the executive branch of government, including law enforcement, has coercive power by its nature, and this power should not be used to unduly influence democratic elections.

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<sup>4</sup> <https://osc.gov/Services/Pages/HatchAct-Federal.aspx#tabGroup12>



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## Additional Resources

### U.S. Office of Special Counsel

State, D.C., or Local Employee Hatch Act Information

<https://osc.gov/Services/Pages/HatchAct-StateLocal.aspx#tabGroup12|tabGroup31>

### Federal Employee Hatch Act Information

<https://osc.gov/Services/Pages/HatchAct-Federal.aspx#tabGroup11|tabGroup32|tabGroup53>

### National Sheriff's Association

“[Political Activity and the State and Local Employee](#),” The US Office of Special Counsel, [www.osc.gov](http://www.osc.gov).

### Congressional Research Service

The Hatch Act: A Primer - <https://fas.org/sgp/crs/misc/IF11512.pdf>



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