

# Reclamation Manual

## Policy

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### Political Activity and the Hatch Act

1. **Purpose.** Reclamation employees must conduct themselves in a manner consistent with democratic principles while maintaining impartiality and confidence of the American public. This appendix provides guidance and information on acceptable and unacceptable political activity for Reclamation employees.
2. **The Hatch Act.** The Hatch Act, 5 USC 7321-7326, limits partisan political activities of Federal employees. For purposes of the Hatch Act, political activity is any activity directed toward the success or failure of a partisan candidate, political party, or partisan political group. Violation of the Hatch Act may result in disciplinary action, including removal from Federal employment.
3. **Prohibited Political Activities.** Under the Hatch Act, Federal employees may never:
  - A. use their official authority or influence for the purpose of interfering with or affecting the result of an election,
  - B. solicit, accept, or receive a political contribution,
  - C. run for the nomination or as a candidate for election to a partisan political office (with some exceptions, see paragraph 5-4),
  - D. solicit or discourage the political activity of someone with business before their employing office,
  - E. engage in political activity while on duty,
  - F. engage in political activity while in any room or building occupied in the discharge of official duties by a Federal employee or office-holder,
  - G. engage in political activity while wearing a uniform or official insignia, or
  - H. engage in political activity using a government vehicle, including a rental vehicle.
4. **Employees who may be a Candidate for Partisan Political Office.**
  - A. Employees who live in the District of Columbia (D.C.), designated areas of Virginia and Maryland, and other designated areas where the majority of voters are employed by the Federal government may:
    - (1) run as independent candidates in partisan elections for local offices of the designated municipality or political subdivision, and

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- (2) accept or receive political contributions in connection with those local elections, but they may not solicit political contributions from the general public.<sup>1</sup>

B. **If you intend to run for the nomination or as a candidate for election to a partisan or non-partisan political office, you must consult your ethics official prior to running.**

#### 5. Use of Federally Owned or Leased Land or Facilities by Political Campaigns.

- A. The Hatch Act does not apply to candidates for partisan political office or to representatives of political parties. However, it does apply to Federal employees assigned to review or approve requests by campaigns or parties to hold partisan political events on Federally owned or leased property. It also applies to Federal employees who perform official duties in proximity to events held on Federal property. Those employees must abide by the Hatch Act's restrictions when performing official duties incidental to partisan political events.
- B. Sometimes partisan political campaigns request permits or authorizations to use Reclamation-administered land and facilities for campaign events. For example, a partisan political campaign may apply for use of Reclamation land through the Use Authorization Application, Form 7-2540, as described in 43 CFR 429. If an employee receives a request from a political campaign for such a use authorization, the employee should treat it in the same manner as similar requests from any other organization. So long as the request does not involve use of a traditional Federal workplace (including a publicly accessible portion of a traditional Federal workplace, such as a cafeteria, courtyard, or auditorium), an employee would not violate the Hatch Act by approving the request in accordance with applicable Reclamation and Department of the Interior policies. **If an employee intends to approve a Use Authorization Application or any other type of permit for a political event, an ethics official must be consulted prior to approval.**
- C. For Reclamation land and facilities leased by third parties, to the extent that Reclamation employees are involved in the authorization process for events—including partisan political events—held at facilities that are owned, leased, or operated by third parties, then Reclamation employees should adhere to the guidance above.

#### 6. Requests for Polling Places or Voter Drives on Reclamation-Administered Land.

- A. A Reclamation employee would not violate the Hatch Act by authorizing a state or local government to establish a polling place on Reclamation-administered land. If any

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<sup>1</sup> In addition to D.C. and parts of Maryland and Virginia, the other designated communities are Anchorage, AK, Benicia, CA, Bremerton, WA, Elmer City, WA, Port Orchard, WA, Centerville, GA, Warner Robbins, GA, Crane, IN, Huachuca City, AZ, Sierra Vista, AZ, New Johnsonville, TN, and Norris, TN. For specific designated areas of Virginia and Maryland, see 5 CFR 733.107.

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political parties or campaigns request to engage in electioneering activities on Reclamation-administered land near a polling place, employees should follow Reclamation's standard use authorization process, along with applicable election laws, when evaluating those requests.

- B. For voter registration drives, a truly nonpartisan voter registration drive will never raise Hatch Act concerns. If an employee receives a Use Authorization Application for a partisan voter drive, the employee should approve or disapprove such a voter registration drive on Reclamation-administered land in accordance with the applicable use authorization process. Of course, a partisan voter registration drive should not, however, be permitted in a Federal office building or other traditional Federal workplace. **If an employee intends to approve a Use Authorization Application or other type of permit for a polling place or voter drive, an ethics official must be consulted prior to approval.**
7. **Employees with Official Duties Near Partisan Political Events on Reclamation-Administered Land or Facilities.**
- A. Employees may be assigned to perform official duties in proximity to partisan political events on Reclamation-administered land or facilities, in the same way that Reclamation employees perform official duties incidental to any event taking place on Reclamation owned or administered land. **In these cases, an ethics official should be consulted prior to approval of the event.**
  - B. In order to avoid any potential Hatch Act violations, Reclamation employees assigned to perform official duties in proximity to partisan political events should not become, or appear to become, actively involved in the event while performing their official duties. This includes, to the extent possible, avoiding appearing in any photos taken at the event.
  - C. Employees whose official duties are wholly unrelated to partisan political events taking place on Reclamation land, but who work in the vicinity of such events, may not attend these events while on duty.
8. **Employee Participation in Official Events Where a Candidate is Present.** To avoid any appearance that Reclamation employees are using Government resources or the authority of their offices for political purposes, the following guidelines should be followed when employees participate in an official capacity at a public event in which a candidate will be present (including an incumbent running for re-election).
- A. An employee should attend an event in an official capacity only if there is an agency purpose for his or her attendance.

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- B. A candidate should be invited to a Government event only if there is an agency purpose for the candidate's attendance. (This is unlikely if the invitee does not already hold a Government office or position.)
  - C. An employee present at an event should not refer to either the election or the party affiliation of the candidate.
  - D. If the employee speaks at an event, any remarks referencing a candidate should be limited to the candidate's role in the specific project or action for which the event is being held. Remarks should not be made regarding the candidate's general performance in office.
  - E. An employee should avoid appearing in photos at the event that could be used for campaign purposes.
9. **Ethics Review for Press Releases or Social Media Posts from Official Reclamation Accounts.** Only the Designated Agency Ethics Official has the authority to provide official ethics review for Reclamation press releases or social media posts. However, the Reclamation Ethics Team can review and recommend whether official ethics review is necessary. In practice, if a message comes from or is posted by the Department of the Interior, the Secretary, or any other official Department of the Interior Leadership (Office of Secretary), you may consider it officially reviewed and re-post-able.