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Guidance on President Trump's Status as a Candidate
and Its Effect on Activity in the Federal Workplace

The U.S. Office of Special Counsel (OSC) has received numerous questions from federal employees regarding President Donald Trump's status as a candidate in the 2020 Presidential election and, in particular, its impact on the Hatch Act's prohibition against engaging in political activity while on duty or in the workplace. For purposes of the Hatch Act, political activity is defined as activity directed at the success or failure of a political party, partisan political group, or candidate for partisan political office. In the past, OSC has advised that an incumbent President is considered a "candidate" for purposes of this prohibition when he officially announces his candidacy for reelection.

OSC understands that, while not an official declaration of candidacy, President Trump has filed paperwork with the Federal Election Commission establishing that he is a candidate in the 2020 Presidential election. Because the 2020 election is still more than three years away, at this time not all expressions of support or opposition to President Trump constitute political activity for purposes of the Hatch Act. For example, the Hatch Act does not prohibit federal employees, either on duty or off duty, from wearing or displaying pictures of President Trump or items from his 2016 campaign, or expressing their approval or disapproval of President Trump or his Administration, policies, or actions. However, the Hatch Act does prohibit federal employees, while on duty or in the workplace, from expressly advocating for or against his reelection in 2020. For example, federal employees may not display signs in their office that read "Reelect Trump in 2020" or express on social media or via email, "Defeat Trump in 2020," while on duty or in the workplace.

As with past Presidents running for reelection, once President Trump officially announces that he is a candidate in the 2020 election, the Hatch Act will prohibit federal employees while on duty or in the workplace from, for example, wearing or displaying pictures¹ or other items, or engaging in communications, that are directed at the success or failure of his candidacy. This prohibition is broad and encompasses more than displays or communications that expressly advocate for or against President Trump's reelection.

¹ See <https://osc.gov/Resources/2011-04-05%20FAQ%20Re%20Presidential%20photographs%20and%20candidacy%20for%20reelection.pdf>

Hatch Act FAQ

Q: May federal employees express their views about current events, policy issues, and matters of public interest at work or on duty?

A: Generally, all federal employees may discuss current events, policy issues, and matters of public interest at work or on duty. The Hatch Act does not prohibit employees at any time, including when they are at work or on duty, from expressing their personal opinions about events, issues, or matters, such as healthcare reform, gun control, abortion, immigration, federal hiring freeze, etc. For example, while at work employees may express their views about healthcare reform, e.g., “I agree with healthcare reform.”

However, the Hatch Act prohibits federal employees at work or on duty from engaging in political activity. Political activity is activity that is directed at the success or failure of a political party, partisan political group, or candidate for partisan political office. Thus, employees may not express their personal opinions on such events, issues, and matters if such views also are political activity. For example, while at work employees may not express their views about healthcare reform tied to a candidate for partisan political office, e.g., “If you disagree with healthcare reform you should support candidate X.”

Finally, even when federal employees are expressing personal opinions that are permissible under the Hatch Act they should be mindful of how such views may be received by their coworkers and whether such comments are consistent with the Hatch Act’s underlying purpose of maintaining a politically neutral workplace.