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Hatch Act Advisory Opinion Regarding the Use of Presidential Campaign Slogans

The U.S. Office of Special Counsel (OSC) has received inquiries from federal employees about the use of presidential campaign slogans for official purposes. Currently at issue are three campaign slogans – “Build Back Better,” “Finish the Job,” and “Make America Great Again” or “MAGA.” These slogans are associated with two current candidates in the 2024 presidential election, the first two with President Joseph Biden and the third one with former President, and current presidential candidate, Donald Trump. “Build Back Better” is also associated with some official Biden Administration policy initiatives and programs. Thus, OSC is issuing this advisory opinion to address the extent to which the Hatch Act prohibits the use of campaign slogans in an employee’s official capacity and to clarify the limited circumstances in which the use of “Build Back Better” would be permissible.

The Hatch Act prohibits federal employees from engaging in political activity while on duty or in a federal room or building.¹ In addition, the Hatch Act prohibits employees from using their official authority or influence to affect an election,² which includes engaging in political activity while acting in one’s official capacity. Under the Hatch Act, political activity is activity directed at the success or failure of a political party, partisan political group, or candidate for partisan political office.³ This definition of political activity is broad and does not require any express advocacy for or against a political party or candidate.

Thus, employees may not, for example, wear or display items, or post or tweet messages with campaign slogans, including “Build Back Better,” “Finish the Job,” “Make America Great Again,” or “MAGA” while they are on duty or in the workplace.⁴ In addition, employees may not use these campaign slogans when they are conducting government business or performing their duties as government officials, to include, giving official speeches, responding to media inquiries, announcing or defending policy initiatives, or otherwise communicating (via email, text, social media, press releases, etc.) on official matters.

“Build Back Better”

OSC recognizes that after the 2020 presidential election, the Biden Administration used the phrase, “Build Back Better” to brand some of its official policy initiatives and programs. At

¹ 5 U.S.C. § 7324(a).

² 5 U.S.C. § 7323(a)(1).

³ 5 C.F.R. § 734.101.

⁴ OSC already has issued two advisory opinions specifically addressing this question: [The Hatch Act implications of President Biden announcing his reelection campaign.pdf \(osc.gov\)](#); and [Hatch Act Advice Now that Former President Trump is a Presidential Candidate.pdf \(osc.gov\)](#).

the time, President Biden was not a candidate for reelection, and thus, the use of the 2020 campaign slogan was not directed at his electoral success but rather to promote his administration's policies. Accordingly, even though President Biden is now a candidate, OSC advises that continued use of "Build Back Better" in connection with initiatives or programs already branded as such does not violate the Hatch Act.⁵ However, because President Biden is now running for reelection, the use of the campaign slogan "Build Back Better" should not be used to brand any new initiatives or programs. And aside from the limited exception described above, official speeches, agency communications, and government resources should not include, display, or make use of this slogan until after the conclusion of the 2024 presidential election.

"Finish the Job," "MAGA," and Other Campaign Slogans

The limited exception described above, allowing for the continued use of "Build Back Better" for programs or policy initiatives branded as such prior to President Biden becoming a candidate for reelection, does not apply to other campaign slogans because the unique circumstance surrounding the administration's preexisting use of that phrase is not present.⁶ For example, "Finish the Job" does not have the same history of being used to brand official administration initiatives or programs; it is the new and current slogan for President Biden's reelection campaign. Accordingly, federal employees should not use the campaign slogan "Finish the Job" while on duty, in the workplace, or when acting in their official capacity, including communicating through social media, email, or on government websites.

Similarly, "Make America Great Again" or "MAGA" is not associated with any current administration policy. Some people have argued that MAGA's meaning has expanded beyond former President Trump's campaign slogan and now represents a broader political ideology, such that its use does not constitute political activity unless paired with express advocacy for a candidate or political party. That is not OSC's position. MAGA remains the campaign slogan of a current candidate for partisan political office, and therefore, its use constitutes political activity. This is true regardless of whether the slogan is used positively or negatively to describe—e.g., MAGA officials, MAGA Republicans, MAGA policies, or MAGA Members of Congress. Accordingly, federal employees should not use "MAGA" or "Make America Great Again" while on duty, in the workplace, or when acting in their official capacity, including communicating through social media, email, or on government websites.

Please contact OSC at hatchact@osc.gov or (202) 804-7002 if you have any questions.

⁵ This is consistent with the position OSC took with respect to the Trump Administration's use of MAGAnomics to brand its economic plan. And OSC's position with respect to MAGAnomics has not changed.

⁶ This analysis is not limited to "Finish the Job," "Make America Great Again," or "MAGA;" it also would apply to any other campaign slogans of current candidates for partisan political office.