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**The Hatch Act and the Use of Administrative Leave
to Participate in Nonpartisan Poll Activities**

The U.S. Office of Personnel Management (OPM) recently issued guidance implementing Executive Order 14019 on Promoting Access to Voting. That guidance instructs federal executive agencies to, among other things, allow employees to use up to four hours of administrative leave per leave year to serve as nonpartisan poll workers or participate in nonpartisan observer activities.¹ The U.S. Office of Special Counsel (OSC) is issuing this advisory opinion to provide additional guidance on the Hatch Act implications of this new policy.

The Hatch Act does not prohibit any federal employee from authorizing the use of, or using, administrative leave to serve as nonpartisan poll workers or participate in nonpartisan poll observer activities. But the Hatch Act does prohibit the use of administrative leave to engage in partisan poll activities.² Thus, it is important for federal employees to understand the difference between nonpartisan poll activities and partisan poll activities.

Partisan poll activities are done on behalf of, or in coordination with, a political party, partisan political group, or candidate for partisan political office. For example, partisan poll workers might distribute campaign literature or sample party ballots outside of polling locations. Partisan poll observers, watchers, or challengers might track voter turnout to help the party identify and reach out to supporters who have not yet cast their ballots or watch for any missteps in election processes. The goal of partisan poll observers is to ensure that the election administration does not disadvantage their political party or candidate, and thus, their activity is directed at the success of the candidate or political party.

In contrast, nonpartisan poll workers and poll observers do not work or volunteer on behalf of, or in coordination with, political parties, partisan political groups, or candidates for partisan political office. Nonpartisan poll workers provide services to their local municipality by, for example, setting up voting equipment, checking voter identification and/or voter registration, printing and handing out ballots, instructing voters on how to use voting machines, and tabulating the results at the close of the polls. Nonpartisan poll observers focus on ensuring compliance with election administration regulations and are interested in promoting integrity, transparency, and efficiency in the electoral process for its own sake and not because of how it impacts one political party or another.³

It is the responsibility of any federal employee requesting administrative leave under OPM's new policy to participate in poll activities to ensure that they will use the leave solely to engage in *nonpartisan* poll activities. You may contact OSC's Hatch Act Unit at (202) 804-7002 or hatchact@osc.gov with any questions about the Hatch Act.

¹ See OPM's March 24, 2022 Memorandum for Heads of Executive Departments and Agencies: [Executive Order on Promoting Access to Voting | CHCOC](#).

² In addition, [further restricted employees](#) are always prohibited from participating in any partisan poll activities.

³ Each state has different rules for allowing or disallowing nonpartisan poll observers.