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December 14, 2022

Hatch Act Advice for Federal Employees
Now that Former President Trump is a Presidential Candidate

The U.S. Office of Special Counsel has received several questions from federal employees about how the Hatch Act affects their workplace activities now that former President Donald J. Trump has declared his candidacy in the 2024 presidential election. This opinion addresses those questions.¹

The Hatch Act prohibits federal employees from engaging in political activity while on duty or in a federal room or building.² For purposes of 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 prohibition is broad and encompasses more than displays or communications (including in-person and via email or social media) that expressly advocate for or against former President Trump's election. For example, while on duty or in the workplace, employees may not wear, display, or distribute items with the slogan "Make America Great Again," "MAGA," or any other materials from former President Trump's 2016, 2020, or 2024 campaigns or use hashtags such as #MAGA or #Trump2024 in social media posts or other forums.

In addition, because the Hatch Act generally prohibits employees from displaying pictures of candidates for partisan public office in the federal workplace,⁴ employees may not display most pictures of former President Trump while they are on duty or in a federal room or building. The only exception to that prohibition is if the photograph is a personal one,⁵ meaning the employee is in the photograph with former President Trump; the photograph was taken at a personal or professional event (e.g., wedding or agency awards ceremony); and the photograph is not related to the campaign (e.g., it does not show any campaign slogans or materials, it was not taken at a campaign event, etc.).

Please contact OSC at hatchact@osc.gov or (202) 804-7002 with questions.

¹ Should President Joseph Biden similarly become a candidate, OSC will issue further advice to federal employees at that time.

² Employees also may not engage in political activity while wearing a uniform or official insignia identifying the office or employee's position, or while using a government owned or leased vehicle. 5 U.S.C. § 7324(a).

³ 5 C.F.R. § 734.101.

⁴ See 5 C.F.R. § 734.306, Example 16.

⁵ This exception would apply to photographs of any current candidate for partisan political office. For a more detailed discussion of this issue, please see [this advisory opinion](#). Please note that the exception for official photographs of the incumbent President would not apply to former President Trump because he is not currently the incumbent President.