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Advisory Opinion Regarding the Hatch Act and President Joseph Biden
Now that He Is a Candidate for Reelection

The U.S. Office of Special Counsel (OSC) is issuing this advisory opinion to address questions about how the Hatch Act affects the workplace activities of federal employees now that President Joseph Biden is a candidate in the 2024 presidential election.

The Hatch Act prohibits federal employees from engaging in political activity while on duty or in a federal room or building.¹ Employees are “on duty” when they are in a pay status, other than paid leave.² Thus, employees are on duty for purposes of the Hatch Act even when they are teleworking from home or another location. (See this [advisory opinion](#) regarding the Hatch Act’s application when teleworking).

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. 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 President Biden’s reelection. For example, while on duty or in the workplace, employees may not: wear, display, or distribute items with campaign slogans, including from the 2020 Biden/Harris campaign or any other of President Biden’s past campaigns, or with the phrase, “Let’s Go Brandon”; or use hashtags such as #IStandWithBiden, #BidenDisaster, or #lets gobrandon in social media posts or other forums. In addition, employees generally may not wear or display items with the image of President Biden, unless it is the type of official or personal photograph described in this [advisory opinion](#).

For specific questions concerning social media and how it applies to communications about candidates for partisan political office, including the President, please refer to our social media advisory opinion, which can be found [here](#).

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

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

² 5 C.F.R. § 734.101.