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November 9, 2016

Wearing or Displaying Partisan Items in the Federal Workplace after Election Day

Now that Election Day is over, many federal employees want to know whether they can wear or display partisan items in the workplace. At issue is the Hatch Act's prohibition against engaging in political activity while on duty, in a federal room or building, wearing an official uniform, or using a government vehicle. *See* 5 U.S.C. § 7324. Political activity is defined as activity directed at the success or failure of a political party, candidate for partisan political office, or partisan political group. *See* 5 C.F.R. § 734.101.

Candidates in the Presidential Election

Because of the Electoral College system, candidates for President of the United States retain their status as candidates until January 6, 2017.¹ However, after Election Day, with rare exception,² activities supporting or opposing a Presidential candidate will not affect the result of the election, as only members of the Electoral College are left to cast their votes. Accordingly, after Election Day, activities such as wearing campaign t-shirts or displaying candidate pictures do not constitute political activity, and the Hatch Act does not prohibit a federal employee from engaging in those activities, even while on duty or in the federal workplace.³

Political Parties and Partisan Political Groups

Even after Election Day, the Hatch Act prohibits federal employees, while on duty or in the federal workplace, from wearing or displaying items that show support for or opposition to a political party or partisan political group. For example, an employee may not wear or display a political party t-shirt, poster, or similar item in the workplace.

For more information about the Hatch Act, please visit the U.S. Office of Special Counsel's website at <https://osc.gov/Pages/HatchAct.aspx>.

¹ For a full discussion of this issue, please see the advisory opinion the U.S. Office of Special Counsel released on November 7, 2012, which can be found here: [https://osc.gov/Resources/Wearing%20or%20Displaying%20Partisan%20Items%20in%20the%20Federal%20Workplace%20After%20Election%20Day%20\(Nov.%207%2C%202012\).pdf](https://osc.gov/Resources/Wearing%20or%20Displaying%20Partisan%20Items%20in%20the%20Federal%20Workplace%20After%20Election%20Day%20(Nov.%207%2C%202012).pdf).

² Such exceptions include, but are not limited to, influencing or attempting to influence the popular vote, such as through a recount effort, and swaying or attempting to sway the allocation of electoral votes.

³ Note, however, that if and when a former Presidential candidate again becomes a candidate for partisan political office, the Hatch Act would prohibit federal employees from wearing or displaying these campaign items while on duty or in the workplace.