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Guidance on President Trump's Status as a Candidate
and Its Effect on Activity in the Federal Workplace

The U.S. Office of Special Counsel (OSC) has received numerous questions from federal employees regarding President Donald Trump's status as a candidate in the 2020 Presidential election and, in particular, its impact on the Hatch Act's prohibition against engaging in political activity while on duty or in the workplace. 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. In the past, OSC has advised that an incumbent President is considered a "candidate" for purposes of this prohibition when he officially announces his candidacy for reelection.

OSC understands that, while not an official declaration of candidacy, President Trump has filed paperwork with the Federal Election Commission establishing that he is a candidate in the 2020 Presidential election. Because the 2020 election is still more than three years away, at this time not all expressions of support or opposition to President Trump constitute political activity for purposes of the Hatch Act. For example, the Hatch Act does not prohibit federal employees, either on duty or off duty, from wearing or displaying pictures of President Trump or items from his 2016 campaign, or expressing their approval or disapproval of President Trump or his Administration, policies, or actions. However, the Hatch Act does prohibit federal employees, while on duty or in the workplace, from expressly advocating for or against his reelection in 2020. For example, federal employees may not display signs in their office that read "Reelect Trump in 2020" or express on social media or via email, "Defeat Trump in 2020," while on duty or in the workplace.

As with past Presidents running for reelection, once President Trump officially announces that he is a candidate in the 2020 election, the Hatch Act will prohibit federal employees while on duty or in the workplace from, for example, wearing or displaying pictures¹ or other items, or engaging in communications, that are directed at the success or failure of his candidacy. This prohibition is broad and encompasses more than displays or communications that expressly advocate for or against President Trump's reelection.

¹ See <https://osc.gov/Resources/2011-04-05%20FAQ%20Re%20Presidential%20photographs%20and%20candidacy%20for%20reelection.pdf>