

Handbook Highlight from the Montana Municipal Officials Handbook

HATCH ACT

With federal and state elections gearing up, I thought it would be useful to remind everyone of the Hatch Act. This information can be found on Page 38-39 of the **Municipal Officials Handbook**. If you have specific questions, I suggest you review the U.S. Office of Special Counsel website or visit with your city attorney.

2.208 Hatch Act Limits on Political Activities

The Hatch Act (5 U.S.C. 1501-1508) restricts the partisan political activity of individuals employed by state or local executive agencies who work in connection with programs financed in whole or in part by federal loans or grants. The following list offers examples of the types of programs which frequently receive financial assistance from the federal government: public health, public welfare, housing, urban renewal and area redevelopment, employment security, labor and industry training, public works, conservation, agricultural, civil defense, transportation, anti-poverty, and law enforcement programs.

State and local employees subject to the Hatch Act continue to be covered while on annual leave, sick leave, leave without pay, administrative leave or furlough. However, Hatch Act provisions do not apply to individuals who exercise no functions in connection with federally financed activities. The law also exempts certain specified employees from the prohibition on candidacy for elective office.

These exemptions include:

1. The mayor of a city;
2. A duly elected head of an executive department municipal department who is not classified under a state or municipal merit or civil service system; and
3. An individual holding public elective office.

In general, the following rules apply under the Hatch Act:

Municipal employees:

- **May** be a candidate for public office in a nonpartisan election
- **May** campaign for and hold elective office in political clubs and organizations
- **May** actively campaign for candidates for public office in partisan and nonpartisan elections
- **May** contribute money to political organizations or attend political fundraising functions
- **May** participate in any activity not specifically prohibited by law or regulation

Municipal employees:

- **May not** be a candidate for public office in a partisan election
- **May not** use official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office
- **May not** directly or indirectly coerce contributions from subordinates in support of political party or candidate.

Municipal employees should not rely on the opinions of friends or co-workers when they have questions with regard to a specific political activity. Ignorance of the law does not excuse an employee's violation of the Hatch Act. Reliance on incorrect or unofficial information also does not excuse a violation.

The above information is quoted in large part from the web page of the U.S. Office of Special Counsel, <https://osc.gov/>.