



GRASSROOTS GUIDE

# Hatch Act & Election guidelines

NATIONAL ASSOCIATION OF LETTER CARRIERS

# Legal Guidelines for Letter Carrier Political Activity

**W**ith increased involvement by letter carriers in the political process, it is more important than ever to review the rules and regulations by which letter carriers can participate in elections. Specifically, carriers need to be aware of the Hatch Act, which governs specific activities by federal employees, and the Federal Election Campaign Act (FECA), which regulates monetary and other contributions (e.g., in-kind, volunteering, etc.) in the campaign process.

Following these guidelines allows the National Association of Letter Carriers to maximize its impact by assisting pro-letter carrier candidates at all levels of government. These regulations should not hinder our activities, but NALC and its active members need to be mindful of the laws that govern elections.

This booklet will help letter carriers be aware of a number of election issues facing them during the campaign cycle, including individual activities and communications with other union members about political action. More information on these laws can be found on the Internet. Phone numbers and website addresses for important offices appear later in each section.

## Hatch Act

Most letter carriers are familiar with the Hatch Act of 1939 and the Hatch Act Reform Amendments of 1993. Prior to 1939, members of Congress and the public were concerned that government officials and employees would exploit their positions and unduly influence elections for public office. Many believed that in order for public institutions to operate fairly and effectively, political involvement from an agency's employees needed to be significantly restricted. Additionally, some felt that federal employees needed extra protection to ensure that these employees would not be forced into making financial contributions for the reelection of their superiors. Therefore in 1939, Congress passed the Hatch Act to restrict the political activism of federal employees.

*The Hatch Act does not limit the activities of family members and retired carriers*

As times and campaigns have evolved, many believed that these employees were being unfairly excluded from the political process. In 1993, Congress amended the Hatch Act to allow federal employees to play a considerably greater role in campaigns and elections. The 1993 reform amendments spelled out how federal workers may participate in federal campaigns. While some of the original restrictions still remain, greater latitude has been given for political participation. With the amended Hatch Act, active letter carriers and other federal employees can now play a major role in campaigns for president, the Senate, and the House of Representatives.

## Do's and Don'ts

These are Hatch Act guidelines, which active carriers must follow when participating in political campaigns for elected office or referendum. Please also review the section on the Federal Election Campaign Act for other pertinent regulations.

### Do

- ✓ Run as candidates for public office in nonpartisan elections
- ✓ Register and vote as you choose
- ✓ Raise money for COLCPE from NALC members and their families
- ✓ Assist in voter registration drives
- ✓ Express opinions about candidates and issues
- ✓ Attend fund-raisers and contribute money to political organizations and campaigns
- ✓ Attend and be active at political rallies and meetings
- ✓ Join and be an active member of a political organization
- ✓ Sign nominating petitions
- ✓ Campaign for or against referendum questions, constitutional amendments, and municipal ordinances
- ✓ Campaign for or against candidates in partisan elections
- ✓ Make campaign speeches for candidates in partisan elections
- ✓ Distribute political campaign literature in partisan elections
- ✓ Hold office in political clubs or parties including serving as a delegate to a convention

*Be off the clock, out of uniform and government vehicles, and away from the workplace*

### Don't

- ✗ Raise money for a partisan political campaign
- ✗ Run as a candidate for public office in partisan elections
- ✗ Use your official authority or influence to interfere with an election
- ✗ Solicit, accept, or receive COLCPE contributions from non-NALC members and their families
- ✗ Knowingly solicit or discourage the political activity of any person who has business before the Postal Service
- ✗ Engage in political activity while on duty, in any government office, while wearing an official uniform, or using a government vehicle
- ✗ Wear a political button on duty
- ✗ Allow your name to be used in any fundraising appeal on behalf of a partisan political campaign
- ✗ Participate in a phone bank designed as a fund-raising effort for a partisan political campaign

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#### Notes:

1) A partisan election is considered one in which any candidate may claim a political party. A federal employee is still violating the Hatch Act if he/she runs as "No party affiliation" in an election where another candidate may run under a party membership (e.g., Democrat, Republican, Reform).

2) A federal employee may serve as treasurer for a local political party to the extent of preparing and filing campaign finance reports and paying campaign expenses. The employee would be prohibited from personally soliciting, accepting, or receiving political contributions at or for a fund-raiser.

Otherwise, letter carriers are encouraged to use common sense when participating in campaigns and elections. Be off the clock, out of uniform and government vehicles, and away from the workplace.

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Additional Hatch Act questions can be referred to your regional field coordinator, or to the Office of Special Counsel, Hatch Act Division, which can be contacted at 800-85-HATCH or through their website ([www.osc.gov/hatchact.htm](http://www.osc.gov/hatchact.htm)).

## Federal Election Campaign Act

While the Hatch Act only addresses federal employees, the Federal Election Campaign Act (FECA) regulates activity associated with federal elections, including presidential and congressional races. Union political involvement at all levels is also regulated under FECA. The Act allows unions to fund and participate in political activity limited to members, their families, and other union employees in most cases. Two key components for letter carriers' understanding refer to political action committees—in NALC's case, the Committee on Letter Carrier Political Education (COLCPE)—and communications with union members.

### Political Action Committees (PACs)

A political action committee allows people with a common interest to pool resources in order to support candidates with similar views. COLCPE is the NALC's political action committee. The concept behind COLCPE is similar to the idea of collective bargaining: letter carriers bargain as a group in order to receive fair benefits and pay. COLCPE is used to make sure letter carrier interests are properly represented on Capitol Hill, by supporting the election of NALC-friendly candidates.

Only individuals and PACs can make direct contributions to candidates for federal office; unions are barred from contributing treasury funds to a federal political campaign. COLCPE receives and disburses its funds solely for political activity. Through COLCPE, NALC can contribute up to \$10,000 to each candidate during the election cycle, while individuals can only give

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a maximum of \$2,000 during this same time period.

Funds for COLCPE can be raised from active, dues-paying members, retirees, and their family members; this is considered NALC's "restricted class." Funds for COLCPE may be raised in a variety of ways, including raffles, open solicitations, and direct mail. When raising money for COLCPE, a few limits must be in place on the solicitation of the restricted class. No one can be forced to contribute to COLCPE or be reprimanded for not contributing. Small tokens in exchange for donating are acceptable, though some restrictions apply.

FECA also addresses the cash limit an individual may give to a PAC or directly to a candidate for office. The Act states that only contributions less than \$50 can remain anonymous, and any person who contributes more than \$200 during the election cycle must be recorded in that campaign's or PAC's Federal Election Commission (FEC) report. Additionally, any contribution to a candidate or a PAC that exceeds \$100 must be given as a check, not cash.

Questions involving PACs and fund-raising for COLCPE should be referred to your regional field coordinator in the NALC Legislative Department, or to the FEC directly at 800-424-9530 or [www.fec.gov](http://www.fec.gov).

## Get-Out-The-Vote and Political Communication

The Federal Election Campaign Act also specifies what forms of communication NALC and other unions may undertake when using treasury funds at the branch, state, and national level for federal political campaigns. According to the law, the “content of ... communication is determined by the audience for which it is intended.” NALC can therefore communicate advocacy for or against a particular candidate or party only when addressing the restricted class (active and retired members and their families). When NALC communicates with its members, communications can include fund-raising pitches for COLCPE, express advocacy (“Vote for Candidate X”) and any coordination with a particular candidate (“Candidate Y is having a rally at VFW Hall #3 Thursday night at 7:30 p.m.”).

When a labor union corresponds with non-members, it must do so in the form of issue advocacy by providing information about a particular issue without supporting a candidate or party (“Contact Senator B about the need for responsible postal reform” would be acceptable). These communications can also include publications such as voter registration and issue education, candidate endorsements and appearances, and non-partisan Get-Out-The-Vote (GOTV) programs.

NALC can use treasury funds to communicate with members about specific candidates using a variety of means. These can include branch newsletters with an article about an endorsed candidate, a flyer comparing candidates, a letter from a branch or state officer to encourage members and their families to vote a certain way, and phone calls from the union to encourage members and their families to

support the union-endorsed or union-recommended candidate. Express advocacy in a newsletter, flyer, or phone call must be limited to union members, staff, and their families.

When the union invites a candidate to speak at a rally or a meeting, the membership must remain mindful of union guidelines. A person running for federal office can advocate his or her candidacy and solicit campaign contributions from attendees, and the union is not obligated to invite the opponent as long as only the restricted class is present. Similarly, an individual member or the union as a whole can advocate the campaign of the invited speaker or discourage support of the opponent only if the audience is made up solely of members, staff, and their families.

NALC or any other union is prohibited from raising funds directly for a candidate, though it can encourage members to support him or her in the upcoming election or to contribute to COLCPE. The candidate can initiate a “passing of the hat” for the campaign; if the union initiates this collection, then the money must go directly to COLCPE. The candidate is also allowed to leave contact information and mailing envelopes at the union hall for members.

Endorsement of a candidate can be announced at a candidate’s appearance or in communication with membership. A union can also announce its endorsement (and rationale for that endorsement) to regular press contacts after the endorsement has been made. An endorsement cannot be coordinated with a campaign.

NALC can also conduct voter registration and GOTV drives advocating that members, staff, and families register for a particular party or vote for a specified slate of candidates. Treasury funds can be used for these activities. Labor unions can also distribute voter information produced by official election administrators, such as absentee ballot applications and register-by-mail materials, to the general public. If treasury funds are used to sponsor rides to the polls on Election Day, members and their families cannot be provided or denied transportation based on candidate or party support. Again, these must be done only for members and their families if treasury funds are being used.

## Summary

This booklet was designed to give letter carriers a greater sense of the laws regulating a member's activity in a campaign. While the Hatch Act and FECA may seem a bit confusing at first glance, common sense should be a good guide for letter carrier activism. Similarly, this booklet should not be considered the only source for information regarding what can and cannot be done in a political campaign. The Legislative Department can also be contacted at 202-393-4695 to answer questions regarding election activity. Members may also contact the Office of the Special Counsel (800-85-HATCH or [www.osc.gov/hatchact.htm](http://www.osc.gov/hatchact.htm)) or the Federal Election Commission (800-424-9530 or [www.fec.gov](http://www.fec.gov)) directly with concerns.

**This booklet is one in a series designed to teach NALC members how to become more active in the political and legislative processes. Other publications address lobbying a member of Congress and grassroots/political involvement. The goal is to create a program that brings more letter carriers into the activist process and increases the union's visibility with federally elected candidates. To obtain copies of these other publications and fact sheets on issues and congressional bills important to letter carriers, check the NALC website ([www.nalc.org](http://www.nalc.org)) or contact your regional field coordinator.**