



U.S. OFFICE OF SPECIAL COUNSEL

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January 29, 2007

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XXXXXXX, XX XXXXX

Re: OSC File No. AD-07-XXXX

Dear XX XXXXX:

This letter is in response to your request for an advisory opinion concerning the Hatch Act. The Office of Special Counsel ("OSC") is authorized pursuant to 5 U.S.C. § 1212(f) to issue opinions under the Act. Specifically, you ask whether the Hatch Act prohibits a National Guard Technician from wearing his official uniform while driving a personal vehicle with a partisan political bumper sticker on it to and from work. As explained below, we do not believe that the Hatch Act prohibits this activity.

National Guard Technicians are federal employees under the National Guard Technician Act of 1968 (NGTA). See 32 U.S.C. § 709. Therefore, National Guard Technicians are covered by the provisions of the Hatch Act. The Hatch Act (5 U.S.C. §§ 7321-7326) governs the political activity of federal civilian executive branch employees. The Act permits most covered employees to actively participate in partisan political management and partisan political campaigns. Covered employees, however, are prohibited from, among other things, engaging in political activity while on duty, in a government office or building, while wearing an official uniform or insignia, or using a government vehicle. 5 U.S.C. § 7324. Political activity has been defined as activity directed toward the success or failure of a political party, candidate for a partisan political office or partisan political group. 5 C.F.R. § 734.101.

There are a number of examples in the Hatch Act regulations that discuss the issue of partisan political bumper stickers on personal vehicles. See 5 C.F.R. § 734.306, Examples 2-7. The regulations make it clear that the Hatch Act does not prohibit a federal employee from placing a partisan political bumper sticker on his privately owned vehicle and parking that vehicle in a federal parking lot or garage. 5 C.F.R. § 734.306, Example 7. However, an employee who uses his private vehicle on a recurrent basis for official business must cover the political bumper sticker while the vehicle is being used for official duties. 5 C.F.R. § 734.306, Example 3. In addition, an employee who uses his privately owned vehicle on official business must cover the political bumper sticker while the vehicle is being used for official duties, if the vehicle is clearly identified as being on official business. 5 C.F.R. § 734.306, Example 4.

Unfortunately, the regulations do not provide any examples regarding the issue you present. However, in considering what is permitted and prohibited, although the Hatch Act

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prohibits federal employees from engaging in political activity while wearing an official uniform or insignia, we do not believe that merely driving a vehicle with a partisan political bumper sticker on it to and from work while wearing an official uniform constitutes prohibited political activity. This is consistent with OSC's past guidance that the Hatch Act would not prohibit a federal employee from going to the polls and voting on Election Day while wearing an official uniform or insignia.¹ Accordingly, we do not believe that the Act prohibits a National Guard Technician, or any other federal employee, from wearing an official uniform while driving a personal vehicle with a partisan political bumper sticker on it to and from work.

Please contact me at (202) 254-3650 if you have any additional questions regarding this matter.

Sincerely,

/s/

Erica N. Stern
Attorney
Hatch Act Unit

¹ Of course, the Act would prohibit a federal employee from wearing an official uniform or insignia while distributing campaign materials outside the polls on Election Day.