TO: Indiana Public Libraries

FROM: Indiana State Library

RE: **Federal Hatch Act**

DATE: July 10, 2013

**Recent changes to the federal Hatch Act now permit some state and local government employees to run for partisan political offices even if the employees do work related to a program funded in part by federal funds.**

In December, 2012, Congress passed the Hatch Act Modernization Act of 2012 which modified the Hatch Act to allow most state and local government employees to run for partisan political office. Please see the U.S. Office of Special Counsel Bulletin on the back of this memo for more information about the changes to the federal Hatch Act.

Indiana law allows employees of a political subdivision to be candidates for any elected office and serve in that office if elected without having to resign as an employee of the political subdivision. (IC 36-1-8-10.5)

However, until recently, employees working at libraries that receive federal funds (think LSTA grants or E-rate reimbursements) might have been prohibited by the federal Hatch Act from running in an election for a partisan political office.

Please note that if an employee’s position is completely financed by federal funds, that employee is still prohibited from running for partisan political offices under the federal Hatch Act. However, according to the U.S. Office of Special Counsel such employees are still permitted to do the following on their personal time so long as they do not do it in their official capacity as a public employee:

* register and vote as they choose
* assist in voter registration drives
* express opinions about candidates and issues
* contribute money to political organizations
* attend political fundraising functions
* attend and be active at political rallies and meetings
* join and be active members of a political party or club
* sign and circulate nominating petitions
* campaign for or against referendum questions, constitutional amendments and/or municipal ordinances
* campaign for or against candidates in partisan elections
* make campaign speeches for candidates in partisan elections
* distribute campaign literature in partisan elections
* campaign for and hold office in political clubs or parties
* volunteer to work on a partisan political campaign
* participate in any activity not specifically prohibited by law or regulation

<http://www.osc.gov/haStateLocalexamplePermittedActivities.htm>