

## ATASCOSA COUNTY JUDGES REPORT

### THE HATCH ACT

In 1939, Congress passed “An Act to Prevent Pernicious Political Activities,” more commonly known as the Hatch Act. The Act codified Rule 1’s ban on active participation in political management or political campaigns and extended its coverage to include nearly all federal employees, rather than just those in the classified civil service. In 1940, the Act was extended to cover state and local employees who work on federally financed projects. The Hatch Act Reform Amendments of 1993 significantly amended the Act, notably allowing most covered federal employees to engage in off-duty political activity. The Act was most recently amended through the Hatch Act Modernization Act of 2012. The amendments expanded the available penalties for violations of the Act and allowed for covered state or local employees to run for partisan elective office so long as the federal government did not fund the entirety of their salary.

Engaging in political activity while on duty; while wearing a uniform or official insignia; or in a government vehicle is restricted. This restriction covers, for example, distributing campaign materials, displaying campaign materials, wearing partisan political buttons, T-shirts, or signs, posting comments to social media sites that advocate for or against partisan political parties, candidates, or groups, or using any email account to distribute content that advocates for or against partisan political parties, candidates, or groups while on duty.

The Act also extends to state or local officers or employees “whose principal employment is in connection with an activity which is financed in whole or in part” by the federal government. This definition does not include individuals employed by educational or research institutions that a state or recognized religious, philanthropic, or cultural organization supports. (Congressional Research Service, April 20, 2020, “The Hatch Act: A Primer.”)

So, I use this space of my column to inform any employees of any local governments or federal employees of these restrictions. The Hatch Act is real and can result in criminal charges and jail time. It is no joke. Most of our local governments, including the county, have received Federal Funds in Grants, either directly (ARPA Funds) or indirectly (almost all grants are federal and run through the state). You can look it up for yourselves. Just “Google” search it. We still have a run-off and fall elections to complete. *I just learned of this law and wanted to be sure to inform all campaigns.*

My advice? Be Involved but be careful. And, be sure to vote! May God bless us one and all!

Robert L. Hurley

Thank you for listening, and God bless us all.