

FAQ: Restrictions on Ballot and Partisan Political Activity

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FREQUENTLY ASKED QUESTIONS REGARDING RESTRICTIONS ON POLITICAL ACTIVITY

The following frequently asked questions (FAQ) and answers are intended to provide guidance to organizations that receive assistance from AmeriCorps (“recipients” or “subrecipients”) on avoiding impermissible partisan political activity. These FAQs are meant to accompany the [Compilation of Restrictions on Ballot and Partisan Political Activity by AmeriCorps Grantees and AmeriCorps VISTA Members](#). Please note that this document doesn’t discuss the use of federal funds to engage in impermissible lobbying, which is discussed in a separate document and FAQ.

Questions Applicable to All AmeriCorps Recipients and Sub-Recipients

1. What constitutes impermissible “political activity” on the part of recipients and subrecipients?

The precise political activity that is restricted can vary according to who you are, and what AmeriCorps programs you are involved in. In general however, impermissible political activity is that which is either designed to influence the outcome of an election to Federal office or the outcome of an election to a State or local public office or is associated with a candidate, or a contending faction or group, in an election for public or party office.¹

2. May an AmeriCorps-funded program endorse or sponsor an event, such as a debate between candidates, which itself is not partisan, but will likely include advocacy for or against political parties, platforms, candidates, proposed legislation, or elected officials?

AmeriCorps-funded programs should avoid any connection with such political events and individuals enrolled in a national service program who attend such events should avoid any appearance that they are doing so as part of the national service program with which they are associated.

3. An elected official who is running for re-election wants to have a campaign publicity event at our service site. Is this type of site visit permitted?

No. Any event that can be perceived as partisan in nature should not be permitted at service sites.

4. What if a candidate for public office tells me that he or she wants to arrange a visit, or to invite AmeriCorps members or AmeriCorps Seniors volunteers to an event, to announce (as part of their campaign) that they support AmeriCorps-funded programs?

You should advise the candidate of your organization’s need to ensure that it does not engage (or appear to be engaging) in impermissible political activities and that such a staged announcement involving AmeriCorps members or AmeriCorps Seniors volunteers

¹ 42 U.S.C. §§ 5043(b) and 12584a.



may create the impression that your program is attempting to influence the election and as such, is impermissible.

5. Is an organization receiving funds from AmeriCorps prevented from taking part in the political process?

No, but an organization that receives AmeriCorps funds may only sponsor or endorse political events if it does so without using AmeriCorps funding or support, and if it avoids the appearance that it is doing so in its capacity as an AmeriCorps grantee or that the event has any connection to an AmeriCorps-funded project.

6. We're hosting a conference call related to our AmeriCorps grant that's designed to get more organizations involved in service. During the call, a participant asks how to get volunteers involved in a political campaign. How should we respond?

You should remind the participants of the purpose of the call and that it would be inappropriate to use the call to discuss anything that could relate to political activity. You may suggest that such conversations be handled during non-AmeriCorps time, and that such discussions not be charged to federal or matching funds.

7. If a particular activity is not specifically disallowed under the OMB Cost Principles (2 C.F.R. Part 200, Subpart E) or under grant terms, does that mean the cost is allowed?

Not necessarily. While OMB's Cost Principles (found in [2 C.F.R. Part 200](#), Subpart E) set both general and certain specific criteria for when costs are allowable, they do not authorize any specific cost or expenditure; they merely limit the allowability of certain types of costs or expenditures (i.e. disallowed costs). The burden is on the recipient or subrecipient to demonstrate that any particular cost they incur is allowable according to the factors listed at 2 C.F.R. §200.403. This means that the recipient or subrecipient must be able to show that the cost is consistent with the approved budget and properly chargeable to the grant as being reasonable and necessary—not merely that the cost is not on the list of disallowed costs. Allowability is ultimately a determination made by AmeriCorps.

8. I work for a state or local government agency that receives AmeriCorps grant funds. What are the restrictions on my political activity?

If, as a normal and foreseeable incident of your employment you perform duties in connection with an activity financed in whole or in part by federal funds, you are prohibited from using *your official authority or influence* to interfere with or affect the results of an election or nomination. You also cannot directly or indirectly coerce, attempt to coerce, command, or advise *any other state, or local officer or employee* to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes. These restrictions apply to you whether you are on duty, on annual leave, sick leave, administrative leave, furlough, or any other paid or unpaid leave.

[Questions Applicable to State Service Commissions](#)



1. I am the Executive Director of my state’s Commission on National and Community Service. Can I express my support of candidates who emphasize their engagement on issues related to national service or AmeriCorps programs?

The OMB Cost Principles (2 CFR Part 200, Subpart E) do not explicitly prohibit state and local governments from charging electoral political activity to an AmeriCorps grant. However, in accordance with the National and Community Service Act of 1990, as amended, no AmeriCorps funds or other assistance to state commissions shall be used by program participants or staff to finance, directly or indirectly, any activity designed to influence the outcome of an election to Federal, State or local office. 42 U.S.C. 12634(b)(2). In addition, any costs charged to AmeriCorps grants must still be reasonable and necessary for the performance of your AmeriCorps award and be allocable to the award under OMB cost principles. As discussed above, the burden is on your organization to demonstrate that any particular cost is allowable according to the factors listed at 2 C.F.R. §200.403, and AmeriCorps makes the ultimate determination as to allowability. You should direct any specific question on this point to your AmeriCorps program officer or grants officer.

In addition, keep in mind that as an Executive Director of a state commission, you will be subject to the [Hatch Act restrictions](#) on using your official authority or influence to interfere with or affect the results of an election or nomination. [See 5 U.S.C. §7321 et seq.](#) You also cannot directly or indirectly coerce, attempt to coerce, command, or advise *any other state, or local officer or employee* to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes. These restrictions apply to you whether you are on duty, on annual leave, sick leave, administrative leave, furlough, or any other paid or unpaid leave.

2. When does impermissible political activity occur in a meeting between AmeriCorps members and/or AmeriCorps Seniors Volunteers, and political candidates for office, and how can I make sure that we don’t run afoul of any restrictions?

Impermissible political activity occurs during a meeting (or at any time you are on duty) if someone undertakes any discussion or activity during the meeting directed at the success or failure of a political party, partisan political candidate, or partisan political group.

As a general rule, your organization cannot direct or arrange for an AmeriCorps member or AmeriCorps Seniors volunteer to engage in such partisan political activity even where the activity is done in the context of describing the importance and impact of service and even if the activity is not being charged to the grant. However, AmeriCorps will not consider an AmeriCorps member or an AmeriCorps Seniors volunteer as having been used for partisan political activity if those members’ or volunteers’ factual presentations are sufficiently distinct— *such as being at separate times or locations*—from any associated partisan political activity that they are not a part of. The facts and circumstances of the presentations and the partisan political activities must allow a reasonable person to conclude that the factual presentations by the AmeriCorps members or AmeriCorps Seniors volunteers were not solely or specifically intended to influence the outcome of an election or ballot initiative, and the AmeriCorps members and Senior Corps volunteers did not participate in any partisan political activity.

These determinations are heavily fact-specific.



3. Are the restrictions on political activity under the Hatch Act applicable to me as an AmeriCorps member or AmeriCorps Seniors volunteer? If so, what activity is permissible or impermissible under the Hatch Act?

Political activity restrictions under the Hatch Act apply to AmeriCorps VISTA members only. Hatch Act restrictions do not apply to AmeriCorps State and National members or to AmeriCorps Seniors volunteers.

Under 42 U.S.C. § 5055 of the Domestic Volunteer Service Act of 1973, as amended, AmeriCorps VISTA (VISTA) members are regarded as federal employees for limited purposes, including the Hatch Act, which imposes specific and unique restrictions on political activity for those members. The Hatch Act applies to VISTA members regardless of whether they are full- or part-time. VISTA members may only engage in partisan political activity in a personal capacity on personal time, which is when you are:

- off-duty (i.e., in a personal capacity, and after duty hours or in an approved leave status),
- outside of rooms and buildings used for official government activities,
- out of uniform and without CNCS badge, pins, or other insignia that identify one as a CNCS employee,
- not using a government vehicle, and
- not using any Federal resources (phones, email, copiers, printers, etc.).

Under these circumstances, **permissible** political activity of a VISTA member, while off duty, may include:

- taking an active part in managing or volunteering on a political campaign;
- registering to vote and voting;
- assisting in voter registration drives;
- contributing money to partisan political campaigns, parties, or groups;
- attending political fundraisers (but not engaging in fundraising);
- attending and being active at political rallies and meetings;
- joining and being an active member of political clubs or parties;
- serving as an officer or member of a political party or other political group;
- campaigning for or against referendum questions, constitutional amendments, or municipal ordinances;
- canvassing for votes in support of or in opposition to a political candidate;
- addressing a convention, rally, caucus or gathering of a political party in support of or in opposition to a partisan candidate for public office;
- serving as a party or candidate challenger or poll watcher;
- distributing campaign literature in partisan elections; and
- circulating and signing nominating petitions.

Under the Hatch Act, the following activities are prohibited for all VISTA members at all times. VISTA members may not:



- solicit, accept or receive a contribution for a partisan political party, candidate for partisan political office, or partisan political group¹ (e.g., one cannot host a fundraiser at a personal residence, can't be part of a host committee of a fundraising event, can't collect or sell tickets to political fundraisers, can't forward email fundraising solicitations to anyone, and can't solicit funds on social media sites);
- speak at a political fundraiser in an official capacity (if you choose to speak or play an active role at a political event in your personal capacity, you may wish check with OGC in advance; at the event, you may not fundraise); use their official authority or influence for the purpose of interfering with or affecting the result of an election (this includes using your title or position when participating in political activity or using your authority to coerce another person to participate in political activity);
- solicit or receive volunteer services from a subordinate for any political purpose;
- solicit or discourage the participation in any political activity of any person who has any official business (i.e., an application for any compensation, grant, contract, or ruling) pending before your office;
- solicit or discourage the participation in any political activity of any person who is the subject of, or a participant in, an ongoing audit, investigation or enforcement action being carried out by your office;
- intimidate, threaten, command or coerce any federal employee to engage in or not engage in any political activity;
- be a candidate for public office in a partisan political election.

For more examples of permissible and impermissible activities under the Hatch Act, visit:

<https://osc.gov/pages/HatchAct-FAQs.aspx>.

Finally, as stated above, the Hatch Act is not applicable to AmeriCorps Seniors volunteers or to AmeriCorps State and National members. However, both AmeriCorps VISTA and AmeriCorps State and National members who receive an educational award are barred from partisan political activity under 42 U.S.C.A. § 12584a.

4. I am a VISTA member and I want to post something to a social media site in support of a candidate for political office. Is this permissible?

Yes, but subject to the following limitations for VISTA members under the Hatch Act: The Act does not prohibit VISTA members from expressing their opinions concerning partisan political candidates and political parties. However, the Act prohibits them from engaging in "partisan political activity," that is, activity directed at the success or failure of a political party, political candidate, or political group, while the member is on duty or otherwise during service hours. Thus, VISTA members are prohibited from advocating for or against a political party, political group, or candidate for partisan public office through a blog, Facebook, Twitter, or any other social media platform while they are on duty or otherwise during

¹ Union members may solicit, accept, or receive political donations or contributions in narrow circumstances. Please check with your union representative for more information.



service hours. However, doing so off duty and outside service hours would generally not violate the Hatch Act.

The Hatch Act also prohibits VISTA members from using their official authority or influence to affect the result of an election. Therefore, although VISTA members may advocate for or against political parties, partisan political groups, or candidates for partisan public office while off duty and outside service hours, they may not refer to their official titles or positions with AmeriCorps, or the organizations where they are serving, while engaged in such political activity.

Finally, VISTA members are prohibited from soliciting, accepting, or receiving political contributions at all times, even while off duty or outside of service hours. Thus, at no time should they suggest or ask anyone to make contributions to a political party, partisan political candidate, or partisan political group. Further, they should not provide links to the contribution page of any of those entities' websites.

5. If I am a VISTA member and I have my official title on my Facebook profile, may I also fill in the “political view” field?

Generally, yes. The Hatch Act and its attendant regulations prohibit VISTA members from using their official titles related to VISTA service while engaging in “political activity,” that is, activity directed toward the success or failure of a political party, partisan candidate, or partisan political group. However, simply identifying political party affiliation on one’s social media profile, which also contains your official title or position, without more, is not impermissible under the Hatch Act.

6. May a VISTA member become a “friend” of, or “like” the Facebook page, or “follow” the Twitter account of a political party, partisan political group, or partisan candidate?

Yes, but remember also that the Hatch Act prohibits VISTA members from engaging in political activity while on duty or during service hours. Thus, if they are a “friend” of, or “like,” a political party, partisan political group, or partisan candidate on Facebook, or “follow” such entities on Twitter, members should not engage in activities with respect those entities' social media accounts that would constitute “political activity” during duty hours or during service hours. Political activity is defined as any activity directed toward the success or failure of a political party, partisan political group, or candidate for partisan political office. This would include, for example, suggesting that others “like,” “friend,” or “follow” the party, group, or candidate, accepting an invitation to a partisan political event, or forwarding the invitation to others.

In addition, the Hatch Act prohibits VISTA members from soliciting, accepting, or receiving political contributions at any time, even off duty or outside of service hours. This prohibition applies 24/7. Thus, for example, if a VISTA member receives an invitation from a political party, group, or candidate to a fundraising event via Facebook or Twitter, the VISTA member would be prohibited from sharing that invitation with others as that could be a form of solicitation on behalf of the party, group or candidate.



7. I am a VISTA member who, as part of my official VISTA duties, works on my project’s social media site. One of my project’s strong supporters is running in a local partisan election for a seat on the city council. May I post something on the project’s social media site in support of that candidate?

No, neither you nor any other VISTA member, nor any grant-funded staff of the project, may post a communication on the project’s social media site regarding the candidate.

Additionally, because VISTA members are considered federal employees for purposes of the Hatch Act, they are prohibited from engaging in “activity directed at the success or failure of a political party, partisan political candidate, or partisan political group”, while they are on duty as a VISTA member or at the VISTA service site. Therefore, the Hatch Act is an additional reason why VISTA members would be prohibited from posting something on the project’s social media site regarding a political party, group or candidate.