The Little Hatch Act reminder

TSEA OCTOBER 4, 2022 COMMENTS OFF



As we look forward to the General Election on Tuesday, November 8, it is vital that state employees remain aware of the legal limitations regarding involvement in political activities. This includes campaigning for or against a measure, party, or individual candidate. While individual citizens may have few rules which govern their activities, state employees are bound by numerous regulations which, if violated, may have serious consequences. In this article we will review the federal and Tennessee law regarding political activity by state employees.

Political involvement by state employees is regulated by both state and federal law. On the state level, involvement is regulated by T.C.A. § 2-19-201 through 208. This section of the Tennessee code is referred to as "The Little Hatch Act" because it mirrors the regulations of political activity by federal employees set forth in 5 U.S.C. §1501 through §1508 (The Hatch Act). Under Tennessee law, it is unlawful for any public officer or employee to use their position, authority or influence to interfere with an election or nomination for office. Under this statute, state employees are prohibited from:

1. Displaying campaign literature, banners, placards, streamers, stickers, signs, or other items of campaign or political advertising on the premises of state property.

NOTE: Employees may display a decal or bumper sticker on their personal vehicle while parked on state property. Do not place political or campaign materials on any state-owned vehicle.

2. Using state-owned property for campaign advertising or activities.

NOTE: The Little Hatch Act also prohibits state employees from posting campaign flyers in the break room or bulletin board at the office. Likewise, it is prohibited to hold a campaign rally at your work site.

3. Engaging in political activity that is not directly a part of your employment during work hours.

NOTE: This element also encompasses any online activities during work hours so don't post campaign articles on social media or send campaign emails from your work computer or state email during or after work hours.

T.C.A. § 2-19-201 lays out what is considered political activity and provides detailed information on each category. For example, an election includes all elections, local, municipal, primary, general, state, federal and special and any election in the state, any county, municipality

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