




Approved by: Juan Williams Commissioner	Policy Number: 12-012 (Rev. 07/01/2023)
Signature: 	Supersedes: 11-016, 10-022
Application: Executive Branch Employees, Human Resource Officers	Effective Date: June 1, 2015
Authority: 5 U.S.C. §§ 1501-1508, T.C.A. §§ 2-19-201 through 208, T.C.A. § 4-3-1703, T.C.A. § 8-30-101, T.C.A. § 8-30-104, T.C.A. § 8-30-306	Rule: Chapters 1120-2, 1120-10 and 1120-14

Political Activity by State Employees

Political activity by state employees is regulated by the following three (3) statutes:

1. The Little Hatch Act (Tennessee Code Annotated §§ 2-19-201 through 208);
2. Tennessee Code Annotated § 8-30-306; and
3. Title 5, United States Code Annotated §§ 1501-1508.

Some provisions of the Little Hatch Act (“Act”) apply to all executive branch employees, while other provisions of the Act only apply to some. Individuals exempted from certain provisions of the Act include elected officials, officials elected by the General Assembly, and members of the Governor’s cabinet and staff (see Tenn. Code Ann. § 2-19-201(3)). Because the Act’s prohibitions are very detailed and require careful reading to determine whether particular types of activity might violate its provisions, this policy provides only a broad outline of types of conduct the Act regulates. For specific questions about applicability of the Act to a particular situation, please contact your agency’s attorney or human resources officer.

Relevant Definitions:

- *“Elections”* – includes all elections, local, municipal, primary, general, state, federal, and special and any election in the state or any county, municipality, or their political subdivision thereof, but does not include referenda or issues submitted to the vote of the people, political convention, or caucus.
- *“Public Officers and Executive Branch Employees”* – all employees of the executive branch of the state government, or any department, division, or agency thereof, and all appointed officers and employees of any educational institution, establishment, corporation, or agency supported principally by state funds. (Tenn. Code Ann. § 2-19-201(3)).
- *“Individuals Exempted”* – popularly elected officials, officials elected by the general assembly, qualified candidates for public office, teachers, members of the governor’s cabinet, and members of the governor’s staff are expressly excluded from provisions of Tenn. Code Ann. § 2-19-202.

The Act prohibits all executive branch employees from engaging in the following:

1. Using such person's official position, authority, or influence to interfere with an election or nomination for office (Tenn. Code Ann. § 2-19-202(a));
2. Intimidating, coercing, or commanding public officers and employees to vote for or against a measure, person, or party (Tenn. Code Ann. § 2-19-202(a));
3. Knowingly receiving or paying any kind of assessments for political purposes or for election expenses from state employees (Tenn. Code Ann. § 2-19-202(a)); and
4. Any political intimidation or coercion of any public officer or employee (Tenn. Code Ann. § 2-19-202(b)).

The Act prohibits executive branch employees that are not exempt under Tenn. Code Ann. § 2-19-201(3) from engaging in the following:

1. Soliciting directly or indirectly contributions for political purposes or campaign expenses from persons or entities that are connected to the state or that do business with the state (Tenn. Code Ann. § 2-19-203);
2. Promising state benefits, including but not limited to, employment, contracts, work, or loans as a reward for political activity (Tenn. Code Ann. § 2-19-204);
3. Depriving or threatening to deprive any person of state benefits, including but not limited to, employment, compensation, contracts, work, or loans because of a person's or entity's political activity (Tenn. Code Ann. § 2-19-205);
4. Displaying campaign literature, banners, placards, streamers, stickers, signs, or other items of campaign or political advertising on the premises of state property. (Tenn. Code Ann. § 2-19-206(a)). *Exception:* Employees may display a decal or bumper sticker on their personal vehicle while parked on state property. (Tenn. Code Ann. § 2-19-206(c))
5. Using state-owned property for campaign advertising or activities (Tenn. Code Ann. § 2-19-206(b));
6. Engaging in political activity not directly a part of that person's employment during any period when the person should be conducting business of the state (Tenn. Code Ann. § 2-19-207); and
7. Promulgating any rules or issuing any policies that are more restrictive than the Act (Tenn. Code Ann. § 2-19-207(b)(3)).

In addition to the Act, Tennessee Code Annotated § 8-30-306 states, "[...] no person shall give any weight to political opinions or affiliations. No person holding a position in the preferred service shall solicit, directly or indirectly, or require any other person to solicit, directly or indirectly, donations or contributions for any political party, candidate, cause or purpose in order to acquire or deny a position in state service or to materially affect the retention, promotion or demotion of any employee in state service."

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Federal law ("Hatch Act") also regulates certain types of political activity of state employees whose principal employment is in connection with an activity that is financed in whole by federal funds ("covered employees"). Covered employees may not:

1. Use their influence or authority to interfere with or to affect the result of an election or nomination for office;
2. Directly or indirectly coerce or attempt to coerce another employee to contribute money or anything of value to a political campaign; or
3. Be a candidate for an elective partisan office.

If an employee is covered by the Hatch Act, taking a sabbatical or leave of absence will not allow that employee to be a candidate in a partisan election. Employees subject to the Hatch Act continue to be covered while on annual leave, sick leave, administrative leave, furlough or any other paid or unpaid leave. For questions about the Hatch Act, please contact the Office of Special Counsel at 1-800-85-HATCH.

Finally, employees should also review any relevant Executive Orders before engaging in certain political activities. Executive Order Number 2 prohibits conduct, whether or not specifically prohibited by statute, regulation, or executive order, that might result in or create the appearance of using public office for private gain, giving preferential treatment to any person, impeding government efficiency or economy, losing complete independence or impartiality, or adversely affecting the confidence of the public in the integrity of the government.

Despite the restrictions in the statutes and executive order mentioned above, state employees retain certain rights related to political activity. Most notably, state employees' right to vote as they choose and the right to express opinions on political subjects and candidates are not affected by these statutes.

To report suspected violations, employees should contact their agency General Counsel or the Department of Human Resources ("DOHR").

Questions regarding this policy may be directed to the DOHR's Office of the General Counsel.