

duties and responsibilities provided by this chapter from any Federal, State, or local governmental entity.

(Added Pub. L. 107-296, title XIII, §1302(a), Nov. 25, 2002, 116 Stat. 2288.)

**CHAPTER 15—POLITICAL ACTIVITY OF CERTAIN STATE AND LOCAL EMPLOYEES**

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AMENDMENTS

1974—Pub. L. 93-443, title IV, §401(b)(2), Oct. 15, 1974, 88 Stat. 1290, substituted “candidacies” for “political activity” in item 1503.

**§ 1501. Definitions**

For the purpose of this chapter—

- (1) “State” means a State or territory or possession of the United States;
- (2) “State or local agency” means the executive branch of a State, municipality, or other political subdivision of a State, or an agency or department thereof, or the executive branch of the District of Columbia, or an agency or department thereof;
- (3) “Federal agency” means an Executive agency or other agency of the United States, but does not include a member bank of the Federal Reserve System; and
- (4) “State or local officer or employee” means an individual employed by a State or local agency whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency, but does not include—

- (A) an individual who exercises no functions in connection with that activity; or
- (B) an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by—
  - (i) a State or political subdivision thereof;
  - (ii) the District of Columbia; or
  - (iii) a recognized religious, philanthropic, or cultural organization.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 403; Pub. L. 93-443, title IV, §401(c), Oct. 15, 1974, 88 Stat. 1290; Pub. L. 112-230, §3(a), (b), Dec. 28, 2012, 126 Stat. 1616.)

HISTORICAL AND REVISION NOTES

| <i>Derivation</i> | <i>U.S. Code</i>                      | <i>Revised Statutes and Statutes at Large</i>                                  |
|-------------------|---------------------------------------|--|
| (1) .....         | 5 U.S.C. 118k-2.                      | July 19, 1940, ch. 640, §4 “Sec. 19”, 54 Stat. 772.                            |
| (2), (3) .....    | 5 U.S.C. 118k(f).                     | July 19, 1940, ch. 640, §4 “Sec. 12(f)”, 54 Stat. 770.                         |
| (4) .....         | 5 U.S.C. 118k(a) (1st 41 words), (e). | July 19, 1940, ch. 640, §4 “Sec 12(a) (1st 41 words), (e)”, 54 Stat. 767, 770. |

HISTORICAL AND REVISION NOTES—CONTINUED

| <i>Derivation</i> | <i>U.S. Code</i>                                  | <i>Revised Statutes and Statutes at Large</i>   |
|-------------------|---|---|
|                   | 5 U.S.C. 118k-1 (as applicable to 5 U.S.C. 118k). | Oct. 24, 1942, ch. 620 “Sec. 21 (as applicable to §12 of the Act of Aug. 2, 1939; added July 19, 1940, ch. 640, §4, 54 Stat. 767)”, 56 Stat. 986.     |
| (5) .....         | 5 U.S.C. 118l (as applicable to 5 U.S.C. 118k).   | July 19, 1940, ch. 640, §4 “Sec. 15 (as applicable to §12 of the Act of Aug. 2, 1939; added July 19, 1940, ch. 640, §4, 54 Stat. 767)”, 54 Stat. 771. |

In paragraph (4)(B), the words “or by any Territory or Territorial possession of the United States” are omitted in view of the definition of “State” in paragraph (1).

In paragraph (5), the words “July 19, 1940” are substituted for “at the time this section takes effect”.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

2012—Par. (2). Pub. L. 112-230, §3(a), inserted “, or the executive branch of the District of Columbia, or an agency or department thereof” before semicolon at end.

Par. (4)(B). Pub. L. 112-230, §3(b), added subpar. (B) and struck out former subpar. (B) which read as follows: “an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by a State or political subdivision thereof, or by a recognized religious, philanthropic, or cultural organization.”

1974—Par. (5). Pub. L. 93-443 struck out par. (5) which defined “an active part in political management or in political campaigns”.

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112-230, §5(a), Dec. 28, 2012, 126 Stat. 1617, provided that: This Act [see Short Title of 2012 Amendment note set out under section 101 of this title] and the amendments made by this Act shall take effect 30 days after the date of enactment of this Act [Dec. 28, 2012].”

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93-443, set out as a note under section 30101 of Title 52, Voting and Elections.

**§ 1502. Influencing elections; taking part in political campaigns; prohibitions; exceptions**

(a) A State or local officer or employee may not—

- (1) use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
- (2) directly or indirectly coerce, attempt to coerce, command, or advise a 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; or
- (3) if the salary of the employee is paid completely, directly or indirectly, by loans or grants made by the United States or a Federal agency, be a candidate for elective office.

(b) A State or local officer or employee retains the right to vote as he chooses and to express his opinions on political subjects and candidates.

(c) Subsection (a)(3) of this section does not apply to—

- (1) the Governor or Lieutenant Governor of a State or an individual authorized by law to act as Governor;
- (2) the mayor of a city;
- (3) a duly elected head of an executive department of a State, municipality, or the District of Columbia who is not classified under a State, municipal, or the District of Columbia merit or civil-service system; or
- (4) an individual holding elective office.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 404; Pub. L. 93-443, title IV, §401(a), Oct. 15, 1974, 88 Stat. 1290; Pub. L. 112-230, §§2, 3(c), Dec. 28, 2012, 126 Stat. 1616.)

HISTORICAL AND REVISION NOTES

| <i>Derivation</i> | <i>U.S. Code</i>                      | <i>Revised Statutes and Statutes at Large</i>                              |
|-------------------|---------------------------------------|--|
| .....             | 5 U.S.C. 118k(a) (less 1st 41 words). | July 19, 1940, ch. 640, §4 "Sec. 12(a) (less 1st 41 words)", 54 Stat. 767. |

In subsection (a), the term "State or local officer or employee", defined in section 1501, is substituted for the first 41 words of former section 118k(a). The words "any part of his salary or compensation" are omitted as included in "anything of value".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

2012—Subsec. (a)(3). Pub. L. 112-230, §2, amended par. (3) generally. Prior to amendment, par. (3) read as follows: "be a candidate for elective office."

Subsec. (c)(3). Pub. L. 112-230, §3(c), which directed the substitution of " , municipality, or the District of Columbia" for "or municipality" and " , municipal, or the District of Columbia" for "or municipal", was executed by substituting " , municipality, or the District of Columbia" for "or municipality" and " , municipal, or the District of Columbia" for "or municipal", to reflect the probable intent of Congress.

1974—Subsec. (a)(3). Pub. L. 93-443 substituted "be a candidate for elective office" for "take an active part in political management or in political campaigns".

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-230 effective 30 days after Dec. 28, 2012, see section 5(a) of Pub. L. 112-230, set out as a note under section 1501 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93-443, set out as a note under section 30101 of Title 52, Voting and Elections.

§ 1503. Nonpartisan candidacies permitted

Section 1502(a)(3) of this title does not prohibit any State or local officer or employee from being a candidate in any election if none of the candidates is to be nominated or elected at such election as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 404; Pub. L. 93-443, title IV, §401(b)(1), Oct. 15, 1974, 88 Stat. 1290.)

HISTORICAL AND REVISION NOTES

| <i>Derivation</i> | <i>U.S. Code</i>                                   | <i>Revised Statutes and Statutes at Large</i>   |
|-------------------|--|---|
| .....             | 5 U.S.C. 118n (as applicable to 5 U.S.C. 118k(a)). | July 19, 1940, ch. 640, §4 "Sec. 18 (as applicable to §12 of the Act of Aug. 2, 1939; added July 19, 1940, ch. 640, §4, 54 Stat. 767)", 54 Stat. 772. |

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1974—Pub. L. 93-443 substituted "candidacies" for "political activity" in section catchline and provision permitting nonpartisan candidacies for prior provision permitting political activity in connection with (1) an election and the preceding campaign if none of the candidates was to be nominated or elected at that election as representing a party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected, or (2) a question which was not specifically identified with a National or State political party and deeming questions relating to constitutional amendments, referendums, approval of municipal ordinances, and others of a similar character as not specifically identified with a National or State political party.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93-443, set out as a note under section 30101 of Title 52, Voting and Elections.

§ 1504. Investigations; notice of hearing

When a Federal agency charged with the duty of making a loan or grant of funds of the United States for use in an activity by a State or local officer or employee has reason to believe that the officer or employee has violated section 1502 of this title, it shall report the matter to the Special Counsel. On receipt of the report or on receipt of other information which seems to the Special Counsel to warrant an investigation, the Special Counsel shall investigate the report and such other information and present his findings and any charges based on such findings to the Merit Systems Protection Board, which shall—

- (1) fix a time and place for a hearing; and
- (2) send, by registered or certified mail, to the officer or employee charged with the violation and to the State or local agency employing him a notice setting forth a summary of the alleged violation and giving the time and place of the hearing.

The hearing may not be held earlier than 10 days after the mailing of the notice.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 405; Pub. L. 95-454, title IX, §906(a)(7), Oct. 13, 1978, 92 Stat. 1225.)

HISTORICAL AND REVISION NOTES

| <i>Derivation</i> | <i>U.S. Code</i>  | <i>Revised Statutes and Statutes at Large</i>   |
|-------------------|---|---|
| .....             | 5 U.S.C. 118k(b) (1st and 2d sentences, and 4th through 17th words of 3d sentence). | July 19, 1940, ch. 640 §4 "Sec. 12(b) (1st and 2d sentences, and 4th through 17th words of 3d sentence)", 54 Stat. 768. June 11, 1960, Pub. L. 86-507, §1(1), 74 Stat. 200. |