
Hatch Act Limitations on VISTA Political Activities

Prohibitions on Political & Lobbying Activities

Updated 6/28/05. Chapter 14: Basic Laws and Federal Regulations in your Member Handbook

No appropriated funds of the Corporation for National and Community Service (CNCS) shall be used to finance, directly or indirectly, any activity designed to influence the outcome of an election to federal, state, or local office or a voter registration activity, or pay the salary of a CNCS employee who engages in such activity.

In addition, VISTA programs are prohibited from using funds or personnel in a matter supporting or resulting in the identification of such programs with partisan or nonpartisan election activities, in voter registration activities, and in providing transportation to the polls. Additionally, no VISTA member or employee of a sponsoring organization may take any action with respect to a partisan or nonpartisan political activity that would result in the identification or apparent identification of the AmeriCorps VISTA program with such activity (see 42 U.S.C. § 5043 for additional restrictions and prohibitions).

VISTA programs also are prohibited from any activity intended to influence the passage or defeat of legislation or proposals by initiative petition (see 42 U.S.C. § 5043 (c) for additional restrictions and prohibitions).

You may participate in political activities allowed under the Hatch Act. The Domestic Volunteer Service Act at 42 U.S.C. § 5055 applies the restrictions of the Hatch Act, Title V, United States Code, Chapter 73, to VISTA members. The Hatch Act applies to you at all times during your service, including off duty hours. Permissible activities under the Hatch Act apply to VISTA members unless these activities are prohibited by other statutory authority when the members are on authorized leave or are not perceived to be performing as a VISTA member (e.g., while not engaged in performing service, or on service time).

You have the right to register and vote as you choose, express opinions about candidates and issues in a nonpublic context, contribute money to political organizations, and attend political meetings. You also may join and be a member of a political party or club, and sign nominating petitions if you do not identify these activities with VISTA or your sponsoring organization.

CNCS regulations that prohibit electoral and lobbying activities are contained in 45 CFR Part 1226 (see Appendix C). The approach of the regulations is twofold: 1) Restrictions on the assignment of VISTA members to, or restrictions on the receipt of CNCS funds by, certain organizations because of the nature of the organizations or their activities; and 2) Restrictions on member assignments and activities.

The organizational restrictions are based on the premise that the assignment of members or the receipt of CNCS funds by certain organizations (regardless of the proposed assignment or activity of the member) is precluded because of the organization's stated purpose or the nature of its activities.

The restrictions on member assignments and activities contain four basic areas of prohibited activities:

1) Electoral; 2) Voter registration, except that programs assisted under this Act may make voter registration information available to the public on the premises of such programs; 3) Voter transportation to the polls; and 4) Efforts of influence legislation. The prohibitions are directed to the use of CNCS funds, the assignments of members, and any other activities supported by CNCS funds.

The Domestic Volunteer Service Act provides two exceptions to the prohibitions on efforts to influence legislation: 1) At the request of a legislative body, committee, or member of a legislative body, and 2) Regarding an authorization or appropriation measure directly affecting the operation of the project or program.

The regulation, found at 45 CFR Part 1226, describes the conditions under which activities pursuant to these exceptions were once undertaken. The regulation also describes the applicability of the restrictions to sponsoring organization employees and the obligations of sponsoring organizations to ensure observance of the regulation. Appropriation laws have restricted these exceptions and activities permitted in 45 CFR Part 1226. Consequently, **you must contact your CNCS State Office before you engage in any political or lobbying activity.**