



Public Buildings Service

February 28, 2022

MEMORANDUM FOR: PUBLIC BUILDINGS SERVICE
REGIONAL COMMISSIONERS

FROM: ANDREW HELLER
ASSISTANT COMMISSIONER
OFFICE OF FACILITIES MANAGEMENT (PM)

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Andrew Heller
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SUBJECT: Operational Guidance for Voter Registration Event Requests
in Federally Owned Facilities Controlled by GSA

Under 40 U.S.C. § 581(h)(2), GSA may make certain areas of its public buildings (*i.e.*, auditoriums, meeting rooms, courtyards, rooftops, or lobbies) available for cultural, educational or recreational activity. The occasional use of these spaces is governed by the permitting procedures set forth in the Federal Management Regulation at subpart D of part 102-74 of subchapter C of chapter 102 of subtitle C of title 41 of the Code of Federal Regulations, 41 C.F.R. §§ 102-74.460 - 102-74.560.

The Hatch Act, 5 U.S.C. §§ 7321-7326, regulates the partisan political activity of Federal executive branch employees, and bars such employees from engaging in partisan political activity while on duty or in any Government space. Partisan political activity is “an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group.” 5 C.F.R. § 734.101.

In accordance with the Hatch Act, Government employees must not grant permit requests for the use of space in public buildings and grounds for partisan political activities. To do so would be deemed to be engaging in activity that is directed toward the success or failure of a political party, candidate for partisan political office or partisan political group. However, a non-partisan voter registration drive conducted in a federally owned facility under the jurisdiction, custody and control of GSA by an organization that qualifies for an exemption from taxation under 26 U.S.C. § 501(c)(3) (a “501(c)(3) organization”) may be approved on a case-by-case basis by the GSA Facility Manager

or other regionally designated approving official, but only after consultation with the Office of General Counsel. Because 501(c)(3) organizations are prohibited from directly or indirectly participating in partisan political activity under the federal tax code, it is reasonable for GSA to rely on an organization's 501(c)(3) status (in the form of an official Internal Revenue Service ("IRS") ruling, an IRS letter of determination or other documentation sufficient to establish the organization's 501(c)(3) status) when considering a permit request, absent any other circumstances surrounding the request that indicate the likelihood of a partisan event. Any application for a permit for a non-partisan voter registration drive sent by other than a 501(c)(3) organization will need to undergo additional analysis from the Office of General Counsel.

The following procedures are intended as guidance to assist regions in evaluating requests for use of GSA-controlled federally owned space for non-partisan voter registration drives:

1. Facility Manager or other regionally designated approving official provides the [GSA 3453 APPLICATION/PERMIT FOR USE OF SPACE IN PUBLIC BUILDINGS AND GROUNDS](#) to the requestor with the following added to "Part III - Conditions" (see Special Terms and Conditions text block on pg. 2): *"For non-partisan voter registration events, the applicant hereby represents that it is a 501(c)(3) organization and certifies that the requesting organization has received an official Internal Revenue Service (IRS) ruling, an IRS letter of determination or other documentation stating that the organization or its parent organization qualifies for tax-exempt status under 26 U.S.C. § 501(c)(3). Additionally, the applicant hereby certifies that all event activities on Federal Government property will be non-partisan."*
2. Upon receipt of the signed application for a permit (including applicant signatures on both pages), the GSA Facility Manager or other regionally designated approving official provides the completed GSA 3453 application for a permit to the Office of General Counsel for review and consultation.
3. After consultation with the Office of General Counsel, the Facility Manager or other regionally designated approving official may approve or deny the GSA 3453 application for a permit.
4. See the GSA 3453 application for a permit for all other terms and conditions that apply to this and all permits.

If you have questions or would like to discuss further, please contact me on (202) 501-0772.