



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

May 20, 1998

This letter is in response to your request for an advisory opinion concerning the Hatch Act. Specifically, you ask whether the Act would prohibit you, as a _____ the Veterans Administration, from running for Congress.

The Hatch Act Reform Amendments of 1993 (5 U.S.C. §§ 7321-7326) generally permit most federal employees to actively participate in partisan political management and partisan political campaigns. However, a covered employee may not be a candidate for public office in a partisan election, i.e., an election in which any candidate represents, for example, the Democratic or Republican party. A partisan election is an election in which any of the candidates are running as representatives of a political party.

As an employee of the VA you are covered by the provisions of the Hatch Act and are prohibited by the Act from running for public office in a partisan election. Because a partisan election is an election in which any of the candidates are running with party affiliation, you would not be permitted to run, even as an independent candidate, if any of your opponents are running with party affiliation. Furthermore, employees remain covered by the Act while they are on a leave of absence. For your information I have enclosed a copy of our booklet, Political Activity and the Federal Employee. Please call me at 800-854-2824 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Dalheim". The signature is written in a cursive style with a large initial "K" and "D".

Karen Dalheim
Attorney