



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

July 11, 1996

This letter is in response to your request for an advisory opinion concerning the Hatch Act. Specifically, you ask whether the Hatch Act, or any other federal statute, prohibits an employee of the New Hampshire legislature from running for or holding a partisan political office. You also ask whether the Hatch Act, or any other federal statute, prohibits such an employee from being simultaneously an elected member of the New Hampshire House of Representatives and an employee of the legislative branch of New Hampshire state government. Because our authority extends only to providing advisory opinions concerning the Hatch Act, 5 U.S.C. §1212(f), our response is confined to the provisions of that statute.

The Hatch Act (5 U.S.C. §§1501-1508) restricts the political activity of individuals principally employed by state, county, or municipal executive agencies in connection with programs financed in whole or in part by loans or grants made by the United States or a federal agency. An employee covered by the Act may not be a candidate for public office in a partisan election, i.e., an election in which any candidate represents, for example, the Republican or Democratic party. The Act applies only to executive branch employees. It would not prohibit a legislative branch employee from running for or holding a partisan political office. Similarly, the Act would not prohibit a legislative branch employee from simultaneously serving as a state Representative.

For your information, I am enclosing our publication which explains the application of the Hatch Act to certain state and local employees. If you have any questions, please call me at (202) 653-8944 or 800-854-2824.

Sincerely,

A handwritten signature in cursive script that reads "Ralph B. Eddy".

Ralph B. Eddy
Senior Trial Attorney