



U.S. OFFICE OF SPECIAL COUNSEL

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Washington, D.C. 20036-4505

December 30, 1998

This letter is in response to your request for information on the Hatch Act. Specifically, you ask whether the Act would prohibit an elected official from accepting employment with a federal agency.

The Hatch Act (5 U.S.C. §§ 7321-7326) generally permits 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. While the Act prohibits covered employees from becoming candidates in partisan elections, it does not prohibit them from holding public office. Consequently if an individual holds elected office at the time that she becomes a federal employee, she may continue to serve in the elected position. However, she would be prohibited from running for reelection if the election is partisan.

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, sweeping "K" and "D".

Karen Dalheim  
Attorney