



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

August 9, 1996

This letter responds to your request for clarification of your status under the Hatch Act. Specifically, you ask whether your position as a substance abuse counselor with Inc., a private nonprofit organization, causes you to be covered by the provisions of the Hatch Act. We understand that you have recently filed with the Rhode Island Secretary of State's Office as a candidate for the U.S. Senate.

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 to employees of private, nonprofit organizations only if the statute through which the organization derives its federal funding contains a provision which states that employees of recipient corporations are deemed to be state or local government employees for purposes of the Hatch Act.

According to information that you forwarded, receives federal funds from the U.S. Department of Health and Human Services. The statutes through which receives its funding do not contain any provisions that state that employees of recipient nonprofit organizations are to be considered state or local employees for purposes of the Hatch Act. Accordingly, you are not covered by the provisions of the Hatch Act and the Act would not prohibit you from running for U.S. Senate. For your information, I am enclosing our publication which explains the application of the Hatch Act to state and local employees. Please call Karen Dalheim at (202) 653-8944 or 800-854-2824 if you have any questions.

Sincerely,

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

Ralph B. Eddy  
Senior Trial Attorney