



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 201
Washington, D.C. 20036-4505

January 18, 2002

Mr. XXXXX
XXXXXXXXXX.
XXXXXXXXXX

Re: OSC File No. AD-01-0154

Dear Mr. XXXXXXXX:

This letter confirms our receipt of your letter, dated August 18, 2001, confirming our earlier conversation about the Hatch Act and its application to you as a civilian employee of the U.S. Army Corps of Engineers. Please accept our apology for the delay in responding to your request. The Office of Special Counsel received a large number of advisory requests this past year, and we are handling them as quickly as possible.

Generally, the Hatch Act prohibits federal executive branch employees, such as you, from running for public office in a partisan election, i.e., an election in which any candidate represents, for example, the Democratic or Republican Party. However, the county in which you reside, XXXX County, is a designated locality pursuant to the Hatch Act. 5 U.S.C. § 7325; 5 C.F.R. § 733.107. Covered employees residing in designated localities are permitted to run as independent candidates for election to partisan political offices in elections for local office in such localities. 5 C.F.R. § 733.103(b)(1). Therefore, as long as you remain a resident of XXXX County or other designated locality you may be an independent candidate in a partisan election for local office.

As to your wife's position as Chair of the XXXX Democratic Committee (XDC) and her participation in your campaign, the main issue is whether her assistance may transform your candidacy from independent to partisan. For example, if you solicited or advertised the endorsement of the Democratic Party or other partisan political party, or used the resources of XDC or other partisan political party to further your campaign, these actions could transform your independent candidacy into a partisan one. See Special Counsel v. Campbell, 58 M.S.P.R. 170 (1993), aff'd, 27 F.3d 1560 (Fed. Cir. 1994). Thus, although your wife may assist you with your campaign, she may do so in her personal capacity and not as a representative of the political party.

For your information I am enclosing a copy of our publication, which explains the Hatch Act's application to federal employees. Please call me at (202) 653-7143 if you have any questions concerning this matter.

U.S. Office of Special Counsel

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Sincerely,

_____/s/_____

Ana Galindo-Marrone

Attorney

Hatch Act Unit