

**STATEMENT OF BART STUPAK  
MEMBER OF CONGRESS  
BEFORE THE  
SUBCOMMITTEE ON FEDERAL WORKFORCE, POSTAL SERVICE AND  
THE DISTRICT OF COLUMBIA  
SEPTEMBER 11, 2008**

Thank you, Chairman Davis and Ranking Member Marchant, for holding this hearing and for allowing me to testify before the Subcommittee on my legislation, H.R. 4272, to modernize the Hatch Act.

The Hatch Act was established by Congress in 1939 and one year later Congress extended coverage under the Act to state and local employees. As a result, all employees subject to the Hatch Act are not allowed to run for elective office in a partisan election. An employee is subject to the Hatch Act if their principal employment is directly connected to federal grants, loans, reimbursements (including Medicaid), and subsidies.

Over the past two years, several local officials and residents who live and work within 5 different counties in Michigan's First Congressional District have been negatively affected by the Hatch Act. These individuals have received written correspondence from the Office of Special Counsel indicating that they are in violation of the Hatch Act or have come to this conclusion through the assistance of other legal counsel. To comply with the Hatch Act, these individuals have chosen not take office, resign from office, not run for re-election, and not run for office at all.

Some local governments have even chosen to stop receiving federal funding. For example, in March 2008, the Ishpeming City Council voted unanimously to stop accepting all federal grant and loan funding for the Ishpeming Police Department through December 31, 2008 so that it would no longer impede Jim Bjorne, the Ishpeming Police Chief, from running for Marquette County Sheriff. Prior to this decision, the City of Ishpeming had received \$594 through three federal programs which the City joined in October 2007 including drinking and driving, minors in possession, and seat belt and speed enforcement campaigns. While this may not seem like much money, these grants make a big difference in the budget of a small, rural police department.

Because northern Michigan is a rural area, a significant majority of the residents are employed by an organization that receives government funding. For example, hospitals are one of the largest employers in my Congressional District. Since these hospitals receive federal funds, a number of hospital employees are covered by the Hatch Act.

While the Hatch Act was originally established to eliminate partisan appearances and partisan connections to federal funding, these restrictions are hurting rural America by disqualifying several capable citizens from serving their communities.

If an individual is in violation of the Hatch Act, they must either resign or retire from their current employment in order to continue to run for a partisan office. However, most publicly elected officials in rural areas cannot afford to quit their job because the elected positions in

these smaller communities do not provide a large enough salary to live on. As a result, the Hatch Act severely limits which residents can serve in local office.

To provide relief to the residents of northern Michigan and others throughout the country, I have introduced legislation to establish an exemption in the Hatch Act for rural communities. H.R. 4272 would allow state and local employees who may not currently be able to run for local office due to the Hatch Act to be candidates in a partisan election if they are running for local office in a county with a population of less than 100,000 people.

Public service is important in every community. The last time the Hatch Act was amended was in 1993 to allow federal employees to take an active role in political campaigns in federal races. Now, it is time for Congress to revise the Hatch Act so that Americans in rural communities can fully participate in their local governments.

I urge the Subcommittee to act on H.R. 4272, to provide qualified candidates the opportunity to serve their community without having to be concerned about where they are employed.

Thank you.

## EXAMPLES OF HATCH ACT CASES IN NORTHERN MICHIGAN

An individual in Charlevoix County, currently the Under Sherriff, wished to run for the Charlevoix County Sheriff position. After learning from the Office of Special Counsel that they were in violation of the Hatch Act, this individual took measures to remove all of their responsibilities and oversight roles which dealt with federal programs used by the Charlevoix County Sheriffs Department. Upon making these changes, the Office of Special Counsel cleared this individual to run for partisan office.

An individual in Marquette County, currently the Ishpeming Police Chief, wished to run for the Marquette County Sheriff position. After learning from the Office of Special Counsel that they were in violation of the Hatch Act, the Ishpeming City Council voted to stop accepting all federal grant and loan funding for the Ishpeming Police Department through December 31, 2008. Prior to this decision, the City of Ishpeming had received \$594 through three federal programs which the City joined in October 2007 including drinking and driving, minors in possession, and seat belt and speed enforcement campaigns. Upon making these changes, the Office of Special Counsel cleared this individual to run for partisan office.

An individual in Schoolcraft County resigned from their position as Schoolcraft County Commissioner after the Office of Special Counsel determined they were in violation of the Hatch Act. The individual worked as a clinical therapist with Hiawatha Behavioral Health. Hiawatha Behavioral Health receives Medicaid and Block Grants from the federal government. The individual provided outpatient counseling to patients whose mental health services were paid for by Medicaid.

An individual in Schoolcraft County was elected as a Schoolcraft County Commissioner. The individual worked as a licensed medical social worker at Schoolcraft Memorial Hospital and served on the Board of the Schoolcraft Health Access Coalition (SHAC). The Office of Special Counsel determined that this individual was in violation of the Hatch Act because they received reimbursements from SHAC for attending a conference on behalf of the organization and for supervising the Program Director. SHAC receives funding from a federal Healthy Communities Access Program grant. This individual resigned before being sworn into office.

An individual in Schoolcraft County choose not to seek re-election as a Schoolcraft County Commissioner after being appointed to the position. This individual worked at the Menominee-Delta-Schoolcraft Community Action Agency which receives federal funding through FEMA and Community Service Block grants.

An individual in Delta County withdrew their candidacy for Delta County Commissioner after the Office of Special Counsel notified them that their candidacy was in violation of the Hatch Act. This individual was employed as a conservation officer with the Michigan Department of Natural Resources.

An individual in Delta County withdrew their candidacy for Delta County Commissioner after the Office of Special Counsel notified them that their candidacy was in violation of the Hatch Act. This individual was employed as the executive director of Delta Area Transit Authority.

An individual in Delta County was appointed by the Delta County Board to fill an open position on the Delta County Road Commission. This individual was employed as the executive director of the Delta Conservation District.

An individual in Baraga County resigned from their position as Baraga County Commissioner after studying the Hatch Act and determining that they were likely in violation of the Hatch Act. This individual worked as an Emergency Manager.