



U.S. OFFICE OF SPECIAL COUNSEL

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

February 11, 2000

This letter is in response to your request for an advisory opinion concerning the Hatch Act. Specifically, you ask whether _____ may serve as an officer and board member for two organizations which promote handgun control issues, Handgun Control Inc. (HCI) and the Center to Prevent Handgun Violence (Center). You state that HCI by virtue of its 501(c)(4) tax status is allowed to engage in activities which influence legislation and promote candidates. Additionally, HCI has a political action committee (PAC). The Center is a 501(c)(3) organization and is restricted by law from influencing legislation or promoting candidates and has no PAC.

As you know, the Hatch Act (5 U.S.C. §§ 7321-7326) governs the political activity of federal employees. For purposes of the Hatch Act, political activity is defined as an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group. While the Act restricts an employee's participation in certain political events, i.e., soliciting, accepting and receiving political contributions, it does not prohibit an employee from participating in the nonpartisan activities of a community organization.

Addressing your specific question, the Hatch Act would not prohibit _____ from serving as an officer and board member for either organization. Please be aware, however, that because the Act prohibits covered employees from soliciting, accepting and receiving political contributions, _____ should refrain from engaging in such activity in association with HCI's PAC. Consequently, while she may be involved in the administrative issues of the HCI PAC, she should not allow her name to be used in association with a fundraising event nor should she serve as the host of a fundraiser. Please call me at 202-653-7143 if you have any questions on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Dalheim".

Karen Dalheim
Attorney