



U.S. OFFICE OF SPECIAL COUNSEL

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Washington, D.C. 20036-4505

September 27, 1996

This letter responds to the inquiry that you forwarded to our Office concerning the Hatch Act. Specifically, [redacted] has asked whether the Hatch Act would prohibit her from running for public office in a partisan election.

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. It has long been established that an officer or employee of a state or local agency is subject to the Hatch Act if, as a normal and foreseeable incident of his principal position or job, he performs duties in connection with an activity financed in whole or in part by federal funds. In re Hutchins, 2 P.A.R. 160, 164 (1944), Special Counsel v Gallagher, 44 M.S.P.R. 57 (1990).

We understand from conversations with [redacted] that she is the coordinator of the Victim Assistance Program (Program) at the Office of the District Attorney in the Thirteenth Circuit Court District in [redacted]. [redacted] told us that 75% of the funding for the Program comes from federal funds. This money is used for general operating expenses. Accordingly, [redacted] has duties in connection with a federally funded program and is prohibited by the Hatch Act from running for public office in a partisan election.

For your information, I am enclosing our publication which explains the application of the Hatch Act to state and local employees. Please call me at (202) 653-9001 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Michael G. Lawrence". The signature is written in black ink and is positioned above the typed name.

Michael G. Lawrence
Director of Legislative
and Public Affairs