



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

April 23, 2001

XXXXX
XXXXX
XXXXX, PA XXXXX

Re: OSC File No. AD-01-0086

Dear Mr. xxxxxx:

This letter is in response to your request for an advisory opinion concerning the Hatch Act. Specifically, you ask whether the Act would prohibit you from being elected to the school board as a “write-in” candidate in a partisan election. We understand that you are currently employed as a mechanical engineer with the U.S. Army, in xxxxxx.

The Hatch Act (5 U.S.C. §§ 7321-7326) generally permits most federal employees to actively participate in partisan political management and partisan political campaigns. However, a covered employee may not be a candidate for public office in a partisan election, i.e., an election in which any candidate represents, for example, the Democratic or Republican party. By virtue of your employment with the U.S. Army, you are covered by the provisions of the Hatch Act. Therefore, you are prohibited from being a candidate for public office in a partisan election, such as the election for school board.

As to your specific inquiry about a “write-in” candidacy for partisan public office, such a candidacy is permissible only if spontaneous and accomplished without an employee’s knowledge. In Re Widenhofer, 1 P.A.R. 836 (1962). You acknowledge that you have heard rumors of a write-in effort to elect you to the school board. It would be a violation of the Act if you encouraged this effort or remained silent. The Act imposes on you an affirmative duty to disavow this effort through public announcements and other appropriate means.

U.S. Office of Special Counsel

Mr. xxxxx

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For your information, I am enclosing a copy of our current publication on the Hatch Act's application to federal employees. Please contact me at (800) 854-2824 if you have any questions.

Sincerely,

_____/s/_____
Amber A. Bell
Attorney
Hatch Act Unit