



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

March 28, 1997

This letter is in response to your inquiry of March 19, 1997, concerning the definition of political activity under the Hatch Act. In your letter you ask whether the receipt of an unsolicited fax at work, which references endorsing candidates in an upcoming election, constitutes political activity under the Hatch Act. No reference is made to political parties in the fax.

The Hatch Act Reform Amendments of 1993 (5 U.S.C. §§ 7321-7326) generally permit most federal employees to actively participate in partisan political management and partisan political campaigns. However, employees are prohibited from participating in partisan political activities while on duty or in a government building. 5 U.S.C. § 7324(a)(1)&(2).

Political activity has been defined in the Office of Personnel Management's Regulations as an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group. 5 C.F.R. 734.101. Based on the information that you forwarded we do not believe that your unsolicited receipt of the fax constituted participation in political activity in violation of the Hatch Act.

While the Office of Special Counsel is authorized to issue advisory opinions concerning the Hatch Act, we have no authority to issue advice that addresses Standards of Conduct concerns. Those questions should be forwarded to the U.S. Office of Government Ethics at (202) 208-8000.

Please call me at 800-854-2824 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "K. Dalheim".

Karen Dalheim
Attorney