



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

September 20, 1996

This letter is in response to your request for an advisory opinion concerning the Hatch Act. Specifically, you ask whether _____ an employee of the Mississippi Department of Environmental Quality, may be a candidate for Chancery Court Clerk of _____ County, Mississippi. We understand that _____ is an accountant with the Department and that her job duties are connected with a federally financed activity. We also understand that the election for Chancery Court Clerk is a nonpartisan 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. However, the Act does not prohibit a covered employee from being a candidate in a nonpartisan election.

Because the Hatch Act does not prohibit a covered employee from candidacy in a nonpartisan election, _____ would not violate the Hatch Act by being a candidate for Chancery Court Clerk in such an election. For your information, I am enclosing our publication which explains the application of the Hatch Act to certain state and local employees. If you have any questions, please call me at (202) 653-8944 or 800-854-2824.

Sincerely,

A handwritten signature in cursive script that reads "Ralph B. Eddy".

Ralph B. Eddy
Senior Trial Attorney