



U.S. OFFICE OF SPECIAL COUNSEL

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

June 5, 1996

This letter is in response to your request for an advisory opinion concerning the Hatch Act' restrictions on running for public office in a partisan election. According to the information that you forwarded to our Office, you currently are employed as the Emergency Services Director in [redacted] and you are a partner in an environmental products/systems company.

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. Principal employment is that employment to which an individual devotes the most time, and from which he derives the most income. See, e.g., Anderson v. U.S. Civil Service Commission, 119 F. Supp. 567, 576-577 (D.Mont. 1954); Matturi v. U.S. Civil Service Commission, 130 F. Supp. 15, 16-17 (D.N.J. 1955), aff'd, 229 F.2d. 435 (3rd Cir. 1956); Smyth v. U.S. Civil Service Commission, 291 F. Supp. 568 (E.D.Wis. 1968).

You reported to us that in your position with the County you work 24 hours per week and are paid \$10,000.00 annually. Your environmental consulting position accounts for 30 hours per week and you state that you have already earned more than \$10,000.00 this year. Based on the information that you provided, we have concluded that you are not covered by the provisions of the Hatch Act because you devote more time to and derive more income from your nonfederally funded position. Therefore, the Hatch Act would not prohibit you 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 Karen Dalheim at (202) 653-7143 or 1-800-854-2824 if you have any questions.

Sincerely,

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

Ralph B. Eddy  
Senior Trial Attorney