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## OFFICE OF SPECIAL COUNSEL CALLS FOR HATCH ACT OVERHAUL

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### FOR IMMEDIATE RELEASE

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Special Counsel Carolyn Lerner today asked Congress to reform the Hatch Act, the 72-year-old law that limits partisan activity of government employees. Lerner, who sent draft legislation to Congress today, said this reform has been a top priority since her June 2011 swearing-in.

"The Hatch Act injects the federal government into state and local contests thousands of times a year, its penalties are inflexible and sometimes unfair, and it is out-of-date with the 21<sup>st</sup> century workplace," Lerner said. "There's bipartisan consensus that this law needs an update."

Lerner said her office receives over 2,000 inquiries annually regarding whether a particular candidate in a state or local race is eligible to run. If the candidate has even a trivial connection to federal funding in his or her current position, they cannot run in a partisan election. A recent example was that of a Pennsylvania police officer in a canine unit who was not eligible to run for his local school board because his black Labrador was tied to funding from the Department of Homeland Security.

In addition, Lerner said, the workplace is significantly different today than it was in 1993, when the law last saw significant reform. Congress needs to clarify the law's definitions of "political activity" and of "federal workplace," among other reforms.

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*The U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency. Our basic authorities come from four federal statutes: the Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act (USERRA). OSC's primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing. For more information, please visit our website at [www.osc.gov](http://www.osc.gov).*

## **A BILL**

To amend section 1502 of title 5, United States Code, to permit state and local employees to participate as candidates for elective office, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### **SECTION 1. SHORT TITLE.**

This Act may be cited as the ‘Hatch Act Reform Amendments of 2011’.

### **SECTION 2. PERMITTING STATE AND LOCAL EMPLOYEES TO BE CANDIDATES FOR ELECTIVE OFFICE.**

(a) Section 1502(a) of title 5, United States Code, is amended--

(1) in paragraph (1), by adding ‘or’ after the semicolon;

(2) in paragraph (2), by striking ‘purposes; or’ and inserting ‘purposes.’; and

(3) by striking paragraph (3).

(b) Section 1502 of title 5, United States Code, is further amended by striking subsection (c).

### **SECTION 3. HATCH ACT PENALTIES FOR FEDERAL EMPLOYEES**

(a) Section 7326 of title 5, United States Code, is amended to read as follows:

‘§7326 Penalties.

An employee or individual who violates section 7323 or 7324 of this title shall be subject to removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, reprimand, or an assessment of a civil penalty not to exceed \$1,000.’.

### **SECTION 4. EFFECTIVE DATE.**

(a) This Act shall take effect 30 days after the date of enactment of this Act.