



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

June 4, 2002

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXX, NJ XXXXX

Dear Mr. XXXXXXXX:

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, as a United States Postal Service employee, from being a candidate for Committeeman of xxxx, New Jersey. We understand that each political party has a Committeeman and Committeewoman who represent xxxx County. You further explain that only members of the same political party may vote in the election for Committeeman and Committeewoman.

The Hatch Act (5 U.S.C. §§ 7321-7326), which covers United States Postal Service employees, generally permits most employees to actively participate in partisan political management and partisan political campaigns. However, a covered employee may not be a candidate for partisan political office¹, i.e., an election in which any candidate represents, for example, the Democratic or Republican Party. 5 U.S.C. § 7323(a) (3).

While the Act prohibits candidacy for public office in a partisan election, it does not prohibit a covered employee from running for office within a political party.² Consequently, you would not be prohibited by the Hatch Act from being a candidate for Committeeman of xxxx County because it is an office within the Republican Party. However, as a covered employee, you are prohibited from soliciting, accepting or receiving political contributions. 5 U.S.C. § 7323(a)(2). Therefore, in addition to other restrictions concerning your political activity, you would have to refrain from listing your name on any fundraising letters or invitations sent out on behalf of the Republican Party or any partisan candidate.

¹ Partisan political office is defined as any public office in which any candidate is nominated or elected as representing a political party, but does not include any office or position within a political party or affiliated organization. See, 5 C.F.R. § 734.101.

² An employee covered by the Hatch Act is permitted to be a candidate and serve as an officer of a political party or other political group. 5 C.F.R. § 734.204.

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For your information, I have enclosed a copy of our pamphlet that explains the application of the Hatch Act to federal employees, including postal carriers. Please do not hesitate to contact me at (800) 854-2824 if you have any further questions.

Sincerely,

_____/s/_____

Amber Bell

Attorney

Hatch Act Unit