



U.S. OFFICE OF SPECIAL COUNSEL

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

This letter is in response to your request for an advisory opinion regarding application of the Hatch Act. According to your letter, you currently are employed by the _____ County Department of Social Services and you believe that you are covered by the Hatch Act. You state that you intend to run for the position of District Attorney in _____ County in November of 1995. You further state that you will resign from your position with the County in April of 1995, but would like to know if you may engage in any preliminary activities relating to your candidacy prior to resigning from your County position.

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.

The prohibition against political activity extends not merely to the formal announcement of candidacy but also to the preliminaries leading to such announcement and to canvassing or soliciting support or doing or permitting to be done any act in furtherance of candidacy. Because the statute has been interpreted to prohibit preliminary activities regarding candidacy, any action which can reasonably be construed as evidence that the individual is seeking support for or undertaking an initial "campaign" to secure nomination or election to office would be viewed as candidacy for purposes of 5 U.S.C. § 1502(a)(3). Therefore, you would be prohibited from writing introductory letters to local party committees requesting the opportunity to meet with them and you would also be prohibited from meeting with individuals to plan the logistics and strategy of your candidacy. Conversely, you would not violate the Act by responding affirmatively to inquiries concerning whether

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you intend to become a candidate. However, at this point you should not ask people to participate in any activities directed toward the success of your future candidacy.

Please call Karen Dalheim at (202) 653-8944 or 1-800-854-2824 if you have any questions.

Sincerely,

William E. Reukauf
Associate Special Counsel
for Prosecution

WER:RBE:KLD/kd