



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218

Washington, D.C. 20036-4505

March 31, 2004

XX XXXXXXXXX
XXXXXX XXX XXXX
XXX XXXXXXXXX
XXXXXXX, XX XXXXX

Re: OSC File No. AD-04-XXXX

Dear Xx. XXxxxx:

This letter is in response to your request for an advisory opinion concerning the Hatch Act and its applicability to you as a non-career member of the senior executive service with the XXXXX XXXXXX. The Office of Special Counsel (OSC) is authorized pursuant to 5 U.S.C. § 1212(f) to issue binding opinions under the Act. Specifically, you ask whether the Hatch Act prohibits you from soliciting and receiving funds to pay for the filing fees to run for party or public office and the membership fees to join political organizations.

The Hatch Act, 5 U.S.C. §§ 7321-7326, governs the political activity of federal employees in the executive branch, including non-career members of the senior executive service. The Act prohibits covered employees from knowingly soliciting, accepting or receiving political contributions from any person. 5 U.S.C. § 7323(a)(2). A political contribution is any gift, subscription, loan, advance, or deposit of money or anything of value, made for any political purpose. 5 U.S.C. § 7322(3); 5 C.F.R. § 734.101. The Hatch Act regulations define political purpose as an objective of promoting or opposing a political party, candidate for partisan political office or partisan political group. 5 C.F.R. § 734.101.

We understand from your request that the filing fees you wish to solicit from individuals would be paid to the political party. Filing fees paid to a political party to run for public office in a partisan election or to run for party office, and membership fees to join a political party or club, are made for political purposes, as defined above. Therefore, the Hatch Act would prohibit you from knowingly soliciting, accepting or receiving funds to pay for such fees.

Please contact me at 202-254-3650 if you have additional questions regarding this matter.

Sincerely,

/s/

Erica N. Stern
Attorney
Hatch Act Unit