



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 201
Washington, D.C. 20036-4505

April 30, 2002

XXXXX
XXXXX
XXXXX, VA XXXXX

Re: OSC File No. AD-02-0054

Dear Mr. xxxxx:

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 an employee of the Department of the Navy, from being a candidate for City Council, in xxxxx, Virginia.

As an employee of the Department of the Navy, you are covered by the provisions of the Hatch Act. The Hatch Act (5 U.S.C. §§ 7321-7326) generally permits most federal employees to actively participate in partisan political management and partisan political campaigns. However, a covered employee may not be a candidate for public office in a partisan election, i.e., an election in which any candidate represents, for example, the Democratic or Republican Party.

While the Hatch Act prohibits a covered employee from running for public office in a partisan election, it does not prohibit a covered employee from running for office in a nonpartisan election. Based on the information we received from the xxxxx Council Clerk, the election for xxxxx City Council is nonpartisan. Therefore, the Hatch Act would not prohibit your candidacy for City Council.

However, if partisan politics become associated with the campaign of any candidate, the election may transform from nonpartisan to partisan. For example, if a candidate solicits the endorsement of a partisan group or uses a party's resources to further his/her campaign, these actions may transform the election for City Council from nonpartisan to partisan. Thus, if any candidate becomes associated with a political party, we advise that you contact our office.

For your information, I have enclosed a copy of our pamphlet that explains the application of the Hatch Act to federal employees. Please call me at (800) 854-2824 if you have any questions.

Sincerely,

_____/s/_____
Amber Bell
Attorney
Hatch Act Unit