



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

December 9, 1997

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

from running for the city council in San Jose, California. We understand that the election for city council is nonpartisan.

The Hatch Act Reform Amendments of 1993 (5 U.S.C. §§ 7321-7326) generally permit 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. Because the city council election in San Jose is nonpartisan, the Hatch Act would not prohibit your candidacy. Additionally, the Hatch Act would not prohibit you from soliciting, accepting or receiving contributions for your campaign. Please call me at 800-854-2824 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Dalheim".

Karen Dalheim
Attorney