



STATE AND LOCAL LAW ENFORCEMENT HATCH ACT REFORM ACT OF 2011 FACT SHEET

INTRODUCTION

The federal Hatch Act restricts the political activity of individuals principally employed by state, county or municipal executive agencies who have duties in connection with programs financed in whole or in part by federal loans or grants. An employee covered by the Act is prohibited from being a candidate for public office in a partisan election. The penalty for violating the Act is removal of the employee from his or her position with the state or local agency and debarment from employment with a state or local agency within the same state for the following 18 months. There is no statute of limitations or deadline by which the Office of Special Counsel must file charges.

BREAKDOWN OF THE BILL

Section 2 (a) – Would allow state and local law enforcement officers to run for the Office of Sheriff without having to quit their jobs.

- Reason for Provision: In post-9/11 and post-Katrina America, more than six decades since the enactment of the original Hatch Act, there is virtually no local law enforcement agency that does not receive some amount or type of federal funds to enhance their anti-terrorism and emergency response activities. Therefore, qualified men and women in law enforcement are forced to quit their jobs to run for the Office of Sheriff. Thus, current law may either place a financial burden on the individual (as they now lack a job while campaigning) or discourage qualified individuals from running. This provision ensures that they can stay employed while seeking the Office of Sheriff.

Section 2 (b) – Would clarify current law to allow sheriffs, in their official capacity, to participate in political activities; also clarifies allowable political activities of a sheriff to include, but not limited to, endorsing a candidate through print, radio or TV ads, speaking in political events, attending or sponsoring fundraisers.

- Reason for Provision: While the intent of §1502(a)(1) of the Hatch Act may be to prohibit an individual from abusing his or her official authority to influence or interfere with an election is valid, §1502(a)(1) is overreaching and ambiguous when applied to the Office of Sheriff. The Office of Sheriff is unique in that it is both an ***elected and uniformed position***. Consequently, sheriffs have unfairly been subjects of claims of potential violations of the federal Hatch Act due to the inherent and unique nature of the elected Office which requires him to be on duty 24 hours a day/7 days a week/365 days a year.

Section 3 – Would implement a statute of limitation of 6 months to file a claim against a state or local law enforcement officer or a sheriff for alleged violation of the Hatch.

- Reason for Provision: The penalty for violating the Hatch Act is removal of the employee from his or her position with the state or local agency and debarment from employment with a state or local agency within the same state for the following 18 months. Currently, there is no statute of limitations. In recent years, individuals have used *potential* violations that occurred years past by filing a claim with the Office of Special Counsel to use as a political attack against an incumbent sheriff during an election cycle. The statute of limitations will ensure that claims must be filed within six months of the alleged violation.