



NATIONAL SHERIFFS' ASSOCIATION

September 16, 2011

The Honorable Richard G. Lugar
United States Senator
Washington, DC 20510

The Honorable Susan M. Collins
United States Senator
Washington, D.C. 20510

Dear Senator Lugar and Senator Collins:

On behalf of the National Sheriffs' Association (NSA) and the 3,083 elected sheriffs nationwide, I am writing to express our strong support for the State and Local Law Enforcement Hatch Act Reform Act of 2011 (S. 1562). This crucial bill would amend current law to clarify the standards by which the Hatch Act may be applied in future elections.

A key issue for the nation's sheriffs, this legislation would amend current law (5 U.S.C. §§ 1501-1508) known as the Hatch Act to 1) allow state and local law enforcement officers to be a candidate for the Office of Sheriff—an elected Office—without being forced to quit their jobs; 2) clarify current law to allow sheriffs to endorse political candidates without fear of potentially violating the Hatch Act; and 3) establish a statute of limitations of 6 months to file a claim against a state or local law enforcement officer for alleged violation of the Act.

Currently, the 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. As a result, a state or local law enforcement officer covered under the Act is prohibited from being a candidate for the Office of Sheriff which severely limits the number of qualified candidates for Sheriff—a chief law enforcement officer of a county.

Moreover, allowable political activities as it applies to the Office of Sheriff are ambiguous at best which has resulted in unfair and increasing claims of violations of the Hatch Act against a sheriff, especially during an election cycle. Finally, there is no statute of limitations or deadline by which the Office of Special Counsel at the U.S. Department of Justice must file charges for alleged violations of the Hatch Act.

In a 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. Undoubtedly, federal legislation to amend this antiquated law is sorely needed to ensure that our citizens may elect the best candidate as their local sheriff and that state and local law enforcement officers are not unfairly and unnecessarily penalized.

Senator Lugar and Senator Collins, I sincerely thank you for your leadership on the State and Local Law Enforcement Hatch Act Reform Act of 2011 (S. 1562) in the United States Senate. The nation's sheriffs stand ready to assist you in passing this critical legislation during the 112th Congress.

Sincerely,

A handwritten signature in cursive script that reads "Paul H. Fitzgerald".

Sheriff Paul H. Fitzgerald
President