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## A Law Misused for Political Ends

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THE federal agency I lead, the United States Office of Special Counsel, enforces a law that is broken and needs to be fixed.

The law, the [Hatch Act](#) of 1939, was intended to keep improper politics out of the federal workplace. At its best, it prevents people in political power from abusing their positions. It prohibits coercion by a government supervisor — such as pressuring employees to volunteer for or contribute to a campaign — and shields the civil service and the federal workplace from politicking.

But at its worst, the law prevents would-be candidates in state and local races from running because they are in some way, no matter how trivially, tied to a source of federal funds in their professional lives. Our caseload in these matters quintupled to 526 complaints in the 2010 fiscal year, from 98 in 2000. We advised individuals on this law 4,320 times in 2010.

Matthew P. Arlen is a police officer for the Southeastern Pennsylvania Transportation Authority. A Republican, he wanted to run for the school board, but we told him in June he could not because his bomb-sniffing dog is funded through the Department of Homeland Security.

The Port of Albany, in New York, got stimulus funds to rebuild its dock and wharf, so we told Terrence P. Hurley, who is the port's chief financial officer, that he could not run in last month's Democratic primary for the county legislature.

Increasingly, the act is being used as a political weapon to disqualify otherwise well-qualified candidates, even when there is no indication of wrongdoing. An allegation that a candidate has violated federal law — simply by stepping forward to run — can cast a cloud.

Of course, the would-be candidate could give up his day job. But the day job usually pays the rent, and many of the elective offices being sought pay little or nothing. Forcing people to resign in order to participate in the democratic process is unfair and bad policy.

Sheriffs' offices are especially affected. Since 9/11, federal grants to state and local law enforcement have soared. Deputies are commonly the most knowledgeable and capable potential candidates, but they are ineligible to succeed their bosses because of the influx of federal money.

Anthony C. Nelson is on next month's ballot for sheriff in Lowndes County, Miss. He stepped up after the previous Democratic nominee, an acting police chief, left the race over a Hatch Act problem. Then Mr. Nelson, the head of the local juvenile detention center, was himself accused of violating the act. An investigation by our office found that the center got no federal funding, so he remains on the ballot.

I have sent Congress [proposed legislation](#) to fix the Hatch Act by removing restrictions on state and local government workers who want to run for elected office. This would not cost taxpayers anything. It would demonstrate respect for the independence of state and local elections, and would allow qualified candidates to serve their communities as elected officials.

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