

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY



Office of Government Ethics
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THE LOCAL HATCH ACT

Government Employees – Testing the Waters of Candidacy

The **Local Hatch Act** (“LHA”) permits employees of the District Government to take an active part in political management or in political campaigns; provided, that those employees, among other prohibitions:

- ❖ **SHALL NOT become a CANDIDATE for election to a partisan political office.**¹

When do I officially become a candidate?

The **LHA** defines **Candidate** as an individual who seeks nomination or election to any elective office in the District whether or not the person is elected. An individual is deemed to be a candidate by the **LHA** if the individual has received political contributions, made expenditures, or has consented to another person receiving contributions or making expenditures with a view to bringing about the individual’s nomination or election.²

Can I form an Exploratory Committee before I become a candidate?

The **Ethics Act** defines an **Exploratory Committee** as “any person, or group of persons, organized for the purpose of examining or exploring the feasibility of an individual's becoming a candidate for an elective office in the District.”³

So the answer is: YES. Theoretically, for purposes of the Ethics Act and the **LHA**, it is **permissible** for a government employee to **HAVE** an Exploratory Committee without necessarily being deemed a **Candidate**, **but is not recommended that the employee CREATE it because of the risk involved that the employee will be deemed a candidate if any fundraising occurs (see below)**. This is an important distinction because becoming a **Candidate** for purposes of the **LHA** leads to the employee being required to resign his/her government position.

REMEMBER THE RISK:

DISTRICT EMPLOYEES MAY NOT ENGAGE IN FUNDRAISING FOR A DISTRICT REGULATED ELECTION. Although the Ethics Act permits an employee to form an exploratory committee, the fundraising prohibition in the LHA continues to apply. As a result, no Exploratory Committee formed by an employee may engage in fundraising of any kind. An Exploratory Committee formed by **an individual or a group other than the employee**, but which acts on behalf of the employee, may engage in fundraising as long as:

The District government employee for whom the **Exploratory Committee** has been formed:

- Does not engage in fundraising for the Exploratory Committee;
- Does not receive contributions or make expenditures regarding the Exploratory Committee; and
- Does not coordinate or otherwise consent to another person receiving contributions or making expenditures regarding the Exploratory Committee.

- **If you have questions about the Local Hatch Act, please contact BEGA at (202) 481-3411.**
- **IMPORTANT NOTE: If your position is paid in whole or in part by federal funds, be advised that you are also subject to the federal Hatch Act which does not even allow for an exploratory committee.**

¹ D.C. Official Code § 1-1171.02(a).

² D.C. Official Code § 1-1171.01(2).

³ D.C. Official Code § 1-1161.01(22).