

## Deputy Sheriff’s Run for Sheriff and the Hatch Act

*Caldwell v. United States Office of Special Counsel*  
(*Freda L. Wolfson, D.N.J. 1:05-cv-5126*)

A deputy sheriff filed a federal complaint seeking relief and clarification of his right to run for sheriff as a Republican nominee after the Democratic incumbent transferred him to a department receiving federal funds so that his candidacy might violate the Hatch Act. The district judge held telephone conferences with the parties one and two days later. At a hearing five days after the complaint was filed, the parties announced a confidential settlement.

*Subject:* Getting on the ballot. *Topics:* Getting on the ballot; case assignment.

A deputy sheriff in Atlantic County, New Jersey, filed a federal complaint in the District of New Jersey on October 26, 2005, seeking relief and clarification of his right to run for sheriff as a Republican nominee after the Democratic incumbent transferred him to a department receiving federal funds so that his candidacy might violate the Hatch Act.<sup>1</sup> With his complaint, the plaintiff filed a motion for a preliminary injunction.<sup>2</sup>

The original complaint named the U.S. Office of Special Counsel as the defendant;<sup>3</sup> an amended complaint filed two days later added the sheriff as a defendant.<sup>4</sup>

On the day that the complaint was filed, Judge Jerome B. Simandle set the matter for hearing before Judge Freda L. Wolfson on October 31.<sup>5</sup> Judge Wolfson held telephone conferences with the parties on October 27 and 28.<sup>6</sup> At the October 31 hearing, the plaintiff and the county announced a confidential settlement, the terms of which were not presented to Judge Wolfson.<sup>7</sup>

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1. Complaint, *Caldwell v. U.S. Office of Special Counsel*, No. 1:05-cv-5126 (D.N.J. Oct. 26, 2005), D.E. 1; *see* 5 U.S.C. §§ 1501–1508; *see also* Thomas Barlas, *Dems Say Republican Sheriff Candidate Isn’t Allowed to Run*, Press of Atlantic City, Oct. 14, 2005, at C5.

2. Preliminary-Injunction Motion, *Caldwell*, No. 1:05-cv-5126 (D.N.J. Oct. 26, 2005), D.E. 2.

3. Complaint, *supra* note 1.

4. Amended Complaint, *Caldwell*, No. 1:05-cv-5126 (D.N.J. Oct. 28, 2005), D.E. 4; *see* Transcript at 2, *id.* (Oct. 31, 2005, filed Feb. 7, 2006), D.E. 9.

5. Order, *id.* (Oct. 26, 2005), D.E. 3.

Judge Simandle died on July 19, 2019, and Judge Wolfson retired on February 1, 2023. Federal Judicial Center Biographical Directory of Article III Federal Judges, [www.fjc.gov/history/judges](http://www.fjc.gov/history/judges).

6. Docket Sheet, *Caldwell*, No. 1:05-cv-5126 (D.N.J. Oct. 26, 2005).

7. Stipulated Dismissal, *id.* (Oct. 31, 2005), D.E. 8; Transcript, *supra* note 4, at 5; Minutes, *Caldwell*, No. 1:05-cv-5126 (D.N.J. Oct. 31, 2005), D.E. 7.