



October 19, 2026

Hon. Charles Baldis
Special Counsel
U.S. Office of the Special Counsel
1730 M Street, N.W., Suite 218,
Washington, D.C, 20036

**RE: Request for Hatch Act Investigation into High-Level Officials' Participation in
October 13 Campaign Rally for Alaska Senate Candidate Dan Sullivan**

Dear Special Counsel Baldis:

Democracy Defenders Fund (DDF) and Reporters Without Borders (RSF) respectfully request that you investigate whether Federal Communications Commission (FCC) Chairman Brendan Carr, Department of the Interior (DOI) Secretary Doug Burgum, and Department of Commerce (DOC) Secretary Howard Lutnick violated the Hatch Act when they appeared alongside President Trump at a campaign event for Alaskan Senator Dan Sullivan, who is seeking re-election.

Background

On October 13, 2026, Sen. Dan Sullivan held a rally in Wasilla, Alaska, in support of his campaign ahead of the November 3rd midterm elections.¹ President Trump was the headliner for the event. During his remarks, President Trump invited FCC Chairman Carr, Secretary Burgum, and Secretary Lutnick to provide brief remarks.²

Prior to introducing FCC Chairman Carr, President Trump stated that Senator Sullivan had worked with the Trump Administration to support rural broadband and high-speed internet programs for Alaska. Trump then invited Chairman Carr to the stage, referring to him as "FCC Chairman Brendan Carr," and stating that Carr had "informed me a little while ago that the Commission will vote this month to invest an additional \$162 million to expand high-speed internet in Alaska." When Chairman Carr took the stage, he explained that he was speaking in

¹ James Brooks, *President Trump to campaign for Alaska Republicans on Oct. 13 in Wasilla*, Alaska Beacon (Oct. 8, 2026), <https://alaskabeacon.com/2026/10/08/president-trump-to-campaign-for-alaska-republicans-on-oct-13-in-wasilla/>.

² CNBC, *Watch: Trump jokes about the billionaires in his cabinet | Brendan Carr, Howard Lutnick*, MSN (Oct. 13, 2026), <https://www.msn.com/en-in/video/other/watch-trump-jokes-about-the-billionaires-in-his-cabinet-brendan-carr-howard-lutnick-n18g/vi-AA2ebFpB>. Description of the event in this complaint is taken from the linked video.

his “personal capacity,” but then immediately turned to discussing official FCC matters that were pending under the Commission's jurisdiction. After explaining when he first visited Alaska at a previous time his phone had no service, FCC Carr explained that:

We came here with Senator Sullivan and he has worked hard to turn things around. *We* have brought hundreds of millions of dollars to the state, thousands of people are newly connected, *we* have a high-speed internet going across the state. *But the job’s not done. We are committed to working with Senator Sullivan* until *we* can finish the job of getting every single person in Alaska connected to high-speed internet.

That was the entirety of Chairman Carr’s Remarks.

Following FCC Chairman Carr’s remarks, President Trump called Secretary Burgum and Secretary Lutnick to the podium. In inviting them to the stage, President Trump said “Doug, come up, Interior . . . and Howard, please come up, Secretary of Commerce.” Neither Secretary Burgum nor Secretary Lutnick stated that they were speaking in their personal capacities. Secretary Burgum’s remarks were limited to discussing the work generally of the Trump Administration, including the Alaska LNG pipeline. He also stated that President Trump would get the Alaska Permanent Fund doubled. Secretary Lutnick also focused his remarks on the Alaska LNG pipeline. As part of his speech, Secretary Lutnick stated that “with Dan Sullivan . . . we announced that project in the Oval Office” and discussed the administration’s negotiations with South Korea over purchasing a stake in the pipeline.

Discussion

The Hatch Act places restrictions on the political activity of all officers and employees of the Executive Branch, other than the President and the Vice President.³ Chairman Carr, Secretary Burgum, and Secretary Lutnick are each covered by the provisions of the Hatch Act. Among the restrictions that apply to Chairman Carr, Secretary Burgum, and Secretary Lutnick is 5 U.S.C. § 7323(a)(1), which prohibits all employees from using their “official authority or influence for the purpose of interfering with or affecting the result of an election.”⁴ OSC has advised that 5 U.S.C. § 7323(a)(1) and the implementing regulation at 5 C.F.R. § 734.302(b)(1) prohibit an employee from utilizing “his official title or position while engaged in political activity.”⁵

“OSC has long advised Cabinet officials that, when speaking in a personal capacity for a partisan political purpose . . . they must avoid talking about the work of their agencies to ensure that they do not mix their official work with their personal political activity.”⁶ Under OSC’s

³ 5 U.S.C. § 7322(1).

⁴ 5 U.S.C. § 7323(a)(1); 5 C.F.R. § 734.302(a).

⁵ U.S. Office of Special Counsel, Report of Prohibited Activity Under the Hatch Act OSC File No. HA-25-000080 (Martin O’Malley) at 4 (Apr. 25, 2025), <https://www.osc.gov/~assets/docs/report-of-prohibited-political-activity-omalley.pdf>; U.S. Office of Special Counsel, Report of Prohibited Political Activity Under the Hatch Act OSC File No. HA-20-000279 (Peter Navarro) at 2 (Nov 18, 2020), [report-of-prohibited-political-activity-dr-peter-navarro-ha-20-000279.pdf](https://www.osc.gov/~assets/docs/report-of-prohibited-political-activity-dr-peter-navarro-ha-20-000279.pdf).

⁶ U.S. Office of Special Counsel, Investigation of Political Activities by Senior Trump Administration Officials During the 2020 President Election at 34 (2021) [investigation-of-political-activities-by-senior-trump-administratio-136ab295.pdf](https://www.osc.gov/~assets/docs/investigation-of-political-activities-by-senior-trump-administratio-136ab295.pdf).

guidance it is improper for an employee to “implicitly or explicitly rely upon their official authority to strengthen the impact of their political activity, which would constitute a prohibited use of their official authority to interfere with or affect an election.”⁷ For example, OSC held that former Secretary of State Micheal Pompeo violated 5 U.S.C. § 7323(a)(1) when he gave a four minute speech that was transmitted at the 2020 Republican National Convention that “was focused almost exclusively on the work of the State Department.”⁸

The October 13 campaign was clearly a political event. Although FCC Chairman Carr explained that he was speaking in a personal capacity, his short remarks were focused on past and pending work of the FCC. Chairman Carr repeatedly referred to “we”—apparently referring to the Trump Administration—when discussing programs related to broadband access in Alaska. Those statements were made against the backdrop of President Trump’s announcement that the Commission was preparing to vote to invest “an additional \$162 million to expand high-speed internet in Alaska.” Chairman Carr then explained that the “job’s not done” and that “We are committed to working with Senator Sullivan until we can finish the job of getting every single person in Alaska connected to high-speed internet.” In doing so, Chairman Carr impermissibly mixed his official work into his personal remarks in a way that appears to have been intended to “strengthen the impact” of his political activity in violation of 5 U.S.C. § 7323(a)(1).

Secretary Burgum and Secretary Lutnick’s remarks were preceded by the President introducing them by reference to their official positions. At no point did either Secretary correct the President or otherwise remark that they were speaking in their personal capacity. By failing to correct the impression that each was speaking officially, Secretary Burgum and Secretary Lutnick appear to have used their official positions while engaged in political activity in violation of 5 U.S.C. § 7323(a)(1). In addition, both Secretaries’ remarks were focused on goals and achievements of the Administration as opposed to Senator Sullivan’s achievements. The only time that either Secretary referred to Senator Sullivan was when Secretary Lutnick discussed a meeting between himself, the President, and Senator Sullivan in the Oval Office. Secretary Lutnick’s comments focused heavily on his own negotiations with South Korea to provide funding for the Alaska LNG pipelines. Secretary Lutnick’s statements were focused “exclusively on the work” that he has performed in his official capacity, in contradiction to OSC’s advice that “Cabinet officials . . . when speaking in a personal capacity for a partisan political purpose . . . avoid talking about the work of their agencies.”⁹

Conclusion

FCC Chairman Carr, Secretary Burgum, and Secretary Lutnick may engage in political activity on their own time and without leaning on their official positions to bolster that political activity. That is not what appears to have happened at the October 13 event. As described above, each of these agency heads appears to have engaged in activity that “rel[ied] upon their official authority to strengthen the impact of their political activity.” As OSC has “long advised,” reliance on official authority to boost political activity contravenes 5 U.S.C. § 7323(a)(1). As a result, we kindly request that you open an investigation to determine whether FCC Chairman

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

Carr, Secretary Burgum, or Secretary Lutnick violated the Hatch Act and to take appropriate action if so.

Sincerely,

/s/

Amb. Norman L. Eisen (ret.)
Executive Chair and Co-Founder
Democracy Defenders Fund

/s/

Clayton Weimers
Executive Director
Reporters Without Borders, Inc. (RSF)