



July 16, 2026

Jamieson Greer
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U.S. Office of Special Counsel
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Submitted via complaint portal and email (hatchact@osc.gov)

Dear Acting Special Counsel Greer:

Campaign Legal Center (“CLC”) respectfully requests that the Office of Special Counsel (“OSC”) investigate Michael Stuart, former General Counsel of the Department of Health and Human Services (“HHS”),¹ for apparent violations of the Hatch Act and seek disciplinary action as appropriate. Specifically, Stuart publicly endorsed U.S. Senator Shelley Moore Capito and West Virginia State Senator Tom Takubo for re-election on his personal X account, which he utilized in an official capacity while serving as General Counsel of HHS. These public endorsements could be considered Hatch Act violations.

The Hatch Act prohibits an executive branch employee like Stuart from “us[ing] his or her official authority or influence for the purpose of interfering with or affecting the result of an election.”² Hatch Act regulations make clear that this prohibition encompasses using an employee’s official title while participating in “an activity directed toward the success or failure of a political candidate for partisan

¹ As of June 3, 2026, Stuart is no longer serving as general counsel of HHS. See Dave Levinthal, *Top HHS Lawyer Reassigned After Stock Trading Rebuke*, NOTUS (June 3, 2026), <https://www.notus.org/money/hhs-lawyer-stock-trading-rebuke>. Stuart stated on June 4, 2026 that he remains within HHS in a Senior Advisor role. See Jessica Paterson & Savannah Young, *Mike Stuart Explains HHS Role Reassignment*, WOWK-TV (June 4, 2026), <https://www.wowktv.com/national-news/mike-stuart-explains-hhs-role-reassignment>. A termination financial disclosure report has not yet been filed by Stuart as of the date of this Complaint.

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

political office.”³ By publicly endorsing U.S. Senator Capito and West Virginia State Senator Takubo for re-election on the same X account where he engaged in official government activity, Stuart appears to have violated the Hatch Act while serving as General Counsel of HHS.

The Hatch Act is intended to maintain non-partisanship as federal employees execute their official duties. Fair and robust enforcement of the Hatch Act is critical for keeping the civil service free from politicization and building the public’s trust that officials are working on behalf of the public, not in service of one person’s or party’s political interests. The evidence suggests that Stuart improperly used his official authority as General Counsel of HHS to affect the results of the West Virginia federal and state Senate elections. OSC should investigate and recommend disciplinary or corrective action as necessary.

I. The Hatch Act Prohibits Employees from Engaging in Political Activity on Official Social Media Accounts

Pursuant to OSC’s written guidance, federal employees may not engage in political activity on a personal social media account *if they are using such accounts for official purposes or posting in their official capacities*.⁴ “Political activity” is defined as activity “directed towards the success or failure of a political party, candidate for partisan political office, or partisan political group.”⁵

While the inclusion of an employee’s official title or position on an employee’s social media profile, without more, is not an improper use of official authority,⁶ federal employees are discouraged from misusing their personal social media accounts to make them appear to be official government social media accounts.⁷ OSC has identified the following factors as indicating that a personal social media account is being used in such a way to suggest that it is an official government account:

- (1) [T]he account contains little to no personal content;
- (2) the account identifies the individual as a federal employee;
- (3) the account extensively uses photographs of the employee’s official activities;
- (4) the account often references, [reposts], likes, comments, or otherwise shares material related to official activities; or

³ 5 C.F.R. § 734.302(b)(1); 5 C.F.R. § 734.101 (“Political activity”).

⁴ U.S. Off. of Special Couns., Hatch Act Guidance on Social Media, at 8 (Feb. 2018), <https://www.osc.gov/~assets/docs/social-media-guidance.pdf>

⁵ 5 C.F.R. § 734.101 (“Political activity”).

⁶ U.S. Off. of Special Couns., Hatch Act Guidance on Social Media, at 7-8 (Feb. 2018).

⁷ See *id.* at 8.

(5) the account is linked to an agency website or other official page.
No one factor is dispositive.⁸

Furthermore, federal employees are prohibited from engaging in online political activities while on duty.⁹ “Employees may not post, like, share, or retweet a message or comment in support of or opposition to a political party, candidate in a partisan race, or partisan political group while on duty or in the workplace, *even if their social media account is private.*”¹⁰

II. Stuart’s Personal X Account is Used as an Official Government Social Media Account

Stuart’s X account, with the handle @MikeStuartWV, appears to be a personal social media account that was used as an official government account for a few reasons. First, Stuart prominently displayed his government role in the public profile: “General Counsel, US Dept of Health and Human Services[.]”¹¹ The account is public and searchable by Stuart’s name and title.



Second, the account often referenced, reposted, liked, commented, or otherwise shared material related to official government activities. Stuart reposted several official government posts on this same account from December 2025 through

⁸ *Id.*

⁹ “On duty” means when federal employees are “in a pay status” or are “representing any agency or instrumentality of the United States Government in an official capacity.” 5 C.F.R. § 734.101 (“On Duty”).

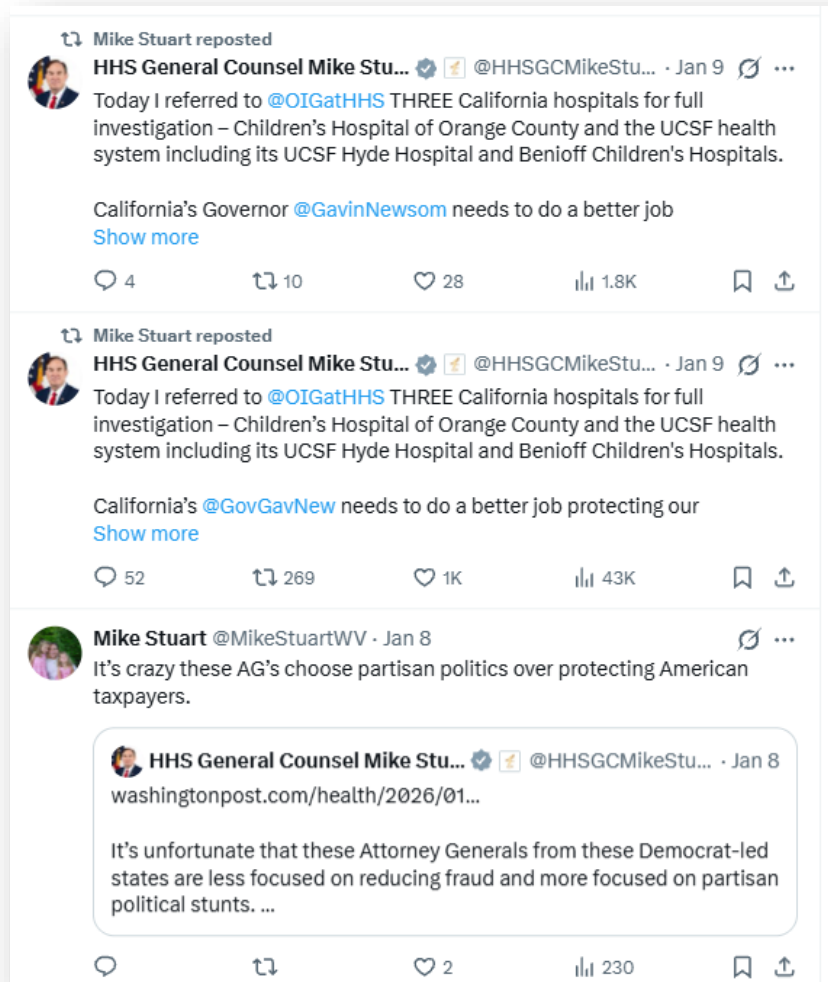
¹⁰ U.S. Office of Special Couns., Hatch Act Guidance on Social Media, at 2 (Feb. 2018) (emphasis added).

¹¹ Mike Stuart (@MikeStuartWV), X, <https://x.com/MikeStuartWV?lang=en>.

February 2026, including posts from the official government account for his HHS general counsel role, @HHSGCMikeStuart.¹²



¹² See *id.*



Third, Stuart publicly condemned reports that he had been ousted from his general counsel position via a post on his personal X account on February 14, 2026, in which he states: “The rumors of my demise were greatly exaggerated. Tragic how fake news moves so fast and real news moves so slow.”¹³ Stuart reposted an official government statement regarding his general counsel appointment in the same message.

¹³ Mike Stuart (@MikeStuartWV), X (Feb. 14, 2026, at 10:29 ET), <https://x.com/MikeStuartWV/status/2022694664483299642>.



Additionally, Stuart posted pictures from an official government event as recently as March 11, 2026, in which he captioned, “A great time this evening taking my team to bowl at the White House. Good thing we are lawyers and not bowlers.”¹⁴



¹⁴ Mike Stuart (@MikeStuartWV), X (Mar. 11, 2026, at 21:25 ET), <https://x.com/MikeStuartWV/status/2031904317997736361>.

Although no one factor is dispositive for determining if a personal social media profile is being used for official government use, Stuart's use of his personal X account to repost or share official government messaging blurs the line between a "personal" and "official" social media account. As such, Stuart's engagement in political activity on his personal X account raises serious concerns about potential Hatch Act violations.

III. Stuart Publicly Endorsed Electoral Candidates on His Personal Social Media Account

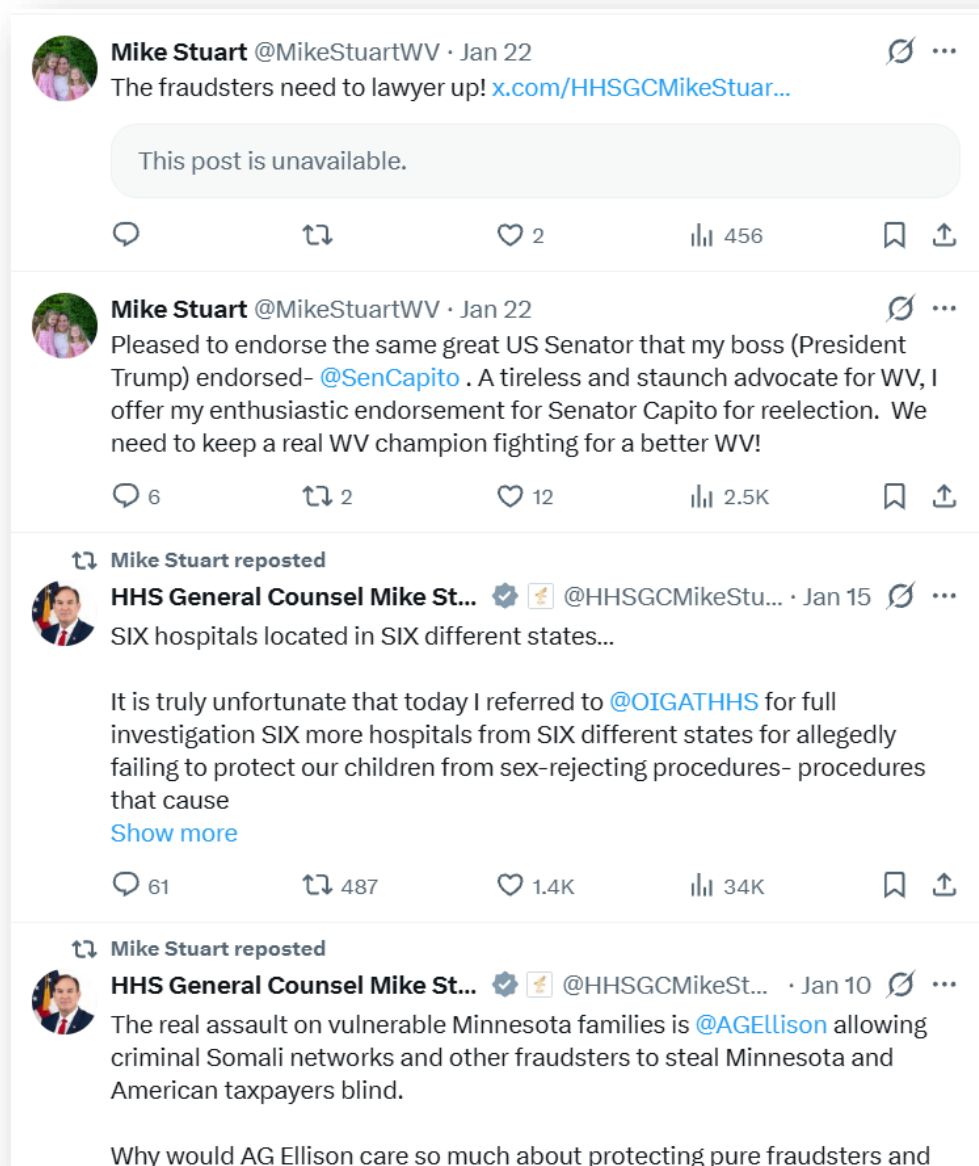
Because Stuart's use of his personal X account crossed the line into official government activity, his public endorsements of U.S. Senate candidate Capito and West Virginia State Senate candidate Takubo should be considered Hatch Act violations.

The first potential Hatch Act violation occurred on January 22, 2026, when Stuart posted, "Pleased to endorse the same great US Senator that my boss (President Trump) endorsed- @SenCapito[.] A tireless and staunch advocate for WV, I offer my enthusiastic endorsement for Senator Capito for reelection. We need to keep a real WV champion fighting for a better WV!"¹⁵



Stuart shared this post during working hours and therefore was "on duty" at the time it was published. Additionally, this post appears amidst other reposts of official government activity on Stuart's personal account, further suggesting that Stuart's endorsement of U.S. Senator Capito for reelection was in tandem with his official government duties as HHS General Counsel.

¹⁵ Mike Stuart (@MikeStuartWV), X (Jan. 22, 2026, at 12:30 ET), <https://x.com/MikeStuartWV/status/2014390276337401980>.



The second potential Hatch Act violation occurred on April 30, 2026, when Stuart endorsed West Virginia State Senator Takubo for reelection in the West Virginia State Senate race. Stuart posted on his personal X account:

I am pleased to endorse State Senator Tom Takubo for reelection to the WV State Senate. I served with Tom in the Senate. The intentional fake negative attacks distort his good

record of fighting for jobs and all West Virginians. Tom has my complete support.¹⁶



While this post was not made during working hours, and therefore was not posted while Stuart was “on duty,” it still raises potential Hatch Act concerns. For one, Stuart used the same X account to endorse this candidate that he was using to share official government information and messaging. Stuart also used the same X account to verify that he is still the General Counsel of HHS and counter news stories that he had been removed from this position. Stuart’s public endorsement of Takubo for West Virginia State Senate therefore raises a possible Hatch Act violation that should be investigated.

IV. Conclusion

CLC respectfully asks OSC to investigate Stuart’s actions on his personal X account and seek disciplinary or corrective action as appropriate.

Respectfully submitted,

/s/
Kedric L. Payne
General Counsel, Vice President, and Sr.
Director, Ethics

/s/
Margaret Dylus-Yukins
Senior Legal Counsel, Ethics

¹⁶ Mike Stuart (@MikeStuartWV), X (Apr. 30, 2026, at 19:46 ET), <https://x.com/MikeStuartWV/status/2049998764190859335>.