

INFORMATION PAPER

SUBJECT: Political Activities by Members of the Armed Forces

1. PURPOSE. To provide information on what types of political activities are permitted and prohibited for active duty military members.

2. REFERENCES.

- a. 5 U.S.C. §§ 7321-7326 (“Hatch Act”)
- b. DoD Directive 1344.10, 19 Feb 08, Political Activities by Members of the Armed Forces
- c. DoD Directive 5500.7-R, Joint Ethics Regulation (JER), Chapter 6
- d. AR 600-20, Army Command Policy, Paragraph 5-3, Appendices B and C
- e. Article 88, Uniform Code of Military Justice (UCMJ)

3. BOTTOM LINE: While serving on active duty, certain political activities and types of speech are prohibited. Service members must refrain from participating in any activity while in uniform or while wearing any official insignia that may be prejudicial to the performance of military/government duties or is likely to bring discredit upon the Armed Forces. In addition, some activities that could be viewed as associating the Armed Forces directly or indirectly with a partisan political cause or candidate, although not expressly prohibited, must be avoided.

4. DISCUSSION. Active duty service members are encouraged to get involved in political activities and fulfill their obligations as United States citizens. However, certain political activities that create a real or apparent conflict of interest with their federal employment are expressly prohibited. Adherence to the rules regarding political activities is of paramount importance, especially during Presidential election years when political partisanship is at its peak. Rules concerning individual involvement in political activities vary depending on whether the individual is an active duty service member or a federal civilian employee.

a. Service members on full-time active duty in the military service of the United States, including full-time or annual training duty, or attendance while in active military service at a service school are considered active duty and thus must adhere to strict guidelines concerning political activities.

b. A list of permitted and prohibited political activities for all military service members is attached. In addition, commissioned officers shall not use contemptuous words as prohibited by Article 88 of the UCMJ, or participate in activities proscribed by DoD Directive 5200.2, DoD Personnel Security Program, 9 Apr 99, or by DoD Directive 1325.6, Guidelines for Handling Dissident and Protest Activities Among Members of the Armed Forces, 1 Oct 96.

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c. Catch-all provision. Activities not expressly prohibited may be contrary to the spirit and intent of DoD Directive 1344.10. Any activity that may be reasonably viewed as directly or indirectly associating the Department of Defense or any component of the Department with a partisan political activity or is otherwise contrary to the spirit and intention of the Directive shall be avoided.

5. CONCLUSION. This information paper is intended to provide a summary overview of the political activities active duty service members are permitted and prohibited from participating in. While active duty service members are encouraged to get involved in political activities and fulfill their obligations as United States citizens, the nature and extent of such activities are limited by federal laws and related regulations. Questions concerning an individual's specific situation should be directed to the Office of the Staff Judge Advocate, Administrative and Civil Law Division.

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Active duty service members are PERMITTED to engage in the following 10 political activities:

1. Register, vote, and express a personal opinion on political candidates and issues, but not as a representative of the Armed Forces.
2. Promote and encourage others to exercise their voting franchise, if such promotion does not constitute use of their official authority or influence to interfere with the outcome of any election.
3. Join a partisan or nonpartisan political club and attend its meetings when **not** in uniform (except that one may not serve in any official capacity with a partisan political club, or be listed as a sponsor of a partisan political club).
4. Serve as an election official, if such service is not as a representative of a partisan political party, does not interfere with the performance of military duties, is performed when not in uniform, and the SECARMY has given prior approval.
5. Sign a petition for a specific legislative action or a petition to place a candidate's name on an official election ballot, if the signing does not obligate the member to engage in partisan political activity and is done as a private citizen and not as a representative of the Armed Forces.
6. Write a letter to the editor of a newspaper expressing the member's personal views on public issues or political candidates, if such action is **not** part of an organized letter-writing campaign or a solicitation of votes for or against a political party or partisan political cause or candidate. If the letter identifies the member as on active duty (or if the member is otherwise reasonably identifiable as a member of the Armed Forces), the letter should clearly state that the views expressed are those of the individual only and not those of the Department of Defense
7. Make monetary contributions to a political organization, party, or committee favoring a particular candidate or slate of candidates.*
8. Display a political bumper sticker on the member's private vehicle.
9. Attend partisan and nonpartisan political fundraising activities, meetings, rallies, debates, conventions, or activities as a spectator when **not** in uniform and when no inference or appearance of official sponsorship, approval, or endorsement can reasonably be drawn.
10. Participate fully in the Federal Voting Assistance Program.

* Contributions are subject to the limitations on political contributions under [Title 2, US Code, Section 441a](#); [Title 18, US Code, Section 607](#); and other applicable law.

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Active duty service members are PROHIBITED from engaging in the following 16 activities:

1. Participate in partisan political fundraising activities (except as permitted in #7 on the above list of permissible activities), rallies, conventions (including making speeches in the course thereof), management of campaigns, or debates, either on one's own behalf or on that of another, without respect to uniform or inference or appearance of official sponsorship, approval, or endorsement. Participation includes more than mere attendance as a spectator.
2. Use official authority or influence to interfere with an election, affect the course or outcome of an election, solicit votes for a particular candidate or issue, or solicit political contributions from others.
3. Allow or cause to be published partisan political articles, letters, or endorsements signed or written by the member that solicits votes for or against a partisan political party, candidate, or cause. (This includes using official e-mail to generate or forward messages that tend to encourage others to support or oppose a particular political candidate.) (This is distinguished from a letter to the editor as permitted under # 6 on the above list of permissible activities.)
4. Serve in any official capacity with or be listed as a sponsor of a partisan political club.
5. Speak before a partisan political gathering, including any gathering that promotes a partisan political party, candidate, or cause.
6. Participate in any radio, television, or other program or group discussion as an advocate for or against a partisan political party, candidate, or cause.
7. Conduct a political opinion survey under the auspices of a partisan political club or group or distribute partisan political literature.
8. Perform clerical or other duties for a partisan political committee or candidate during a campaign, on an election day, or after an election day during the process of closing out a campaign.
9. Solicit or otherwise engage in fundraising activities in Federal offices or facilities, including military installations, for any political cause or candidate.
10. March or ride in a partisan political parade.
11. Display a large political sign, banner, or poster (as distinguished from a bumper sticker) on a POV.

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12. Display a partisan political sign, poster, banner, or similar device visible to the public at one's residence on a military installation, even if that residence is part of a privatized housing development.

13. Participate in any organized effort to provide voters with transportation to the polls if the effort is organized by or associated with a partisan political party, cause, or candidate.

14. Sell tickets for or otherwise actively promote partisan political dinners and similar fundraising events.

15. Attend partisan political events as an official representative of the Armed Forces, except as a member of a joint Armed Forces color guard at the opening ceremonies of the national conventions of the Republican, Democratic, or other political parties recognized by the Federal Elections Committee or as otherwise authorized by the SECARMY.

16. Make a campaign contribution to, or receive or solicit (on one's own behalf) a campaign contribution from, any other member of the Armed Forces on active duty.*

* Any contributions not prohibited by this subparagraph remain subject to the gift provisions of sections 2635.301-2635.304 of title 5, Code of Federal Regulations.

INFORMATION PAPER

SUBJECT: Political Activities by Federal Civilian Employees

1. **PURPOSE.** To provide information on what types of political activities are permitted and prohibited for federal civilian employees.

2. **REFERENCES.**

- a. 5 U.S.C. §§ 7321-7326 (“Hatch Act”)
- b. DoD Directive 5500.7-R, Joint Ethics Regulation (JER), Chapter 6

3. **BOTTOM LINE:** While serving as a federal civilian employee, certain political activities and types of speech are prohibited. Federal civilian employees must refrain from participating in any activity that may be prejudicial to the performance of government duties or is likely to bring discredit upon the Armed Forces. In addition, some activities that could be viewed as associating the Armed Forces directly or indirectly with a partisan political cause or candidate, although not expressly prohibited, must be avoided.

4. **DISCUSSION.**

a. Federal civilian employees are encouraged to get involved in political activities and fulfill their obligations as United States citizens. However, certain political activities that create a real or apparent conflict of interest with their federal employment are expressly prohibited. Adherence to the rules regarding political activities is of paramount importance, especially during Presidential election years when political partisanship is at its peak. Rules concerning individual involvement in political activities vary depending on whether the individual is an active duty service member or a federal civilian employee.

b. A list of permitted and prohibited political activities for federal civilian employees members is attached.

c. Additional information for civilian employees is contained in the DoD Guidance on Civilian Employees' Participation in Political Activities (Deputy Secretary of Defense Memo of November 14, 2007), located at the DoD General Counsel’s website (http://www.dod.mil/dodgc/defense_ethics/dod_oge/DepSecDef_Memo_14_Nov_07.pdf) and from the U.S. Office of Special Counsel’s Hatch Act Unit, E-Library at http://www.osc.gov/library.htm#ha_fed. You may read DoD Directive 1344.10 for more information about military service member political activity.

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5. CONCLUSION. This information paper is intended to provide a summary overview of the political activities federal civilian employees are permitted and prohibited from participating in. While federal civilian employees are encouraged to get involved in political activities and fulfill their obligations as United States citizens, the nature and extent of such activities are limited by federal laws and related regulations. Questions concerning an individual's specific situation should be directed to the Office of the Staff Judge Advocate, Administrative and Civil Law Division.

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Federal civilian employees are PERMITTED to engage in the following 12 political activities:*

1. Become a candidate for public office in nonpartisan elections. (e.g., an employee may run for school board in the District of Columbia because school board elections in the District are nonpartisan)
2. Register and vote as they choose. (e.g., an employee may register to vote Republican and vote for a Republican candidate even though his boss is a Democratic political appointee.)
3. Assist in voter registration drives. (e.g., an employee may assist in a voter registration drive sponsored by the League of Women Voters.)
4. Express opinions about candidates and issues. (e.g., an employee may write a letter to the editor at the *Virginia Pilot* which expresses her personal opinion on a candidate or political issue.)
5. Contribute money to political organizations.
6. Attend and give a speech at a political fundraiser, rally or meeting. (e.g., when an employee is off duty he/she may attend and give a speech or keynote address at a political fundraiser.)
7. Join and be an active member of a political party or club. (e.g., an employee may serve as a delegate, alternate or proxy to a state or national party convention).
8. Sign and circulate nominating petitions. (e.g., an employee may collect signatures for the nominating petitions of individuals who are running for public office.)
9. Campaign for or against referendum questions, constitutional amendments, and municipal ordinances. (e.g., an employee may be politically active in connection with a referendum question that seeks to ban smoking in eating establishments.)
10. Campaign for or against candidates in partisan elections. (e.g., an employee may walk around his neighborhood and introduce a candidate, who is running in a partisan election, to his neighbors.)
11. Distribute campaign literature in partisan elections. (e.g., an employee may stand outside of a polling place on election day and hand out brochures on behalf of a partisan political candidate or political party.)

* Additional rules exist for political appointees, career members of the SES, and all NSA, DIA and NGA employees.

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12. Hold office in political clubs or parties. (e.g., an employee may serve as a vice-president of a political action committee, as long as the position does not involve personal solicitation, acceptance, or receipt of political contribution.)

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Federal civilian employees are PROHIBITED from engaging in the following five political activities:

1. Use their official authority or influence to interfere with an election. (E.g., an employee who signs a letter seeking volunteer services from individuals may not identify himself by using his/her official title.)
2. Personally solicit or discourage political activity of anyone with business before his or her agency. (E.g., an employee with agency wide responsibility may address a large, diverse group to seek support for a partisan political candidate as long as the group has not been specifically targeted as having matters before the employing agency.)
3. Solicit, accept or receive political contributions (may be done in certain limited situations by federal labor or other employee organizations).
4. Engage in political activity while on duty, in a government office, while wearing an official uniform, or while using a government vehicle. (E.g., an employee may not display a political poster, bumper sticker or campaign button in his or her office or in the common areas of a federal building.)
5. Become a candidate in a partisan election. (E.g., an employee may not become a candidate in an election where any of the candidates are running as representatives of political parties, usually the Democratic or Republican parties.)