

INFORMATION PAPER

4 January 2016

SUBJECT: Prohibited and Permissible Partisan Political Activity of Active Duty Military Members and Civilian Employees

1. **APPLICABILITY.** This information paper applies to *partisan* political activity. *Partisan political activity* is defined as “activity supporting or relating to candidates representing, or issues specifically identified with, national or State political parties and associated or ancillary organizations or clubs” (i.e. Democratic, Green, Libertarian, Republican parties). (NOTE: While active duty military members and civilian employees are less restricted in their nonpartisan political activity, there are still limits to nonpartisan political activity).

2. ACTIVE DUTY MILITARY.

a. Per longstanding DOD policy, active duty military members may not engage in partisan political activities and all military members should avoid the inference that their partisan political activities imply or appear to imply DOD sponsorship, approval, or endorsement of a political candidate, campaign, or cause. Accordingly, military members are prohibited from most partisan political activities.

b. Examples of prohibited activities include: participating (mere attendance is okay but never in uniform) in partisan political fundraising activities, rallies, conventions, management of campaigns, or debates; campaigning for a partisan candidate; distributing partisan political literature (regardless of location); speaking before a partisan gathering, or marching in a partisan parade.

c. Examples of permissible activities while off duty include: expressing a personal opinion on political candidates and issues; making monetary contributions to a partisan political campaign or organization; displaying a bumper sticker on the member’s private vehicle, and attending partisan political events as a spectator when not in uniform.

d. The primary guidance concerning partisan political activity for military members is found in DoD Directive 1344.10, *Political Activities by Members of the Armed Forces*, February 19, 2008 and AR 600-20, *Army Command Policy*, 6 November 2014, paragraph 5-3 “Political Activities” and Appendix B. As the examples above are not all-inclusive, active duty military members should consult those resources or contact the Office of the Staff Judge Advocate for more information as specific questions arise.

3. CIVILIAN EMPLOYEES.

a. While a vast majority of DOD civilian employees are less restricted than active duty military members, federal law still imposes restrictions on their partisan political activities. (NOTE: This paper does not cover the additional restrictions imposed upon career and non-career SES employees and employees of the NSA, DIA, and NGA). Generally, federal employees can avoid violating the law if they (1) do not engage in political activity while on duty or in the workplace; (2) do not engage in political activity in an official capacity at any time; and (3) do not solicit or receive political contributions at any time.

b. Examples of prohibited activities include: using an official title while participating in political activity; using agency social media for political purposes; displaying political/campaign literature, materials, and information in their DoD workspace, or sending or forwarding political/campaign literature, materials, information (including jokes) while using their DoD email account or while using a DoD computer.

c. Examples of permissible activities while off duty include: volunteering on a partisan campaign; attending and being an active participant at partisan political rallies and meetings; going door to door with a candidate and distributing campaign literature; endorsing a candidate for partisan political office in a political advertisement (may not use DoD title); organizing and working at a fundraising event (no soliciting), and serving as a delegate to a state, local or national political party convention.

d. The primary guidance concerning political activities for DOD civilians is found in the Hatch Act (5 USC 7321 – 7326, implementing regulations at 5 CFR 733 and 5 CFR 734) and various Office of Government Counsel opinions. As the examples above are not all-inclusive, civilian employees should consult those resources or contact the Office of the Staff Judge Advocate for more information as specific questions arise.

4. COMMON ISSUES.

a. Political Bumper Stickers. While both military members and civilian employees may display a bumper sticker on their private vehicle, any political sign, banner, or poster larger than a bumper sticker is prohibited on the military installation. For military members, this prohibition extends off the military installation. Multiple stickers for the same candidate on the same vehicle is also prohibited. Any bumper sticker displayed must not violate law or regulations (i.e. Article 88, UCMJ, Contempt toward Officials; AR 600-20, Equal Opportunity).

b. Yard Signs. Partisan political signs, posters, banners, or similar devices visible to the public at one's residence on a military installation, even if that residence is part of a privatized housing development, is prohibited.

c. Photographs of Candidates. Photographs of candidates in Government offices may only be displayed if both the candidate and the military member/employee are pictured together, the military member/employee has a personal relationship with the candidate, and the photograph was displayed in advance of any partisan political election season. It would not be appropriate to display in a Government office a picture of a candidate presenting an award to a military member/employee, if they had no prior personal relationship (no matter when the picture was displayed).

d. Fundraising. While military members and civilian employees may donate funds to candidates or campaigns, they may never solicit donations. Even though civilian employees may actively work on a campaign (unlike a military member), they are prohibited by the Hatch Act from knowingly soliciting, accepting or receiving political contributions from any person at any time, on or off-duty.

e. Volunteering on Election Day. Military members may not 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. Civilian employees may work to get out the vote on Election Day but not on the military installation or other federal workplace.

f. Social Media. Official social media accounts, government email accounts, computers, cell phones, and other official resources may never be used to receive or distribute partisan political information or literature. All personnel are prohibited from online activities that are otherwise prohibited (i.e. any solicitation of funds by military members or civilian employees (this includes "liking" a post that solicits political contributions), endorsement of candidates by military members, etc.). They are also prohibited from distributing partisan campaign information or literature on personal devices, personal email or social media while on duty or in the workplace.

Approved by the Office of the Staff Judge Advocate, 913-684-5370