

**SUBJECT:** Participation in Political Activities by Members of the Armed Forces and Federal Civilian Employees

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

2. **REFERENCES.**

- a. 5 U.S.C. §§ 7321-7326 (“Hatch Act”)
- b. 10 U.S.C. § 888, Article 88, Uniform Code of Military Justice (UCMJ)
- c. DoD Directive 1344.10, Political Activities by Members of the Armed Forces dated 19 Feb 2008.
- d. C6, DoD Directive 5500.7-R, Joint Ethics Regulation (JER), Chapter 6
- e. AR 600-20, Army Command Policy, dated 18 mar 2008, paragraph 5-3, Appendix B
- f. 5 C.F.R. Part 734, Political Activities of Federal Employees (2008)
- g. Memorandum for Secretaries of the Military Departments dated 22 Jul 2008, Subject: Contacts with Presidential Campaigns

3. **DISCUSSION.**

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

c. Servicemembers on active duty are permitted to engage in the following political activities:

- (1) Participating in local nonpartisan political activities (activities that do not support or

relate to candidates or issues identified with national or state political parties), so long as the service member is not in uniform and the activity does not require Government property or resources, interfere with duty, or imply Government involvement;

(2) Registering to vote, voting, and promoting other military members to exercise their voting rights, so long as such encouragement does not constitute an attempt to interfere or influence the outcome of the election;

(3) Expressing personal opinions to include writing letters to the editor communicating personal views but not as a representative of the Armed Forces;

(a) Comments should be attributed to the service member in his/her individual capacity, and should not be ascribed to the Armed Forces by use of military rank or position.

(b) Letters to the editor cannot be part of an organized letter-writing campaign or a solicitation of votes for or against a political party, partisan political cause, or candidate.

(c) Commissioned officers must be mindful of Article 88, UCMJ, which makes it a punitive offense to use contemptuous words against the President, Vice President, Congress, the Secretary of Defense, the Secretary of the Army or other military department, the Secretary of Homeland Security, or the Governor or legislature of any State, Commonwealth, or possession in which he is on duty or present in that location. Using such language in a written publication or uttering these words in the presence of military subordinates aggravates the offense.

(4) Making monetary contributions to a political organization, party or committee;

(5) Signing petitions for specific legislative action or placing a candidate's name on the ballot, if the signing is done as a private citizen and not as a representative of the Armed Forces;

(6) Displaying a bumper sticker on the member's private vehicle, but not a large poster or banner; and

(7) Joining a political club and attending partisan and nonpartisan political meetings and rallies as a spectator. Servicemembers may not attend when in military uniform, during duty hours, or when violence is likely to result or the activities would constitute a breach of law and order.

d. Servicemembers on active duty are **prohibited** from engaging in the following activities:

(1) Using one's official authority to influence or interfere with an election, soliciting votes for a particular candidate or issue, or requiring or soliciting political contributions from others;

(2) Running for the nomination, or as a candidate for election to a partisan political office or holding such political office to include state or local civil office;

(3) Participating in partisan political management, campaigns, or conventions (except as a spectator not in uniform), or making speeches before a partisan political gathering, including any gathering that promotes a partisan political party, candidate, or cause;

(4) Attending partisan events as an official representative of the Armed Forces or serving in any official capacity as a sponsor of a partisan political club;

(5) Displaying large political signs, banners, or posters on private vehicles;

(6) Displaying a 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;

(7) Promoting political dinners or fundraising events, distributing partisan political literature, or conducting a political opinion survey under the auspices of a partisan political group;

(8) Participating in any radio, television, or other program or group discussion as an advocate for or against a partisan political party, candidate, or cause;

(9) Soliciting or otherwise engaging in fundraising activities in Federal offices or facilities for a partisan political cause or candidate to include selling tickets for, or otherwise actively promoting, political dinners and similar fundraising events;

(10) Making a contribution to, or receiving a contribution from, another member of the Armed Forces or a federal civilian employee for the purpose of promoting a political objective or cause, including a political campaign; and

(11) Giving speeches, writing articles, or providing public comments that contain political material in one's capacity as a service representative. Similarly, command newspapers cannot contain campaign news, partisan discussions, cartoons, editorials, or commentaries.

e. Federal civilian employees are permitted to engage in the following political activities:

(1) Registering to vote, voting, and encouraging other federal employees to exercise their voting rights;

(2) Expressing opinion on non-partisan political subjects to include participating in non-partisan civic, community, social, labor or professional organizations;

(3) Participating in political conventions, rallies, or other gatherings;

(4) Contributing money to political organizations and being a guest at a political fundraiser; and

(5) Participating in elections and actively participating in political campaigns to include the following activities:

(a) Displaying political pictures, signs, stickers, buttons, but not while on duty, in a government office, or on a government vehicle;

(b) Endorsing or opposing partisan candidates in political advertisements, broadcasts or campaign literature; and

(c) Attending and addressing a political convention, caucus, or rally on behalf of a candidate.

f. Federal civilian employees are **prohibited** from engaging in the following political activities:

(1) Using employee's official authority or influence to fundraise or to interfere with or affect the result of an election;

(2) Personally soliciting political contributions from the general public through a fundraising speech or knowingly soliciting, accepting, or receiving a political contribution from a subordinate (an employee under his/her supervisory authority, control, or administrative direction);

(3) Running for the nomination or as a candidate for election to a partisan political office;

(4) Participating in any political activity while on duty, while in a Federal workplace, or while wearing a uniform or official insignia;

(5) Engaging in a political activity using a U.S. Government owned or leased vehicle or using any other government resources while participating in a political activity; and

(6) Hosting and sponsoring a political fundraiser. However, an employee's spouse may host or sponsor the political fundraiser that the employee may attend. The fundraiser must take place off the military installation and outside of the family housing areas, even if part of a privatized housing development on the military installation.

4. The above lists are not all inclusive as some prohibitions apply more appropriately to service members and federal civilian employees stationed in CONUS where participation in campaigns, elections, and polls is more likely. 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/](http://www.dod.mil/dodgc/defense_ethics/)).

5. Questions concerning whether a particular political activity is allowable for a federal employee can be resolved by obtaining an advisory opinion from the Office of Special Counsel at [www.osc.gov](http://www.osc.gov) or the Office of the Staff Judge Advocate, Administrative Law Division at (573) 596-0626.

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