

INFORMATION PAPER

**Subj: POLITICAL ACTIVITIES**

- Ref: (a) DoD Directive 1344.10, Political Activities by Members of the Armed Forces on Active Duty, of 15 Jun 90  
(b) DoD Directive 5500.7-R, Joint Ethics Regulation, of 30 Aug 93  
(c) Office of Personnel Management Political Activity of Federal Employees, 5 C.F.R. § 734 (2003)  
(d) SECDEF WASHINGTON DC 052112Z DEC 03

1. **Purpose.** With each political season, commanders and their judge advocates will find it useful to review applicable guidance on political activities by Federal employees. Different sets of rules apply depending on what position the employee holds within the Federal government. This paper discusses the rules governing actions of military personnel and civilian employees, and the use of DoD facilities and equipment, in support of political activities.

2. **Key Points**

a. **Members of the Armed Forces.** Principal guidance on permissible political activities for military personnel is in reference (a), and is incorporated in Chapter 6 of reference (b). The range of political activities permitted for service members is significantly narrower than for civilian employees.

(1) **Acceptable Activities.** A member on active duty may vote, express his or her personal opinion on political issues and candidates, contribute to political organizations, and attend political rallies when not in uniform.

(2) **Unacceptable Activities.** Members on active duty, whether or not in uniform, may not:

- be a candidate for civil office (with some narrow exceptions);

- participate in partisan political management of campaigns or make speeches in the course thereof;

- participate in any radio, TV, or other program or group discussion as an advocate of a partisan political party or candidate;

- display large political signs on a privately-owned vehicle (bumper stickers that support a party or candidate are permissible);

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- solicit or receive a campaign contribution from another service member or from a civilian employee of the United States for promoting a political objective or cause;

- allow or cause to be published partisan political articles signed or written by the service member that solicit votes for or against a partisan political party or candidate;

- speak before a partisan political gathering of any kind promoting a partisan political party or candidate;

- perform clerical or other duties for a partisan political committee during a campaign or on an election day;

- march or ride in a partisan political parade; or

- serve in any official capacity or be listed as a sponsor of a partisan political club.

c. **Further Analysis.** Enclosure (3) to reference (a) provides more examples of permissible and impermissible political activities. Note that reference (a) does not preclude participation in local nonpartisan political campaigns (e.g., school boards, or city and county posts in some jurisdictions), initiatives, or referendums when not in uniform and when such participation does not imply any official DoD position or interfere with the member's official duties.

3. **Civilian Employees.** Reference (c) contains guidance for civilian employees, and is incorporated in Chapter 6 of reference (b).

a. **Acceptable Activities.** In general, civilian employees may participate in political organizations, campaigns, and elections, in their personal capacities. This means they may:

- Be candidates for public office in nonpartisan elections

- Register, vote, or assist in voter registration drives

- Attend political fundraising functions and contribute money to political organizations

- Join and actively participate in political parties, including attending political rallies and meetings or holding office

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- Campaign for or against candidates in partisan elections, including distributing literature or making speeches

b. **Unacceptable Activities**. Civilian employees generally may not:

- use their official authority or influence to interfere with or affect the result of an election

- solicit, accept, or receive political contributions (with some very narrow exceptions); solicit, accept, or receive uncompensated volunteer services from an individual who is a subordinate; or allow their official titles to be used in connection with fundraising activities

- run for nomination or election to public office in a partisan election, meaning one with party primaries or party affiliation for candidates (with some narrow exceptions)

- solicit or discourage the political activity of any person who has business with DoD

- engage in political activities (to include wearing a political buttons) while on duty, while in a Government-occupied office or building, while wearing an official uniform, badge, insignia, or other similar item, or while using a Government vehicle

- contribute to the political campaign of another Federal employee in their chain of command or supervision

c. **Prohibitions Applicable to Senior Civilian Employees and Employees in Particularly Sensitive Positions**. Additional prohibitions apply to more senior civilian employees, including all career Senior Executive Service (SES) employees, administrative law judges, and certain employees in sensitive positions, such as members of Contract Appeal Boards, and employees (except Presidential appointees confirmed by the Senate) of DIA and NSA. Additional prohibitions also apply to all Presidential appointees confirmed by the Senate and all non-career SES members.

4. **Logistical Support for Political Activities**. In general, commanders may not permit the use of DoD facilities to support political activities.

a. **DoD Guidance**. The Secretary of Defense provided guidance on logistical support for political activities in reference (d). Key provisions include:

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- Installation commanders shall not permit the use of installation facilities by any candidate for political assemblies, media events (including speeches), fundraisers, press conferences, or any other activity that could be construed as political in nature.

- Candidates may receive the same access to installations as any other visitor. Commanders will inform candidates, however, that all political activities and media events are prohibited while on the military installation.

- All requests for community relations support to political meetings, ceremonies, and like events, including bands, color guards, personnel, and speakers, whether on the installation or in the civilian community, will be denied.

- Commanders will deny requests from politicians to tape or film campaign commercials in front of military equipment on military property owned or leased by the Government.

- DoD newspapers will not carry campaign news, partisan discussions, cartoons, editorials, or commentaries dealing with political campaigns, candidates, or issues.

b. **Further Analysis.** The text of reference (d) provides additional guidance, OSD points of contact, and references. A copy of the message is available on the SJA to CMC website at [http://sja.hqmc.usmc.mil/jar/Just in archive/Files/Campaign Elections.pdf](http://sja.hqmc.usmc.mil/jar/Just%20in%20archive/Files/Campaign%20Elections.pdf).

5. **Advice.** You may obtain standards of conduct advice, including evaluating political activities, from your local staff judge advocate, CMC (JAR) at DSN 224-1513/2510 or (703) 614-1513/2510, or Counsel for the Commandant (CL) at DSN 224-2150 or (703) 614-2150.

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