

## INFORMATION PAPER

**SUBJECT:** Political Activities by Army Personnel

**1. Purpose.** To summarize the rules and provide guidance concerning TRADOC military and civilian employee participation in political activities.

**2. Summary.** With the coming of election season, it's a good time to review the rules and guidelines on TRADOC military and civilian employee participation in the political process. It is DoD policy to encourage members of the Armed Forces to carry out the obligations of citizenship. However, there are many guidelines and rules for Army employees who desire to participate in political activities. This paper only provides a general overview of the applicable rules. If a TRADOC employee has any further questions, he or she is encouraged to consult with the servicing Office of the Staff Judge Advocate or Ethics Counselor.

**3. Discussion.** The Standards of Ethical Conduct for Government Employees and the Joint Ethics Regulation are benchmarks for all TRADOC employees to adhere to. However, the rules regarding political activities for military and civilian personnel differ slightly. In addition to the Standards of Ethical Conduct and JER, DoD Directive 1344.10 governs political activities of military members, while the conduct of most civilian employees is guided by the Hatch Act (5 USC 7321-7327) and implementing regulations (5 CFR Part 734 B and C). Additional restrictions on political activities will also apply to members of the Senior Executive Service or "further restricted employees." Below are a few of the most important rules to remember.

### a. Military Employees.

**(1) Prohibited Activities.** TRADOC military employees may not do the following:

(a) Participate, as more than a spectator, in partisan political fundraising activities (except as permitted below), rallies, conventions (including making speeches), management of campaigns, or debates.

(b) 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 require or solicit political contributions from others.

(c) Allow or publish partisan political articles, letters, or endorsements signed or written by the member that solicit votes for or against a partisan party, candidate, or cause (other than a letter to an editor as noted below).

(d) Serve in any official capacity with, or be listed as a sponsor of, a partisan political club.

(e) Speak before a partisan political gathering, including any gathering that promotes a partisan political party, candidate, or cause.

(f) Participate in any radio, television, or other program or discussion as an advocate for or against a partisan party, candidate, or cause.

(g) Conduct a political opinion survey under the auspices of a partisan political club or group or distribute partisan political literature.

(h) Perform clerical or other duties for a partisan committee or candidate during a campaign or during the closing out of a campaign.

(i) Solicit or otherwise engage in fundraising activities in Federal facilities for any political cause or candidate.

(j) March or ride in a partisan political parade.

(k) Display a large political sign, banner, or poster (as distinguished from a bumper sticker) on a private vehicle.

(l) Display a partisan political sign, 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.

(m) Participate in any effort to transport voters to polls if organized by or associated with a partisan political party, cause, or candidate.

(n) Sell tickets for or otherwise actively promote partisan political dinners and similar fundraising events.

(o) Attend partisan political events as an official representative of the Armed Forces, except as a color guard member at certain events.

(p) Make a campaign contribution to or receive or solicit a campaign contribution from any other active duty member.

(q) Use contemptuous words against the President, Vice President, Congress, Secretary of Defense, Secretary of the Army/Navy/Air Force, Secretary of Homeland Security, or any governor or state legislature.

(r) Take part in any activity that may be reasonably viewed as directly or indirectly associating Army or DoD with partisan political activity.

**(2) Permitted Activities.** TRADOC military employees may:

(a) Register, vote, and express a personal opinion on political candidates and issues, but not as a representative of the Armed Forces.

(b) 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.

(c) Join a partisan or nonpartisan political club and attend its meetings when not in uniform and not in official capacity. (May not be listed as a sponsor of such club as noted above).

(d) 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 with SecArmy approval.

(e) 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, not as a rep of the Armed Forces.

(f) Write a letter to the editor of a newspaper expressing 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, it must clearly state that the views expressed are those of the individual only and not those of the Army or DoD.

(g) Make monetary contributions to a political organization, party, or committee favoring a particular candidate or slate of candidates, if not conducted in a federal facility and subject to normal dollar limitations for political donations under federal law.

(h) Display a political bumper sticker on the member's private vehicle.

(i) 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.

(j) Participate fully in the Federal Voting Assistance Program.

## **b. Civilian Personnel.**

**(1) Prohibited Activities.** TRADOC civilian employees may not do the following:

(a) Use their official authority or influence to interfere with or affect the results on any election.

(b) Solicit or receive political contributions or allow their official titles to be used in political fundraising.

(c) Run for partisan office (except as independent candidates in certain local elections).

(d) Participate in political activity while on duty or in a government facility or vehicle.

**(2) Permitted Activities.** TRADOC civilian employees may:

(a) Be candidates for public office in nonpartisan elections.

(b) Join and be an active member of a political party or club.

(c) Register and vote as they choose.

(d) Sign and circulate nominating petitions.

- (e) Assist in voter registration drives.
- (f) Campaign for or against referendum questions, constitutional amendments, and municipal ordinances.
- (g) Express opinions about candidates and issues.
- (h) Campaign for or against candidates in partisan elections.
- (i) Contribute money to political organizations.
- (j) Distribute campaign literature in partisan elections.
- (k) Attend and give a speech at a political fundraiser, rally or meeting.
- (l) Hold office in political clubs or parties.

**c. Common Issues.**

**(1) 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).

**(2) 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).

**(3) 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.

**(4) 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.

**(5) 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.

**4. Conclusion.** This paper provides only a summary of the rules and guidelines concerning political activities by Army personnel. The servicing Office of the Staff Judge Advocate or Ethics Counselor should always be consulted early to address any questions or concerns to avoid inadvertent violations of the cited rules and regulations.

Mr. Farrell /ATJA/501-5769  
Approved by COL Donahoe