



## THE HATCH ACT

### Permitted and Prohibited Activities For Employees Who May Engage in Partisan Political Management and Campaigns\*

- **May not** use their official authority or influence to interfere with or affect the result of an election. For example:
  - **May not** use their official titles or positions while engaged in political activity.
  - **May not** invite subordinate employees to political events or otherwise suggest to subordinates that they attend political events or undertake any partisan political activity.
- **May not** solicit, accept or receive a donation or contribution for a partisan political party, candidate for partisan political office, or partisan political group. For example:
  - **May not** host a political fundraiser.
  - **May not** invite others to a political fundraiser.
  - **May not** collect contributions or sell tickets to political fundraising functions.\*
- ➔ • **May not** be candidates for public office in partisan political elections.
- **May not** knowingly solicit or discourage the participation in any political activity of anyone who has business pending before their employing office.
- **May not** engage in political activity – *i.e.*, activity directed at the success or failure of a political party, candidate for partisan political office, or partisan political group – while the employee is on duty, in any federal room or building, while wearing a uniform or official insignia, or using any federally owned or leased vehicle. For example:
  - **May not** distribute campaign materials or items.
  - **May not** display campaign materials or items.
  - **May not** perform campaign related chores.
  - **May not** wear or display partisan political buttons, T-shirts, signs, or other items.
  - **May not** make political contributions to a partisan political party, candidate for partisan political office, or partisan political group.
  - **May not** post a comment to a blog or a social media site that advocates for or against a partisan political party, candidate for partisan political office, or partisan political group.
  - **May not** use any e-mail account or social media to distribute, send, or forward content that advocates for or against a partisan political party, candidate for partisan political office, or partisan political group.
- **May** be candidates for public office in nonpartisan elections.
- **May** register and vote as they choose.
- **May** assist in voter registration drives.
- **May** contribute money to political campaigns, political parties, or partisan political groups.
- **May** attend political fundraising functions.
- **May** attend and be active at political rallies and meetings.
- **May** join and be an active member of political clubs or parties.
- **May** hold office in political clubs or parties.
- **May** sign and circulate nominating petitions.
- **May** campaign for or against referendum questions, constitutional amendments, or municipal ordinances.
- **May** campaign for or against candidates in partisan elections.
- **May** make campaign speeches for candidates in partisan elections.
- **May** distribute campaign literature in partisan elections.
- **May** volunteer to work on a partisan political campaign.
- **May** express opinions about candidates and issues. If the expression is political activity, however – *i.e.*, activity directed at the success or failure of a political party, candidate for partisan political office, or partisan political group – then the expression is not permitted while the employee is on duty, in any federal room or building, while wearing a uniform or official insignia, or using any federally owned or leased vehicle.

For further information, contact the  
U.S. Office of Special Counsel's Hatch Act Unit  
at:

Tel: (800) 85-HATCH or (800) 854-2824  
(202) 254-3650

Fax: (202) 254-3700

Hatch Act advisory opinion requests: [hatchact@osc.gov](mailto:hatchact@osc.gov)

\* This list of permitted and prohibited activities does not apply to federal employees in the following agencies, divisions, or positions:

- Election Assistance Commission
- Federal Election Commission
- Office of the Director of National Intelligence
- Central Intelligence Agency
- Defense Intelligence Agency
- National Geospatial Intelligence Agency
- National Security Agency
- National Security Council
- National Security Division (Department of Justice)
- Criminal Division (Department of Justice)
- Federal Bureau of Investigation
- Secret Service
- Office of Criminal Investigation (Internal Revenue Service)
- Office of Investigative Programs (Customs Service)
- Office of Law Enforcement (Bureau of Alcohol, Tobacco and Firearms)
- Merit Systems Protection Board
- U.S. Office of Special Counsel
- Career members of the Senior Executive Service
- Administrative law judges, administrative appeals judges, and contract appeals board members

\* Soliciting, accepting, or receiving such donations or contributions may be done so long as the person being solicited is: 1) a member of the same federal labor organization as defined under section 7103(4) of this title or a federal employee organization which as of the date of enactment of the Hatch Act Reform Amendments of 1993 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))); 2) not a subordinate employee; and 3) the solicitation is for a contribution to the multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))) of such federal labor organization as defined under section 7103(4) of this title or a federal employee organization which as of the date of the enactment of the Hatch Act Reform Amendments of 1993 had a multicandidate political committee (as defined under section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4))).

Home About Filing Reports News Outreach / Training Contact

Search

**POLITICAL ACTIVITY (HATCH ACT)**



**FILING A HATCH ACT COMPLAINT**

> [Filing a Hatch Act Complaint](#)

**ADVISORIES ON POLITICAL TRAVEL AND POLITICAL BRIEFINGS, OCTOBER 2011**

> [Advisories on Political Travel and Political Briefings, October 2011](#)

**REQUESTING AN ADVISORY OPINION**

> [Requesting an Advisory Opinion](#)

**ABOUT THE HATCH ACT FEDERAL EMPLOYEES**

- OSC's Role
- [Hatch Act: Who is Covered](#)
- Further Restricted Employees
- Less Restricted Employees
- [Political Restrictions and Examples of Prohibited Activities -](#)
- Further Restricted Employees
- Less Restricted Employees
- [Examples of Permitted Activities -](#)
- Further Restricted Employees
- Less Restricted Employees
- Penalties
- Frequently Asked Questions
- Sample Advisory Opinions
- Hatch Act Statute
- Hatch Act Regulations

**ABOUT THE HATCH ACT STATE AND LOCAL EMPLOYEES**

- OSC's Role
- Hatch Act: Who is Covered
- Hatch Act: Who is Not Covered
- Prohibited Activities
- Examples of Permitted Activities
- Penalties
- Frequently Asked Questions
- Sample Advisory Opinions
- Hatch Act Statute
- Hatch Act Regulations
- Hatch Act Modernization Act Guidance for State and Local Employees

**WHAT HAPPENS NEXT**

- [Your Role in an OSC Investigation](#)
- [Why OSC has Contacted You](#)

**POLICIES AND PROCEDURES**

- [The Role of Agency Counsel](#)
- [Designated Agency Liaisons](#)
- [Policy on Legal Representation at OSC Interviews](#)
- [Designated Legal Representation \(form\)](#)
- [Policy on Disclosure of Information in OSC Program Files](#)

**OTHER HELPFUL INFORMATION**

- [Other Helpful Information --](#)
- [Federal Employee booklets, fact sheets, forms, etc.](#)
- [State and Local Employee booklets, fact sheets, forms, etc.](#)
- [Outreach](#)
- [Hatch Act Press Releases](#)
- [Hatch Act Reports](#)

About This Site | Privacy Policy | Site Index | Accessibility  
E-Filing | Para información en español

Last Updated: 1/23/13





# U.S. DEPARTMENT OF DEFENSE

## United States Department of Defense

Search

### TOP LINKS

- Subscribe
- Twitter
- AFPS Blogs
- Facebook
- Flickr
- RSS
- Podcasts
- Widgets
- E-Mail

- Secretary of Defense
- Speeches
- Messages
- Biography

- Press
- Today in DoD
- News Releases
- Press Advisories
- Publications
- Transcripts

- Photos
- Imagery Archive
- Highlights
- Photo Essays
- Week in Photos

- DoD Info
- Post 9/11 GI Bill
- Transferability
- Community Relations
- Stars & Stripes
- Recovery Act
- Site Map

### News

American Forces Press Service

SHARE

NEWS ARTICLE

E-MAIL A COPY | PRINTER FRIENDLY | LATEST NEWS

## Hatch Act 'Dos and Don'ts'

By Gerry J. Gilmore  
American Forces Press Service

WASHINGTON, Oct. 2, 2000 – Are there legal restrictions placed upon DoD military and civilian employees' political activities because of their unique roles as public servants?

Yes, there are. The "Dos and Don'ts" are listed under the federal Hatch Act, originally legislated in 1939 and updated seven years ago. The Hatch Act restricts the political activity of executive branch employees, including DoD civilian employees, and the employees of the District of Columbia government and certain state and local agencies. Military reservists or Guardsmen working as federal government civilians also are subject to the Hatch Act.

Members of the active-serving armed forces are subject to Department of Defense Directive 1344.10, titled: Political Activities by Members of the Armed Forces. The intent of this directive essentially mirrors Hatch Act provisions for federal civilian employees.

Allowable activities under the Hatch Act include running for nonpartisan public office; registering and voting as one chooses; assisting in voter registration drives; attending political fundraisers, rallies and meetings; and holding office in political clubs or parties.

As examples of prohibitions, federal employees generally may not solicit or receive political contributions, and they may not engage in political activity while on duty, in a government office or while wearing an official uniform.

In 1993, congressional legislation substantially amended the Hatch Act, enabling most federal and District employees to engage in many types of political activity outside the workplace that were previously forbidden. Provisions applying to state and local government employees were not changed.

#### Related Sites:

- [Hatch Act for Federal Employees](#)
- [DoD Directive 1344.10](#)

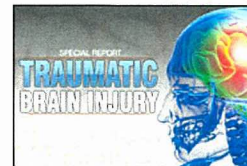
#### AFRTS Radio Reports:

- [AFRTS Radio Report: DoD outlines rules for its employees during the campaigns](#)

#### AFRTS Video Reports:

- [AFRTS TV Report: 'Important voting information for the general election' can be viewed at 28.8 Kbps](#)
- [AFRTS TV Report: 'Important voting information for the general election' can be viewed at 56 Kbps.](#)

### TOP FEATURES



ARCHIVE >>

### DEFENSE IMAGERY

#### PHOTO ESSAYS



U.S. Soldiers Conduct Dismounted Patrol in Nangarhar Province  
ARCHIVE >>

- [Week In Photos](#)
- [Military Photographers](#)

### Main Menu

- [Home](#)
- [Today in DOD](#)
- [About DOD](#)
  - [Leaders](#)
  - [Organization](#)
  - [Mission](#)
  - [History](#)
- [Frequently Asked Questions](#)
- [Available jobs with DOD](#)
- [Top Issues](#)
  - [Afghanistan](#)
  - [Warrior Care](#)
  - [Cyber Security](#)
- [Defense Strategic Guidance](#)
  - [News](#)
- [Photos/Videos](#)
  - [The Pentagon Channel](#)
  - [Lead Photo Archive](#)
  - [Photo Essays](#)
  - [News Photos](#)
  - [Week In Photos](#)
  - [DefenseImagery.mil](#)
    - [Videos](#)
    - [DOD/Military Seals](#)
- [Military/DoD Websites](#)
  - [U.S. Army](#)
  - [U.S. Marine Corps](#)
  - [U.S. Navy](#)
  - [U.S. Air Force](#)
  - [National Guard](#)
  - [U.S. Coast Guard](#)
  - [All DOD Sites](#)
- [Military/DOD Social Media Sites](#)
- [Unified Combatant Commands](#)
  - [Register A Site](#)



## Department of Defense

# DIRECTIVE

**NUMBER 1344.10**

February 19, 2008

---

---

USD(P&R)

**SUBJECT:** Political Activities by Members of the Armed Forces

- References:
- (a) DoD Directive 1344.10, "Political Activities by Members of the Armed Forces on Active Duty," August 2, 2004 (hereby canceled)
  - (b) Sections 973, 888, 101, and Chapter 47 of title 10, United States Code
  - (c) DoD Instruction 1334.1, "Wearing of the Uniform," October 26, 2005
  - (d) Section 441a of title 2, United States Code
  - (e) through (i), see Enclosure 1

### 1. PURPOSE

This Directive:

1.1. Reissues Reference (a) to update policies on political activities of members of the Armed Forces.

1.2. Implements section 973(b) through (d) of Reference (b).

### 2. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense, the Military Departments (including the Coast Guard at all times, including when it is a Service in the Department of Homeland Security by agreement with that Department), the Office of the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the "DoD Components"). Paragraph 4.3. applies to members of the National Guard, even when in a non-Federal status. Other provisions apply to members of the National Guard while on active duty, which, for purposes of this Directive only, also includes full-time National Guard duty.



### 3. DEFINITIONS

The terms used in this Directive are defined in Enclosure 2.

### 4. POLICY

It is DoD policy to encourage members of the Armed Forces (hereafter referred to as “members”) (including members on active duty, members of the Reserve Components not on active duty, members of the National Guard even when in a non-Federal status, and retired members) to carry out the obligations of citizenship. In keeping with the traditional concept that members on active duty should not engage in partisan political activity, and that members not on active duty should avoid inferences that their political activities imply or appear to imply official sponsorship, approval, or endorsement, the following policy shall apply:

#### 4.1. General

4.1.1. A member of the Armed Forces on active duty may:

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

4.1.1.2. 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.

4.1.1.3. Join a partisan or nonpartisan political club and attend its meetings when not in uniform, subject to the restrictions of subparagraph 4.1.2.4. (See DoD Instruction 1334.1 (Reference (c).))

4.1.1.4. 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 Secretary concerned has given prior approval. The Secretary concerned may NOT delegate the authority to grant or deny such permission.

4.1.1.5. 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.

4.1.1.6. 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 (or Department of Homeland Security for members of the Coast Guard).

4.1.1.7. Make monetary contributions to a political organization, party, or committee favoring a particular candidate or slate of candidates, subject to the limitations under section 441a of title 2, United States Code (U.S.C.) (Reference (d)); section 607 of title 18, U.S.C. (Reference (e)); and other applicable law.

4.1.1.8. Display a political bumper sticker on the member's private vehicle.

4.1.1.9. 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.

4.1.1.10. Participate fully in the Federal Voting Assistance Program.

4.1.2. A member of the Armed Forces on active duty shall not:

4.1.2.1. Participate in partisan political fundraising activities (except as permitted in subparagraph 4.1.1.7.), 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. (See subparagraph 4.1.1.9.)

4.1.2.2. 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 require or solicit political contributions from others.

4.1.2.3. 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 is distinguished from a letter to the editor as permitted under the conditions noted in subparagraph 4.1.1.6.

4.1.2.4. Serve in any official capacity with or be listed as a sponsor of a partisan political club.

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

4.1.2.6. Participate in any radio, television, or other program or group discussion as an advocate for or against a partisan political party, candidate, or cause.

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



4.1.2.8. 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.

4.1.2.9. Solicit or otherwise engage in fundraising activities in Federal offices or facilities, including military reservations, for any political cause or candidate.

4.1.2.10. March or ride in a partisan political parade.

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

4.1.2.12. 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.

4.1.2.13. 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.

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

4.1.2.15. 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 Secretary concerned.

4.1.2.16. 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 (Reference (f)). See subparagraph 4.1.2.1. for general prohibitions on partisan fundraising activity.

4.1.3. Commissioned officers shall not use contemptuous words as prohibited by section 888 of Reference (b) or participate in activities proscribed by DoD Directives 5200.2 and 1325.6 (References (g) and (h), respectively).

4.1.4. Subject to any other restrictions in law, a member of the Armed Forces not on active duty may take the actions or participate in the activities permitted in subparagraph 4.1.1., and may take the actions and participate in the activities prohibited in subparagraph 4.1.2, provided the member is not in uniform and does not otherwise act in a manner that could reasonably give rise to the inference or appearance of official sponsorship, approval, or endorsement.

4.1.5. Activities not expressly prohibited may be contrary to the spirit and intent of this Directive. Any activity that may be reasonably viewed as directly or indirectly associating the Department of Defense or the Department of Homeland Security (in the case of the Coast Guard) or any component of these Departments with a partisan political activity or is otherwise contrary to the spirit and intention of this Directive shall be avoided.

4.2. **Nomination or Candidacy for Civil Office in the U.S. Government or State or Other Non-U.S. Government Offices**

4.2.1. Paragraph 4.2. applies to:

4.2.1.1. A civil office in the U.S. Government that:

4.2.1.1.1. Is an elective office;

4.2.1.1.2. Requires an appointment by the President; or

4.2.1.1.3. Is a position on the executive schedule under sections 5312-5317 of title 5, U.S.C. (Reference (i)).

4.2.1.2. A civil office in a State; the District of Columbia; a territory, possession, or commonwealth of the United States; or any political subdivision thereof.

4.2.2. A regular member, or a retired regular or Reserve Component member on active duty under a call or order to active duty for more than 270 days, may not be a nominee or candidate for the offices described in subparagraph 4.2.1., except when the Secretary concerned grants permission.

4.2.2.1. The Secretary concerned may NOT delegate the authority to grant or deny such permission.

4.2.2.2. Such permission shall not authorize activity while on active duty that is otherwise prohibited by other provisions of law or this Directive.

4.2.2.3. Such permission is required regardless of whether evidence of nomination or candidacy for civil office is filed prior to commencing active duty service or whether the member is an incumbent.

4.2.2.4. If a member covered by the prohibition in subparagraph 4.2.2. becomes a nominee or candidate for civil office prior to commencing active duty, then the member must request permission in writing and submit the request to the Secretary concerned before entering active duty. The member must understand that if the Secretary concerned does not grant permission, then the member must immediately decline the nomination or withdraw as a candidate.



4.2.3. A retired regular member or Reserve Component member on active duty under a call or order to active duty for 270 days or fewer may remain or become a nominee or candidate for the offices set out in subparagraph 4.2.1. provided there is no interference with the performance of military duty.

4.2.4. Notwithstanding any other provision of this Instruction:

4.2.4.1. Any enlisted member on active duty may seek, hold, and exercise the functions of a nonpartisan civil office as a notary public or member of a school board, neighborhood planning commission, or similar local agency, provided that the office is held in a non-military capacity and there is no interference with the performance of military duties.

4.2.4.2. Any warrant or commissioned officer on active duty may seek, hold, and exercise the functions of a nonpartisan civil office on an independent school board that is located exclusively on a military reservation, provided that the office is held in a non-military capacity and there is no interference with the performance of military duties.

4.3. Additional Limitations on Nomination or Candidacy and Campaigning

4.3.1. Members not on active duty who are nominees or candidates for the offices described in subparagraph 4.2.1. may, in their campaign literature (including Web sites, videos, television, and conventional print advertisements):

4.3.1.1. Use or mention, or permit the use or mention of, their military rank or grade and military service affiliation; BUT they must clearly indicate their retired or reserve status.

4.3.1.2. Include or permit the inclusion of their current or former specific military duty, title, or position, or photographs in military uniform, when displayed with other non-military biographical details. Any such military information must be accompanied by a prominent and clearly displayed disclaimer that neither the military information nor photographs imply endorsement by the Department of Defense or their particular Military Department (or the Department of Homeland Security for members of the Coast Guard); e.g., "John Doe is a member of the Army National Guard. Use of his military rank, job titles, and photographs in uniform does not imply endorsement by the Department of the Army or the Department of Defense."

4.3.2. Members included in subparagraph 4.3.1. may NOT, in campaign literature (including Web sites, videos, television, and conventional print advertisements):

4.3.2.1. Use or allow the use of photographs, drawings, and other similar media formats of themselves in uniform as the primary graphic representation in any campaign media, such as a billboard, brochure, flyer, Web site, or television commercial. For the purposes of this policy, "photographs" include video images, drawings, and all other similar formats of representational media.

4.3.2.2. Depict or allow the depiction of themselves in uniform in a manner that does not accurately reflect their actual performance of duty. For the purpose of this policy, “photographs” include video images, drawings, and all other similar formats of representational media.

4.3.3. Any member on active duty who is permitted to be, or otherwise not prohibited from being, a nominee or candidate for office as described in subparagraph 4.2.1. may NOT participate in any campaign activities. This includes open and active campaigning and all behind-the-scene activities. For example, such members described in this paragraph who are candidates or nominees may not:

4.3.3.1. Direct, control, manage, or otherwise participate in their campaign, including behind-the-scene activities.

4.3.3.2. Make statements to or answer questions from the news media regarding political issues or regarding government policies or activities unless specifically authorized to do so by an appropriate supervisor or commander.

4.3.3.3. Publish or allow to be published partisan political articles, literature, or documents that they have signed, written, or approved that solicit votes for or against a partisan political party, candidate, issue, or cause.

4.3.4. Those members included in subparagraph 4.3.3. who are nominees or candidates for office must:

4.3.4.1. Take affirmative, documented efforts to inform those who work for them and those whom they control that they (the nominees or candidates) may not direct, control, manage, or otherwise participate in campaign activities on their own behalf.

4.3.4.2. Take all reasonable efforts to prevent current or anticipated advertisements that they (the nominees or candidates) control from being publicly displayed or running in any media. This includes Web sites devoted to the nomination or candidacy. Web sites created before entry on active duty may not be updated or revised and may be ordered shut down as the Secretary concerned may direct.

4.3.5. Those who require permission to be nominees or candidates under the provisions of subparagraph 4.2.2., or who are on active duty and are not otherwise prohibited from being a nominee or a candidate under the provisions of subparagraph 4.2.3., must complete the acknowledgment of limitations at Enclosure 4. Those who require permission must complete the acknowledgment before permission may be granted. Those who do not require permission must complete the acknowledgment within 15 days of becoming a nominee or candidate or within 15 days of entry on active duty if already a nominee or candidate. The acknowledgment must be forwarded through the nominee’s or candidate’s immediate supervisor to the first general officer in the chain of command.



4.4. Holding and Exercising the Functions of a U.S. Government Civil Office Attained by Election or Appointment

4.4.1. Paragraph 4.4. applies to a civil office in the U.S. Government that:

4.4.1.1. Is an elective office;

4.4.1.2. Requires an appointment by the President; or

4.4.1.3. Is in a position on the executive schedule under sections 5312-5317 of Reference (i).

4.4.2. A regular member, or retired regular or Reserve Component member on active duty under a call or order to active duty for more than 270 days, may not hold or exercise the functions of civil office set out in subparagraph 4.4.1. unless otherwise authorized in paragraph 4.4. or by law.

4.4.3. A retired regular member, or a Reserve Component member on active duty under a call or order to active duty for 270 days or fewer, may hold and exercise the functions of a civil office provided there is no interference with the performance of military duty.

4.4.4. A member on active duty may hold and exercise the functions of a civil office under paragraph 4.4. when assigned or detailed (while on active duty) to such office to perform such functions, provided the assignment or detail does not interfere with military duties.

4.4.5. Any member on active duty authorized to hold or exercise or not prohibited from holding or exercising the functions of office under paragraph 4.4. are still subject to the prohibitions of subparagraph 4.1.2.

4.5. Holding and Exercising the Functions of a State or Other Non-U.S. Government Office Attained by Election or Appointment

4.5.1. Paragraph 4.5. applies to a civil office in a State; the District of Columbia; a territory, possession, or commonwealth of the United States; or any political subdivision thereof.

4.5.2. A regular member may not hold or exercise the functions of civil office unless otherwise authorized in paragraph 4.5. or by law.

4.5.3. A retired regular or Reserve Component member on active duty under a call or order to active duty for more than 270 days may hold—but shall NOT exercise—the functions of a civil office as set out in subparagraph 4.5.1., as long as:

4.5.3.1. The holding of such office is not prohibited under the laws of the State; the District of Columbia; a territory, possession, or commonwealth of the United States; or any political subdivision thereof.

4.5.3.2. The Secretary concerned grants permission after determining that holding such office does not interfere with the performance of military duties. The Secretary concerned may NOT delegate the authority to grant or deny such permission.

4.5.4. A retired regular or Reserve Component member on active duty under a call or order to active duty for 270 days or fewer may hold and exercise the functions of civil office provided there is no interference with the performance of military duties.

4.5.5. Any member on active duty authorized to hold or exercise, or not prohibited from holding or exercising, the functions of office under paragraph 4.5. is still subject to the prohibitions of subparagraph 4.1.2.

#### 4.6. Actions When Prohibitions Apply

4.6.1. Members affected by the prohibitions against being a nominee or candidate or holding or exercising the functions of a civil office may request retirement (if eligible), discharge, or release from active duty. The Secretary concerned may approve these requests, consistent with the needs of the Service, unless the member is:

4.6.1.1. Obligated to fulfill an active duty service commitment.

4.6.1.2. Serving or has been issued orders to serve afloat or in an area that is overseas, remote, a combat zone, or a hostile pay fire area.

4.6.1.3. Ordered to remain on active duty while the subject of an investigation or inquiry.

4.6.1.4. Accused of an offense under Chapter 47 of Reference (b) or serving a sentence or punishment for such an offense.

4.6.1.5. Pending other administrative separation action or proceedings.

4.6.1.6. Indebted to the United States.

4.6.1.7. In a Reserve Component and serving involuntarily under a call or order to active duty that specifies a period of active duty of more than 270 days during a period of declared war or national emergency; or other period when a unit or individual of the National Guard or other Reserve Component has been involuntarily called or ordered to active duty as authorized by law.

4.6.1.8. In violation of this Directive or an order or regulation prohibiting such member from assuming or exercising the functions of civil office.

4.6.2. Subparagraph 4.6.1. does not preclude a member's involuntary discharge or release from active duty.



4.6.3. No actions undertaken by a member in carrying out assigned military duties shall be invalidated solely by virtue of such member having been a candidate or nominee for a civil office in violation of the prohibition of paragraph 4.2. or having held or exercised the functions of a civil office in violation of the prohibitions of paragraphs 4.4. or 4.5.

4.6.4. This is a lawful general regulation. Violations of paragraphs 4.1. through 4.5. of this Directive by persons subject to the Uniform Code of Military Justice are punishable under Article 92, "Failure to Obey Order or Regulation," Chapter 47 of Reference (b).

## 5. RESPONSIBILITIES

5.1. The Under Secretary of Defense for Personnel and Readiness shall administer this Directive.

5.2. The Secretaries of the Military Departments shall issue appropriate implementing documents for their respective Departments.

## 6. RELEASABILITY

UNLIMITED. This Directive is approved for public release. Copies may be obtained through the Internet from the DoD Issuances Web Site at <http://www.dtic.mil/whs/directives>.

## 7. EFFECTIVE DATE

This Directive is effective immediately.



Gordon England

Enclosures - 4

- E1. References, continued
- E2. Definitions
- E3. Nonpartisan Activities and Other Miscellaneous Guidance
- E4. Candidacy or Nomination for Political Office Counseling Statement

E1. ENCLOSURE 1

REFERENCES, continued

- (e) Section 607 of title 18, United States Code
- (f) Sections 2635.301-2635.304 of title 5, Code of Federal Regulations
- (g) DoD Directive 5200.2, "DoD Personnel Security Program," April 9, 1999
- (h) DoD Directive 1325.6, "Guidelines for Handling Dissident and Protest Activities Among Members of the Armed Forces," October 1, 1996
- (i) Sections 5312-5317 of title 5, United States Code



E2. ENCLOSURE 2

DEFINITIONS

E2.1. Active Duty. Full-time duty in the active military service of the United States regardless of duration or purpose. Active duty includes full-time training duty; annual training duty; and attendance, while in the active military service, at a school designated as a Service school by law or by the Secretary concerned. For purposes of this Directive only, active duty also includes full-time National Guard duty.

E2.2. Call or Order to Active Duty for More Than 270 Days. Any prohibitions or limitations this Directive triggers by a call or order to active duty for more than 270 days begins on the first day of the active duty.

E2.3. Civil Office. A non-military office involving the exercise of the powers or authority of civil government, to include elective and appointed office in the U.S. Government, a U.S. territory or possession, State, county, municipality, or official subdivision thereof. This term does not include a non-elective position as a regular or reserve member of civilian law enforcement, fire, or rescue squad.

E2.4. Nonpartisan Political Activity. Activity supporting or relating to candidates not representing, or issues not specifically identified with, national or State political parties and associated or ancillary organizations or clubs. Issues relating to State constitutional amendments or referendums, approval of municipal ordinances, and others of similar character are not considered under this Instruction as specifically identified with national or State political parties.

E2.5. Partisan Political Activity. Activity supporting or relating to candidates representing, or issues specifically identified with, national or State political parties and associated or ancillary organizations or clubs.

E2.6. Secretary Concerned. See section 101(a)(9) of Reference (b).

E3. ENCLOSURE 3

NONPARTISAN ACTIVITIES AND OTHER MISCELLANEOUS GUIDANCE

E3.1. LOCAL NONPARTISAN POLITICAL ACTIVITIES

This Directive does not preclude participation in local nonpartisan political campaigns, initiatives, or referendums. A member taking part in local nonpartisan political activity, however, shall not:

E3.1.1. Wear a uniform or use any Government property or facilities while participating.

E3.1.2. Allow such participation to interfere with or prejudice the member's performance of military duties.

E3.1.3. Engage in conduct that in any way may reasonably imply that the Military Department concerned or any component of such Department has taken an official position on, or is otherwise involved in, the local political campaign or issue.

E3.2. ADDITIONAL REQUIREMENTS

Members of the Armed Forces on active duty engaging in permissible political activities shall:

E3.2.1. Give full time and attention to the performance of military duties during prescribed duty hours.

E3.2.2. Avoid any outside activities that may be prejudicial to the performance of military duties or likely to bring discredit upon the Armed Forces.

E3.2.3. Refrain from participating in any political activity while in military uniform, as proscribed by Reference (c), or using Government facilities or resources for furthering political activities.



E4. ENCLOSURE 4

CANDIDACY OR NOMINATION FOR POLITICAL OFFICE  
ACKNOWLEDGMENT OF LIMITATIONS

[To be prepared by any member on active duty (or who is about to enter active duty) who is:

Alternate A: Granted permission to remain or to become a candidate or nominee for civil office, (subparagraph 4.2.2.); or

Alternate B: Not otherwise prohibited from remaining or becoming a candidate or nominee for civil office (subparagraph 4.2.3.).

(Prepare as a letter or memorandum, signed by the member and addressed through the member's immediate supervisor (if known) to the first general or flag officer in the member's chain of command.)]

(Date)

[Select the appropriate paragraph 1].

Alternate A (over 270 days)

1. I understand that for me to remain or to become a nominee or a candidate for the civil office of [specifically identify the civil office] while on active duty, I must have the permission of the [name of the Secretary concerned] as required by subparagraph 4.2.2. of DoD Directive (DoDD) 1344.10, "Political Activities by Members of the Armed Forces." I understand that such permission will be granted sparingly because it runs counter to the traditional concept that Service members on active duty should not engage in partisan political activity. Furthermore, I understand that if I am already a candidate or nominee, I must submit my request for permission from [specifically identify the Secretary concerned] before I enter active duty. If I am already on active duty and wish to become a candidate or nominee, I must receive permission first.

Alternate B (270 days or fewer)

1. I understand that I am authorized to remain or to become a candidate or nominee for the civil office of [specifically identify the civil office] while on active duty. This is authorized by subparagraph 4.2.3. of DoD Directive (DoDD) 1344.10, "Political Activities by Members of the Armed Forces," because I am under a call or order to active duty for 270 days or fewer. I understand that I may remain a candidate or nominee only as long as my candidacy or nomination does not interfere with the performance of my military duty.

2. I have read and fully understand that DoDD 1344.10, paragraphs 4.2. and 4.3. severely limit my ability to participate as a nominee or candidate in the political process. I specifically understand that if I am granted permission to be a candidate or nominee or am not otherwise prohibited from becoming a candidate or nominee, I may not direct, control, endorse, or

otherwise participate in campaign activities on my behalf (including behind-the-scene activities). Furthermore, I must:

a. Take affirmative, documented efforts to inform those who work for me and those whom I control that I may not direct, control, manage, or otherwise participate in campaign activities on my own behalf.

b. Take all reasonable efforts to prevent current or anticipated advertisements that I control from being publicly displayed or running in any media. This includes Web sites devoted to the nomination or candidacy. Such Web sites created before my entry on active duty must otherwise comply with subparagraph 4.3.1. and may not be updated or revised while I am on active duty. Furthermore, I understand that the Secretary concerned may direct that the Web site be removed.

3. I have read and understand the prohibitions found in DoDD 1344.10, paragraphs 4.2 and 4.3.

4. I understand that DoDI 1334.1, "Wearing of the Uniform," prohibits the wearing of a military uniform during or in connection with the furtherance of any political or commercial interests not otherwise prohibited or limited above.

5. Finally, I understand that should I be elected to this civil office while on active duty, I will be subject to the policies concerning holding and exercising the function of civil office also found in DoDD 1344.10.

[Include signature block of nominee or candidate.]