

## INFORMATION PAPER

ATJA (27-1a2)

26 March 2024

SUBJECT: Political Activities by TRADOC Personnel (Military and Civilian Employees)

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

2. Summary. With election season starting, it is 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 provides a general overview of the applicable rules; for further questions, consult your 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 (JER) 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/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 also apply to members of the Senior Executive Service or "further restricted employees." Below are a few of the most important rules to remember.

#### 4. Military Personnel (Soldiers).

a. Permitted Activities. TRADOC military employees may:

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

(2) Promote and encourage others to exercise their voting franchise, if such promotion does not constitute use of their official authority to influence or interfere with the outcome of any election.

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

(4) 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 representative of the Armed Forces.

(5) 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 partisan political party or partisan political cause or candidate. If the letter identifies the member as being on active duty, the letter must clearly state that the views expressed are those of the individual only and not those of the Army or DoD.

(6) 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.

- (7) Display one political bumper sticker, per candidate, on the member's private vehicle.
- (8) 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.
- (9) Participate fully in the Federal Voting Assistance Program.

b. Prohibited Activities. TRADOC military employees may not do the following:

- (1) Participate in partisan political fundraising activities, rallies, conventions (including making speeches), management of campaigns, or debates.
- (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.
- (3) Allow or publish partisan political articles, letters, or endorsements signed or written by the member that solicit votes for or against a partisan political party, candidate, or cause (other than a letter to an editor as noted above).
- (4) Serve in any official capacity with, or be listed as a sponsor of, a partisan political club.
- (5) Speak before a partisan political gathering, including any gathering that promotes a partisan political party, candidate, or cause.
- (6) Participate in any radio, television, or other program or discussion as an advocate for or against a partisan political party, candidate, or cause.
- (7) Conduct a political opinion survey or distribute partisan political literature.
- (8) Perform clerical or other duties for a partisan committee or candidate during a campaign or during the closing out of a campaign.
- (9) Solicit or otherwise engage in fundraising activities in federal facilities for any political cause or candidate.
- (10) March or ride in a partisan political parade.
- (11) Display a large political sign, banner, or poster (as distinguished from a bumper sticker) on a private vehicle.
- (12) 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.
- (13) Participate in any effort to transport voters to polls if organized by or associated with a partisan political party or candidate.
- (14) Sell tickets for or otherwise actively promote partisan political dinners and similar fundraising events.
- (15) Attend partisan political events as an official representative of the Armed Forces, except as a color guard member at certain events.
- (16) Make a campaign contribution to or receive or solicit a campaign contribution from any other active-duty member.
- (17) 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.
- (18) Take part in any activity that may be reasonably viewed as directly or indirectly associating the Army or DoD with partisan political activity.

5. Civilian Personnel.

a. Permitted Activities. TRADOC civilian employees may:

- (1) Be candidates for public office in nonpartisan elections.
- (2) Register and vote as they choose.

- (3) Assist in voter registration drives.
- (4) Participate in nonpartisan campaigns.
- (5) Contribute money to political campaigns, political parties, or partisan political groups.
- (6) Attend political fundraising functions.
- (7) Attend political rallies and meetings.
- (8) Join political clubs or parties.
- (9) Campaign for or against referendum questions, constitutional amendments, or municipal ordinances.
- (10) Sign nominating petitions.
- (11) Circulate nominating petitions.\*
- (12) Campaign for or against candidates in partisan elections.\*
- (13) Make campaign speeches for candidates in partisan elections.\*
- (14) Distribute campaign literature in partisan elections.\*
- (15) Volunteer to work on a partisan political campaign.\*
- (16) Express opinions about candidates and issues. However, if the expression is political activity (activity directed at the success or failure of a partisan 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.

\* Further restricted employees (e.g., members of the Senior Executive Service) may not engage in these activities.

b. **Prohibited Activities.** TRADOC civilian employees may not do the following:

- (1) Be a candidate for nomination or election to public office in a partisan election.
- (2) Use their official authority or influence to interfere with or affect the results of any election. For example, may NOT:
  - (a) use their official title or position while engaged in political activity; or
  - (b) invite subordinate employees to political events or otherwise suggest to subordinates that they attend political events or undertake any partisan political activity.
- (3) Knowingly solicit or discourage the participation in any political activity of anyone who has business before their employing office.
- (4) 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:
  - (a) host a political fundraiser;
  - (b) invite others to a political fundraiser;
  - (c) sell tickets to a political fundraiser; or
  - (d) use any e-mail account or social media to distribute, send, or forward content that solicits political contributions.
- (5) Engage in political activity (activity directed at the success or failure of a partisan 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:
  - (a) distribute campaign materials;
  - (b) display campaign materials or items;
  - (c) perform campaign-related chores;
  - (d) wear or display partisan political buttons, T-shirts, signs, or other items;
  - (e) make political contributions to a partisan political party, candidate for partisan political office, or partisan political group;
  - (f) 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; or

(g) 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.

## 6. 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 are 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, etc.).

b. Photographs of Candidates. Photographs of political candidates may only be displayed in Government office spaces if (1) both the candidate and the military member/employee are pictured together, (2) the military member/employee has a personal relationship with the candidate, and (3) the photograph was already displayed in advance of any partisan political election season. (i.e., the employee has a personal relationship with the candidate and the photograph is taken at some kind of personal event or function, for example, a wedding, and not at a campaign event or some other type of partisan political event).

c. 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.

d. 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. On the other hand, civilian employees who are off off-duty may take such efforts to work to get out the vote on Election Day but not on the military installation or other federal workplaces.

e. 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—to include “liking” a post that solicits political contributions—any endorsement of candidates by military members, etc.). All TRADOC personnel 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.

7. Conclusion. This Information Paper is only intended to provide a summary of the rules and guidelines concerning political activities by Army personnel. For any questions or concerns/to avoid inadvertent violations of the cited rules and regulations, consult your servicing Office of the Staff Judge Advocate or Ethics Counselor.

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