

25 September 2008

INFORMATION PAPER

SUBJECT: Political Activities by Federal Civilian Employees

1. PURPOSE. To provide information on what types of political activities are permitted and prohibited for federal civilian employees.

2. REFERENCES.

- a. 5 U.S.C. §§ 7321-7326 (“Hatch Act”)
- b. DoD Directive 5500.7-R, Joint Ethics Regulation (JER), Chapter 6

3. BOTTOM LINE: While serving as a federal civilian employee, certain political activities and types of speech are prohibited. Federal employees must refrain from participating in any activity that may be prejudicial to the performance of government duties or is likely to bring discredit upon the Armed Forces. In addition, some activities that could be viewed as associating the Armed Forces directly or indirectly with a partisan political cause or candidate, although not expressly prohibited, must be avoided.

4. DISCUSSION.

a. 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. Adherence to 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. A list of permitted and prohibited political activities for federal civilian employees is attached.

c. 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/dod_oge/DepSecDef_Memo_14_Nov_07.pdf) and from the U.S. Office of Special Counsel's Hatch Act Unit, E-Library at http://www.osc.gov/library.htm#ha_fed. You may read DoD Directive 1344.10 for more information about military member political activity. For all political activity questions please submit your questions to your servicing Legal Office.

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Federal civilian employees are PERMITTED to engage in the following 12 political activities:*

1. Become a candidate for public office in nonpartisan elections. (e.g., an employee may run for school board in the District of Columbia because school board elections in the District are nonpartisan)
2. Register and vote as they choose. (e.g., an employee may register to vote Republican and vote for a Republican candidate even though his boss is a Democratic political appointee.)
3. Assist in voter registration drives. (e.g., an employee may assist in a voter registration drive sponsored by the League of Women Voters.)
4. Express opinions about candidates and issues. (e.g., an employee may write a letter to the editor at the *Virginia Pilot* which expresses her personal opinion on a candidate or political issue.)
5. Contribute money to political organizations.
6. Attend and give a speech at a political fundraiser, rally or meeting. (e.g., when an employee is off duty he/she may attend and give a speech or keynote address at a political fundraiser.)
7. Join and be an active member of a political party or club. (e.g., an employee may serve as a delegate, alternate or proxy to a state or national party convention).
8. Sign and circulate nominating petitions. (e.g., an employee may collect signatures for the nominating petitions of individuals who are running for public office.)
9. Campaign for or against referendum questions, constitutional amendments, and municipal ordinances. (e.g., an employee may be politically active in connection with a referendum question that seeks to ban smoking in eating establishments.)
10. Campaign for or against candidates in partisan elections. (e.g., an employee may walk around his neighborhood and introduce a candidate, who is running in a partisan election, to his neighbors.)
11. Distribute campaign literature in partisan elections. (e.g., an employee may stand outside of a polling place on election day and hand out brochures on behalf of a partisan political candidate or political party.)
12. Hold office in political clubs or parties. (e.g., an employee may serve as a vice-president of a political action committee, as long as the position does not involve personal solicitation, acceptance, or receipt of political contribution.)

* Additional rules exist for political appointees, career members of the SES, and all NSA, DIA and NGA employees.

Federal civilian employees are prohibited from engaging in the following five political activities:

1. Use their official authority or influence to interfere with an election. (E.g., an employee who signs a letter seeking volunteer services from individuals may not identify himself by using his/her official title.)
2. Personally solicit or discourage political activity of anyone with business before his or her agency. (E.g., an employee with agency wide responsibility may address a large, diverse group to seek support for a partisan political candidate as long as the group has not been specifically targeted as having matters before the employing agency.)
3. Solicit, accept or receive political contributions (may be done in certain limited situations by federal labor or other employee organizations).
4. Engage in political activity while on duty, in a government office, while wearing an official uniform, or while using a government vehicle. (E.g., an employee may not display a political poster, bumper sticker or campaign button in his or her office or in the common areas of a federal building.)
5. Become a candidate in a partisan election. (E.g., an employee may not become a candidate in an election where any of the candidates are running as representatives of political parties, usually the Democratic or Republican parties.)