
GUIDANCE ON POLITICAL CAMPAIGNS AND ACTIVITY

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FROM: CMC WASHINGTON DC DMCS(UC)

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SUBJ/GUIDANCE ON POLITICAL CAMPAIGNS AND ACTIVITY//

REF/A/DOC/DOD DIRECTIVE 1334.10/YMD:20080219//

REF/B/DOC/10 U.S.C. SECTION 801 ET SEQ.//

REF/C/ALNAV 051/19/YMD: 20190621//

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REF/F/DOC/MCO 1020.34H/YMD: 20180501//

REF/G/DOC/5 U.S.C. SECTIONS 7321-7326 AND 5 C.F.R. PARTS 733-734//

NARR/REF A IS THE DIRECTIVE ON POLITICAL ACTIVITIES BY MEMBERS OF THE ARMED FORCES. REF B IS THE UNIFORM CODE OF MILITARY JUSTICE. REF C IS THE SECRETARY OF THE NAVY'S CURRENT GUIDANCE REGARDING POLITICAL ACTIVITIES. REF D IS THE JOINT ETHICS REGULATIONS. REF E IS THE DODI GOVERNING WEAR OF UNIFORMS. REF F IS THE MARINE CORPS UNIFORM REGULATIONS. REF G IS THE HATCH ACT.//

POC/MR. MICHAEL D. GRAHAM/HQMC JCA/WASHINGTON, DC/TEL: DSN 224-2510//

GENTEXT/REMARKS/1. This guidance is issued to ensure that Marines, Sailors, and civilian employees exercise their rights and obligations of citizenship without violating Federal statutes, regulations, and policies prohibiting official involvement, or the appearance of official involvement, in partisan political activities (i.e., favoring a candidate, party, or cause) during the upcoming election season. Active duty members will not engage in partisan political activities, and all military personnel will avoid the inference that their political activities imply or appear to imply DoD sponsorship, approval, or endorsement of a political candidate, campaign, or cause. No employee may engage in a political activity while on duty or in a federal building.

2. Members of the Armed Forces are subject to generally more restrictive rules governing political activity than federal civilian employees. Reference (a) is a punitive lawful general regulation. Violations are punishable under Article 92, UCMJ, reference (b). Reference (c) is SECNAV's current guidance regarding political activities.

a. Permissible activities include: (1) register to vote and vote, (2) express a personal opinion on political candidates or issues, (3) promote and encourage others to vote, (4) write a letter to the editor of a newspaper expressing their personal views, and (5) display a partisan political bumper sticker on a POV. Permissible online/social media activity is further discussed in paragraph (3).

b. Impermissible activities include: (1) participate in partisan political fundraising activities; (2) use official authority or influence to interfere with an election; (3) perform clerical or other duties for a partisan political committee or candidate during a campaign (e.g., stuffing envelopes, manning a phone bank, precinct walks, distributing campaign literature and buttons, etc.); (4) display a large political sign, banner, or poster (as distinguished from a bumper sticker) on a POV; and (5) 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.

c. References (d) and (e) implement policies on wearing of the uniform. Reference (a) establishes additional limitations on members not on active duty (including military reserves and military retirees) who are nominees or candidates for civil offices in the United States Government, and for State and local office. Specifically, reserve members and retirees may, in their campaign literature (including videos), use or allow the use of photographs of themselves in uniform in campaign media such as a television commercial; but photographs in military uniform must be accompanied by a prominent and clearly displayed disclaimer that the military photograph does not imply endorsement by the Department of Defense or their particular Military Department; e.g., "John Smith is a member of the Marine Corps. Photographs in uniform does not imply endorsement by the Department of Defense or the Marine Corps." No campaign literature may use the official Marine Corps seal or official emblem (i.e., Eagle, Globe and Anchor (EGA)).

d. Marine units may not provide limited logistical support to campaign events (e.g., color guard in uniform, musician in uniform singing the National Anthem, etc.).

e. Article 88 of the UCMJ, reference (b), prohibits contemptuous speech directed at the President, Vice President, and other officials.

3. Online/Social Media.

a. Active duty members and federal employees may use social media to express personal views on public issues or political candidates, much the same as they would be permitted to write a letter to the editor of a newspaper. If a social media site/post identifies the member as on active duty (or if the member is reasonably identifiable as an active duty member), then the entry will clearly and prominently state that the views expressed are those of the individual only and not those of the Department of Defense or the Marine

Corps. Because an active duty member may not engage in partisan political activity, the active duty member may not post or make direct links to a political party, partisan political candidate, campaign, group, or cause; such activity is akin to distributing literature on behalf of those entities, which is prohibited by reference (a).

b. An active duty member may “friend” or “like” a social media page or “follow” the social media account of a political party or partisan candidate, campaign, group, or cause. However, active duty members shall not engage in activities with respect to those entities’ social media accounts that would constitute political activity. This includes suggesting that others “like,” “friend,” or “follow” the political entity; it also includes forwarding by email an invitation or solicitation from these entities to others.

c. Marines and Sailors not on active duty are not subject to the social media restrictions listed above so long as the member does not act in a manner that could reasonably create the appearance of official sponsorship, approval, or endorsement by the DoD or the Marine Corps.

d. Marines, Sailors, and civilian DoD employees will not send or forward political emails or post political messages to a social media account while in a federal building (including when off-duty), even if the individual uses their personal electronic device. Individuals should never use government equipment when engaging in political activities.

4. DoD Civilians.

a. Per reference (g), for DoD civilians, participation in political activity is regulated by the Hatch Act and DoD policy. The Hatch Act defines political activity as “an activity directed toward the success or failure of a political party, candidate for partisan political office or partisan political group.” Because the application of the rules varies depending on an employee’s position or office, it is extremely important that employees who engage in political activity know which rules apply to them. There are two sets of restrictions for civilian employees: “Less Restricted” and “Further Restricted” employees.

b. “Further Restricted” employees include individuals appointed by President and confirmed by the Senate (PAS), career Senior Executive Service (SES) employees, and non-career SES employees. These employees are prohibited from engaging in any political activity “in concert” with a political party, partisan political group, or candidate for partisan political office. “In concert” activity is any activity sponsored or supported by a political party, partisan political group, or candidate for partisan political office. Prohibited activities also include soliciting or receiving political contributions. “Further Restricted” employees are permitted to express their personal opinions, make monetary contributions to a campaign, and attend, but not actively participate in, campaign events or fundraising functions sponsored by candidates for partisan political office or political parties. Additional information on partisan activity rules for DoD civilian “Further Restricted” employees is available for review at: https://www.dodig.mil/defense_ethics/resource_library/hatch_act_q_a_further_restricted.pdf.

c. “Less Restricted” employees include DoD civilian employees and Schedule C

appointments. In their personal capacities, "Less Restricted" employees may volunteer with a political campaign or political organization. Examples of permitted volunteer activities include: organizing political rallies and meetings; making phone calls on behalf of a candidate; serving as a delegate to a party convention; and working for a political party to get out the vote on Election Day. "Less Restricted" employees, however, are prohibited from soliciting or receiving political contributions. Additional information on partisan political activity rules for DoD civilian "Less Restricted" employees is available for review at: https://ogc.osd.mil/defense_ethics/resource_library/hatch_act_q_a_less_restricted.pdf.

d. Regardless of whether a DoD civilian employee is "Further Restricted" or "Less Restricted," he or she will not engage in political activity while on duty or in a federal building or while using government equipment. Specifically, an employee will not send or forward political emails, post political message to a Facebook account or engage in political tweeting while in a federal building (including when off-duty), even if the employee is using his or her personal smartphone, tablet, or computer. Employees should never use government equipment when engaging in political activities.

5. The U.S. Office of Special Counsel (OSC) is responsible for investigating reports or complaints concerning Hatch Act violations committed by covered federal employees. Penalties for violating the Hatch Act include removal, reduction in grade, debarment from employment, suspension, and civil penalty.

6. Marines, Sailors, and civilian employees who have questions concerning permissible political activities should consult with their supporting Staff Judge Advocate or Counsel Office before engaging in such activity.

7. Release authorized by Lieutenant General John J. Broadmeadow, Director, Marine Corps Staff, HQMC.//