

GUIDANCE ON POLITICAL CAMPAIGNS AND ACTIVITY

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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. REF H IS STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH. REF I IS THE DEPUTY SECRETARY OF DEFENSE MEMORANDUM ON POLITICAL ACTIVITIES.//
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GENTEXT/REMARKS/1. This guidance is issued to prepare for the 2024 Presidential and Federal Elections on 5 November 2024 and to ensure that Marines, Sailors, and Federal 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).
2. 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 Federal civilian executive branch employee may engage in a political activity while on duty or in a Federal workplace.
3. Members of the Armed Forces on active duty are subject to generally more restrictive rules governing political activity than are Federal civilian employees. Reference (a) is a punitive lawful general regulation. Violations are punishable under Article 92, UCMJ, reference (b). Reference (c) is SECNAVs current guidance regarding political activities. Reference (d) is the Joint Ethics Regulation. References (g) and (h) are the statutory code and Code of Federal Regulations sections that pertain. Reference (i) is the current Deputy Secretary of Defense memorandum on political activities.
3.a. Permissible activities for Armed Forces members on active duty include:
3.a.1. Register, vote, and express a personal opinion on political candidates and issues;
3.a.2. Promote and encourage others to exercise their voting franchise (if such does not constitute use of their official authority or influence to interfere with the outcome of any election);
3.a.3. Join and attend a partisan or nonpartisan political club (not in uniform);

3.a.4. Serve as an election official (not as a representative of a party, not in interference of military duties, not in uniform, and with Secretary of the Navy approval);

3.a.5. Sign a petition as a private citizen for a specific legislative action or to place a candidate's name on an official ballot;

3.a.6. Write a letter to the editor of a newspaper expressing personal views on public issues or political candidates (if the letter identifies the member as on active duty, the letter should clearly state the views expressed are those of the individual and not those of the DoD or Marine Corps);

3.a.7. Make monetary contributions to a political organization (limitations in section 441a of title 2, U.S.C. and section 607 of title 18 U.S.C.);

3.a.8. Display one political bumper sticker on a privately owned vehicle (POV);

3.a.9. Attend political fundraising activities as a spectator, when not in uniform and when no inference or appearance of official sponsorship, approval, or endorsement can reasonably be drawn; and

3.a.10. Participate in the Federal Voting Assistance Program.

3.b. Impermissible activities for Armed Forces members on active duty include:

3.b.1. Participate (beyond spectatorship) in partisan political fundraising activities;

3.b.2. Use official authority or influence to interfere with an election;

3.b.3. Allow or cause to be published partisan political articles, letters, or endorsements soliciting votes for a particular candidate or issue;

3.b.4. Serve in an official capacity or be listed as a sponsor of a partisan political club;

3.b.5. Speak before partisan political gathering;

3.b.6. Participate in any radio, television, or other program or group discussion as a political advocate;

3.b.7. Conduct a political opinion survey;

3.b.8. 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.);

3.b.9. Solicit or otherwise engage in fundraising activities in Federal offices or facilities, including military installations, for any political cause or candidate;

3.b.10. March or ride in a partisan political parade;

3.b.11. Display a large political sign, banner, or poster (as distinguished from a bumper sticker) on a POV;

3.b.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;

3.b.13. Participate in any organized effort to provide transportation to polls;

3.b.14. Sell tickets for, or promote, partisan political dinners or fundraising events;

3.b.15. Attend partisan political events as an Armed Forces representative; and

3.b.16. Make a campaign contribution to, or receive or solicit one from, any other Armed Forces member on active duty.

3.b.17. Additional restraints on impermissible activities can be found in reference (a). Activities not expressly prohibited may be contrary to the spirit and intent of reference (a). Any activity that may be reasonably viewed as directly or indirectly associating the DoD, or any component, with a partisan political activity shall be avoided.

3.c. Wear of Uniforms

3.c.1. References (e) and (f) implement policies on the wearing of uniforms. Reference (a) establishes additional limitations on members not on active duty (including reserve members and retirees) who are nominees or candidates for civil offices in the United States Government, and for State and local office.

3.c.2. Specifically, reserve members and retirees may, in their campaign literature (including web sites, videos, television, and conventional print advertisements), use or allow the use of photographs of themselves in uniform; but such photographs must be accompanied by a prominent and clearly displayed disclaimer that neither the military information nor photograph implies endorsement by the DoD or the Marine Corps, e.g., John Smith is a member of the Marine Corps. Use of his military rank, job title, and photographs in uniform do not imply endorsement by the DoD or the Marine Corps. No campaign literature

may use the official Marine Corps seal or official emblem (i.e., Eagle, Globe, and Anchor (EGA)).

3.c.3. Reserve members and retirees may NOT in campaign literature or media:

3.c.3.a. Use or allow the use of media formats of themselves in uniform as the primary graphic representation.

3.c.3.b. Depict themselves in uniform in a manner that does not accurately reflect their actual performance of duty.

3.d. Marine Corps units may not provide support to political campaign events (e.g., color guard, band, musician singing the National Anthem, etc.).

3.e. Article 88, UCMJ, reference (b), prohibits contemptuous speech by any commissioned officer directed at the President, the Vice President, Congress, the Secretary of Defense, the Secretary of a Military Department, the Secretary of Homeland Security, or the Governor or legislature of any State, Commonwealth, or possession in which the officer is on duty or present.

4. DoD Civilians

4.a. Participation in political activity by DoD civilians 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: those for Less Restricted employees and those for Further Restricted employees.

4.b. Further Restricted employees include individuals appointed by the 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 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.

4.c. Less Restricted employees include DoD civilian employees and Schedule C political appointees. 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.

4.d. DoD civilian employees, whether Further Restricted or Less Restricted, shall not engage in political activity while on duty, in a Federal workplace, or while using government equipment. Specifically, an employee will not send or forward political emails, post political messages to Facebook, or engage in political tweeting while in a Federal workplace (including when off-duty), even if the employee is using a personal electronic device. Employees may never use government equipment for political activities.

4.e. 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 Hatch Act violations include removal, reduction in grade, debarment, suspension, and civil penalty. Additional information on the Hatch Act is available at <https://osc.gov/Services/Pages/HatchAct.aspx>

5. Online/Social Media Use

5.a. The guidance provided below applies equally to all online and social media platforms (e.g., websites, Facebook, Instagram, Twitter, LinkedIn, Reddit, TikTok).

5.b. Active Duty Members

5.b.1. Active duty members may express personal views on issues that do not promote the success or failure of a partisan political candidate or party. They

should be careful to avoid any appearance of DoD endorsement.

5.b.2. 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 shall clearly and prominently state that the views expressed are those of the individual only and not those of the DoD 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, candidate, campaign, or cause; such activity is akin to distributing literature on behalf of those entities, which is prohibited by reference (a).

5.b.3. Active duty members 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. In addition to reference (a), active duty members are subject to restrictions in the Joint Ethics Regulation, UCMJ, and rules governing the use of government resources and governmental communications systems such as email and internet usage.

5.c. Retired and Reserve Members

5.c.1. Retired and reserve members who are depicted in uniform or who use, mention, or permit the use or mention of, their military rank or grade and military service affiliation must clearly indicate their retired or reserve status.

5.c.2. 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 perception or appearance of official sponsorship, approval, or endorsement by the DoD or the Marine Corps.

5.d. DoD Civilians

5.d.1. Per reference (h), civilian employees shall not use or permit the use of their government position or title, or any authority associated with their public office, in a manner that could reasonably be construed to imply that their agency or the government sanctions or endorses their personal activities or those of another.

5.e. Federal Workplace Restrictions

5.e.1. Marines, Sailors, and civilian DoD employees will not send or forward political emails or post political messages to a social media account while in the Federal workplace (including telework), even if the individual uses their personal electronic device. Individuals may never use government equipment for political activities.

6. Marines, Sailors, and Federal 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 Gregg P. Olson, Director, Marine Corps Staff.//