



Department of Defense

DIRECTIVE

NUMBER 1344.10

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USD(P&R)

SUBJECT: Political Activities by Members of the Armed Forces on Active Duty

- References: (a) DoD Directive 1344.10, "Political Activities by Members of the Armed Forces," June 15, 1990 (hereby canceled)
- (b) Sections 973, 101, 888, and Chapter 47 of title 10, United States Code
 - (c) DoD Directive 5200.2, "DoD Personnel Security Program," April 9, 1999
 - (d) DoD Directive 1325.6, "Guidelines for Handling Dissident and Protest Activities Among Members of the Armed Forces," October 1, 1996
 - (e) through (h), see enclosure 1

1. REISSUANCE AND PURPOSE

This Directive reissues reference (a) to update DoD policies on political activities of members of the Armed Forces on active duty and implement section 973(b) through (d) of reference (b).

2. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense, the Military Departments, the Coast Guard when it is not operating as a Military Service in the Department of the Navy by agreement with the Department of Homeland Security, 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").

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") to carry out the obligations of citizenship. While on active duty, however, members are prohibited from engaging in certain political activities. The following DoD policy shall apply:

4.1. General

4.1.1. A member on active duty may:

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

4.1.1.2. Make monetary contributions to a political organization.

4.1.1.3. Attend partisan and nonpartisan political meetings, rallies, or conventions as a spectator when not in uniform.

4.1.2. A member on active duty shall not:

4.1.2.1. Use his or her official authority or influence for interfering with an election; affecting the course or outcome of an election; soliciting votes for a particular candidate or issue; or requiring or soliciting political contributions from others.

4.1.2.2. Be a candidate for, hold, or exercise the functions of civil office except as authorized in paragraphs 4.2. and 4.3., below.

4.1.2.3. Participate in partisan political management, campaigns, or conventions (unless attending a convention as a spectator when not in uniform).

4.1.2.4. Make campaign contributions to another member of the Armed Forces or an employee of the Federal Government.

4.1.3. Enclosure 3 provides examples of permissible and prohibited political activities. The examples in enclosure 3 do not supersede other specific requirements and policies, such as those established by this Directive and DoD Directives 5200.2 and 1325.6 (references (c) and (d)).

4.2. Nomination or Candidacy for Civil Office

4.2.1. A member on active duty may not be a nominee or a candidate for civil office except:

4.2.1.1. For offices covered by subparagraph 4.3.1., when the exception at subparagraph 4.3.2. applies.

4.2.1.2. For offices covered by subparagraph 4.3.4., when one of the exceptions at subparagraphs 4.3.5.1. through 4.3.5.3. apply.

4.2.2. When circumstances warrant, the Secretary concerned or the Secretary's designee may permit a member covered by the prohibition of subparagraph 4.2.1., above, to remain or become a nominee or a candidate for civil office.

4.2.2.1. Such permission shall not authorize activity while on active duty that is otherwise prohibited in subparagraph 4.1.2., above, paragraph 4.3., below, or enclosure 3.

4.2.2.2. Such permission is required regardless of whether evidence of nomination or candidacy for civil office has been filed prior to commencing active duty service or whether or not the member is an incumbent. If a member covered by the prohibition in subparagraph 4.2.1., above, became a nominee or candidate for the civil office prior to commencing active duty, the member must decline the nomination or withdraw as a candidate unless the member receives such permission.

4.3. Holding and Exercising the Functions of Civil Office Attained by Election or Appointment

4.3.1. Except as authorized by subparagraph 4.3.2., below, or otherwise provided for by law, no member on active duty may hold or exercise the functions of civil office in the U.S. Government that:

4.3.1.1. Is an elective office.

4.3.1.2. Requires an appointment by the President by and with the advice and consent of the Senate.

4.3.1.3. Is a position on the executive schedule under sections 5312 through 5317 of title 5, U.S.C. (reference (e)).

4.3.2. The prohibitions of subparagraph 4.3.1., above, do not apply to any retired regular member or Reserve member serving on active duty under a call or order to active duty that specifies a period of active duty of 270 days or less, provided there is no interference with the performance of military duties. If the call or order specifies a period of active duty of more than 270 days, the prohibitions of subparagraph 4.3.1., above, apply beginning on the first day of the active duty period.

4.3.3. A member on active duty may hold or exercise the functions of a civil office in the U.S. Government that is not described in subparagraph 4.3.1., above,

including when assigned or detailed to such office to perform such functions, provided there is no interference with military duties.

4.3.4. Except as authorized by subparagraph 4.3.5., below, or otherwise provided for by law, no member on active duty may hold or exercise the functions of civil office in the government of a State; the District of Columbia; a territory, possession, or commonwealth of the United States; or any political subdivision thereof.

4.3.5. Exceptions to the prohibitions of subparagraph 4.3.4.:

4.3.5.1. Any enlisted member may seek, hold, and exercise the functions of 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.

4.3.5.2. Any officer 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.

4.3.5.3. The prohibitions on holding and exercising the functions of civil office of subparagraph 4.3.4., above, do not apply to any retired regular member or Reserve member serving on active duty under a call or order to active duty that specifies a period of active duty of 270 days or less, provided the civil office is held in a non-military capacity and there is no interference with the performance of military duties. If the call or order specifies a period of active duty of more than 270 days, the prohibitions of subparagraph 4.3.4., above, apply beginning on the first day of the active duty period.

4.3.5.4. The prohibition on holding civil office does not apply to any retired regular member or Reserve member serving on active duty under a call or order to active duty for a period in excess of 270 days, unless:

4.3.5.4.1. The holding of such office is prohibited under the laws of that State; the District of Columbia; a territory, possession, or commonwealth of the United States; or any political subdivision thereof; or

4.3.5.4.2. The Secretary concerned determines that the holding of such office interferes with the performance of military duties.

4.3.6. Members to whom the exception of subparagraph 4.3.5.4., above, applies may not exercise the functions of their civil office while on active duty.

4.4. Actions When Prohibitions Apply

4.4.1. Members affected by the prohibitions against being a nominee or candidate for, holding, or exercising the functions of a civil office (subparagraphs 4.2.1., 4.3.1., or 4.3.4., above) may request retirement (if eligible), discharge, or release from active duty, and the Secretary concerned may approve these requests consistent with the needs of the Service unless the member is:

4.4.1.1. Obligated to fulfill an active duty service commitment.

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

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

4.4.1.4. Accused of an offense under the Uniform Code of Military Justice, 10 U.S.C. chapter 47 (reference (b)), or serving a sentence or punishment for such offense.

4.4.1.5. Pending other administrative separation action or proceedings.

4.4.1.6. Indebted to the United States.

4.4.1.7. 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.

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

4.4.2. Subparagraph 4.4.1., above, does not preclude a member's involuntary discharge or release from active duty.

4.4.3. 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 subparagraph 4.2.1., above, or held or exercised the functions of a civil office in violation of the prohibitions of subparagraphs 4.3.1. or 4.3.4., above.

4.4.4. A member who violates any of the prohibitions in subparagraphs 4.1.2., 4.2.1., 4.3.1., or 4.3.4., or enclosure 3, of this Directive may be subject to disciplinary or adverse administrative action under Service regulations.

4.5. All members of the Armed Forces on active duty engaging in political activities shall follow the examples and requirements in enclosure 3.

5. RESPONSIBILITIES

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

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

5.3. The Chief, National Guard Bureau shall issue policy guidance similar to that included in this Directive that is applicable to members of the National Guard serving in a full-time National Guard duty status.

6. EFFECTIVE DATE

This Directive is effective immediately.


Paul Wolfowitz
Deputy Secretary of Defense

Enclosures - 3

- E1. References, continued
- E2. Definitions
- E3. Examples and Additional Requirements

E1. ENCLOSURE 1

REFERENCES, continued

- (e) Sections 5312 through 5317 of title 5, United States Code
- (f) DoD Directive 1334.1, "Wearing of the Uniform," May 17, 2004
- (g) Section 441a of title 2, United States Code
- (h) Section 607 of title 18, United States Code

E2. ENCLOSURE 2

DEFINITIONS

E2.1.1. Active Duty. Full-time duty in the active military service of the United States regardless of duration or purpose, including:

E2.1.1.1. Full-time training duty;

E2.1.1.2. Annual training duty; and

E2.1.1.3. Attendance, while in the active military service, at a school designated as a Service school by law or by the Secretary of the Military Department concerned.

E2.1.2. Armed Forces. The U.S. Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard, including their Reserve components.

E2.1.3. Civil Office. A non-military office involving the exercise of the powers or authority of civil government, to include elective and appointive 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 regular or reserve member of a civilian law enforcement, fire, or rescue squad.

E2.1.4. 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. Issues relating to constitutional amendments, referendums, approval of municipal ordinances, and others of similar character are not considered under this Directive as specifically being identified with national or State political parties.

E2.1.5. 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.

E2.1.6. Secretary Concerned. Defined in 10 U.S.C. 101(9) (reference (b)).

E3. ENCLOSURE 3

EXAMPLES AND ADDITIONAL REQUIREMENTS

E3.1. PURPOSE

This enclosure provides examples of permissible and prohibited political activities and other requirements for implementing this Directive.

E3.2. EXAMPLES OF PERMISSIBLE POLITICAL ACTIVITIES

A member on active duty may:

E3.2.1. Register, vote, and express a personal opinion on political candidates and issues, but not as a representative of the Armed Forces.

E3.2.2. Promote and encourage other military members to exercise their voting franchise, if such promotion does not constitute an attempt to influence or interfere with the outcome of an election.

E3.2.3. Join a political club and attend its meetings when not in uniform. See Directive 1334.1 (reference (f)).

E3.2.4. Serve as an election official, if such service is not as a representative of a partisan political party, does not interfere with military duties, is performed when not in uniform, and has the prior approval of the Secretary concerned or the Secretary's designee.

E3.2.5. Sign a petition for 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.

E3.2.6. 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.

E3.2.7. Make monetary contributions to a political organization, party, or committee favoring a particular candidate or slate of candidates, subject to the limitations under 2 U.S.C. 441a, 18 U.S.C. 607 (references (g) and (h)), and other applicable law.

E3.2.8. Display a political sticker on the member's private vehicle.

E3.2.9. Attend partisan and nonpartisan political meetings or rallies as a spectator when not in uniform.

E3.3. EXAMPLES OF PROHIBITED POLITICAL ACTIVITIES

In accordance with the statutory restrictions in 10 U.S.C. 973(b) (reference (b)) and references (g) and (h), and the policies established in section 4., above, of this Directive, a member on active duty shall not:

E3.3.1. 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.

E3.3.2. Be a candidate for civil office in Federal, State, or local government, except as authorized in paragraph 4.2., above, of this Directive, or engage in public or organized soliciting of others to become partisan candidates for nomination or election to civil office.

E3.3.3. Participate in partisan political management, campaigns, or conventions (except as a spectator when not in uniform), or make public speeches in the course thereof.

E3.3.4. Make a contribution to another member of the Armed Forces or a civilian officer or employee of the United States for the purpose of promoting a political objective or cause, including a political campaign.

E3.3.5. Solicit or receive a contribution from another member of the Armed Forces or a civilian officer or employee of the United States for the purpose of promoting a political objective or cause, including a political campaign.

E3.3.6. Allow or cause to be published partisan political articles signed or written by the member that solicits votes for or against a partisan political party, candidate, or cause.

E3.3.7. Serve in any official capacity or be listed as a sponsor of a partisan political club.

E3.3.8. Speak before a partisan political gathering, including any gathering that promotes a partisan political party, candidate, or cause.

E3.3.9. Participate in any radio, television, or other program or group discussion as an advocate for or against of a partisan political party, candidate, or cause.

E3.3.10. Conduct a political opinion survey under the auspices of a partisan political group or distribute partisan political literature.

E3.3.11. Use contemptuous words against the officeholders described in 10 U.S.C. 888 (reference (b)), or participate in activities proscribed by references (c) and (d).

E3.3.12. Perform clerical or other duties for a partisan political committee during a campaign or on an election day.

E3.3.13. Solicit or otherwise engage in fundraising activities in Federal offices or facilities, including military reservations, for a partisan political cause or candidate.

E3.3.14. March or ride in a partisan political parade.

E3.3.15. Display a large political sign, banner, or poster (as distinguished from a bumper sticker) on the top or side of a private vehicle.

E3.3.16. 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 or candidate.

E3.3.17. Sell tickets for, or otherwise actively promote, political dinners and similar fundraising events.

E3.3.18. Attend partisan political events as an official representative of the Armed Forces.

E3.4. POLITICAL ACTIVITIES NOT EXPRESSLY PERMITTED OR PROHIBITED

Some activities not expressly prohibited may be contrary to the spirit and intent of section 4. of this Directive or section E3.3. of this enclosure. In determining whether an activity violates the traditional concept that Service members should not engage in partisan political activity, rules of reason and common sense shall apply. Any activity that may be viewed as associating the Department of Defense or the Department of Homeland Security, in the case of the Coast Guard, or any component of these Departments directly or indirectly with a partisan political activity shall be avoided.

E3.5. 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:

E3.5.1. Wear a uniform or use any Government property or facilities while participating.

E3.5.2. Allow such participation to interfere with, or prejudice, the member's performance of military duties.

E3.5.3. Engage in conduct that in any way may imply that the 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.

E3.6. ADDITIONAL REQUIREMENTS

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

E3.6.1. Give full time and attention to the performance of military duties during prescribed duty hours.

E3.6.2. Avoid any outside activities that may be prejudicial to the performance of military duties or are likely to bring discredit upon the Armed Forces.

E3.6.3. Refrain from participating in any political activity while in military uniform, as proscribed by reference (f), or using Government facilities or resources for furthering political activities.