



# Political Activity and The Hatch Act

**F. Dean Raab & Jocelyn Urgese**

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**Department of Defense  
Standards of Conduct Office  
703-695-3422**

# Political Activity of DoD Personnel

## Coverage

**All Civilian Employees in the Executive Branch except the President and Vice President are covered by the Hatch Act.**

**Members of the Armed Forces are covered by Department of Defense Directive 1344.10 – *Political Activities by Members of the Armed Forces.***

# Political Activity of DoD Personnel



DEPUTY SECRETARY OF DEFENSE  
1010 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1010

FEB 15 2024

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP  
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Political Activities

As the 2024 primary elections commence, I want to remind all DoD personnel about the rules pertaining to participation in political activities. The Secretary and I have stressed the importance of complying with Federal law and DoD policy that address participation in the political process by DoD military and civilian personnel. As citizens, we exercise our right to vote and participate in government. As public servants, we uphold DoD's longstanding tradition of remaining apolitical as we carry out our official responsibilities. This is why DoD imposes additional rules for some personnel beyond what other Federal agencies may require. Maintaining the hard-earned trust and confidence of the American people requires us to avoid any action that could imply endorsement of a political party, political candidate or campaign by any element of the Department.

Attached is a quick guide containing the rules that apply to DoD personnel. Do not hesitate to consult with your leaders and your legal counsel if you have any questions.

A handwritten signature in black ink, reading "Kathleen H. Hicks", is positioned in the lower right area of the page.

Attachment:  
As stated



**Political Activity** is –

➤ An activity directed toward the success **or** failure of a:

- Political Party
- Candidate for Partisan Political Office, or a
- Partisan Political Group



# What is not political activity?

Activity not associated with a political party

- Legislation (Affordable Care Act, DACA)
- Issue discussions/campaigns (i.e., climate change, gun control, abortion)
- Candidacy in a nonpartisan election (no political party affiliations)
- Attending a march/rally (Black Lives Matter, March for Life, Women's March)

# Coverage at DoD for Civilians

## *What Group Are You In?*

### Hatch Act Restrictions

#### Further Restricted

##### Group 1

- PAS
- Non-career SES

##### Group 2

- Career SES
- Contract Appeals Board
- NSA
- DIA
- NGA

#### Less Restricted

##### Group 3

- DoD Civilian Employees
- Schedule C Appointments

# Political Activity of DoD Personnel

Further restricted employees may not take an active part in political management or political campaigns.

Less restricted employees may take an active part in certain political activities.

# Permitted Activities

## All DoD Employees May:

- Place a campaign sign in their yard
- Place A campaign bumper sticker on their personal car
- Make financial contributions to political parties or candidates running for partisan political office
- Express personal opinions on candidates and issues
- Attend political events
- Participate in nonpartisan elections
- Follow, like, or comment on the social media pages of a candidate for partisan office, a political party, or a partisan group





# Permitted Activities Less Restricted Employees

## “Less Restricted” Employees May:

- Volunteer for the campaign of a candidate for partisan political office
- Attend and be active at political rallies and meetings
- Join and hold office in a political party or political organization
- Work at the polls on election day for a candidate for partisan political office
- Assist in partisan voter registration drives

# Permitted Activities Further Restricted Employees

## “Further Restricted” Employees May:

- Express personal opinions about candidates and issues
- Attend (but not be active at) political rallies and meetings
- Make a financial contribution to a political party or candidate running for partisan political office
- Participate in nonpartisan elections
- Assist in nonpartisan voter registration drives
- Sign a nominating petition
- Place a campaign sign in their yard
- Place a campaign bumper sticker on their personal car



# Prohibited Political Activities all DoD Employees

## May not: Solicit, Accept or Receive Political Contributions

- May not host or serve as the POC for a fundraiser
- May not ask for donations by mail, email, or social media
- May not invite others to a fundraising event
- May not solicit through a phone bank
- May not share or like a fundraising post on social media



# **Navy civilian pays a civil fine of \$1,000 and accepts a three-year debarment from federal employment**

- While serving as Chairman of the Honolulu County Republican Party (HCRP), the employee created and used HCRP social media pages to solicit political contributions.
- He also sent dozens of emails soliciting contributions for the Hawaii Republican Party, HCRP, and candidates for partisan political office.
- OSC found that the employee also had over 1,000 HRP- and HRCRP-related documents on his Navy computer. While on-duty he used his Navy computer to download, draft, edit, and publish partisan political materials, including updating the HCRP Facebook page. (10/2020)

# Prohibited Political Activities all DoD Employees

## May Not Run for Public Office in a Partisan Election

- Election where candidates are running with party affiliation  
(Democrat, Republican, Green, etc.)
- Exception for designated communities  
— see *5 C.F.R. 733*

## Office of Special Counsel – January 2023

NOAA employee **removed from employment** for repeatedly running as a candidate for a congressional seat in WA. Prior to removal, the employee had received several warnings from NOAA and OSC regarding his candidacy and was offered a way to come into compliance with the law.

- The employee argued that congressional elections in WA were not partisan because of the state’s “top two” primary system.
- OSC argued that the position for which the employee ran is a “partisan political office” per the Hatch Act, because political parties remain active in the process and candidates party preference can be listed on the ballot.

# Prohibited Political Activities all DoD Employees

## May Not Use Official Authority to Affect the Outcome of an Election

- May not invite subordinates to campaign events
- May not use official title or position while engaging political activity
- May not use agency resources, e.g., official social media account while engaging in political activity
- May not use non-public information for political purposes



# Energy employee debarred from federal employment for three years

- A U.S. DOE employee violated the Hatch Act when she provided a tour of a radioactive waste treatment plant in Washington State to a candidate for U.S. Congress.
- The purpose of the private tour was to provide the candidate with information for her campaign. The candidate had repeatedly sought a tour of the plant to demonstrate her familiarity with the project to potential voters. Citing potential Hatch Act violations, DOE denied the candidate's requests.
- Three days before the employee gave the tour, she received a reminder about how such a tour could violate the Hatch Act. Information and photographs from the tour were then used to further the candidate's campaign. (01/2020)

# Prohibited Political Activities all DoD Employees

## May Not Engage in Political Activity While:

- On Duty (in a pay status or representing the agency)
  - Includes teleworking
- In a Federal Building (even when off-duty)
  - Includes breakrooms, conference rooms, gyms, and cafeterias
- Wearing a Uniform or Official Insignia
- Using a Government Vehicle

# Examples of Prohibited Political Activity in the Workplace

- Buttons, Posters, Coffee Mugs, Screen Savers, etc., that support or oppose political parties or candidates running for partisan political office
- E-mailing, blogging, tweeting, posting to social media, prohibited:
  - Even if using a personal device or email account
  - Even if sharing or forwarding content which was authored by others
  - Even if sharing or forwarding to friends or like-minded coworkers







# Office of Special Counsel – October 2019

- A DLA employee violated the Hatch Act by displaying the words “Vote Republican” on a PowerPoint presentation that he gave while on duty and in the federal workplace.
- The employee had received extensive Hatch Act training and was explicitly told prior to giving the presentation that certain images he planned to use, including the “Vote Republican” image, would be problematic.
- In a settlement agreement, the employee agreed to a **30-day suspension without pay.**

# Prohibited Activities for “further restricted” employees

## Further restricted employees may not:

- Make campaign speeches
- Distribute campaign literature
- Organize a political rally, meeting or fundraiser
- Hold political party office or be a party delegate
- Participate in partisan voter registration drives
- Circulate nominating petitions

Key: No activity in concert with a political party or candidate.

# Social Media Guidance for All Employees

## May Not:

- Tweet, Retweet, Share or Like a post or content that solicits political contributions.
- Engage in political activity via social media while on duty or in the workplace (e.g., share, like, or retweet a post from a candidate or partisan group; or post/tweet a comment directed at the success or failure of a candidate or partisan group)

# Social Media Guidance for All Employees

## May Not:

- Use official authority or influence to affect outcome of an election (includes use of personal social media account)
  - Use a social media account in your official capacity to engage in political activity
- **But** including your official title or position on the profile of your personal social media page is okay



Facebook profile header for "Hatch Actor". Includes the Facebook logo, a profile picture placeholder, and a cover photo of a classical building facade. Navigation tabs include Timeline, About, Photos, Friends (127), and More.

### About

- Overview
- Work and Education**
- Places He's Lived
- Contact and Basic Info**
- Family and Relationships
- Details about Hatch Actor

CONTACT INFORMATION	
Mobile Phones	555-555-5555
Address	123 Main Street
Email	HatchActor@faceb
Email	ilovethehatchact@

BASIC INFORMATION	
Birthday	November 26, 1986
Political Views	Republican

It is OKAY to fill in your political views on your Facebook profile, even if you also identify your place of work elsewhere on your profile.

# Installation Visits by Elected Officials and Candidates (PA Guidance)

## ➤ Distinguish type of visit:

- Official government visits = Yes
  - Senator participates in “Town Hall” on Military Family issues
- Personal visit = Yes
  - MOC Reservist goes to fitness center
- Campaign visit or event = No

## ➤ No use of installation or facilities by candidates or for campaign activities

- Consult PA Guidance on Installation Visits by elected officials and candidates
- Guidance is intended to assist installation commanders by drawing bright and clear lines, insulate military members/federal employees from partisan politics

# Use of DoD Facilities and Resources (PA Guidance)

- Candidate for office may not engage in campaign or election related activities while on an installation.
- A political candidate may access an installation to conduct official business; however, no candidate running for office is permitted access for campaign or election purposes.



# Mike Pence Makes Surprise Visit to Pentagon 9/11 Memorial

Spends about a half-hour at memorial after speaking in Washington



Indiana Gov. Mike Pence, the Republican vice presidential nominee, and his wife Karen made an unannounced visit to the September 11 Memorial at the Pentagon on Saturday. (David Hawkins/CQ Roll Call)



# Candidates at DoD Facilities

- A candidate running for the U.S. Senate in FL contacted SOCOM to set up a “candidate tour” to discuss military issues.
- Sitting Congresswoman will discuss the working of the legislative branch to school children.
- Senator asks to use the NDU auditorium to make a foreign policy speech.
- Congressman seeks to hold a Congressional hearing on a Norfolk-based aircraft carrier. (During primary season.)

# Participation in political activity?

- Sharing a fundraising post of a candidate running for public office in a partisan election
- Using DoD email to forward an article about Congress cutting the budget
- Serving as an election judge for the county
- Receiving an email from a political party on your DoD email account

# Penalties for Violating the Act

## Merit Systems Protection Board May Order An Employee's –

- Removal
- Reduction in grade
- Debarment from employment
- Suspension
- Civil penalty

# Reference Materials

## Political Activities - Civilian Employees

- The Hatch Act, 5 U.S.C. 7321-7326
- 5 C.F.R. Parts 733 & 734
- DoDD 1442.11, *Political Activity Rules for DoD Political Appointees*
- DoDI 5400.18, *Public Affairs Procedures and Operations for Political Campaigns and Election*
- DoDD 1344.10, *Political Activities by Members of the Armed Forces*
- SOCO website; OSC website



# Hatch Act Information/Advice

## Employees May:

- Obtain answers to specific questions about political activity by calling the Office of Special Counsel (OSC) at 800-85-HATCH
- Obtain written advisory opinions about the Hatch Act by contacting OSC by mail at:  
U.S. Office of Special Counsel  
1730 M Street NW (Suite 218)  
Washington, DC 20036-4505  
**ATTN: HATCH ACT UNIT**
- **Email: [hatchact@osc.gov](mailto:hatchact@osc.gov)**

# Political Activities by Members of the Armed Forces



**This stuff really happens...**



**A picture is worth a thousand words!**





# Ripped from the Headlines

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SU

EPENDENT TV POLITICS CLIMATE VOICES INDY100 SPORT CULTURE INDY/LIFE INDYBEST DAILY EDITION CONVERSATION

INDEPENDENT tv

## Guam national guard delivers cookies to Marjorie Taylor Greene

| POLITICS |

## This Texas Republican Congressional Ad Would Make Michael Bay Weep

SIMONE CARTER | OCTOBER 23, 2020 | 4:00AM



# References

## Political Activities by Military Personnel and on Military Installations

- 10 U.S.C. 973**, Duties: officers on active duty; performance of civil functions restricted
- DoD Directive 1344.10**, *Political Activities by Members of the Armed Forces* (*re-write underway*)
- DoDI 5400.CE**, *Public Affairs Procedures and Operations: Political Campaigns and Elections*
- DoD Instruction 1334.01**, *Wearing of the Uniform*

# **Who does DoDD 1344.10 apply to?**

**Primarily Members of the Armed Forces on Active Duty**

**Expands coverage for some provisions to include Service members not on Active Duty – even retirees**

**Defines Active Duty to include full-time National Guard duty**



# Political Activity

**“Partisan political activity” is activity supporting or relating to candidates representing, or issues specifically identified with, national or State political parties and associated or ancillary organizations or clubs. *DoDD 1344.10 Enclosure 2, para E2.5. (Definitions)***

**“Nonpartisan political activity” is activity supporting or relating to candidates not representing, or issues not specifically identified with, national or State political parties and associated or ancillary organizations or clubs. Issues relating to State constitutional amendments or referendums, approval of municipal ordinances, and others of similar character are not considered under this Instruction as specifically identified with national or State political parties. *DoDD 1344.10 Enclosure 2, para E2.4. (Definitions)***



# DoD Policy

**Members on Active Duty should not engage in partisan political activity, and members not on active duty should avoid inferences that their political activities imply or appear to imply official sponsorship, approval, or endorsement.**  
***DoDD 1344.10, para 4.***

*See also, paras. 4.1.1.3, 4.1.1.4, and 4.1.1.9.*

**Members of the Armed Forces may not wear the uniform during or in connection with furthering political activity or when an inference of official sponsorship for the activity may be drawn.**  
***DoDI 1334.01, para 3.1.2.***



# **DoDD 1344.10 Organization**

- 4.1.1 Permissible Activities**
- 4.1.2 Prohibited Activities**
- 4.2 Nominees or Candidates**
- 4.3 Additional Limitations: Nominees, Candidates,  
Campaigning**
- 4.4 Holding and Exercising U.S. Government Office**
- 4.5 Holding and Exercising State or non-U.S.  
Government Office**

# Permissible Activities by Members on Active Duty

**Register and vote**

**Express personal political opinion**

In personal capacity, not as rep of Armed Forces

**Encourage others to participate in political process**

**Sign a petition for a specific legislative action**

As a private citizen

**Write letter to editor expressing personal views**

Can't solicit votes for or against political party or partisan political cause or candidate

**Disclaimer may be required**

“Views expressed are my own and not the Department of Defense”





# Permissible Activities by Members on Active Duty

## Donate money to political organization, party, or committee

**Caution** – Member on AD cannot give to or receive from another member on AD

**Caution** – Members not on AD must consider JER





# **Prohibited Activities by Members on Active Duty**

## **Participate in partisan political fundraising activities**

*But see, 4.1.1.9 may **attend** partisan and nonpartisan political fundraising activities when not in uniform and when no inference or appearance of official sponsorship, approval or endorsement*

## **Publish partisan political articles, letters, or endorsements that solicit votes**

## **Speak before a partisan political gathering**

## **Participate in any radio, television, or other program or group discussion as an advocate for partisan party, candidate, or cause**

## **Engage in fundraising activities for any political cause or candidate on military installation**

## **Display partisan political sign, poster, banner visible to public in military installation housing**

# **Prohibited Activities by Members on Active Duty**

**Activities not expressly prohibited may be contrary to the spirit and intent of this Directive (DoDD 1344.10). Any activity that may be reasonably viewed as directly or indirectly associating the Department of Defense or any component of these Departments with a partisan political activity or is otherwise contrary to the spirit and intention of this Directive shall be avoided. *DoDD 1344.10, para 4.1.5***

***“CATCH-ALL”***

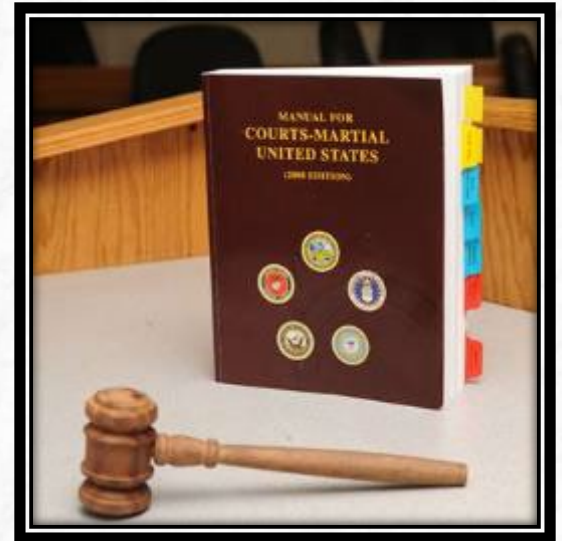
# Criticism of Senior Government Officials

## Applicable UCMJ Articles

**Article 88** – Contempt Toward Officials

**Article 92** – Failure to Obey a Regulation

**Article 134** – General Article



# **Nominees or Candidates on Active Duty**

**Regular; Retired Regular or RC member on AD call or order > 270 days**

**Requires Secretary Concerned permission**

**Cannot be delegated below Secretary Concerned**

**Retired Regular or RC member on AD call or order  $\leq$  270 days**

**No permission required**

**All must complete Acknowledgement of Limitations  
(Enclosure 4 of DoDD 1344.10)**

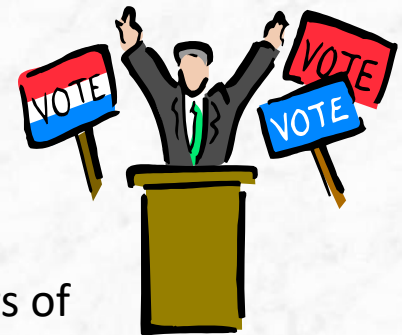


# Nominees or Candidates on Active Duty

**May not participate in any campaign activity, including behind the scenes activity**

**And MUST:**

Take affirmative documented efforts to inform campaign workers of limitations



# Nominees or Candidates Not on Active Duty

**May use military rank and service affiliation**

**But** clearly indicate retired or reserve status

**In campaign material:**

Include current or former duty titles and positions with other biographical information

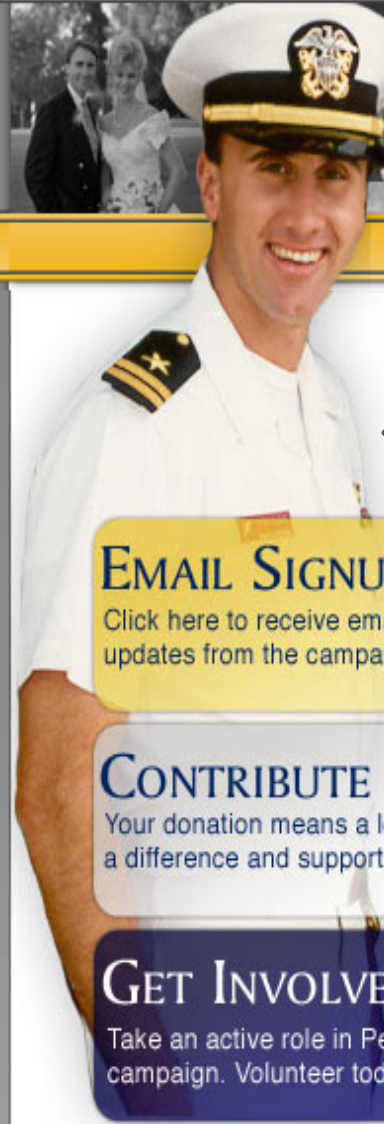
Include “prominent and clearly displayed disclaimer”

Photographs in uniform may **NOT** be “primary graphic representation”



Home About Pete Issues Get Involved Contribute Contact

★ FOR CONGRESS ★



Welcome



# Primary graphic representation?

**EMAIL SIGNUP**  
Click here to receive email updates from the campaign.

**CONTRIBUTE**  
Your donation means a lot. Make a difference and support Pete!

**GET INVOLVED**  
Take an active role in Pete's campaign. Volunteer today!

Thank you for visiting my Website and taking a moment to learn more about me, my family, and my campaign to bring new leadership and a conservative voice to Congress for Texas' 22nd District.

I'm a husband, a father, a **Navy Veteran**, and I would be honored to serve you in Congress.

My roots are in Seabrook, Texas, but during nine years in the Navy I served our country throughout the world. Yet even when my service took me out of Texas, it never took Texas out of me. Today more than ever, I believe in family, faith, and freedom. I believe in the American dream.

I hope I can earn your support and you will join my campaign. There is a long road ahead of us, but together we can accomplish great things, so let's get started!

Sincerely,  
  
Pete Olson

**No Disclaimer!**

**Media**  
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★ **FOR CONGRESS** ★



## EMAIL SIGNUP

Click here to receive email updates from the campaign.

## CONTRIBUTE

Your donation means a lot. Make a difference and support Pete!

[Contribute](#)

## GET INVOLVED

Take an active role in Pete's campaign. Volunteer today!

## Welcome

Thank you for visiting my campaign Website and taking a moment to learn more about me, my family, and my commitment to developing conservative solutions to help move our country forward.

I am honored to have been chosen to represent the people of Texas' 22nd Congressional District. My roots are in Seabrook, but during nine years in the Navy I served our country throughout the world. My wife Nancy and I now live in Sugar Land with our two children, Kate and Grant.

It is my firm belief that America's best days are in front of us. It won't be easy, but following Hurricane Ike in 2008 we all witnessed the incredible spirit and fortitude of the people of our area. It is with your strength of character and optimism that I will work to change policies in Washington so we can improve our economy, homeland security, and set a course for American energy independence.

Thank you again for visiting my campaign Website. I look forward to hearing from you and hope you will take a moment to join our campaign – together, we can accomplish great things.

Sincerely,

Pete Olson

Pete Olson's  
**100 DAYS of  
FREEDOM  
CHALLENGE**

## Special Event: Women Impacting the Nation (WIN) Luncheon

Join Congresswoman Kay Granger, Congressman Pete Sessions, Senator Joan Huffman and Focus on Women Magazine for an inspirational and engaging meeting to discuss how women are changing the face of American politics.

Monday, October 12, 2009

11:30 am to 2:00 pm





**Parisella**  
State Representative

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## Other biographical info.

Jerry was born and raised in Beverly, went through the public school system and still lives and works here today. He is serving his second term as Beverly's state representative. Jerry currently serves as vice chairman of the Committee on Veterans and Federal Affairs and on the Transportation and Election Laws Committees. Parisella's work experience includes serving as an attorney in private practice, Assistant City Solicitor for the City of Salem and with the City of Beverly Law Department. This combination of private and government experience gives Jerry a unique perspective on how the law affects ordinary citizens.

Jerry resides in Beverly with his wife Lisa and daughter Sophia, as well as stepson Chris, now attending Salem State University. Parisella is one of five children, who learned the value of honest, hard work from his late father Joe, a construction worker and member of the International Union of Operating Engineers, Local 4, and his mother, Marion, now retired from Sears.

Parisella has diverse experience inside and outside of government. In addition to his public work with Salem and Beverly, he was a reporter for the Salem Evening News covering city, town and county government. He served as a Congressional Press Secretary and Legislative Assistant on Capitol Hill, providing constituent services to the residents of the 6th Congressional District, which includes Beverly.

Jerry also knows a bit about multi-tasking. A veteran of the Army Reserves since 1994, and currently serving as a Judge Advocate (lawyer) with a medical brigade at Fort Devens, he studied for the bar exam while preparing for deployment to Bosnia.

He trained all day in the field and, with the help of his Army buddies, studied legal topics at night in the barracks. Jerry received a three-day pass, flew home and took the bar exam and the next day was on a plane headed for his deployment. Despite balancing his legal studies with training on how to avoid land mines and snipers, Jerry passed the bar exam on his first try.

Jerry's duties in the Army included an active duty tour in Iraq serving as a prosecutor and legal advisor to a medical brigade, handling court martial appeals for the Army's Legal Services Agency and providing legal assistance to soldiers and their families at Walter Reed Army Medical Center in Washington, DC.

Jerry has extensive volunteer experience in the City, having served on the Kingsway Club of Beverly Board of Directors, as a trustee at the Children's Center For Communication/Beverly School for the Deaf and on the YMCA-City of Beverly Youth Development Board. He also serves on the Beverly Board of Health.

Jerry is a graduate of Beverly High School, Emerson College and New England School of Law.



RC Status

Disclaimer



Like Sean P. Riley likes this.



© 2012 The Committee to Elect Jerry Parisella / Beverly photos by © 2012 [Leighton O'Connor](#) / Jerry Parisella is a member of the Army Reserves. Use of his military rank, job titles, and photographs in uniform does not imply endorsement by the Department of the Army or the Department of Defense.

[A MyBiz Website Design](#)

# Social Media and Political Activities

facebook

Facebook helps you connect and share with the people in your life.



twitter



Instagram

LinkedIn

# Social Media and Political Activities - Active Duty

## •Expression of personal views (public issues or political candidates) via social media?

–Yes, personal views OK, much the same as writing a letter to the editor of a paper, but may NOT engage in any partisan political activity

–“Partisan political activity” is activity directed at the success or failure of a political party, partisan political candidate, campaign, group or cause

–Cannot solicit others, fundraise, etc.

–If identifiable as military must disclaim

–No direct links of “likes” to partisan sites (akin to distribution of literature)

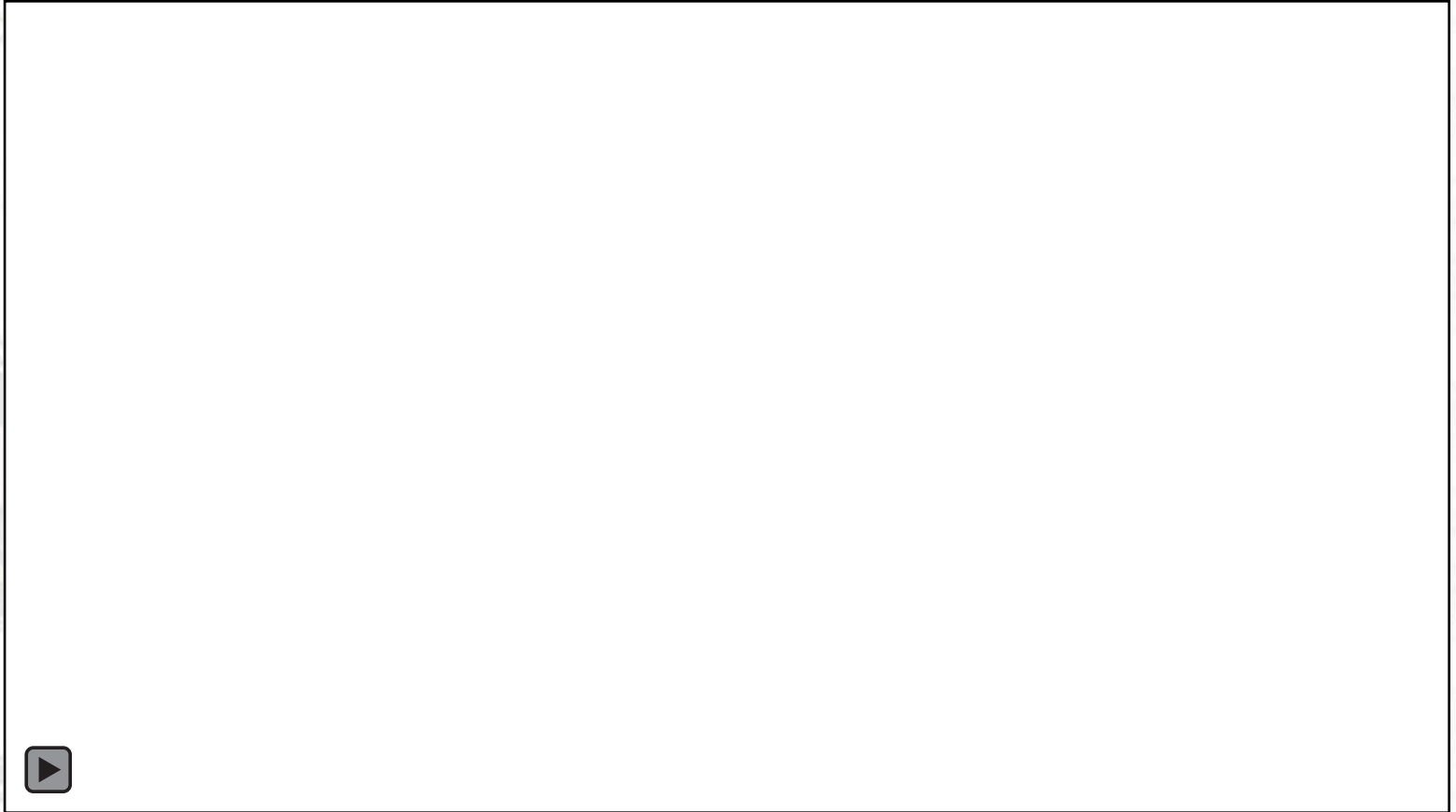
## •Become a “friend” of, or “like,” the Facebook page, or “follow” the Twitter account of a political party or partisan candidate, campaign, group, or cause?

–Yes, BUT must refrain from engaging in activities with respect to partisan political entities’ accounts that would constitute political activity

–Cannot suggest that others “like”, “friend” or “follow” the partisan account

–Cannot forward invitations to partisan events, solicit or fundraise

# Ripped from the Headlines!





# For further information

## **SOCO Website**

<https://dodsoco.ogc.osd.mil/ETHICS-TOPICS/Political-Activities/>

## **OSC Website**

<https://osc.gov/Services/Pages/HatchAct.aspx>

**Contact your servicing legal office**

**Contact DoD Standards of Conduct Office  
(SOCO)**

Dean Raab

Jocelyn Urgese

[osd.soco@mail.mil](mailto:osd.soco@mail.mil)