

The seal of the Department of Defense is partially visible on the left side of the slide. It features an eagle with a shield, holding arrows, and a banner. The words "DEPARTMENT OF DEFENSE" and "UNITED STATES OF AMERICA" are visible around the perimeter of the seal.

Political Activity 2020

Karen Dalheim
DoD Standards of Conduct Office



SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

2/5/2020

MEMORANDUM FOR ALL MILITARY PERSONNEL AND DOD EMPLOYEES

SUBJECT: Ethical Conduct and Political Activities

Ethical conduct is fundamental to our Department's ethos and to the success of our National Defense Strategy. Each of us must be unwavering in our personal commitment to exemplary ethics and living by core values grounded in duty and honor. The guidance and direction I issued last year, "Reaffirming Our Commitment to Ethical Conduct" (attached), is enduring.

All Department of Defense personnel must be steadfast in our commitment to defend the Constitution and our Nation's democratic principles. As citizens, we exercise our right to vote and participate in government. However, as public servants who have taken an oath to defend these principles, we uphold DoD's longstanding tradition of remaining apolitical as we carry out our official responsibilities. 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. *Leaders will review the rules governing participation by DoD personnel in political activities and direct widest dissemination of the guidance in this memorandum to their teams.*

To ensure we are ready to do what is right when ethical dilemmas arise, we must continuously train and prepare. I am pleased with the reports I received about leader involvement in annual ethics training last year, and I expect leaders to continue to lead scenario-based ethics training for their organizations. DoD personnel who are required by regulation to complete annual ethics training must do so by November 30th of each calendar year. Additionally, military and civilian leaders should regularly discuss ethics and values with their teams in the normal course of leading and decision-making.

Lead by your example. I am proud to serve with each of you who uphold the values and high standards of our Nation and the Department of Defense. Together, we will remain the most ready and capable military force that our Nation expects and deserves.

Matt. Egan



The Hatch Act restricts the political activity of civilian executive branch employees of the federal government. (President and Vice President are not covered.)

Examples of political activity include:

- Organizing a campaign event
- Serving as an officer of a political party
- Making GOTV phone calls for a political party
- Working for a partisan candidate at the polls

Hatch Act

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

Hatch Act

What is not political activity?

Activity not associated with a political party

- Discussing legislation, ballot initiatives, and nonpartisan elections
(e.g., *Affordable Care Act, gun control, medical marijuana, no candidates running with party affiliation*)
- Discussing issues
(e.g., *abortion, immigration, transgender*)
- Attending an issue march or rally
(e.g., *Black Lives Matter, March for Life, Women's March, March for Science*)



Coverage at DoD for Civilians

What Group Are You In?

Hatch Act Restrictions

Further Restricted

Group 1

- PAS
- Non-career SES

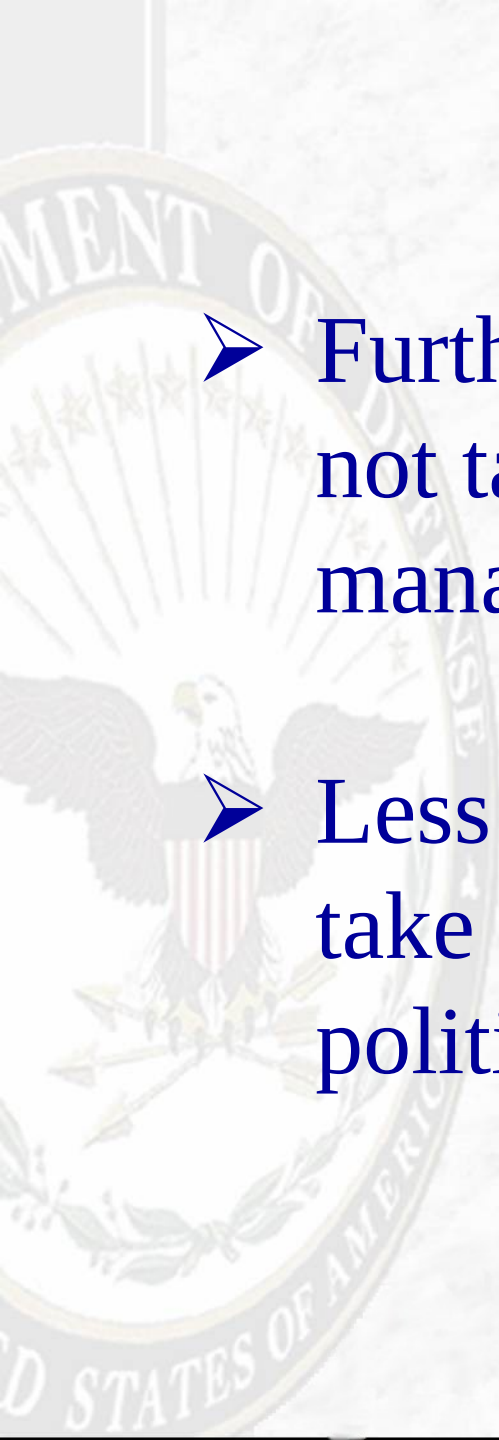
Group 2

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

Less Restricted

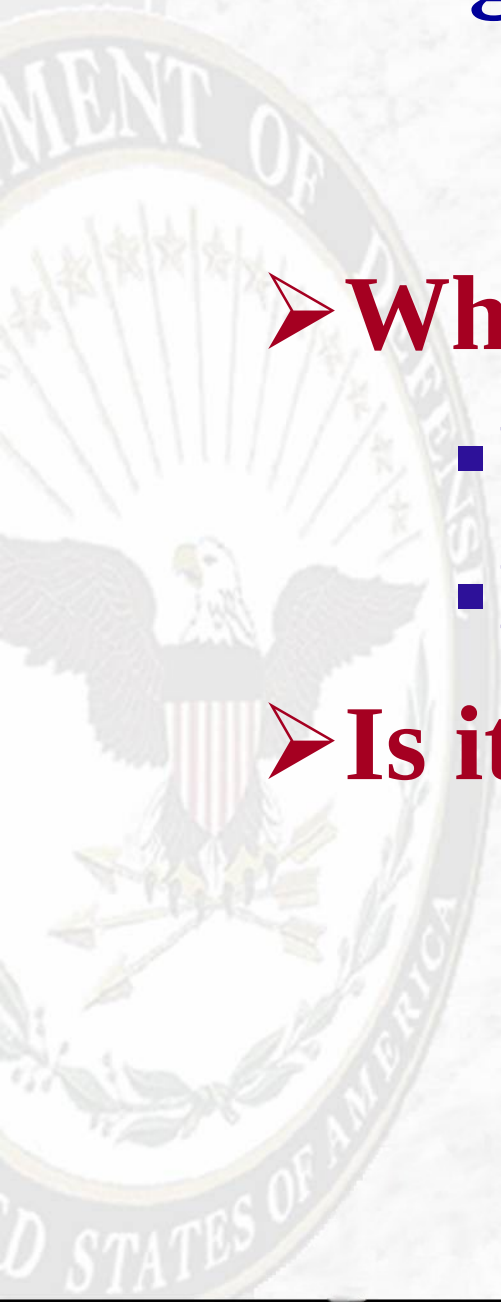
Group 3

- DoD Civilian Employees
- Schedule C Appointments

- 
- 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

When giving advice always ask these two questions:

- **What type of employee is asking?**
 - **Further restricted**
 - **Less restricted**
- **Is it political activity?**



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 (personal capacity)
- 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

Applicable to “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

Prohibited Political Activities

Applicable to all DoD Employees - 24/7

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

Prohibited Political Activities

Applicable to 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

Office of Special Counsel – January 2015

USDA official approached a subordinate and outlined a proposal to establish a political action committee (PAC) in support of President Barack Obama's 2012 reelection campaign.

- The official told the subordinate that if the subordinate contributed to the official's proposed PAC and the official received a political appointment, the official would help the subordinate obtain a career SES position.
- OSC alleges that the official asked the subordinate for a \$2,400 contribution. Twice in October 2011, the official suggested that the subordinate contribute their performance bonus to the proposed PAC. The official solicited the subordinate again in January 2012.
- OSC's complaint charges the official with two counts of knowingly soliciting, accepting, or receiving a political contribution from any person; one count of using official authority or influence for the purpose of interfering with or affecting the result of an election; and one count of engaging in political activity in a room or building occupied in the discharge of official duties.

Prohibited Political Activities

Applicable to 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

Prohibited Political Activities

Applicable to all DoD Employees

May Not Engage in Political Activity While:

- On Duty (in a pay status or representing the agency)
- In a Federal Building (even when off-duty)
- 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

2020 election





**DEFEND
THIS HOUSE**

**STOP THE
GOP**

DEMOCRATS.ORG

#RESIST



Place A bumper sticker on car and park in government parking lot



Disciplinary Actions 2019

- DLA employee violated the Hatch Act on numerous occasions by sending partisan political emails and making political Facebook posts while at work. The employee also used Facebook to solicit political contributions nearly two dozen times in violation of the Act. **90-day suspension without pay.**
- 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. **30-day suspension without pay.**

Prohibited Activities

Applicable to “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 Civilian 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 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

US Army Accidentally Tweets 'Trump Lies'

Military.com | Sep 29, 2016 | by Brendan McGarry

The U.S. Army called the Republican presidential candidate a liar in an errant tweet.

The service issued an apology after accidentally tweeting, “Trump Lies Once Every 3 Minutes, 15 Seconds.”

The tweet was swiftly taken down from the Army's Twitter page, but had already circulated on social media, including on a Facebook page called "[U.S. Army W.T.F! Moments](#)," whose curator on Tuesday chided the service for the mistake.



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	August 2, 1939
Political Views	Republican, Democrat, etc.

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.

The image is a screenshot of a Facebook interface. At the top, there is a search bar with the text "Search for people, places and things" and navigation links for "Jane", "Home", and "Find Friends". On the left sidebar, there are links for "Jane Friendly", "Edit Profile", "News Feed", "Messages", "Events", and "Photos". The main content area shows a post from "Hatch Actor" with the text "Hatch Actor shared post." and a red circle around it. Below this, there is a post from "Marco Rubio" dated April 17 at 4:39pm, which is a fundraising video titled "Fund For A New American Century" with a goal of "100 Years | 100K". The video shows a map of the United States with a play button in the center. Below the video, it says "Moneybomb Ends Friday At Midnight" and "28,901 Views". To the right of the video, there is a blue callout box with white text that reads: "Your 'Like' or 'Share' of the fundraising post appears on your friends' News Feed Ticker and in full on your friends' News Feed. The post will also appear on your Timeline." A red arrow points from the callout box to the fundraising video post. Another red arrow points from the "Hatch Actor shared post." notification to the "Alexandria Animal Welfare League" post below it.

Search for people, places and things

Jane Home Find Friends

Jane Friendly
Edit Profile

News Feed
Messages
Events
Photos

Update Status Add Photos/Video

What's on your mind?

Hatch Actor shared post.

Alexandria Animal Welfare League added a new photo.

Fairfax County Public Library shared a link.

Jane Smith commented on Hatch Actor's status.

Marco Rubio
April 17 at 4:39pm · 🌐

It's been a busy day here on the campaign trail in New Hampshire today - I still need your help reaching our \$100,000 fundraising goal. Please donate here & share after you've given: <https://marcorubio.com/donate/century-fund/?sc=041315mm>

Fund For A New American Century
100 Years | 100K

28,901 Views
Like · Comment · Share

Moneybomb Ends Friday At Midnight

Your "Like" or "Share" of the fundraising post appears on your friends' News Feed Ticker and in full on your friends' News Feed. The post will also appear on your Timeline.

This is NOT OKAY under the Hatch Act because you have distributed and shared the fundraising post with your Facebook friends through News Feed.

Office of Special Counsel - September 2017

U.S. Ambassador to the United Nations Nikki Haley violated the law by retweeting President Donald Trump's endorsement of a South Carolina congressional candidate, according to the federal Office of Special Counsel.

While the flagged message circulated from @nikkihaley, which isn't Haley's official ambassador account, the Office of Special Counsel determined her decision to repost a presidential message supporting Republican House candidate Ralph Norman still "gave the impression that she was acting in her official capacity."

Political Activities - Civilian Employees

- **The Hatch Act, 5 U.S.C. 7321-7326**
- **5 C.F.R. Parts 733 & 734**
- **ECC Deskbook – Political Activities**
- **Office of Special Counsel-Hatch Act Guidance on
Social Media, February 2018**

Office of Special Counsel

Employees May:

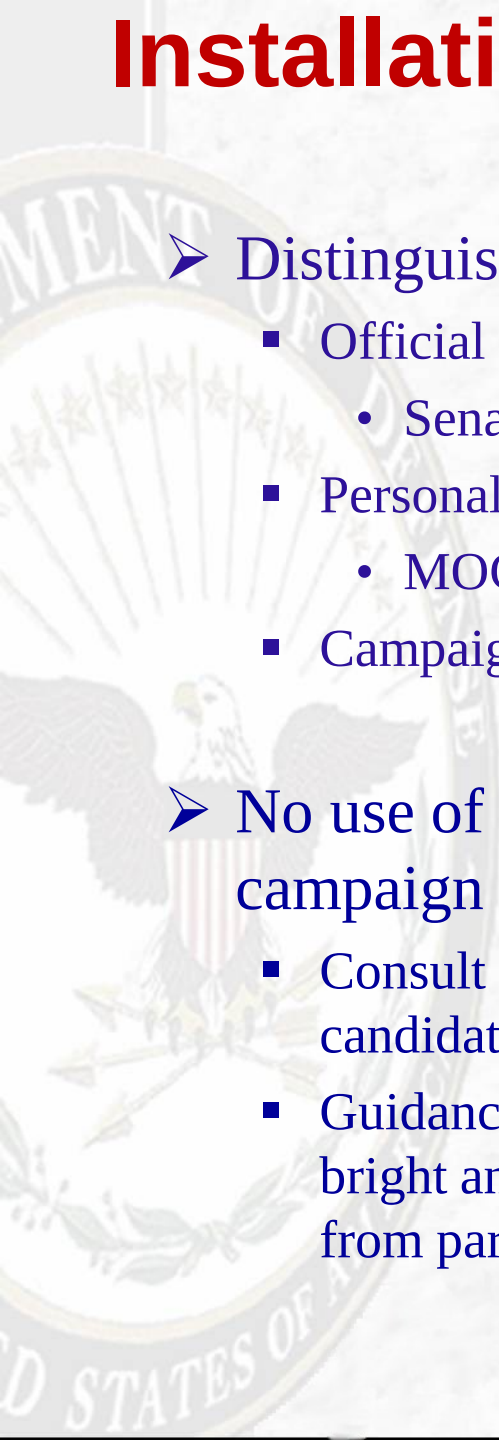
- Obtain answers to specific questions about political activity by calling the Office of Special Counsel (OSC) at 800-85-HATCH or 202-254-3650
- Obtain written advisory opinions about the Hatch Act by contacting OSC by mail at:
U.S. Office of Special Counsel
1730 M Street NW (Suite 218)
Washington, DC 20036-4505
ATTN: HATCH ACT UNIT

Use of DoD Facilities and Resources

2020 Public Affairs 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.

Installation Visits by Elected Officials and Candidates

- 
- 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

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 Hawkings/CQ Roll Call)

Criticized congressional public hearing aboard Norfolk aircraft carrier is now private

By Bill Bartel
The Virginian-Pilot
May 20, 2016

NORFOLK

A congressional hearing slated for Monday aboard a Norfolk-based aircraft carrier at the request of U.S. Rep. Randy Forbes, who is seeking election in the 2nd Congressional District, has been changed to a private meeting, Forbes' office said Friday.

The public hearing, which was removed from the House Armed Services Committee's public calendar Friday, will instead be a private question-and-answer session with the same Navy officers who would have testified at the hearing and a group of U.S. House of Representatives members at Norfolk Naval Station. The change was made after the office of Defense Secretary Ashton Carter objected to a public hearing with news media coverage, Forbes' office said.

A Defense Department spokeswoman said calling off the public hearing was solely the choice of legislators after talking with Pentagon attorneys about how to "mitigate" criticism that Forbes' committee hearing was happening on a Navy base just before the June 14 GOP primary election in which Forbes is a candidate.