



DEPARTMENTS OF THE ARMY AND THE AIR FORCE

JOINT FORCES HEADQUARTERS – ALASKA

OFFICE OF THE STAFF JUDGE ADVOCATE

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NGAK-SJA

2 Aug 2016

MEMORANDUM FOR all Alaska National Guard (AKNG) military and civilian personnel

SUBJECT: 2016 Election Season and Political Activities

1. During the 2016 election season, all AKNG military and civilian personnel must be aware of what they can or cannot do with regard to political activities. Different restrictions apply to Full-Time National Guard, Traditional Guard (DSG/M-day), Dual Status Technician, and Non-Dual Status Technician personnel. The purpose of this memorandum is to provide guidance to personnel regarding prohibited and permitted political activities. Personnel should refer to applicable laws and regulations as the governing authority.
2. For service members with military affiliation, “political activity” means any activity directed toward the success or failure of a political party or partisan political group, or candidate in a partisan race. “Partisan political activity” means any activity supporting or relating to candidates representing, or issues specifically identified with, national or state political parties and associated or ancillary organizations or clubs. “Nonpartisan political activity” means any 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. Examples of nonpartisan political activity include issues relating to state constitutional amendments or referendums, as well as approval of municipal ordinances.
3. Full-Time National Guard Duty (AGR, Active Duty for Training, ADOS, et cetera). Full-time National Guard Duty (FTNG) personnel are subject to restrictions on political activities imposed by DoDD 1344.10, AR 600-20, and AFI 51-902 as follows:
 - a. FTNG personnel MAY, on their own time and when not in uniform:
 - (1) Register, vote, and express personal opinions on political candidates and issues, but not as a representative of the Armed Forces;
 - (2) Promote and encourage others to vote as long as they do not use their official authority or influence to interfere with the outcome of any election;
 - (3) Join a partisan or nonpartisan political club and attend its meetings when not in uniform, but cannot serve in any official capacity with or be listed as a sponsor of a partisan political club;
 - (4) Serve as an election official, if such service is not as a representative of a partisan political party, does not interfere with the performance of military duties, is performed when not in uniform, and the service Secretary concerned has given prior approval.

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(5) Sign a petition for specific legislative action or 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;

(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. If the letter identifies the member as on active duty (or if the member is otherwise reasonably identifiable as a member of the Armed Forces), the letter should clearly state that the views expressed are those of the individual only and not those of the Department of Defense;

(7) Make monetary contributions to a political organization, party, or campaign (see 18 USC § 607 and 52 USC § 30116 for additional restrictions);

(8) Display a political bumper sticker on a personal vehicle; or

(9) Attend partisan and nonpartisan political meetings, fundraising activities, rallies, debates, conventions, events, or activities as a spectator when not in uniform and when no inference or appearance of official sponsorship, approval, or endorsement can reasonably be drawn; or

(10) Participate in the Federal Voting Assistance Program.

b. FTNG personnel SHALL NOT:

(1) Participate in (as opposed to merely attend, compare item 3a(9) above) any partisan political activities, including fundraising activities (except as permitted in item 3a(7) above), rallies, conventions, management of campaigns, or debates, either on one's own behalf or that of another;

(2) Act in any manner (to include wearing the uniform) that may infer military sponsorship, approval, or endorsement of a political candidate, campaign, or cause;

(3) Use official authority or influence to interfere with the outcome of an election, solicit votes for a particular candidate or issue, or solicit political contributions from others;

(4) Allow or cause to be published partisan political articles, letters, or endorsements soliciting votes for or against a partisan political party, candidate, or cause, as distinguished from a letter to the editor as permitted in item 3a(6) above;

(5) Serve in any official capacity with or be listed as a sponsor of a partisan political club;

(6) Speak at any partisan political gathering, including any gathering that promotes a partisan political party, candidate, or cause;

(7) Perform clerical or other duties for a partisan political committee or candidate during a campaign, on an election day, or after an election day during the process of closing out a campaign;

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- (8) Distribute partisan political literature;
- (9) Participate in any radio, television, or other program or group discussion as an advocate for or against a political party, candidate, or cause;
- (10) Conduct political opinion surveys on behalf of partisan political clubs or organizations;
- (11) Solicit or engage in fundraising activities on federal property for any political cause or candidate;
- (12) March or ride in a partisan political parade;
- (13) Display a large political sign, banner, or poster (as opposed to a bumper sticker) on a personal vehicle;
- (14) Display a political sign, poster, banner, or other campaign material visible to the public at one's residence on a military installation (including privatized housing);
- (15) Participate in organized partisan efforts to transport voters to polls;
- (16) Sell tickets or otherwise actively promote partisan political dinners or similar fundraising events; or
- (17) Attend partisan political events in an official capacity unless authorized.
- (18) Be a nominee or candidate for a civil office in the United States Government, State, territory, or commonwealth of the United States; or an subdivision thereof. (But see item 8 below)

4. Traditional Guard (DSG, M-Day) personnel. A member of the Alaska National Guard not in FTNG status may take the actions or participate in the activities permitted in item 3a above, and may take the actions and participate in the activities prohibited in item 3b above, provided the member is not in uniform or use government time, property, or facilities while participating in political activities, and does not otherwise act in a manner that could reasonably give rise to the inference or appearance of official sponsorship, approval, or endorsement.

5. Dual Status (DS) and Non-Dual Status (NDS) Federal Technicians. The Hatch Act, federal regulations, and National Guard Technician Personnel Regulations apply to DS and NDS Technicians' participation in political activities. For purposes of the Hatch Act, "political activity" is defined as "an activity directed toward the successes or failure of a political party, candidate for partisan office or partisan political group."

a. Technicians MAY, on their own time and when not in uniform (if applicable):

- (1) Vote;
- (2) Express personal opinions about political candidates and issues;
- (3) Make monetary contributions to a political campaign or party;

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- (4) Display a political bumper sticker on a personal vehicle;
- (5) Attend political events, fundraising events, rallies, and meetings;
- (6) Sign a petition to place a candidate's name on an official election ballot;
- (7) Display a political sign at one's personal residence (See item 9 below);
- (8) Assist in voter registration drives;

(9) 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);

(10) Participate in nonpartisan activities not specifically associated with a political party, such as referendum questions, constitutional amendments, or municipal ordinances;

(11) Join, be an active member of, and/or hold office in political clubs or parties; or

(12) Participate in or be candidates for public office in nonpartisan elections.

b. Technicians SHALL NOT:

(1) Participate in any political activities while in uniform;

(2) Act in any manner that may infer military sponsorship, approval, or endorsement of a political candidate, campaign, or cause;

(3) Participate in any political activities while on duty, in a federal building, using government equipment, property, or vehicles;

(4) Participate in any political activities in an official capacity;

(5) Send or forward political e-mails or post political messages on social media accounts while on duty or in a federal building, even if using a personal smartphone, tablet, or computer

(6) Solicit, accept, or receive political contributions;

(7) Display campaign photos, posters, banners, bumper stickers, screen savers, t-shirts, buttons, or other campaign materials in the workplace;

(8) Host fundraisers for a partisan candidate; or

(9) Run for public office in a partisan election.

6. Social Media. You may express your personal views on public issues or political candidates via social media accounts such as Facebook, Twitter, or personal blogs. You may like, friend, or follow political parties, candidates, or campaigns on social media, but you may not encourage or suggest that others like, friend, or follow political parties, candidates, campaigns, or causes on

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social media. If you are identifiable on social media as military or otherwise affiliated with AKNG, your opinion must clearly state that the views expressed are those of your own and not of the AKNG or military in general.

7. Contempt toward Officials. Commissioned officers on active duty are reminded they are prohibited from using contemptuous words against the President, Vice President, Congress, the Secretary of Defense, the Secretary of a military department, or the Governor or state legislature.

8. Nomination or Candidacy for Civil Office. Personnel, in any status with the AKNG, shall consult with their servicing Judge Advocate before seeking nomination or candidacy for civil office. A civil office is defined as a non-military office involving the exercise of the powers or authority of civil government, to include elective and appointed 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 a regular or reserve member of civilian law enforcement, fire, or rescue squad.

9. Political Candidates' requests to the AKNG. All inquiries and requests by political candidates, campaigns, and organizations to and concerning AKNG personnel, activities, facilities, aircraft, and property must be forwarded to and reviewed by AKNG public affairs and legal personnel. Examples of such requests include a political candidate's request to "come say hello" to AKNG troops, asking AKNG personnel to participate in photo opportunities intended for use in campaign materials, or state legislators using official travel on AKNG conveyance as campaigning opportunities. Restrictions and prohibitions apply to such requests. For instance, requests from political candidates to film or tape campaign footage on AKNG property must be denied. The use of AKNG marks, badges, or insignia in campaign materials is prohibited. Photographs, video footage, or statements taken or recorded during official visits by visiting candidates and their professional staffs may not be used for campaign or election-related purposes.

10. Personnel Living in Military Housing. Personnel living on a federal military installation, regardless of status, shall consult the regulations of the installation regarding additional restrictions that may apply to political activities. Examples of such restrictions include hosting a fundraiser or posting a sign in support of a candidate.

11. Violations involving prohibited political activities must be reported to your chain of command immediately. When in doubt, please consult your command's Judge Advocate.

12. The point of contact is sarah.t.weimer.civ@mail.mil or (907) 268-4949.



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