

UNCLASSIFIED/FOR OFFICIAL USE ONLY

Subject: 2016 DoD Public Affairs Guidance for Political Campaigns and Elections

1. References.

- a. DoDI 5405.3, Development of Proposed Public Affairs Guidance (PPAG)
- b. 2012 DoD Public Affairs Guidance for Political Campaigns and Elections
- c. DoDD 1344.10, Political Activities by Members of the Armed Forces
- d. 5 U.S.C, Sec. 7321-7326, The Hatch Act of 1939, as amended in 1993
- e. 5 C.F.R. Parts 733-734, Political Activities of Federal Employees
- f. DoDD 5230.09, Clearance of DoD Information for Public Release
- g. DoDI 5120.4, DoD Newspapers, Magazines and Civilian Enterprise Publications
- h. DoDI 1100.13, Surveys of DoD Personnel
- i. DoDI 5120.20, American Forces Radio and Television Service (AFRTS)
- j. DoDR 5120.20-R, Management and Operation of AFRTS
- k. DoDI 1334.1, Wearing of the Uniform
- l. AFI 36-2903, Dress and Personal Appearance of Air Force Personnel
- m. AR 670-1, Wear And Appearance of Army Uniforms And Insignia
- n. NAVPERS 15665I, United States Navy Uniform Regulations
- o. MCO P1020.34G, Marine Corps Uniform Regulations
- p. DoDD 5410.18, Public Affairs Community Relations Policy
- q. DoDI 5410.19, Public Affairs Community Relations Policy Implementation
- r. DoDI 1000.04, Federal Voting Assistance Program (FVAP)
- s. 2016-2017 Voting Assistance Guide
- t. U.S Office of Special Counsel, Frequently Asked Questions Regarding Social Media and the Hatch Act, dated April 4, 2012 (supersedes social media advisory, dated August 10, 2010)
- u. Internal Revenue Code
- v. 18 U.S.C. 609, Use of military authority to influence vote of member of Armed Forces

2. Background and Coordination.

2.1. This Public Affairs Guidance (PAG) rescinds reference (b), and will remain in effect until amended.

2.2. This is OSD Public Affairs approved PAG. Commanders and leadership will ensure widest dissemination, implementation and compliance. This guidance governs activities relating to federal, state, and local political campaigns and elections. Nothing in this guidance is intended to inhibit the appropriate representation by elected officials of constituents who happen to live or work on a military installation. The prohibitions of this message apply with equal force to non-candidates who seek to campaign for or conduct election activity on behalf of a candidate. None of the prohibitions contained in this guidance will apply to the president or the vice president.

2.3. A candidate for civil office as defined by DoD Directive 1344.10, Political Activities by Members of the Armed Forces, may not be permitted to engage in campaign or election-related activities (e.g., public assemblies, town hall meetings, speeches, fund-raisers, press conferences, post-election celebrations, and concession addresses) while on a United States military installation, which includes overseas installations and areas under the control of combat or peacekeeping forces of the United States military.

2.4. National Guard armories and other state facilities will review applicable state law for guidance and restrictions.

2.5. Definition of political campaigns and elections. A political campaign or election begins when a candidate, including an incumbent officeholder, makes a formal announcement that he or she seeks to be elected to a federal, state, or local political office. A political campaign or election also begins when an individual files for candidacy with the Federal Election Commission or equivalent state or local regulatory office. Once initiated, a political campaign or election does not end until one week after the conclusion of the relevant election.

2.6. Support of Political Activities by DoD Personnel.

2.6.1. The Department of Defense has a longstanding policy of encouraging DoD personnel (including members of the Armed Forces on active duty (AD), members of the reserve components (RC) not on AD, and retired members) to carry out the obligations of citizenship. However, active duty members should not engage in partisan political activities and should avoid the inference that their political activities imply or appear to imply DoD sponsorship, approval, or endorsement. Political activity by members of the Armed Forces continues to be governed by reference (c). Political activity by federal civilian personnel continues to be governed by references (d) and (e).

2.6.2. Public commentary and endorsement. Any activity that may be reasonably viewed as directly or indirectly associating with the DoD, or any component or personnel of the department, with a partisan political activity or is otherwise contrary to the spirit and intention of this policy guidance will be avoided. Public commentary, distribution of campaign literature, and other forms of permissible and prohibited partisan political activity are detailed further in the references listed in section one of this PAG.

2.6.3. Consistent with this policy guidance, installation commanders will decline requests for military personnel or federal civilian employees to appear in or support political campaign or election events.

2.6.4. All members of the Armed Forces, including active duty members, members of the RC not on active duty, and retired members, are prohibited from wearing military uniforms at political campaign or election events (references (k-o) apply). This prohibition is not applicable to the provision of joint Armed Forces color guards at the opening ceremonies of the national conventions of the Republican, Democratic, and other political parties formally recognized by the Federal Election Commission.

2.7. Federal Voting Assistance Program (FVAP).

2.7.1. DoD provides information so that all members of the Armed Forces, federal civilian employees and their eligible family members have the opportunity to register and vote. Consistent with references (p) and (q), DoD will support FVAP by publishing factual information about registration and voting laws, with special emphasis on absentee voting requirements.

Additionally, commanders will provide voting assistance officers at every level of command and ensure they are trained and equipped to provide voting assistance.

2.7.2. All members of the Armed Forces and federal civilian employees assisting in the voting process will take all necessary steps to prevent fraud and to protect voters against any coercion. No member of the Armed Forces or any federal civilian employee shall attempt to influence the voting or participation of any other member.

2.7.3. Nothing in this guidance will be considered to prohibit free discussion about political issues or candidates for public office as detailed in 18 U.S.C. 609.

2.7.4. Commanders responsible for operation of military post offices will ensure expeditious processing of balloting material and proper postmarking and date stamping of absentee ballots.

2.7.5. Voting assistance information is available through the Director, Federal Voting Assistance Program, 1155 Defense Pentagon, Washington, D.C. 20301-1155. Voting assistance information also is available by telephone at commercial (800) 438-8683, (703) 588-1584, DSN 425-1584, by fax (703) 696-1352, DSN 426-1352, by e-mail (vote@fvap.gov), or at the website www.FVAP.gov.

2.8. National Voter Registration Act (NVRA). In accordance with DoDI 1000.04, Implementation of the NVRA (reference r), the secretaries of the military departments will ensure that all personnel assigned to recruitment offices are informed of DoD policy on NVRA to guarantee all prospective enlistees the opportunity to register to vote.

2.9. Inquiries from political campaign organizations. DoD personnel must forward all inquiries from political campaign organizations to a public affairs officer (PAO) for awareness and appropriate action. In response to specific inquiries and per reference (f), PAOs will only provide information that is available to the general public.

2.10. Use/Access of Installation Facilities by Candidates and for Political Activities.

2.10.1. A candidate who holds a civil office with responsibilities that affect a military installation or those who live or work there may be granted access to a military installation in certain defined situations.

2.10.2. A political candidate may access an installation to conduct official business (e.g., business not related to campaigning) and to take advantage of activities, services or resources that are available to him or her by virtue of law or policy, such as recreational activities open to the public or entitlements or benefits such as medical facilities, commissaries, or post/base

exchanges.

2.10.3. Candidates who are not current office holders or serving government officials will be granted the same access to installations as any unofficial visitor.

2.10.4. Installation commanders shall coordinate with their legal advisor and forward notice of contact from a presidential or vice presidential campaign to their local service public affairs office for coordination with the office of the secretary for each military department concerned. Installation commanders will, through their service legislative affairs offices, also consult the Office of the Assistant Secretary of Defense for Legislative Affairs (OASD(LA)) for guidance or instructions regarding specific visitation requests.

2.10.5. When analyzing a candidate's request for access to an installation, the commander shall first determine whether the request is to conduct official, personal or campaign business. The following types of requests are presumed to be for political campaign purposes and will generally be denied:

2.10.5.1. Requests for access to military installations or facilities from campaign organizations as opposed to the official staff of the office that the candidate currently holds.

2.10.5.2. Requests for access to military installations or facilities by family members of candidates when such family members are not otherwise entitled to access by law or policy or who otherwise do not have an independent official purpose.

2.10.5.3. Requests for access to military installations or facilities that include accompaniment by campaign staff and/or press.

2.10.6. Installation commanders shall not permit the use of military facilities by any candidate for political campaign or election events, including public assemblies or town hall meetings, speeches, fundraisers, press conferences, post-election celebrations and concession addresses.

2.10.7. This PAG does not prohibit members of Congress and other elected or appointed officials from visiting military installations to receive official briefings, tours, or other official DoD information. Installation commanders shall prohibit candidates who visit military installations to conduct official business (e.g., business not related to campaigning) from engaging in any political campaign or election activity during the visit.

An installation commander may permit nonpartisan voter registration activities on an installation by state and county officials, or groups recognized in accordance with section 501(c)(19) of the Internal Revenue Code (Reference (v)), subject to all applicable military installation rules and regulations governing such activities on military installations. The Installation Voting Assistance Officer should be notified if access is granted.

2.10.8. Documenting (still and video) on military installations. Installation commanders shall not allow candidates or their agents to obtain still or video imagery of military equipment (e.g., ships, tanks, and aircraft) for use in political campaign or election advertisements, commercials, or literature. Absent exceptional operations security concerns, this guidance does not apply to candidates or their assistants who elect to document equipment from a location outside the confines of an installation. This does not apply to imagery of elected or appointed officials

photographed while on official business or travel (e.g., not related to campaigning).

2.11. Military Installation Facilities as Polling Places.

2.11.1. As of December 31, 2000, if an installation facility is designated as an official polling place by a state or local election official or has been used as a polling place since January 1, 1996, installation commanders will not deny the use of that facility as a polling place for federal, state, or local elections. The Secretary of Defense or the secretary of the military department concerned may grant a waiver of the requirement to allow use of the facility if that secretary determines that local security conditions require prohibition of the designation or use of that facility as an official polling place for any election. Installation commanders shall ensure that all active duty military personnel remain clear of such polling places except as necessary to exercise their individual voting rights.

2.11.2. With respect to any installation facility not covered by 2.11.1., installation commanders will not allow the use of installation facilities as polling places for federal, state, or local elections.

3. Public Affairs (PA) Posture. The public affairs posture is active. Public affairs personnel and military leadership will actively seek opportunities to clarify and articulate DoD guidance on partisan activities, elections and campaigns to ensure DoD personnel, political candidates and staff, and the American public are informed and aware.

4. Holding Statement. N/A

5. Public Statement.

(Begin) The Department of Defense has a longstanding and well-defined policy regarding political campaigns and elections to avoid the perception of DoD sponsorship, approval or endorsement of any political candidate, campaign or cause. The Department encourages and actively supports its personnel in their civic obligation to vote but makes clear that members of the Armed Forces on active duty should not engage in partisan political activities to avoid this perception.

To mitigate the perception of endorsement or support, no candidate for civil office is permitted to engage in campaign or election-related activities while on a DoD installation or in a DoD facility. Any activity that may be reasonably viewed as directly or indirectly associating the DoD, or any component or personnel of the department, with or in support of political campaign or election events is strictly prohibited. (End)

6. Themes & Messages.

6.1. The DoD has a longstanding and well-defined policy regarding political campaigns and elections to avoid the perception of sponsorship, approval or endorsement of any political candidate, campaign or cause.

6.2. DoD policy on political campaigns and elections supports and enables a fair political process by denying the use of DoD installations and facilities for political campaign or election activities.

6.3. DoD leadership encourages and actively supports its personnel in their civic obligation to vote, but makes clear that members of the Armed Forces on active duty are prohibited from engaging in prohibited partisan political activities to avoid the perception of DoD sponsorship, approval or endorsement, including wear of the uniform at any political event (see references k-o).

The department recognizes that voting is one of the most fundamental rights afforded to U.S. citizens. The decision whether to vote is a personal one, but the Federal Voting Assistance Program works to ensure all service members who want to vote have the tools and resources to successfully do so from anywhere in the world.

7. Questions and Answers.

Q1. What is the DoD policy regarding political activities by members of the Armed Forces?

A1. DoD has a longstanding policy of encouraging military personnel to carry out the obligations of citizenship. However, 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.

Q2. Can political candidates visit a DoD installation or facility?

A2. A candidate for civil office may not be permitted to engage in campaign or election-related activities (e.g., public assemblies, town hall meetings, speeches, fund-raisers, press conferences, post-election celebrations, and concession addresses) while on a DoD installation, which includes overseas installations and areas under the control of combat or peacekeeping forces of the United States military.

Q3. Can a seated politician visit a DoD installation or facility if they are campaigning for office?

A3. A candidate who holds a civil office may visit a DoD installation or facility for the purpose of conducting official business (e.g., business not related to campaigning) or to access entitlements or benefits the candidate is authorized to use; however, no candidate running for office is permitted access for campaign or election purposes.

Q4. How does DoD define when a political campaign begins and ends?

A4. According to DoD policy, a political campaign or election begins when a candidate, including an incumbent officeholder, makes a formal announcement to seek political office or when an individual files for candidacy with the Federal Election Commission or equivalent regulatory office. Once initiated, a political campaign or election does not end until one week after the conclusion of the relevant election.

Q5. What political activities can a service member participate in and which ones are prohibited?

A5. DoD has a longstanding policy of encouraging military personnel to carry out the obligations of citizenship, and certain political activities are permitted, such as voting and making a personal monetary donation. However, 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.

Examples of political activities that are prohibited include campaigning for a candidate, soliciting contributions, marching in a partisan parade and wearing the uniform to a partisan event. For a complete list of permissible and prohibited activities, please consult DoD Directive 1344.10, Political Activities by Members of the Armed Forces (reference (c)).

Q6. Does that mean a service member can vote, but not actively support a particular candidate or cause?

A6. Unquestionably, service members can exercise their right to vote. However, active duty members will not engage in partisan political activities and will avoid the inference that their political activities imply or appear to imply DoD sponsorship, approval, or endorsement. For a list of permissible and prohibited activities, please consult DoD Directive 1344.10, Political Activities by Members of the Armed Forces (reference (c)).

Q7. Does DoD support and encourage its personnel to vote?

A7. DoD encourages all members of the Armed Forces and federal civilian employees to register and vote. The department actively supports the Federal Voting Assistance Program to ensure its personnel have the resources, time and ability to participate in their civic duty. Additionally, department leaders and military commanders appoint voting assistance officers at every level of command and ensure they are trained and equipped to provide voting assistance.

Q8. Can a DoD installation be used as a polling place in an election?

A8. As of December 31, 2000, if an installation facility is designated as an official polling place by an election official or has been used as a polling place since January 1, 1996, installation commanders will not deny the use of that facility as a polling place for any election. The Secretary of Defense or the secretary of the military department concerned may grant a waiver of the requirement to allow use of the facility if it is determined that security is a concern. All members of the Armed Forces on active duty are instructed to remain clear of all polling places except when voting.

Q9. Does DoD provide any voting assistance?

A9. Yes, DoD provides voting assistance via the Federal Voting Assistance Program. FVAP works to ensure service members, their eligible family members and overseas citizens are aware of their right to vote and have the tools and resources to successfully do so – from anywhere in the world – via FVAP.gov. The services also provide voting assistance officers at the unit level to facilitate in-person assistance when required.

8. PA Communication Planning Instructions and Command Relationships

8.1. Media questions regarding DoD public affairs policy guidance concerning political campaigns and elections will be addressed to Office of the Assistant to the Secretary of Defense for Public Affairs (OATSD(PA)), DoD Press Operations Office, at commercial (703) 697-5131 or DSN 227-5131. Service public affairs are directed to notify OATSD(PA) of all concerns, disputes, unresolved issues, or potential problems regarding federal candidates. Additionally, legal interpretation of this guidance is available from appropriate legal advisors. The Office of the Under Secretary of Defense (Personnel and Readiness) (OUSD(P&R)) Office of Legal Policy, is the office of primary responsibility in DoD for resolution of disputes

or other significant potential problems concerning policy in this guidance. Concerns and issues involving federal candidates will first be raised through service legal advisors, who will then contact the Office of Legal Policy as required. Ultimate authority for resolution of any issues or problems related to this guidance lies with the OUSD(P&R). Inquiries may also be addressed through service legislative affairs offices to OASD(LA).

8.2. Defense Media Activity. Per references (i) and (j), Defense Media Activity(DMA) shall provide a free flow of balanced, informational coverage of political campaigns and elections provided by U.S. commercial and public networks free of charge. Under the direction of DMA, American Forces Radio and Television Service (AFRTS) shall exercise great care to provide news regarding political campaigns and elections absent political comment, analysis, or interpretation. Although coverage may include political comment, analysis, or interpretation from sources provided by U.S. commercial and public networks free of charge as part of its informational coverage, DMA production components shall not support or oppose any candidates, causes, or issues. Additionally, AFRTS shall not broadcast advertisements or announcements paid for by a candidate, an organized political party, political action committee, or a private group seeking to influence the outcome of a political campaign or election.

9. Media Operations.

9.1. Owned media.

9.1.1. Still and video imagery produced in support of coverage about DoD policy on elections and political activity must be forwarded to the Joint Combat Camera Center at the earliest possible opportunity and by the quickest available means to support OSD/PA and joint staff imagery requirements. Questions regarding imagery transmission will be addressed to the Joint Combat Camera Center at commercial (301) 833-4938, DSN 733-4938, toll-free (888) 743-4662 or by email at JCCC@mail.mil or DMA.JCCC@dma.smil.mil. Imagery must be marked “not for public release” and will only be used for internal communication.

9.1.2. Per reference (g), DoD newspapers, magazines, and civilian enterprise publications will not publish information provided by a candidate's campaign organization, partisan advertisements and discussions, or cartoons, editorials, and commentaries dealing with political campaigns or elections, candidates, causes, or issues. Per reference (g), DoD newspapers and civilian enterprise publications may not conduct or publish polls, surveys, or straw votes relating to political campaigns or elections, candidates, causes, or issues.

9.2. Media Coverage of Installation Visits.

9.2.1. Before a candidate visits a military installation for official business (e.g., business not related to campaigning), the media may be granted access to cover the candidate's official business.

9.2.2. When an installation commander approves a candidate to visit an installation to participate in official business and the media is granted access to cover the event, the candidate may appear on camera and in photographs as an official participant and may make a statement or answer questions about the official business being conducted.

9.2.3. Installation officials shall inform visiting candidates and their staffs that candidates will refrain from making campaign or election-related statements or responding to a campaign or election-related media query while on the installation.

9.2.4. The installation commander shall not request that the candidate's remarks be reviewed beforehand.

9.2.5. Installation officials shall inform visiting candidates and their professional staffs that footage, photographs or statements taken or recorded during official business visits (e.g., business visits not related to campaigning) may not be used for campaign or election-related purposes. However, while the candidate or campaign staff may highlight these candidates' support of the Armed Forces, nothing should be used to imply or appear to imply DoD or military personnel sponsorship, approval, or endorsement of the candidate.

9.2.6. When a candidate for civil office, other than the president or vice president, arrives or departs a military installation, and the elected official's itinerary includes a political campaign or election activity in the local community, the installation commander may not authorize media coverage of the arrival or departure.

9.2.7. When the president or vice president arrives or departs a military installation, and part of that official's itinerary includes a political campaign or election activity in the local community, the installation commander shall allow the media a photo opportunity to cover the arrival or departure of the president or vice president.

9.2.8. Installation commanders anticipating a visit by the president or vice president that may involve partisan political campaign or election activities in the local community shall, through their service legislative affairs offices, coordinate with OASD(LA) and ensure that the president's or vice president's staff assistants planning the visit are aware of the provisions of DoD's political activities policy guidance.

9.3. Media Embeds/Embarks and Space Available Travel. N/A

9.4. Online/Social Media.

9.4.1 Due to their popularity, sites such as Facebook and Twitter are specifically mentioned below; however, the guidance provided applies equally to all other social media platforms, such as Tumblr, MySpace, LinkedIn, etc. The following policy guidance addresses the use of social media for political purposes and applies to members of the Armed Forces on active duty. Reference (v) details similar guidance applicable to federal civilian employees.

9.4.2. An active duty service member may generally express his or her own personal views on public issues or political candidates via social media platforms, such as Facebook, Twitter, or personal blogs, much the same as they would be permitted to write a letter to the editor of a newspaper. If a social media site/post identifies the member as on active duty (or if the member is otherwise reasonably identifiable as an active duty member), then the entry will clearly and prominently state that the views expressed are those of the individual only and not those of the Department of Defense (or Department of Homeland Security for members of the Coast Guard).

An active duty member may not, however, engage in any partisan political activity. Further, an active duty member may not post or make direct links to a political party, partisan political candidate, campaign, group, or cause because such activity is the equivalent of distributing literature on behalf of those entities or individuals, which is prohibited by reference (c).

9.4.3. An active duty member may 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. However, active duty members will refrain from engaging in activities with respect to those entities' social media accounts that would constitute political activity. This would include, for example, suggesting that others like, friend, or follow the political party, partisan political candidate, campaign, group, or cause, or forwarding an invitation or solicitation from said entities to others. See reference (c) for further clarification.

9.4.4. In addition to reference (c), active duty members are subject to additional restrictions based on the Joint Ethics Regulation, the Uniform Code of Military Justice, and service-specific rules, to include rules governing the use of government resources and governmental communications systems, such as email and internet usage.

9.4.5. Members of the Armed Forces 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 member's service.

10. Public Affairs Points of Contact.

10.1. OASD/PA: LtCol Gabrielle Hermes; commercial: 703-697-6727, e-mail: Gabrielle.M.Hermes.mil@mail.mil