



Ohio National Guard

Political Activities Reference Guide

FY16



1. Ask yourself, “What guidance applies to me?”

EMPLOYMENT STATUS	GOVERNING GUIDANCE	Page(s)
FTNGD (<i>AGR & all other FTNGD categories</i>) Titles 10 & 32	DoDD 1344.10	1-3
Federal Technicians (<i>Dual & Non-Dual Status</i>)	Hatch Act TPR 700/733.9 5 CFR Parts 733 and 734	4-5
Traditional Guard (<i>MDAY</i>) Members	No restrictions, except those listed under DoDD 1344.10, paras 4.1.4 and 4.3	6
Classified State Employees	Governor's Political Activity Policy O.R.C. §3517.092 O.R.C. 124.57 OAC §123:1-46-02	7-8
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2. Then ask yourself, “What does that guidance mean to me?”

<u>FTNGD (AGR & all other FTNGD categories) T10 & T32—DoDD 1344.10</u>	
PERMISSIBLE Activities:	PROHIBITED Activities:
Register, vote, and express a personal opinion on political candidates and issues, but not as a representative of the Armed Forces.	Participate in partisan political fundraising activities (except as permitted), rallies, conventions (including making speeches in the course thereof), management of campaigns, or debates, either on one's own behalf or on that of another, without respect to uniform or inference or appearance of official sponsorship, approval, or endorsement. Participation includes more than mere attendance as a spectator.
Promote and encourage others to exercise their voting franchise, if such promotion does not constitute use of their official authority or influence to interfere with the outcome of any election.	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.
Join a partisan or nonpartisan political club and attend its meetings when not in uniform, subject to the restrictions of subparagraph 4.1.2.4. (See DoD Instruction 1334.1 (Reference (c))).	Allow or cause to be published partisan political articles, letters, or endorsements signed or written by the member that solicits votes for or against a partisan political party, candidate, or cause. This is distinguished from a letter to the editor as permitted.

FTNGD (AGR & all other FTNGD categories) T10 & T32—DoDD 1344.10 (Continued)

PERMISSIBLE Activities:	PROHIBITED Activities:
<p>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 Secretary concerned has given prior approval. The Secretary concerned may NOT delegate the authority to grant or deny such permission.</p>	<p>Serve in any official capacity with or be listed as a sponsor of a partisan political club.</p>
<p>Sign a petition for a 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.</p>	<p>Speak before a partisan political gathering, including any gathering that promotes a partisan political party, candidate, or cause.</p>
<p>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 (or Department of Homeland Security for members of the Coast Guard).</p>	<p>Participate in any radio, television, or other program or group discussion as an advocate for or against a partisan political party, candidate, or cause.</p>
<p>Make monetary contributions to a political organization, party, or committee favoring a particular candidate or slate of candidates, subject to the limitations under section 441a of title 2, United States Code (U.S.C.) (Reference (d)); section 607 of title 18, U.S.C. (Reference (e)); and other applicable law.</p>	<p>Conduct a political opinion survey under the auspices of a partisan political club or group or distribute partisan political literature.</p>
<p>Display a political bumper sticker on the member's private vehicle.</p>	<p>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.</p>
<p>Attend partisan and nonpartisan political fundraising activities, meetings, rallies, debates, conventions, 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.</p>	<p>Solicit or otherwise engage in fundraising activities in Federal offices or facilities, including military reservations, for any political cause or candidate.</p>
<p>Participate fully in the Federal Voting Assistance Program.</p>	<p>March or ride in a partisan political parade.</p>

FTNGD (AGR & all other FTNGD Categories) T10 & T32—DoDD 1344.10 (Continued)

PERMISSIBLE Activities:	PROHIBITED Activities:
	Display a large political sign, banner, or poster (as distinguished from a bumper sticker) on a private vehicle.
	Display a partisan political sign, poster, banner, or similar device visible to the public at one's residence on a military installation, even if that residence is part of a privatized housing development.
	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, cause, or candidate.
	Sell tickets for or otherwise actively promote partisan political dinners and similar fundraising events.
	Attend partisan political events as an official representative of the Armed Forces, except as a member of a joint Armed Forces color guard at the opening ceremonies of the national conventions of the Republican, Democratic, or other political parties recognized by the Federal Elections Committee or as otherwise authorized by the Secretary concerned.
	Make a campaign contribution to, or receive or solicit (on one's own behalf) a campaign contribution from, any other member of the Armed Forces on active duty. Any contributions not prohibited by this subparagraph remain subject to the gift provisions of sections 2635.301-2635.304 of title 5, Code of Federal Regulations (Reference (f)). See subparagraph 4.1.2.1. for general prohibitions on partisan fundraising activity.
	Commissioned officers shall not use contemptuous words as prohibited by section 888 of Reference (b) or participate in activities proscribed by DoD Directives 5200.2 and 1325.6 (References (g) and (h), respectively).

Federal Technicians (Dual & Non-Dual Status)—Hatch Act

PERMISSIBLE Activities:	PROHIBITED Activities:
May be candidates for public office in nonpartisan elections.	May not use their official authority or influence to interfere with or affect the result of an election. For example: May not use their official titles or positions while engaged in political activity. May not invite subordinate employees to political events or otherwise suggest to subordinates that they attend political events or undertake any partisan political activity.
May register and vote as they choose.	May not solicit, accept or receive a donation or contribution for a partisan political party, candidate for partisan political office, or partisan political group. For example: May not host a political fundraiser. May not invite others to a political fundraiser. May not collect contributions or sell tickets to political fundraising functions.*
May assist in voter registration drives.	May not be candidates for public office in partisan political elections.
May contribute money to political campaigns, political parties, or partisan political groups.	May not knowingly solicit or discourage the participation in any political activity of anyone who has business pending before their employing office.
May attend political fundraising functions.	May not engage in political activity – i.e., activity directed at the success or failure of a political party, candidate for partisan political office, or partisan political group – while the employee is on duty, in any federal room or building, while wearing a uniform or official insignia, or using any federally owned or leased vehicle. For example: May not distribute campaign materials or items. May not display campaign materials or items. May not perform campaign related chores. May not wear or display partisan political buttons, T-shirts, signs, or other items. May not make political contributions to a partisan political party, candidate for partisan political office, or partisan political group. May not post a comment to a blog or a social media site that advocates for or against a partisan political party, candidate for partisan political office, or partisan political group. May not use any e-mail account or social media to distribute, send, or forward content that advocates for or against a partisan political party, candidate for partisan political office, or partisan political group.
May attend and be active at political rallies and meetings.	May NOT wear military uniform while engaged in political activities. See DoD 1344.10.
May join and be an active member of political clubs or parties.	
May hold office in political clubs or parties.	

Federal Technicians (Dual & Non-Dual Status)—Hatch Act (Continued)

PERMISSIBLE Activities:	PROHIBITED Activities:
May sign and circulate nominating petitions.	
May campaign for or against referendum questions, constitutional amendments, or municipal ordinances.	
May campaign for or against candidates in partisan elections.	
May make campaign speeches for candidates in partisan elections.	
May distribute campaign literature in partisan elections.	
May volunteer to work on a partisan political campaign.	
May express opinions about candidates and issues. If the expression is political activity, however – i.e., activity directed at the success or failure of a political party, candidate for partisan political office, or partisan political group – then the expression is not permitted while the employee is on duty, in any federal room or building, while wearing a uniform or official insignia, or using any federally owned or leased vehicle.	

Traditional Guard (MDAY) Members—DoDD 1344.10, paras 4.1.4 & 4.3

PERMISSIBLE Activities:	PROHIBITED Activities:
<p>Members not in an active status may engage in any lawful political activities, provided the member is not in uniform and does not otherwise act in a manner that could reasonably give rise to the inference or appearance of official DoD or National Guard sponsorship, approval, or endorsement.</p>	<p>May not wear a uniform or use any Government property or facilities while participating.</p>
<p>Members not on active duty who are nominees or candidates for elective offices may, in their campaign literature (including Web sites, videos, television, and conventional print advertisements):</p> <ul style="list-style-type: none"> ● Use or mention, or permit the use or mention of, their military rank or grade and military service affiliation; BUT they must clearly indicate their retired or reserve status. ● Include or permit the inclusion of their current or former specific military duty, title, or position, or photographs in military uniform, when displayed with other non-military biographical details. Any such military information must be accompanied by a prominent and clearly displayed disclaimer that neither the military information nor photographs imply endorsement by the Department of Defense or their particular Military Department (or the Department of Homeland Security for members of the Coast Guard); e.g., “John Doe is a member of the Army National Guard. 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.” 	<p>Members not on active duty who are nominees or candidates for elective offices may not use or allow the use of photographs, drawings, and other similar media formats of themselves in uniform as the primary graphic representation in any campaign media, such as a billboard, brochure, flyer, Web site, or television commercial. For the purposes of this policy, “photographs” include video images, drawings, and all other similar formats of representational media.</p>
	<p>Members not on active duty who are nominees or candidates for elective offices may not depict or allow the depiction of themselves in uniform in a manner that does not accurately reflect their actual performance of duty. For the purpose of this policy, “photographs” include video images, drawings, and all other similar formats of representational media.</p>

Classified State Employees—Governor’s Policy, ORC, and OAC

PERMISSIBLE Activities:	PROHIBITED Activities:
Registration and voting	Candidacy for public office in a partisan election;
Expression of opinions, either oral or written;	Candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
Voluntary financial contributions to political candidates or organizations;	Filing of petitions meeting statutory requirements for partisan candidacy to elective office;
Circulation of nonpartisan petitions, petitions that do not identify with any particular party, or petitions stating views on legislation;	Circulation of official nominating petitions for any candidate participating in a partisan election;
Attendance at political rallies;	Service in an elected or appointed office in any partisan political organization;
Signing nominating petitions in support of individuals;	Acceptance of a party-sponsored appointment to any office normally filled by partisan election;
Display of political materials in the employee's home or on the employee's property;	Campaigning by writing for publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;
Wearing political badges or buttons, or the display of political stickers on private vehicles;	Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate;
Serving as a precinct election official under section 3501.22 of the Revised Code.	Solicitation of the sale, or actual sale, of political party tickets;
Running for office for which the candidates are not selected by political parties.	Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;
	Service as a witness or challenger for any party or partisan committee;
	Participation in political caucuses of a partisan nature;
	Service in an appointed or elected position is prohibited when such position is subordinate to or in any way a check upon a position concurrently occupied by a classified or unclassified employee, or when it is physically impossible for one person to discharge the duties of both positions, or if some specific constitutional or statutory bar exists prohibiting a person from serving both positions;
	State employees are guided to avoid even the suggestion of impropriety by considering the appearance of any conduct given the surrounding circumstances, even if that conduct is permissible under the law;

Classified State Employees—Governor’s Policy, ORC, and OAC (Continued)

	State employees must not engage in election-related activity on state time, on state property or using state equipment. The Governor's policy prohibits elections-related use of state offices, conference rooms, computers, printers, office supplies, email systems, telephones, copiers, fax machines, vehicles, or any similar place or item. It further states that state employees should direct incoming election-related calls away from state government offices and accurately and carefully document the use of lunch hour, personal leave, compensatory time, or vacation leave when used for any permissible election related activities.
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Unclassified State Employee—Governor’s Policy, ORC, and OAC

PERMISSIBLE Activities:	PROHIBITED Activities:
Employees in the unclassified service of the state, are not prohibited from engaging in political activity unless specifically precluded by federal or state constitutional or statutory provisions.	State employees must not engage in election-related activity on state time, on state property or using state equipment. The Governor's policy prohibits elections-related use of state offices, conference rooms, computers, printers, office supplies, email systems, telephones, copiers, fax machines, vehicles, or any similar place or item. It further states that state employees should direct incoming election-related calls away from state government offices and accurately and carefully document the use of lunch hour, personal leave, compensatory time, or vacation leave when used for any permissible election related activities.
	State employees are guided to avoid even the suggestion of impropriety by considering the appearance of any conduct given the surrounding circumstances, even if that conduct is permissible under the law.
	No public employee shall solicit a contribution from any person while the employee is performing the public employee's official duties.
	No one shall solicit contributions from any public employee while the public employee is performing his or her duties.
	Unclassified employees may not solicit classified state employees for the financial benefit of a political party or a candidate for public office.
	Service in an appointed or elected position is prohibited when such position is subordinate to or in any way a check upon a position concurrently occupied by a classified or unclassified employee, or when it is physically impossible for one person to discharge the duties of both positions, or if some specific constitutional or statutory bar exists prohibiting a person from serving both positions.