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FM COMDT COGARD WASHINGTON DC//CG-094/CG-092// TO ALCOAST BT UNCLAS //N01738//
ALCOAST 003/16 COMDTNOTE 1738
SUBJ: RESTRICTIONS ON OFFICIAL SUPPORT OF POLITICAL CANDIDATES AND THE ABILITY OF UNIFORMED AND CIVILIAN PERSONNEL TO ENGAGE IN POLITICAL ACTIVITIES A. Coast Guard External Affairs Manual, COMDTINST M5700.13 (series) B. Military Civil and Dependent Affairs, COMDTINST M1700.1 (series) C. Political Activities by Members of the Armed Forces, DoD Directive 1344.10, February 19, 2008 D. Limited Personal Use of Government Office Equipment and Services, COMDTINST M5375.1 (series) E. The Hatch Act, 5 U.S.C. 7321-7326 F. 5 C.F.R. Parts 733-744 1. The 2016 election season is underway. As a matter of long-standing policy, the CG does not support nor engage in any activities that could be interpreted as associating our service with any particular candidate, political party, organization or partisan political issue.
2. This ALCOAST addresses both the policy on official interaction with political candidates/campaigns as well as the ability of uniformed and civilian personnel to engage in political activities.
3. Per Chapter 3 of Reference A, official (Command) interaction with political candidates and organizations is permitted as follows:
a. When responding to queries from political campaign organizations, commands shall only provide information that is releasable to the general public.
b. Unit newsletters, plans of the day and other internal communication venues shall not include partisan discussions, cartoons, editorials, political advertisements, websites, online postings, or commentaries pertaining to partisan or candidate issues.
c. Commands shall not permit the use of government facilities by any candidate, either incumbent or challenger, for political campaigning. This includes events such as: assemblies, meetings, rallies, press conferences, campaign videos, advertisements, or photo opportunities.
d. Members of Congress or other elected officials may visit units and receive briefings related to their official duties. Other candidates may be given access as would be provided to any other visitor.
e. In all cases of visits, the command shall inform candidates in advance that all political campaign and associated media events are prohibited. Candidates and their staffs shall also be informed that media representatives cannot accompany the visit to the CG facility.
f. Commands shall deny requests from candidates to tape or film aboard CG units. Filming conducted from outside unit property (i.e., property not under CG control), shall not be impeded.
g. Commands shall prohibit distribution of campaign material by anyone on or in any CG property, facility, or unit.
h. Community relations support including speakers, color guards, or marching units shall not be provided for campaign meetings, events, rallies, or other political activities.
i. Appropriate CG officials (e.g., area, district, sector commanders, COs, OINCs, etc.) may participate in community outreach forums such as town hall meetings and panel discussions that are hosted by an elected member of Congress acting in the interest of his/her constituents.
4. References B and C govern the ability of uniformed personnel to engage in political activities. A member on active duty may:
a. Register to vote and vote.

b. Express personal opinion on political candidates and issues, but not as a representative of the armed forces (i.e., not in uniform and not identifying oneself as an active duty member).

c. Promote and encourage other military members to exercise their voting rights, if such promotion does not constitute an attempt to influence or interfere with the outcome of an election.

d. Join a political club and attend its meetings when not in uniform.

e. Serve as an election official, if such service is not as a representative of a partisan political party, does not interfere with military duties, is performed while out of uniform, and has the prior approval of the Policy and Standards Division of the Office of Military Personnel. The Policy and Standards Division can be reached at HQS-PolicyandStandards@uscg.mil.

f. Sign a petition for specific legislative action or a petition to place the name of a candidate on an official 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 (i.e., not in uniform and not identifying oneself as a member).

g. Write a letter to the editor of a newspaper expressing their personal views concerning public issues or political candidates, if such action is not part of an organized letter-writing campaign or concerted solicitation of votes for or against a political party or partisan political candidate. Per Reference D, CG resources (i.e., telephone, e-mail, fax, office supplies, etc.) may not be used to conduct such efforts.

h. Make monetary contributions to a political organization, party or committee favoring a particular candidate or slate of candidates, subject to the limitations under 2 U.S.C. 441a (Limitations on Contributions and Expenditures) and 18 U.S.C. 607 (no solicitation or receipt of contributions in any room occupied in discharge of official duties).

i. Display a political sticker on a personally-owned vehicle.

j. Attend partisan and nonpartisan political meetings, rallies, or conventions as a spectator when not in uniform.

5. A member on active duty shall not:

a. Use official authority or influence to interfere with an election, solicit votes for a particular candidate or issue, or require or solicit political contributions from others.

b. Be a candidate for a civil office in federal, state, or local government, except as authorized by References B and C, or engage in public or organized soliciting of others to become partisan candidates for nomination or election to civil office.

c. Participate in partisan political management, campaigns, or conventions (except as a spectator when not in uniform), or make public speeches in the course thereof.

d. Make campaign contributions to another member of the armed forces, or to a civilian officer or employee of the United States for promoting a political objective or cause, including a political campaign.

e. Solicit or receive a contribution from another member of the armed forces or a civilian officer or employee of the United States for the purpose of promoting a political objective or cause, including a political campaign.

f. Allow or cause to be published partisan political articles signed or written by the member that solicit votes for or against a partisan political party or candidate.

g. Serve in any official capacity or be listed as a sponsor of a partisan political club.

h. Speak before a partisan political gathering, including any gathering that promotes a political party, candidate or partisan cause.

i. Participate in any radio, television, or other group discussion as an advocate of a political party, candidate, or partisan cause.

j. Conduct a political opinion survey under the auspices of a partisan political group or distribute partisan political literature.

k. Use contemptuous words against the officeholders described in 10 U.S.C. 888 (President, Vice President, Congress, Secretary of Defense, Secretary of a military department, Secretary of Homeland Security, or the Governor or legislature of any State, Commonwealth, or possession in which the military member is on duty).

l. Perform clerical or other duties for a partisan political committee during a campaign or on an election day.

m. Solicit or otherwise engage in fundraising activities in federal offices or facilities, including military reservations, for a partisan political cause or candidate.

n. March or ride in a partisan political parade or similar event.

o. Display a large political sign, banner, or poster (distinguished from a bumper sticker) on the top or side of a private vehicle.

p. 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 or candidate.

q. Sell tickets for, or otherwise actively promote, political dinners and similar fundraising events.

r. Attend partisan political events as an official representative of the armed forces.

s. The prohibitions on holding and exercising the functions of a civil office, as set forth above, do not apply to any retired regular member or reserve member serving on active duty under a call or order to active duty that specifies a period of active duty of 270 days or less, provided the civil office is held in a non-military capacity and there is no interference with the performance of military duties.

t. Generally, no statutes or regulations prohibit retired and reservist military personnel (those not performing an active duty function, such as ADT or IDT) from supporting political parties or becoming candidates for public office. Retired and reservist personnel may also hold elective or appointive civil office, and will not forfeit their commissions by assuming such office. Retired and reservist personnel shall not, however, wear Coast Guard uniforms while engaging in political activity. See Reference C for additional information relating to retired and reserve military personnel.

6. Reference E and Reference F, set forth permissible and impermissible forms of political activity by federal civilian employees. Reference E also sets forth the restrictions that apply specifically to Administrative Law Judges (ALJ) and Senior Executive Service (SES) employees. A detailed analysis of the Hatch Act and its implications on all federal civilian personnel can be found at the Office of Special Counsel (OSC) website here: https://osc.gov/Pages/HatchAct.aspx. Generally, federal civilian employees, other than an ALJ or SES, may:

a. Be a candidate for public office in nonpartisan elections.

b. Register and vote as desired.

c. Assist in voter registration drives.
d. Express opinions about candidates and issues.
e. Contribute money to political organizations.
f. Attend political fundraising functions.
g. Attend and be active at political rallies and meetings.
h. Join and be an active member of a political party or club.
i. Sign nominating petitions.
j. Campaign for or against referendum questions, constitutional amendments, or municipal ordinances.
k. Campaign for or against candidates in partisan elections.
l. Make campaign speeches for candidates in partisan elections.
m. Distribute campaign literature in partisan elections.
n. Hold office in political clubs or parties, including serving as a delegate to a convention.

7. Generally, federal civilian employees may not:

a. Use official authority or influence to interfere with an election.
b. Solicit or discourage political activity of anyone with business before the agency.
c. Solicit or receive political contributions (may be done in certain limited situations by federal labor or other employee organizations).
d. Run for the nomination or as a candidate for election to a partisan political office.
e. Engage in political activity while on duty, in a government office, wearing an official uniform or using a government vehicle or other resource (e.g., telephone, fax, e-mail, etc.) by, for example:
wearing a partisan political button, t-shirt, or sign, displaying political campaign material or items, distributing political campaign material or items, performing campaign-related activities, making a political contribution to a partisan political party, candidate or group, or posting any partisan political comment on any blog or social media site.

8. Social Media and Political Activities

a. Due to the popularity of social media platforms, the OSC website in paragraph 6, above, now addresses the application of Reference E to federal civilian employees within the context of social media.

b. WRT active duty service members, they may generally express their own personal views on public issues or political candidates via social media platforms in much the same way 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 Homeland Security or the U.S. 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 B.

c. 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.

d. Per Reference D, use of government office equipment/services by military, civilian or contractor personnel to engage in political activity is considered an inappropriate use which could result in disciplinary/administrative or a personnel action.

e. Members of the military 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 of the member's statements/actions by the Department of Homeland Security or the Coast Guard.

9. Points of contact:

a. Address questions regarding procedures for visits by elected officials to District or Area Governmental Affairs Officers (GAO).

Area and District GAOs should refer questions to the Office of Congressional and Governmental Affairs at (202)245-0520.

b. Address questions regarding political activities of CG personnel to your servicing legal office.

10. RADM S.D. Poulin, Judge Advocate General, and SES Ellen Engleman Conners, Acting Director, Governmental and Public Affairs, send.

11. Internet Release Authorized.

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