

INFO MEMO

August 6, 2004 3:00 PM

SUBJECT: New DoDD 1344.10, Political Activities by Members of the Armed Forces

On August 2, 2004, the Deputy Secretary of Defense signed a new version of DoD Directive 1344.10, Political Activities by Members of the Armed Forces. It replaces the June 15, 1990 version. The new version is effective immediately.

The new version:

- Rephrases the introductory clause in paragraph 4 to eliminate reference to enclosure 3 as restricting or modifying any policy.
- Eliminates paragraph 4.1.4, referring to enclosure 4 as a summary of federal statutes restricting certain types of political activity. (Enclosure 4 is eliminated.)
- Rephrases paragraph 4.2 to make clear that a member on active duty may not be a nominee for civil office, except under limited circumstances.
- Eliminates old paragraph 4.2.2, addressing candidacy for civil office while serving an initial tour of extended active duty or serving a tour of extended active duty as a condition of receiving schooling at government expense.
- Adds new paragraph 4.2.2, clarifying language previously contained in old paragraph 4.2.1, addressing the limited circumstances when the Secretary concerned may permit a member to remain or become a candidate for civil office.
- Adds new paragraph 4.2.2.2, clarifying that restriction on nomination or candidacy apply regardless of whether nomination or candidacy occurred prior to commencing active duty, and that if nomination or candidacy occurred before the member entered active duty, the member must decline the nomination or withdraw from candidacy unless the member receives permission from the Secretary concerned.
- Rewrites old paragraph 4.3, Election or Appointment to Civil Office, as new paragraphs 4.3, Holding and Exercising the Functions of Civil Office Attained by Election or Appointment, and 4.4, Actions When Prohibitions Apply. New paragraph 4.3 now addresses civil office in the U.S. government separately (paragraph 4.3.1 and 4.3.2) from civil office in a state, District of Columbia, territory, possession, commonwealth; or any political subdivision thereof (paragraph 4.3.4, 4.3.5, and 4.3.6) (hereinafter "state or local civil office").
- Adds new language at paragraph 4.3.2, clarifying that any retired regular member or Reserve member serving on active duty under a call or order to active duty of 270 days or less may hold and exercise U.S. government civil office provided there is no interference with military duties. It also clarifies that if the call or order to active duty

is for more than 270 days, the prohibitions of the directive apply throughout the period of active duty. Language previously at old paragraph 4.3.2 is now incorporated in new paragraph 4.3.3; it also makes clear that holding or exercising a U.S. government civil office must not interfere with military duties.

- New paragraphs 4.3.4, 4.3.5, and 4.3.6 now address state or local civil office under different rules from U.S. government civil office. New paragraph 4.3.4 states a general prohibition on members on active duty holding or exercising the functions of a state or local civil office. New paragraphs 4.3.5 then carves out some exceptions. 4.3.5.1 and 4.3.5.2 permit some nonpartisan local offices (previously covered under old paragraph 4.3.3). 4.3.5.3 permits retired regular members or Reserve members serving on active duty under a call or order to active duty for 270 days or less to hold and exercise the functions of a state or local civil office if there is no interference with military duties. (If the call or order to active duty is for more than 270 days, then the prohibitions apply beginning on the first day of the active duty period). 4.3.5.4 permits retired members or Reserve members serving on active duty under a call or orders for more than 270 days (subject to state or local prohibitions or Secretarial determination) to **hold** state or local civil office, but 4.3.6 **prohibits the exercise** of functions of the civil office during such periods of active duty.

	U.S. Government civil office	State or local civil office
Members on active duty generally	Elective (4.3.1.1), appointive (4.3.1.2), or executive schedule (4.3.1.3): may not hold or exercise functions of civil office (4.3.1) All others: permitted, subject to noninterference with military duty (4.3.3)	May not hold or exercise functions of state or local civil office (4.3.4) Minor nonpartisan exceptions (4.3.5.1 and 4.3.5.2) Civilian law enforcement, fire, or rescue squads are not civil offices (E2.1.3)
Retired member or Reserve member when ordered to active duty for 270 days or less	Permitted (4.3.2) subject to noninterference with military duty	Permitted (4.3.5.3) subject to noninterference with military duty
Retired member or Reserve member when ordered to active duty for more than 270 days (prohibitions apply from first day of active duty)	Elective, appointive (4.3.1.2), or executive schedule (4.3.1.3): not permitted. All others: permitted, subject to noninterference with military duty (4.3.3)	Holding office permitted (4.3.5.4) subject to state and local law (4.3.5.4.1) and Secretarial determination (4.3.5.4.2); may not exercise functions of office while on active duty (4.3.6)

- Remedial provisions from old paragraphs 4.3.5 through 4.3.8 are restated and expanded in new paragraph 4.4, Actions When Prohibitions Apply. 4.4.1 clarifies

that members affected by the prohibitions against being a nominee or candidate, holding, or exercising the functions of a civil office may request retirement, discharge, or release from active duty. 4.4.1.1 through 4.4.1.8 contains generally the same reasons to deny such requests previously contained in old paragraphs 4.3.6.1 through 4.3.6.8. 4.4.2 clarifies that a member may be involuntarily separated and 4.4.4 clarifies that a member may be subject to disciplinary or adverse administrative action for violating the directive. 4.4.3 contains a savings clause substantially similar to old paragraph 4.3.8. Finally, 4.4.4 restates the requirement from old paragraph 6 that “[a]ll members of the Armed Forces on active duty engaging in political activities shall follow the examples and requirements in enclosure 3,” replacing the previous word “guidelines” with the new phrase “examples and requirements.”

- In Paragraph 5.1, replaces Assistant Secretary of Defense (Force Management Policy) with Under Secretary of Defense (Personnel and Readiness) as administrator of the directive. Adds paragraph 5.3, requiring Chief, National Guard Bureau to issue policy guidance to those in full-time National Guard duty status.
- Enclosure 2, Definitions. Clarifies the definition of civil office in E2.1.3 to exclude non-elective position as a regular or reserve members of a civilian law enforcement, fire, or rescue squad. Such members were previously addressed in old paragraph 4.3.4 of the directive itself. Other definitions remain unchanged.
- Changes enclosure 3 from guidance to illustration. The title is changed from the old Guidelines on Political Activities to the new Examples and Additional Requirements. E3.1 clarifies the change (*compare* new “provides examples” *with* old “provides guidance for implementing.”)
- Items E3.2.1 through E3.2.8 in the list of permissible political activities remain unchanged; Item E3.2.9 (“Attend partisan and nonpartisan political meetings or rallies as a spectator when not in uniform”) is new.
- E3.3, Examples of Prohibited Political Activities, contains several minor changes.
- E3.4, Political Activities Not Expressly Permitted or Prohibited, E3.5, Local Nonpartisan Political Activities, and E3.6, Additional Requirements, contain only technical changes.
- Eliminates enclosure 4.

Link to new directive: <http://www.dtic.mil/whs/directives/corres/pdf2/d134410p.pdf>.

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