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Law

**POLITICAL ACTIVITIES BY MEMBERS
OF THE US AIR FORCE**

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This instruction implements AFD 51-9, *Civil Law for Individuals*. It provides prohibitions and guidelines regarding political activities. It applies to members of the Regular Air Force and Air Force Reserve on active duty for training, including the Air National Guard when federalized. It implements DoD Directive 1344.10, *Political Activities by Members of the Armed Forces on Active Duty*, June 15, 1990. Air Force members on active duty are prohibited from engaging in political activities as provided in this instruction. Violations of this instruction are punishable under the *Uniform Code of Military Justice* (UCMJ), Article 92, *Failure to Obey a Lawful Regulation*.

SUMMARY OF CHANGES

This issuance revises AFI 51-902, 8 March 1994. This instruction implements changes to DoD Directive 1344.10, which allows active duty officers to hold non-partisan positions on independent school boards located exclusively upon military reservations. A | indicates revisions from the previous edition.

1. Responsibilities. This instruction establishes responsibilities for Air Force members on active duty for more than 30 days. **Paragraph 8.** of this instruction also establishes responsibilities for Air Force members on active duty for 30 days or less. Air Force members on active duty must comply with this instruction.

2. Definitions:

2.1. Active Duty. Full-time duty in the active military service of the United States, including full-time duty in the Air National Guard when federalized.

2.2. Civil Office. A specific nonmilitary position created by law whose incumbent has certain specific duties imposed by law and involving the exercise of some portion of the sovereign power of the United States or of a state. Civil office may be either an elective or an appointive office under the

United States, a US Territory, possession, or commonwealth, or a state, county, or municipality, or any of their official subdivisions.

2.3. Nonpartisan Political Activity. Activity supporting or relating to candidates who do not represent, or issues not specifically identified with, national or state political parties or associated or ancillary organizations. Issues relating to constitutional amendments, referenda, approval of municipal ordinances, and others of a similar character which are considered not specifically identified with national or state political parties.

2.4. Partisan Political Activity. Activity supporting or relating to candidates who represent, or issues specifically identified with, national or state political parties or associated or ancillary organizations. A candidacy, declared or undeclared, for national or state office is a partisan political activity, even if the candidate is not affiliated with a national or state political party.

3. Prohibited Activities. Air Force members may not:

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

3.2. Be a candidate for, or hold civil office, except as authorized in paragraphs 5. and 6.

3.3. Participate in partisan political management, campaigns, or conventions, or make public speeches in the course of such activity.

3.4. Allow, or cause to be published, partisan political articles signed or authorized by the member for soliciting votes for or against a partisan political party or candidate.

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

3.6. Speak before a partisan political gathering of any kind for promoting a partisan political party or candidate.

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

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

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

3.10. Solicit or otherwise engage in fund-raising activities in federal offices or facilities, including military reservations, for a partisan political cause or candidate.

3.11. March or ride in a partisan political parade.

3.12. 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.

3.13. Attend, as an official representative of the Armed Forces, partisan political events, even without actively participating.

3.14. Engage in the public or organized recruitment of others to become partisan candidates for nomination or election to a civil office.

- 3.15. Make campaign contributions to a partisan political candidate.
- 3.16. Make campaign contributions to another member of the Armed Forces or an officer or employee of the federal government for promoting a political objective or cause.
- 3.17. Solicit or receive a campaign contribution from another member of the Armed Forces or from a civilian officer or employee of the United States for promoting a political objective or cause.
- 3.18. Use contemptuous words against the office holders described in Title 10, United States Code, Section 888.
- 3.19. Display a large political sign, banner, or poster on the top or side of a member's private vehicle (as distinguished from a political sticker).
- 3.20. Sell tickets for, or otherwise actively promote, political dinners and other such fund-raising events.

4. Permitted Activities. Air Force members may:

- 4.1. Register to vote, vote, and express a personal opinion on political candidates and issues, but not as a representative of the Armed Forces.
- 4.2. Make monetary contributions to a political organization or political committee favoring a particular candidate or slate of candidates, subject to limitations under Title 2, United States Code, Section 441a and Title 18, United States Code, Section 607.
- 4.3. Attend political meetings or rallies as a spectator when not in uniform.
- 4.4. Join a political club and attend its meetings when not in uniform.
- 4.5. 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 major command commander or equivalent authority. This approval authority may be delegated, but not below the level of installation commander.
- 4.6. Sign a petition for 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.
- 4.7. Write a letter to the editor of a newspaper expressing the member's personal views concerning public issues, if those views do not attempt to promote a partisan political cause.
- 4.8. Display a political sticker on the member's private vehicle, or wear a political button when not in uniform and not on duty.
- 4.9. Write a personal letter, not for publication, expressing preference for a specific political candidate or cause, if the action is not part of an organized letter-writing campaign on behalf of a partisan political cause or candidate.

5. Candidacy for Elective Civil Office. Air Force members:

- 5.1. May not campaign as a candidate for nomination or as a nominee for civil office. Where the circumstances justify, and when request is made through channels to, and approved by, HQ USAF/JAG, a member may be permitted to file evidence of nomination or candidacy for nomination as required by law. Such permission will not authorize activity while on active duty that is otherwise prohibited by

this instruction. Absent compelling reasons, a request will normally not be approved, unless the member is likely to separate from active duty or active duty for training at least 30 days before the scheduled election.

5.2. May not become a candidate for any civil office while serving an initial tour of extended active duty or a tour of extended active duty that the member agreed to perform as a condition to receiving schooling or training wholly or partly at US expense.

6. Members Elected or Appointed to Civil Office. Except as authorized by law, or through 6.5., regular officers on the active duty list and members on active or full-time National Guard duty under a call or order for a period of more than 180 days may not hold or exercise the functions of a civil office:

6.1. In the US Government that is an elective office; requires an appointment by the President by and with the advice and consent of the Senate; or is in a position on the Executive Schedule under Title 5, United States Code, Sections 5312 through 5317.

6.2. In the government of a state; the District of Columbia; a territory, possession, or commonwealth of the United States; or in any political subdivision of the foregoing.

6.3. A member described in paragraph 6. may hold or exercise the functions of a civil office in the US Government not described in paragraph 6.1. when assigned or detailed to that office or to perform those functions.

6.4. Enlisted members, regardless of duty status, may seek and hold nonpartisan civil office on a local school board, neighborhood planning commission, and similar agencies. Officers on active duty may seek and hold nonpartisan civil office on an independent school board that is located exclusively on a military reservation. Such offices must be held in a private capacity and may not interfere with the performance of military duties.

6.5. Air Force members may serve as a regular or reserve civilian law enforcement officer or member of a civilian fire or rescue squad when approved by the member's commander. Such service must be in a personal capacity, may not involve the exercise of military authority, and may not interfere with the performance of military duties. In the case of regular officers on the active duty list or full-time National Guard and retired and reserve officers on active duty under a call or order for a period of more than 180 days, however, the position must not be a civil office described in paragraph 6.1. or paragraph 6.2.

6.6. A member subject to paragraph 6. above, and elected or appointed to an office as described, may request retirement and will be retired if eligible. If a member does not request or is not eligible for retirement, the member will be discharged or released from active duty. However, these retirement and separation requirements do not apply if the member:

6.6.1. Declines to serve in the civil office.

6.6.2. Is obligated to fulfill an active duty service commitment.

6.6.3. Is serving or has been issued orders to serve in an area that is overseas, remote, a combat zone, hostile fire pay area, or afloat.

6.6.4. Is ordered to remain on active duty while the subject of an investigation or inquiry.

6.6.5. Is accused of an offense under the UCMJ or serving a sentence or punishment for such offense.

6.6.6. Is notified of action to administratively separate the member.

6.6.7. Is indebted to the United States.

6.6.8. Is on active duty during a declaration of war or of a national emergency, or any period when a unit of the Reserves or National Guard has been called to active duty.

6.6.9. Is prohibited by an order or regulation from assuming or exercising the functions of a civil office in violation of this regulation.

6.7. Nothing in paragraphs 6. through 6.6. will be construed to invalidate any action taken by a member in carrying out assigned duties after assuming or exercising the functions of a civil office in violation of this instruction.

7. Duty Restrictions. No member of the Air Force may be assigned or detailed to perform duties in the legislative or judicial branches of the US Government. A member may, however, perform such duties if under a scholarship, fellowship, grant, or internship, or for a specific duration on a specific project as a member of the staff, court, or committee of the Congress. The member must first agree to incur an active duty service obligation commencing from the termination of the assignment or detail and lasting equal to the assignment or detail, or to the obligation prescribed in other applicable regulations, whichever is greater.

8. Air Force Members on Active Duty for Less Than 30 Days. They will:

8.1. Give full time and attention to performing military duties during prescribed duty hours.

8.2. Avoid any outside political activities that may be prejudicial to performing military duties or inconsistent with the accepted customs and traditions of the Armed Forces.

8.3. Refrain from participating in any political activity while in military uniform and from using government facilities for political activities.

9. Statutes. Federal statutes prohibiting certain types of political activities by members of the Armed Forces include Title 18, United States Code, Sections 592-594, 596, 602-603, 606-607 and 609; and Title 2, United States Code, Sections 441a, 441f, 441g, and 441i.

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