



Military and Naval Affairs

KATHY HOCHUL
Governor
Commander-in-Chief

RAYMOND F. SHIELDS, JR.
Major General
The Adjutant General

MNAG-TAG

07 DEC 2022

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Division of Military and Naval Affairs (DMNA) Policy Regarding Elected Officials and Government Agencies or Authorities Official and Unofficial Visitation

1. **Applicability:** This policy is applicable to all members assigned to the State's Organized Militia, including the Army National Guard, Air National Guard, Naval Militia, New York Guard, and all State and federal employees of the DMNA and Joint Force Headquarters-New York.
2. I encourage our members to exercise their right to participate in our political process. However, political activity for National Guard personnel can be problematic as certain restrictions apply to all our members including our traditional part-time force, while others apply only to our full-time force. This memorandum briefly outlines the restrictions that apply to all our members regardless of status and provides additional guidance to our full-time force including individuals who are mobilized or are serving on Active Duty Operational Support (ADOS) orders.
3. Political activity is defined as an activity directed towards the success or failure of a political party, a candidate for partisan political office or a partisan political group. Political activity does not include legislation, ballot initiatives focused on issue-oriented campaigns, candidacy in a nonpartisan election or attending a march/rally.
4. Although our traditional part-time personnel may participate in political activity and run for elected office, our service uniform standards (Army Regulation 670-1 and Air Force Instruction 36-2903) apply regardless of status. They specifically prohibit the wearing of any service uniform "in connection with the furtherance of any political or commercial interests" or when "participating in public speeches, interviews, picket lines, marches, rallies, or public demonstrations..." The bottom line is, do not wear your uniform in connection with a political activity unless specifically authorized to do so by a competent authority.
5. All our members regardless of status, including our traditional part-time personnel, may not engage in any political activity while in a duty status, in a federal building, in a state owned armory or while using a government vehicle. This includes using DoD email or displaying campaign material in their workspace.
6. In addition to the uniform restrictions outlined above, Department of Defense Directive (DoDD) 1344.10 (Political Activities by Members of the Armed Forces) prohibits all our members, regardless of status, including traditional part-time personnel, from using our official position to endorse a political candidate or cause. Even the appearance of an endorsement must be avoided by all personnel.

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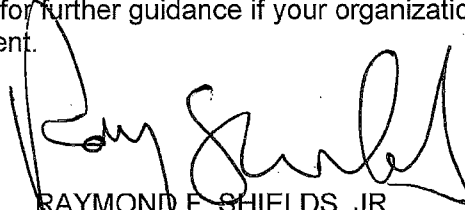
7. Restrictions for full-time National Guard members are even more rigorous. Our Title 5 employees and technicians are subject to the federal "Hatch Act" which prohibits, among other things, running for any partisan political office. Similarly, our full-time military personnel, including Active Guard Reserve (AGR)/ADOS and any member on Active Duty for more than 270 days, are subject to restrictions under DoDD 1344.10, which mirror the prohibitions of the Hatch Act.

8. All activities involving federal, State or local officials must be coordinated in advance through the DMNA Government Affairs Office (MNGA).

9. This coordination must be completed prior to the organization's request to an elected official or any commitment you make to any activity. Such activities include, but are not limited to, meetings, invitations, tours, and briefings and any written or oral communication submitted to any organization under DMNA authority or any requests extended to any federal, State or local official.

10. Detailed information including limitations on political activities for State employees including Civil service Law § 107 and Public Officers Law §§ 73 and 74 can be found here: <https://ethics.ny.gov/political-activity>.

11. If you have any questions, contact the Staff Judge Advocate (SJA) before engaging in any political activity. The SJA can be reached at (518) 786-4541. You may also contact the Government Affairs Office at (518) 786-4580 for further guidance if your organization is requested to support a potentially political event.



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