

OPINION 26-03: OPINION REGARDING SERVING POST OFFICERS STANDING OR SERVING AS ELECTED OR APPOINTED PUBLIC OFFICES

With regard to the question of a current or nominated Post Officer serving or standing for a public office, the following provides guidance as to the American Legion Department of California's position on the subject. In review of the question using various sources, The American Legion does not restrict a private citizen who happens to be an Officer or member of the American Legion, from running for or servicing as an elected or appointed public official. It does restrict the use of the American Legion's name, emblem, and logo from being associated with the public office, or the campaign for that office.

The American Legion, Department of California does not completely restrict post officers from serving in public office, but it strictly restricts what they can do while holding or running for that office. Under Article II, Section 2 of the American Legion National's Constitution and Bylaws, which governs all state departments, subgroups, and local posts, the organization is strictly nonpolitical and nonpartisan.

The rules regarding public office and candidacy establish clear boundaries, which are more broadly defined here:

- *Partisan Office Restriction*: While an individual post officer can run for or serve in a public office as a private citizen, they cannot use their American Legion title, the post's resources, or the organization's name to promote their candidacy or partisan principles.
- *Uniform and Apparel Prohibition*: Post officers and members are strictly prohibited from wearing the official American Legion uniform—including the official American Legion cap—while campaigning, speaking at political events, or participating in partisan activities. An American Legion uniform ceases to be a dedicated uniform if there are no visible traces of any American Legion emblems, or “trade-dress” (this includes subgroup identifications) visible in any form.
- *No Organizational Endorsements*: An American Legion post cannot endorse or oppose any candidate, whether or not that candidate is a member or an officer of the American Legion.
- *Facility Usage*: If a post officer who is running for office speaks at a post facility, the post must remove all American Legion emblems and flags to avoid any perception of an official endorsement. Furthermore, the post must offer the exact same opportunity to all competing candidates for the same elected office under identical terms.

Respectfully Submitted,

Dated: October 22, 2026

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