

Election Activities and Rules

CCHN January 2011

General Rules for Election Activities for 501(c)(3) nonprofit organizations

Basic rule – Keep all of your organization’s activities nonpartisan. 501(c)(3) nonprofit organizations may not support or oppose any candidate for public office. This includes endorsing, rating, contributing, or doing anything else intended to help or hurt a candidate.

There are many things that 501(c)(3)s can legally do to help their communities participate and vote. 501(c)(3)s may educate voters or candidates on the issues, provide opportunities for voters to hear the candidates’ positions, encourage citizens to register to vote, help new voters navigate the voting process and get people to go to the polls on Election Day.

OKAY	NOT OKAY
Register people to vote	Endorse candidates for office
Distribute nonpartisan materials on candidates or ballot measures	Contribute money to candidates
Sponsor nonpartisan candidate forums or debates	Let candidates use office space, equipment, mailing lists, or other 501(c)(3) resources
Help new voters understand elections and the voting process	Rate candidates
Provide briefings to all candidates on the organization's issues	Publicize which candidates share the organization's view on contested issues
Encourage and help people get to the polls on election day	Inviting only one candidate to visit your organization
Sponsor nonpartisan candidate forums or debates	
Inviting all candidate to visit your organization	

Resource: Nonprofit Voter Engagement Network – www.nonprofitvote.org

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General Rules for Election Activities for Individuals Associated with 501(c)(3) nonprofit organizations

The prohibition on partisan political campaign activity does not apply to the activities of officers, directors, or employees acting in their individual capacity. Staff may work on political campaigns outside work hours, or using their available leave time. However, leaders and volunteers may not use the facilities, equipment, personnel, or other resources of the organization to provide support or oppose a candidate or campaign.

Below are examples of instances when the actions of board members, officers, or employees can be seen as actions on behalf of the organization in a political campaign:

1. The director of an organization makes statements biased for or against candidates for public office during an event sponsored by the organization or in any of its publications.
2. An employee of an organization wears a political button at a public event or function when acting on behalf of the organization.
3. An employee gives the organization's mailing list to a candidate.
4. An organization permits a candidate to use the organization's office for a phone bank without charge.
5. A board of directors thanks an Executive Director for her work on behalf of a candidate.

An organization can help to protect itself from violating these laws by:

1. Requiring officers or employees acting as individuals engaged in partisan political activity to clearly state that they are acting in their individual capacity, not on behalf of the organization, and that any reference to their work for the organization is made only for identification purposes.
2. Notify employees of their limitation on use of their staff time and office facilities. Timesheets should reflect that an employee took leave to participate in partisan activity.
3. Disavowing any partisan actions of officials or employees that appear to be authorized by the organization, taking steps to ensure such actions are not repeated. Such a disavowal should be in writing and done in a timely manner.

Note: This handout provides general guidelines only, and is intended to serve as an overview. Because the application of law is fact-sensitive and context is critical, it should not be relied upon as legal advice. Organizations should consult with their attorney to receive guidance on special rules governing their conduct.

Resource: Alliance for Justice – www.afj.org