The webinar will begin shortly

Use the Q&A box to send us your questions.
Recording and slides will be sent out next week.
Staying Nonpartisan: Rules for 501(c)(3) Nonprofit Organizations

July 31, 2019
Founded in 2005, Nonprofit VOTE partners with America’s nonprofits to help the people they serve participate and vote. We are the leading source of nonpartisan resources to help nonprofits integrate voter engagement into their ongoing activities and services.
Agenda

What we will cover:

• Voter registration & education
• Working with candidates
• Talking about candidates
• Messaging around issues and ballot measures
• What you can do outside of work

Today’s Presenter
David A. Levitt
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A 501(c)(3) tax-exempt organization **may not intervene in any political campaign** on behalf of (or in opposition to) any candidate for public office.

-1954 amendment to US Tax Code (The Johnson Amendment)*

* The words “or in opposition to” added by Congress in 1987.
501(c)(3) organizations are permitted to conduct certain voter education activities (including the presentation of public forums and the publication of voter education guides) if they are carried out in a non-partisan manner. In addition, section 501(c)(3) organizations may encourage people to participate in the electoral process through voter registration and get-out-the-vote drives, conducted in a non-partisan manner.

-IRS Factsheet “Election Year Activities and the Prohibition on Political Campaign Intervention for Section 501(c)(3) Organizations”
Why is staying nonpartisan a good thing?

**For Individuals**
Charitable nonprofits provide a place where people can escape the toxic partisanship

**For Organizations**
Keeps focus on our missions instead of promoting politicians

**For Society**
Prevents elections from being flooded with secret, tax deductible campaign contributions through nonprofits.
What type of activities do you have the most questions or concerns about?

- Voter registration & education
- Working with candidates
- Talking about candidates
- Issue advocacy and messaging
- What you can do outside of work
Voter Registration & Education

Helping people participate in elections
Helping people participate in elections

- Voter registration drives
- Voter education, including sharing state or county information about the voting process
  - Finding polling places
  - Early voting dates
  - How to vote by mail
- Rides to the polls programs
Helping people participate in elections

How to keep your efforts nonpartisan:

**DON’T**

- Express support or opposition to any candidate or party, including wearing campaign swag
- Suggest which party to affiliate with during registration
- Turn anyone away due to their politics
- Give anything of value as incentive to vote (ex. raffle tickets only given to those registering to vote at an event)

**DO**

- Follow all local and state rules regarding registration drives
- Get accurate information from election officials (#TrustedInfo2020)
- Train all staff and volunteers participating in how to remain nonpartisan
If a voter asks me a question about parties or candidates while I’m assisting them, can I give my personal opinion if I make it clear that I’m not speaking on behalf of my organization?
Engaging with candidates

Working with, and talking about, candidates for office
Main strategies
Treat all candidates equally when you:
- Invite them to events at your organization
- Share your policy ideas or research
- Ask questions at their events or forums
- Host a candidate forum
- Conduct a candidate questionnaire
Staying Nonpartisan When Engaging Candidates

**Invitations to your organization**
- In a non-candidate capacity:
  - Invitation issued solely for reasons other than their candidacy
  - No mention of their candidacy
  - No campaign materials allowed
- In a candidate capacity:
  - Remind audience it is a nonpartisan event and not an endorsement
  - Invite all candidates to the same event, OR
  - Provide equal opportunity (similar time, venue, presentation format)

**Share policy or research**
- Equally available to all candidates
- Don't conduct research for a campaign or share private info like donor lists

**Asking a question at a forum**
- Pose question to all candidates
- Question should not imply a correct answer
Candidate Forums

- Cover a broad range of issues
- Invitations to all viable candidates
- Each candidate should be given equal time to present their view on issues
- Candidates are not asked to agree with specific positions or platforms
- Moderator stays neutral and does not imply approval or disapproval of candidates

Tip! Set the Tone
You can ask audience members to check their campaign/partisan materials at the door and to respectfully refrain from excessive exuberance for or against candidates.
Working with candidates

Questionnaires

• Distributed to all candidates running for the same office
• Neutral questions
• Covers a broad range of topics
• Clarify meaning of questions, but don’t coach candidates on how to answer
• Do not rank or comment on candidates’ responses

Help!
Only one candidate responded to the questionnaire.
What do we do?
Comparing?
It’s okay to compare candidates in voter guides/questionnaires. Keep your opinion out of it.

Criticizing?
Avoid making positive or negative statements about candidates. You may correct a factual misstatement related to your issue.

Ranking?
A charity may not publish rankings or ratings of candidates.
What can we say (or not say) about electeds who are also candidates? When do they become 'candidates' vs. electeds or public figures? Especially for incumbents?
Messaging around issues & ballot measures
Messaging about issues

Factors to consider before putting out a statement

- When is it being released? Increasing advocacy activities only during election season could be seen as partisan effort.
- What is your history of working on this issue?
- Does it mention or reference one or more candidates?
- Does it mention or reference voting or an election?
- Have the candidates been talking about the issue? Does it distinguish candidates?

“501(c)(3) organizations may take positions on public policy issues, including issues that divide candidates in an election for public office.” - (IRS)
A candidate mentioned our issue and we want to leverage the news about their statement to bring attention to the work we are doing. Can we mention the candidate or their platform in a blog or tweet?
Talking about issues AND voting

What can you say about issues while encouraging voting?

Acceptable

It’s time to speak out against racism, bigotry and police violence. On July 9 at 2pm ET, we’re calling for justice by ensuring our communities register to vote to make their voices heard. 💪🏾💪🏿💪🏼

Join the #VoteforJustice Twitter storm. untdwy.org/voteforjustice #VoteUnited

NOT Acceptable

Bring #BlackLivesMatter to the ballot box! This November hold those in office accountable for police brutality and fight back against racism.
Taking a stance on ballot measures

Ballot measures are about laws or constitutional amendments.

- **Ballot measure advocacy is generally lobbying**, influencing the passage or defeat of a law— not the election or defeat of a candidate
- 501(c)(3) public charities can work for or against a ballot measure
- Watch out for nexus to a candidate
What you can do outside of work?

Personal time vs organization time
What staff can do

The Basic Guideline: Nonprofit staff are free to engage in partisan activities, such as supporting a candidate, on their own time (i.e., outside of work).

What to avoid:

- Using nonprofit resources including your paid time for partisan political purposes
- Being partisan when representing your nonprofit at or outside of work
What staff can do

**What:**
- Volunteer on campaigns
- Attend political events
- Support your candidate
- Run for office

**When:**
- Personal time outside work hours
- On vacation
- On personal days
- On unpaid leave
Thank you!

Please give us feedback on this webinar in the chat

Special thank you to our featured speaker:

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