



Nonprofits & Elections: Where the Legal Lines Are Drawn

Translation of Federal Tax Law into English

Do's	Don'ts
<ul style="list-style-type: none"> • Do → Voter Registration ... if nonpartisan <ul style="list-style-type: none"> ✓ Cannot be biased for or against any candidate (<i>e.g.</i>, can't target likely Democrats or Republicans, conservatives or liberals) ✓ But can target in nonpartisan ways: <ul style="list-style-type: none"> ✓ areas or people the nonprofit serves ✓ low-turnout areas (including low-income populations, minority populations, students) • Do → Voter Education ... if nonpartisan <ul style="list-style-type: none"> ✓ Can educate the public about issues, and even the issues of importance to the nonprofit ✓ Can educate candidates, too ✓ Can conduct <i>nonpartisan</i> candidate debates ✓ Can publish results of <i>nonpartisan</i> candidate questionnaires • Do → Voter Participation ... if nonpartisan <ul style="list-style-type: none"> ✓ Get-out-the-vote drives, information about polling locations, importance of voting, etc. – same as with voter registration • Do → normal activities <ul style="list-style-type: none"> ✓ Nonprofit may continue to lobby and engage in its other regular advocacy activities ✓ Nonprofit may continue to rent its space or sell its mailing lists to all who ask (including candidates – but only at full market value and if made available to all candidates) • Do → seek legal advice if you have questions <ul style="list-style-type: none"> ✓ Consult a <i>nonprofit law attorney</i> 	<ul style="list-style-type: none"> • Don't → endorse (or favor) a candidate or political party <ul style="list-style-type: none"> ✗ Endorse, publish written or make oral statements supporting, or distribute materials (proactively or passively) supporting a candidate ✗ Rate candidates in any way ✗ Publicize which candidates share the nonprofit's views ✗ Target voters who would support a candidate for registration or turn out the vote • Don't → oppose (or slight) a candidate or political party <ul style="list-style-type: none"> ✗ Oppose, publish written or make oral statements against, or distribute materials (proactively or passively) against a candidate ✗ Rate candidates in any way ✗ Publicize which candidates don't share the nonprofit's views ✗ Target voters who would support a candidate for registration or turn out the vote • Don't → use nonprofit resources (money, time, facilities, contact lists, coordination of activities, etc.) for/against any candidates <ul style="list-style-type: none"> ✗ Fundraise for a candidate ✗ Let a campaign use phones for phone banks ✗ Give employees paid time off to campaign
<p style="text-align: center;">Do Be Neutral & Objective</p> <div style="text-align: center;">  </div>	<p style="text-align: center;">Don't Favor or Slight</p> <div style="text-align: center;">  </div>

The “do’s and don’ts” listed above apply to the organization; individual staff members, board members, and other members of the nonprofit still enjoy their full First Amendment rights to engage in electioneering activities in their capacities as individual citizens when not on the job or representing the nonprofit.

Two Common Intersection Points:

- Staff or board members, wearing their hats as individuals, are asked to endorse a candidate. When doing so, they should put next to their organization’s name, “Name listed for identification purposes only.”
- Board and staff members need to be reminded about the restrictions. For instance, board members cannot urge other board members at a board meeting to “vote for Joe because he’s been our good friend,” and staff members should not wear candidate campaign buttons when performing their jobs for the nonprofit.