

KEEPING IT NONPARTISAN: CIVIC ENGAGEMENT

For organizations with nonprofit 501(c)(3) status, it is critical that you remain nonpartisan in all aspects of your voter engagement campaign. There is a great deal that nonprofits may do legally to participate in the electoral process. Here is a basic guide to general rules. However, laws may vary by state and circumstance. *When in doubt, always consult a lawyer.*

Partisan political activity involves explicit support for candidates and political parties. For example, individuals or certain groups may use their time or resources to support the Republican Party, the Democratic Party, or any other party. Or they may use their time and resources to support Candidate X or Candidate Y in the upcoming election. Individuals and certain groups have the right to support or oppose any candidate or party and to engage in all kinds of partisan activity.

Nonpartisan activity is different. By definition, nonpartisan activity does not support or oppose specific candidates or political parties. Instead it engages people in the electoral process itself, without regard to parties or candidates. It encourages democratic participation by enlarging the electorate, informing people of their rights and responsibilities, and educating on issues of concern to various constituencies.

Nonprofit 501(c)(3) organizations are restricted to nonpartisan political activity due to their tax status. Despite some restrictions, they are learning that it is possible to be political without being partisan. In doing so, they are contributing to a renewal of our democracy.

General Rules for 501(c)(3) Organizations in Election Season

Remain nonpartisan

Nonprofit 501(c)(3) organizations must remain nonpartisan. Never endorse or express a preference for any candidate or political party in an election. Even messages that don't mention a candidate or don't explicitly support or oppose a candidate might be too partisan if the language implicitly suggests support or opposition.

Speak broadly about issues

Nonprofit 501(c)(3) organizations must talk about issues in ways that don't appear to favor one candidate over another. Raising important issues in the context of their electoral work is a powerful tool for nonprofits working to mobilize voters, but nonprofit 501(c)(3)s need to be careful. Mention several issues, not just one or two. You don't want to look as if you're selectively choosing issues to favor one candidate over another. It's OK to remind voters that health care is a critical issue in the election, but a nonprofit 501(c)(3) should not promote a particular candidate's plan to address the issue.

Permissible Election Activities Checklist

Nonprofit 501(c)(3) public charity organizations are strictly forbidden from engaging in any political activity in support of or in opposition to any candidate for public office. The IRS will consider all of the facts and circumstances surrounding an activity to determine whether the activity violates this prohibition. However, 501(c)(3) public charity organizations can engage in nonpartisan voter education activity and in a limited amount of lobbying.

501(c)(3) s MAY:

- Engage in limited lobbying, including work on ballot measures.
- Conduct nonpartisan public education and training sessions about participation in the political process
- Educate all of the candidates on public interest issues
- Publish legislative scorecards (with certain restrictions)
- Prepare candidate questionnaires and create voter guides (with certain restrictions)
- Canvass the public on issues
- Sponsor candidate debates (with certain restrictions)
- Rent at fair market value mailing lists and facilities to other organizations, legislators, and candidates (with certain restrictions)
- Conduct nonpartisan Get-Out-The-Vote and voter registration drives
- Establish a controlled 501(c)(4) organization
- Work with all political parties to get its positions included on the party's platform (with certain restrictions)

501(c)(3) s MAY NOT:

- Endorse candidates for public office
- Make any campaign contributions
- Make expenditures on behalf of candidates
- Restrict rental of their mailing lists and facilities to certain candidates
- Ask candidates to sign pledges on any issue (tacit endorsement)
- Increase the volume or amount of incumbent criticism as election time approaches
- Publish or communicate anything that explicitly or implicitly favors or opposes a candidate.

Thank you to the Wellstone Action Fund for the use of these materials from "Nonpartisan Voter Engagement Manual" available at www.wellstoneaction.org. The list above is from the Alliance for Justice