



ELECTION CHECK LIST

You may have decided to participate in the election process. Here is a practical checklist you can use, to help you stay in compliance with the federal laws governing the activities of 501(c)(3) organizations during an election:

If you want to participate in the election process—***Your best bet is to do it in your personal capacity—don't involve your organization at all. Keep the line between your work and your personal political activities clear.***

- **Keep timesheets or logs about your political activities. If you engage in political work,**
 - Do so before or after work hours or on the weekends or during your lunch hour
 - Take leave time (paid or unpaid) when you are engaged in political activities during traditional working hours
 - Document your political activities by noting clearly in your calendar or PDA when you begin and end political activities; make sure that time spent on the election during working hours matches the leave time or lunch time you have taken

- **Don't use workplace equipment, technology or resources to do campaign work.**
 - Don't photocopy or fax flyers or other materials at work, even after hours— even if you are bringing in your own copy paper and ink. The machine itself is paid for by the funding that supports the organization, as is the space it is housed in.
 - Don't make calls for or about any election campaign at work. If you have a cell phone, Blackberry, pager, or any other communications device paid for by work, you should not use it to make calls associated with campaign work— even if you use that device to make other kinds of personal calls. Use your personal cell phone or your home phone. Ditto for texting.
 - Use your personal email account. If you only have a work account, open up a gmail, yahoo or other free email account and use that for communications about political activities.

- Don't mix things up. It's very easy to start a work email and end up making a personal comment about the election or a candidate at the end of the message. It's equally easy to make a quick joke or comment about the election in the middle of a meeting. Think before you speak, especially in public settings where you feel like “we're all among friends...”

- You can participate in a political activity, like making a speech or introducing a candidate. You can be introduced by or reference your title, for the purposes of identification, but if you do that, you must immediately offer the following disclaimer:
“That's my work title, but please note that I am here in my personal capacity today. My
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organization does not endorse any candidate nor does it take a position about the candidate's or party's platform.”

- There's often a fine line between professional moments and campaign activities. For example, if you want to invite Senator Biden or Senator McCain to a domestic violence awareness month event in their respective capacities as legislators who have done a lot of work to end domestic violence, do so, but extend the same invitation to both camps. If one accepts and the other doesn't, publicly note that you invited both but one was unfortunately unable to come.
- Share existing materials about sexual assault with both campaigns. You are allowed to provide education, but to be on the safe side, offer the same materials to both sides. You can answer questions they ask that are purely informational. For example, a campaign may call and ask how many VAWA-funded programs there are in a particular city. You can provide the answer, but be sure to include the disclaimer: “This information is provided only for educational purposes. It is not the intent of the correspondent or the [name of organization] to endorse any candidate or party's platform in providing this information.”
- If a candidate's campaign staff call you to ask for the names, phone numbers, or emails of folks who might be interested in supporting the campaign in some way, tell them you cannot provide such information at work or with work resources. You can contact them after hours to share such information, using personal communications devices and accounts. When providing such names, be kind to your friends and colleagues and ask their permission first—and ask them for personal contact information to share with the campaign. You don't want to put them in the position of violating federal law because you used their work emails or phone numbers.

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TIP SHEET AND FREQUENTLY ASKED QUESTIONS

Prohibition on Political Campaign Intervention Activities

501(c)(3) organizations are prohibited from explicitly or implicitly supporting or opposing any candidate for public office, coordinating messaging with candidates, or appearing to favor/oppose one candidate over another. Furthermore, no organizational resources, including personnel, equipment may be used for partisan election purposes. However, the prohibition on political campaign activity applies only to tax-exempt charitable organizations, not to the activities of individuals in their private capacity.

The IRS will consider all of the facts and circumstances surrounding an activity to determine whether an activity violates this prohibition. Motivation of a 501(c)(3) organization is irrelevant in determining whether activities are prohibited campaign intervention. Some of the facts and circumstances include: proximity to the election; reference to the election; identifying the candidates' positions on a policy issue; whether the policy issue raised distinguishes the candidates; whether the activity benefits or detracts a candidate; and the organization's advocacy history on the policy issue, among others.

In general, 501(c)(3)s MAY:

- Engage in limited lobbying, including work to support or oppose ballot measures;
- Conduct nonpartisan public education and training sessions about participation in the political process;
- Educate all candidates on public interest issues;
- Educate the public about the candidates' views on a broad range of issues (through candidate questionnaires or candidate debates);
- Share research already gathered on a particular issue as long as it is offered to all candidates and parties;
- Rent, at fair market value, mailing lists and facilities to other organizations, legislators, and candidates if it is part of an on-going activity, available to all candidates in the same election on an equal basis, available to the general public, and not arranged only for a particular candidate or party;
- Conduct nonpartisan Get-Out-The-Vote and voter registration drives;
- Establish a controlled 501(c)(4) or 527 organization;
- Work with all political parties to get policy positions included on the party's platform; Attend political party conventions to raise awareness of issues important to the organization.
- Engage in unlimited campaign activities during personal time, as long as the organization member provides a disclaimer that any title or affiliation with the organization is provided for identification purposes only and the comments are not intended to represent the views of the organization;

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- Distribute voter guides that are unbiased and do not show a preference for or against a candidate or party.

In general, 501(c)(3)s MAY NOT:

- Endorse candidates for public office;
- Make any campaign contributions (whether monetary or in-kind) on behalf of the organization or using organization funds;
- Make expenditures on behalf of candidates;
- Restrict rental of their mailing lists and facilities to certain candidates or engage in such business transactions for the first time with candidates;
- Ask candidates to sign pledges on any issue (for instance, ask candidates if they promise to support VAWA reauthorization if elected);
- 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;
- Use office company-issued computers, telephones, blackberries, etc. to participate in campaign engagement, campaign intervention and candidate endorsement activities.

Coalition staff or volunteers attending political campaign events on behalf of a 501(c)(3) organization MAY NOT:

- Explicitly or implicitly endorse any candidate or political party. Nothing should be said, done, or implied that suggests support for or opposition to a candidate or political party; Make any direct or indirect campaign or party contributions;
- Conduct new research on their issue and provide it to a particular candidate or party or use any of its resources to pay for or participate in a partisan event;
- Comment positively or negatively on the character or qualifications of a candidate running for office;
- Wear political buttons or t-shirts while representing a 501(c)(3) organization;
- Put political signs, bumper stickers or political buttons up at the organization's event or display area;
- Make any statement or hand out literature supportive of (or opposed to) a candidate or party at a 501(c)(3)- sponsored event;
- Allow the distribution of any partisan political material at a 501(c)(3) event (including candidate and party materials, or partisan materials from 501(c)(4), 501(c)(5), 501(c)(6) organizations or PACs);
- Ask event attendees to support candidates that are good on its issues (or the converse); Ask candidates to pledge support for particular issues or proposals if elected.

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Frequently Asked Questions

Q: Can I invite a candidate to tour my shelter or attend an event at my Coalition or rape crisis center?

A: Yes, in most instances candidates can attend non-profit functions in their capacity as a candidate, sitting elected official or as an individual. If a candidate who is also a public official wishes to attend an event sponsored by your Coalition in their capacity as an individual or a sitting public official, the event must be nonpartisan and the Coalition must inform the audience that the person is not acting as an official candidate or discussing his/her candidacy. However, if you decide to invite candidates in their capacity as a candidate, the Coalition must provide an equal opportunity to participate, not necessarily at the same time, to all political candidates seeking the same office. Regardless of which capacity a candidate is attending your function, the Coalition cannot engage in any political campaign intervention activities including: (1) indicate any support for or opposition to the candidate (including candidate introductions and communications concerning the candidate's attendance); and (2) engage in any fundraising activities.

Q: What if the Obama-Biden campaign reaches out to my Coalition requesting background material on violence against women, should I provide the same material to the McCain-Palin campaign if they did not request it?

A: Yes, you should share public, preexisting information that the organization/coalition is known to handle with both the requesting candidate as well as other candidates seeking the same office. Organizations/coalitions are responsible for placing a written disclaimer on materials indicating that they are a nonpartisan organization that does not support or oppose any candidate running for public office.

Q: What if a candidate asks me to participate in a focus group or public endorsement event because of my leadership role at my Coalition, am I able to participate?

A: Yes, if acting on personal time and not in official capacity on behalf of the Coalition. Coalition leaders, staff, and volunteers must provide a disclaimer that any title or affiliation with the organization is provided for identification purposes only and such comments are not intended to represent the views of the organization. The political campaign intervention prohibition is not intended to restrict free expression on political matters by leaders of organizations speaking for themselves, as individuals. Nor are leaders prohibited from speaking about important issues of public policy. However, for your organization to remain tax exempt under section 501(c)(3), leaders cannot make partisan comments during organization business, in official organization publications or at official functions of the organization. Please use personal time and personal equipment such as cell phones, computers and email when communicating with candidates, campaigns or political parties/committees.

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Q: How can Coalitions keep their issues in the minds of candidates and voters?

A: Coalitions may engage in nonpartisan, issue oriented activities designed to educate the candidates and the general public on issues important to the organization.¹ They may not suggest support for or opposition to any candidate or party. A Coalition may conduct an educational event around violence against women related policy. The event must be nonpartisan and the coalition must invite all candidates to attend, not necessarily at the same time, but must be given similar roles for participation.

Q: As CEO of my Coalition, am I permitted to tell my staff, board members and volunteers during a staff meeting who they should vote for?

A: No, because that would constitute political campaign intervention.

Q: Do these rules apply to all Coalition staff, board members and volunteers?

A: Yes, when acting on company time. The prohibition on partisan political campaign activity does not apply to the activities of employees, board members and volunteers acting in their individual capacity or during personal time. Staff, board members and volunteers may work on political campaigns outside work hours, or use their available leave time and personal email, cell phones or blackberries. Moreover, 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.

If you have further questions or concerns, please contact Diane Moyer at (717) 728-9740 or your coalition's legal counsel.

¹ In addition to complying with federal tax law, organizations must comply with new House and Senate ethics rules that limit the circumstances in which Members of Congress may participate in certain events sponsored by organizations registered as federal lobbying organizations and/or lobbyists whom they employ during national party conventions. It is recommended that organizations who may be governed by these rules review any relevant guidance before proceeding with their activity.

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