

Election 2014 – Key Reminders for Nonprofits¹



Mission advocacy is strongly encouraged. - Advocacy of a nonprofit's mission is encouraged. Advocacy is as simple as telling the story of the organization. Advocacy also includes supporting or opposing specific rules, public policies or funding to advance the mission. During an election year, nonprofits must be cautious to avoid even the appearance of partisan activities, while continuing normal advocacy activities.

Supporting/opposing a candidate or party is strictly forbidden. – Nonprofits are PROHIBITED from using any organizational resources (money, in-kind, time, reputation) to support or oppose a candidate or party in any way. Advocacy for a nonprofit organization's mission is allowable. Advocacy for or against a candidate or party is not permitted.

"Activities which constitute participation or intervention in a political campaign on behalf of or in opposition to a candidate include, **but are not limited to**, the *publication or distribution of written or printed statements* or the *making of oral statements* on behalf of or in opposition to such a candidate."²



 Do's³	 Don'ts
<p>Do → Voter Registration ... if nonpartisan</p> <ul style="list-style-type: none"> ✓ Cannot be biased for or against any candidate (e.g., can't target likely Democrats or Republicans, conservatives or liberals) ✓ But can target in nonpartisan ways: including areas or people the nonprofit serves or low-turnout areas (including low-income populations, minority populations, students) <p>Do → Voter Education ... if nonpartisan</p> <ul style="list-style-type: none"> ✓ Can educate the public about issues, and even the issues of importance to the nonprofit ✓ Can conduct <i>nonpartisan</i> candidate debates ✓ Can publish results of <i>nonpartisan</i> candidate questionnaires <p>Do → Voter Participation ... if nonpartisan</p> <ul style="list-style-type: none"> ✓ Get-out-the-vote drives, information about polling locations, importance of voting, etc. <p>Do → normal activities</p> <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) <p>Do → seek legal advice if you have questions</p> <ul style="list-style-type: none"> ✓ Consult an attorney <i>with nonprofit expertise</i> 	<p>Don't → endorse (or favor) a candidate or political party</p> <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 <p>Don't → oppose (or slight) a candidate or political party</p> <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 <p>Don't → use nonprofit resources (money, time, facilities, contact lists, coordination of activities, etc.) for/against any candidates</p> <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

Chart above is adapted from *Election Year Do's and Don'ts* by [Center for Lobbying in the Public Interest](#) and materials from [Nonprofit Vote](#)

¹ For this purpose, we use the term nonprofits to mean nonprofit charities organized under 501(c)(3) of the IRS Code. There are 28 categories of tax-exempt organizations with the IRS and other types of legal structures. Refer to [IRS Publication 557](#).

² See [Internal Revenue Bulletin 2007-25, Revenue Rule 2007-41, issued June 18, 2007](#).

³ Note that some funding sources may impose [restrictions or requirements on nonprofit voter engagement](#) activities. Examples: use of Head Start, CSBG or Americorps funds is not permitted; voter registration is required for offices such as WIC, SNAP and Medicaid and others that sign up for eligibility programs. Nonprofits should review contracts for funder-imposed restrictions on otherwise legal and permissible activities. *This informal guide is provided as a service from Indiana Association of United Ways and is not provided as legal or tax advice. FMI: contact Lucinda.nord@iauw.org. For detailed questions, please consult an attorney with expertise in nonprofit issues.*

Candidate Education

Educate candidate about issues in your community. This may include a tour of facility or a briefing about an issue. Remember to provide (and document) invitations to all candidates in a race. You may not show favoritism.

Candidate Forums

The League of Women Voters often sponsors candidate forums or debates in communities. We encourage staff and volunteers of nonprofit organizations to attend these important sessions and if possible, to submit or ask questions, with a few suggested samples below.

- What is your vision for Indiana/NAME County?
- Please share your position on _____ issue.
- If elected, would you support funding for ____ in the (state/county) budget?
- Nonprofit question
 - What roles do you see for nonprofits, business and government to improve communities?
 - Federal races: We believe that communities thrive best when business, government and charity sectors are strong. We are especially concerned about maintaining policies that are foundational to the charitable sector—including charitable giving incentives such as the charitable deduction, tax exemption and volunteer incentives. What policies would you support to help nonprofit charities, particularly human service providers?
 - Statehouse races: A strong charitable sector relies on key state policies such as charitable giving incentives (i.e. NAP tax credits), property and sales tax exemption and fair compensation in state contracting. How would you support these policies?
- Human Services
 - Indiana's poverty rate has increased in spite of the economic recovery. What policies would you support to help individuals and families achieve financial stability and reach their potential?
 - What state policies should be maintained to support education and what policies would you change to improve education and economic development opportunities for all?

Nonprofits and Referenda in Indiana

Several Indiana jurisdictions have placed a referendum on the May or November ballots. Most [referenda in Indiana](#) relate to imposition of additional property tax to support a specific funding initiative, most often related to education but also jails. In May 2014, 9 of 10 school referenda passed in Indiana. However, over the last 6 years only 51% have passed overall. View *IU Center for Evaluation and Education Policy's* [studies on school referenda in Indiana](#). For the November 2014 ballot, only two will be included: [Bartholomew](#) and [East Noble](#) school districts.

Indiana's nonprofit are permitted to support or oppose referenda; however, *organizational resources must be tracked and reported*. Considerations when advocating as a nonprofit organization:

- Mission alignment – Does the issue directly align with the mission, values and priorities?
- Role – What role should the nonprofit play? Educating clients, donors or volunteers about the issue? Mobilizing grassroots efforts for action?
- Resources – Are you spending nonprofit resources to advocate? Staff time is a reportable expense.
- Impact – What difference will your organization's involvement make? Do potential rewards outweigh the risks?

Rules for advocating for a referendum (See IC 6-1.1-20-10.1⁴)

- School employees may NOT discuss the public question during their business hours, at a parent conference, with students or other employees. They cannot send information home with students regarding the referendum.
- School officials (school board, superintendent, business official) are allowed to discuss/advocate for a position as long as they are not using public funds or discussing with students.
- Nonprofits may support/oppose a referendum and may contribute money and staff time. If using nonprofit resources for advocacy, time and expenditures should be tracked and reported.

⁴ View the Indiana Code: <http://www.in.gov/legislative/ic/code/title6/ar1.1/ch20.html>