



Election Dos and Don'ts for Public Charities

Although 501(c)(3) public charity organizations are prohibited from engaging in any partisan political activities, there are a wide range of ways in which nonprofit organizations may participate in the elections process. Organizations may help citizens register to vote, inform candidates for office about the important work of the sector, ask candidates to fill out questionnaires about issues, and convene a candidate forum, just to name a few. However, 501(c)(3)s must also be aware of their obligations under federal and state election law.

Things you CAN do as a 501(c)(3) public charity:

- ✓ Continue your normal lobbying on issues;
- ✓ Work on behalf of a nonpartisan ballot measure;
- ✓ Conduct nonpartisan get-out-the-vote drives and voter registration efforts;
- ✓ Conduct nonpartisan public education and information sessions about participation in the political process;
- ✓ Make presentations on your organization's issue to platform committees, campaign staff, candidates, media, and the general public;
- ✓ Conduct or participate in a nonpartisan candidate forum;
- ✓ Rent mailing lists and facilities to candidates at fair market value, if made available to all candidates;
- ✓ Take advantage of the increased attention that policy issues enjoy during an election period to focus public attention on your organization's issues and agenda so long as these efforts are focused on promoting the your organization's viewpoint on the issues, not on promoting the candidates who agree with its view;
- ✓ Prepare and circulate candidate questionnaires and create voter guides if they cover a broad range of issues, the questions are unbiased, and the results are distributed only to your organization's membership. Note that strict rules apply here;
- ✓ Publish legislative scorecards for your membership that are part of your continuing lobbying if the scorecards list the votes of all legislators (not just candidates) on issues of interest to your organization. Note that strict rules apply here;
- ✓ Encourage your staff to participate as individuals in political campaigns on their own time and not as representatives of the organization.

Things you CANNOT do as a 501(c)(3) public charity:

- ✗ Endorse or oppose a candidate;
- ✗ Coordinate activities with a candidate;
- ✗ Contribute money, time, or facilities to a candidate;
- ✗ Set up, fund, or manage a 527 / Political Action Committee(PAC);
- ✗ Evaluate candidate positions (except in certain circumstances where the evaluation pertains to a candidate's position on pending legislation that is the subject of lobbying by the organization);
- ✗ Restrict the rental of your mailing lists or facilities to specific candidates, or political parties.

This document provides general guidance only and should not be relied upon as legal advice.