

Nonprofit Guide to Nonpartisanship



Introduction

Things can get heated when elections start getting close. Opinions are everywhere. These include endorsements of candidates for office and denouncing candidates for office.

A 501(c)(3) nonprofit does not have to pay income taxes under an Internal Revenue Service (IRS) rule. These nonprofits can also get donations from people. People can subtract these donations from their taxes. The rules for being a 501(c)(3) are complex. There are limitations placed on 501(c)(3) nonprofits.

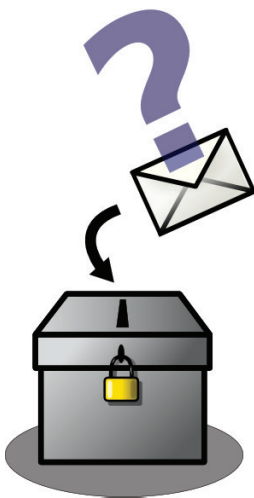
During an election year

Elections and voting are important to a 501(c)(3) tax-exempt nonprofit.

Why? Because it is illegal for 501(c)(3) tax-exempt nonprofits to be **partisan**.

An example of being partisan would be encouraging people to vote or not vote for a political candidate. This is a guide on remaining nonpartisan. It will cover:

- ***What Does It Mean to be Nonpartisan?***
 - The Basics
 - What Are Some Things That Would Count as Partisan?
 - Speaking/Posting Personally vs. Speaking/Posting as the Nonprofit
- ***Things Nonprofits Can Do That Still Involve Voting***
- ***More Resources***
 - On Being Nonpartisan
 - Voting Resources



What Does It Mean to be Nonpartisan?

The Basics

Being nonpartisan means a lot of things. It means that the nonprofit cannot endorse political candidates. It also means that the nonprofit cannot oppose candidates for office. The nonprofit shouldn't post things that endorse or oppose candidates for office. Nonprofits also cannot take part in candidates' political campaigns for office.

Think hard about whether something is partisan before posting as the organization. Many people watch nonprofits. They will report the nonprofit to the IRS if they think the nonprofit has been partisan. This could result, in certain cases, the nonprofit losing its 501(c)(3) status.

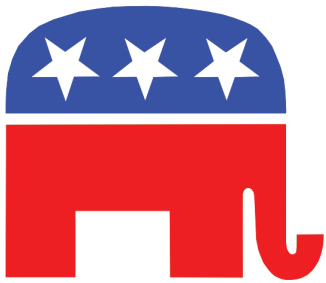
What Are Some Things That Would Count as Partisan?

Actions that the IRS considers partisan are not allowed by nonprofits. Some things that are not allowed for nonprofits during an election year include:

- Inviting only one political candidate for office to make a speech at an event that the nonprofit puts on. To be nonpartisan, the chapter would need to invite all candidates. The candidates should not make campaign speeches. Inviting politicians who aren't running for office is generally okay.
- Fundraising for a candidate at a chapter event or as the chapter.



- Any statements by the nonprofit president, in their official position as president, that support or oppose a candidate for office.



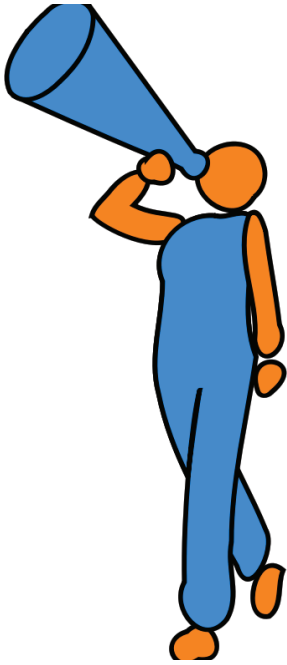
- An example would be if a nonprofit leader, being interviewed about an issue affecting disabled people, while representing the nonprofit, said they support a candidate for office. Even if they said it was because the candidate will be good for disabled people, that would break this rule.

- Supporting or opposing a candidate for office on the nonprofit's website or social media. This does not mean that certain parts of a candidate's platform relating to disability cannot be analyzed. The safest way to do this is to avoid linking it to a candidate.



- For example, "we support ending sub-minimum wage," but not "we support this candidate's proposal to end sub-minimum wage."
- Inviting different candidates to different events in such a way that makes it clear who the nonprofit favors.
 - For example, inviting one candidate to a big event and one candidate to a small event.
- Inviting many candidates to speak at an event, but arranging the speaking part of it in such a way that it is clear who the nonprofit favors.
 - For example, having one candidate just speaking on a panel, and having another candidate present a "keynote" speech.

- Doing a “get out the vote” campaign and only following up with those who like a certain candidate or are registered with a certain party.
- In some cases, it is okay to publish things like a voter guide that explains candidates’ stances on issues. But, you will have to follow complicated rules.



Speaking/Posting Personally vs. Speaking/Posting as the Nonprofit

All nonprofit staff members have the right to express personal opinions

- in their personal time (i.e. not at chapter events, meetings, or during interviews representing the chapter)
- on their personal social media
- in personal communications with other people

This is as long as the post or communication is **not** prefaced with something like “as the president of *[Name of Nonprofit]*”. That would mean they were no longer speaking with their personal opinion.

Things Nonprofits Can Do That Still Involve Voting

- Voter registration activities.
- Educate people on the voting process.
- Encourage people to vote without endorsing or opposing candidates for office.
- Fight for accessible voting locations.

- Make or provide resources on voting for disabled people that don't endorse or oppose candidates for office.
- Continue to work on political issues affecting disabled people, including announcing organization support for specific policies or proposed legislation.



- If it becomes a central issue for debate between candidates, proceed with caution.
 - You also should not work on issues timed to influence people to vote for a certain candidate.
- Make statements about a person holding public office or invite that person to speak at an event, when that person is either:
 - Not running for election or re-election this year, or
 - The statement or invitation is completely unrelated to their re-election campaign and no mention is made of their candidacy. This can be complicated.
- Ask people to contact their political representatives and ask them to support specific policies or proposed legislation.
- Create candidate questionnaires and send them to all the candidates in question, then publish the responses *word for word*.
 - Publishing summaries or excerpts of the responses, or otherwise rephrasing the responses, could cause issues.
 - There are some complicated rules to follow here.

More Resources

On Being Nonpartisan

- Nonprofit Vote’s resource guides (they also have webinars, but uncaptioned): <http://www.nonprofitvote.org/staying-nonpartisan-2/>
- Nonprofit Vote’s resource on social media: <http://www.nonprofitvote.org/documents/2016/04/using-social-media.pdf>
- IRS Guide on avoiding political campaigning: <https://www.irs.gov/PUP/charities/charitable/Avoid%20Political%20Campaign%20Intervention.pdf>

Voting Resources

- AAPD’s REV UP Toolkits: <http://www.aapd.com/our-focus/voting/rev-up-images-and-toolkits/>
- Rooted in Rights’ Disability Vote page: <http://www.rootedinrights.org/disabilityvote/>
- SABE’s VOTE Project Toolkit: <http://www.sabeusa.org/govoter/vote-toolkit/>
- Voting information for your state: <http://www.vote411.org/>
- Bazelon Center’s page on voting rights: <http://www.bazelon.org/Where-We-Stand/Self-Determination/Voting.aspx>
- The Arc’s Know Your Voting Rights resources: <http://www.thearc.org/what-we-do/resources/toolkits/vote?erid=8299318&trid=1c8af310-654c-4d9f-a17f-5c228eed6b9b>