

Guidelines for 501(c)(3)'s

by James Bopp, Jr., General Counsel for National Right to Life Committee

These guidelines talk about churches so they are good to share with your pastor if he has questions. But understand they also apply to 501(c)(3) groups such as Lutherans For Life and our state federations and chapters.

DISCUSS CANDIDATES' POSITIONS

Pastors and churches are free to discuss the positions of candidates on issues—including criticizing or praising them for their positions. This is called "issue advocacy."

ENDORSE POLITICAL CANDIDATES

Pastors may personally endorse candidates for political office but may not endorse candidates on behalf of the church. A pastor's personal endorsement may be made from the pulpit if it is clear that it is his personal view and not that of the church. A pastor may allow his name to be used as a candidate's supporter in the candidate's own political advertisements. In this connection, the pastor may be identified as pastor of a particular church. Endorsement of a candidate includes any statement, which uses explicit words to expressly advocate the election or defeat of a clearly identified candidate, such as "elect," "support," "defeat," or "oppose." This is called "express advocacy." A church may not engage in express advocacy, but a pastor, in his individual capacity, may.

APPEARANCE OF POLITICAL CANDIDATES

Candidates may appear at church meetings, services, or functions with the following limitations:

1. Any other candidate for the office, or any other political party having a candidate for the office, who requests to appear must be given the same opportunity.
2. A representative of the group may not solicit funds for or endorsement of the candidate.

Churches may allow political candidates to use church facilities on the same basis they allow other organizations to do so. If churches charge other organizations, they must charge political candidates the same amount.

CANDIDATE SURVEYS

Churches may publish or distribute the results of non-partisan surveys of candidates on public issues with the following conditions:

1. The survey should not expressly advocate the election or defeat of a candidate.
2. The survey cannot indicate the desired response, using "+" and "-" or "pro-life" and "anti-life" to indicate the candidate's responds to the question. There can be a discussion of the issues involved including the group's position on it.

3. The survey may not include any words indicating either endorsement of or support for any of the candidates or indicate that the reader should "vote pro-life." Advocacy of one issue voting should be reserved for other editions of the newsletter when the survey is not published.
4. The survey should not be published under the direct or indirect control of any candidate.

VOTING RECORDS

Voting records may indicate the organization's view on the issues presented but should not expressly advocate the election or defeat of any specific public officials involved.

NONPARTISAN VOTER EDUCATION AND REGISTRATION

Churches may participate in voter education such as discussing how to run for public office or party delegate, how to register, where to vote, helping or assisting people to register, and organizing "get out the vote" drives. All such activity must be nonpartisan.

RENTAL OF MAILING LIST

Lists of church members or supporters may be provided to candidates on the same basis that such lists are made available to other individuals and organizations. If a charge is normally made for such a list, the candidate should pay that same amount. No favoritism should be shown among candidates in providing a list of members.

POLITICAL ADS

Churches may publish a candidate's ad in its newsletter or bulletin. Discounts can only be given if they are applied to candidates and regular advertisers.

Newsletter/bulletins may be selective in printing ads; for instance, ads only from pro-life candidates may be accepted.

NEWS STORIES

Church bulletins and newsletters may publish news stories on political candidates, political campaigns, and endorsements of political candidates by PACs without limitation. Churches may not publish editorials or commentaries endorsing or supporting candidates as this would be considered to be an endorsement by the church.