

Campaign Engagement Rules: What Social Entrepreneurs Can and Can't Do During Election Season

During an election season, candidates for public office are among our most high-profile public figures. In addition to hosting candidate debates, preparing nonpartisan voter guides, and encouraging people to vote, nonprofit organizations (called 501(c)(3) organizations in this document) may be interested in influencing candidates' policy platforms, encouraging them to raise awareness of an issue, or educating them on how policy decisions impact local communities. 501(c)(3)s may even receive requests from candidates to meet with them to learn about the group's work and to better understand the needs of their constituents. While 501(c)(3)s are prohibited from supporting or opposing a candidate or political party, there is much they CAN do to promote their policy priorities even during an election year.

Below are some FAQs about what nonprofits can and can't do during an election cycle. All of these responses come with an asterisk, however. There are few clear "yes" or "no" answers for determining what is (c)(3) permissible, as the IRS uses a "facts and circumstances" test to determine if an organization has supported or opposed a candidate. In addition, the rules vary depending on whether the organization is mentioning a candidate's name or inviting a candidate to an event because she IS a candidate, or for some other reason (such as the person is an incumbent Senator or has special expertise in the organization's area of interest). You are not alone in navigating these issues, however. You can call or email Alliance for Justice's Bolder Advocacy program with questions (202-822-6070 / advocacy@afj.org) or find more information in [The Rules of the Game](#).

Q: Can I invite a candidate or her/his staff to learn more about an issue with my organization? Can I join a meeting that another organization has convened with a candidate and share information about my organization?

A: Yes. However, if your organization extends a meeting invitation to one candidate, it should also be extended to all other candidates in the race. It need not be for the same meeting, but a similar meeting. The same rules apply if you are joining a meeting that another 501(c)(3) organization hosts with a candidate. During the meeting, you can educate the candidate on your issues, but cannot create new resources or conduct new research at a candidate's request (essentially—you cannot be a candidate's advisor). In addition, Federal, state, or local election laws may impose additional rules and restrictions on meetings with candidates that are open to members of the public. For more information, see [Nonpartisan Candidate Education: How 501\(c\)\(3\)s Can Talk to Candidates During an Election Year](#).

Q: Can I provide a book or briefing memo to a candidate or candidate staff?

A: Yes. You can provide a briefing memo or book to candidates. These materials should be provided, or made available, to all candidates in a race, and efforts should be made to ensure that the candidates receive the same (or equivalent) information. You can email the same information to all campaigns, or you could post the materials on your website and direct all candidates to that resource.

Q: Can we ask candidates to take a position on our key issue?

A: Organizations can **encourage** all candidates to take a certain position on policy issues. If the candidates are incumbents, your communications could be considered reportable lobbying under IRS, federal, state, or local lobbying disclosure rules. However, you cannot ask candidates to *pledge* to support the organization's position on an issue if elected, or to *pledge* to take specified actions during the campaign or when in office. To the IRS this would indicate the organization favors candidates who agree to make the pledge and opposes those who refuse. While you can encourage candidates to take a position on issues, 501(c)(3)s cannot highlight how the candidates respond or compare their positions.

Q: Can I invite a candidate to do a site visit?

A. Yes. You can invite a candidate to do a site visit, but you must treat all candidates in the race the same and make this opportunity available to all candidates. You also need to be careful about not creating the appearance of supporting or opposing a candidate, and should be cautious about allowing its name or images from a candidate visit to be used by the candidate's campaign.

Q. What about inviting candidates to my organization's townhall meetings or other events?

A. Yes, but the rules will depend on why you are inviting a candidate. Are you inviting them because they are a candidate, or for a reason unrelated to their candidacy?

Generally speaking, if the (c)(3) is inviting a candidate to attend an event for a reason unrelated to their candidacy, then it need not invite all candidates. But the (c)(3) must act in a nonpartisan manner, from everything from the invitation, introduction, and event itself. For example, a (c)(3) might wish to honor an elected official (who also happens to be a candidate) for their work on issues that matter to the organization. The (c)(3) should have a documented, charitable reason, unrelated to the election, to conduct such an activity.

But if the (c)(3) is hosting an event or activity with the purpose to educate voters on where the candidates stand on the issue, they must give all opposing candidates an equal opportunity to participate, either at the same event or a comparable one. And, do not allow any candidate fundraising at the event. For more information about hosting candidates, see [Hosting Candidates at Charitable Events](#).

Q: Can I mention a candidate in an OpEd?

It depends. 501(c)(3) organizations that want to comment on candidate statements need to be careful. The IRS has provided little guidance on how to handle such communications. A 501(c)(3) should have a good reason to speak up in these situations—like correcting a factual error—and the subject should be one that is important to the organization. For example, imagine that a candidate makes the following statement: “Cigarettes are neither addictive nor unhealthy.” A 501(c)(3) health organization that is working on a campaign to prohibit smoking in bars and restaurants may want to correct this statement. The 501(c)(3) should determine who will speak for the 501(c)(3) and think through how to phrase its response—both what to say and what to avoid saying. On the other hand, 501(c)(3) organizations may simply state facts about candidates. For example, a 501(c)(3) could state “four candidates for President support expanding national service, as they have said . . .” For more information, see [Commenting on Candidates and Campaigns](#)

Note that if you mention an incumbent who is also a candidate you might have a bit more latitude. 501(c)(3) public charities can criticize or praise the votes or official actions of incumbent legislators or executive branch officials. However, in the months preceding an election, the IRS may view positive or negative comments about an incumbent who is also a candidate as “intervention” in the campaign. For tips on how to avoid campaign intervention, see [Praising and Criticizing Incumbents](#).

Q. Can I support a candidate in my personal capacity? Can my organization support a candidate?

A. An employee of a nonprofit may support a candidate in their personal capacity without restriction, as long as you engage in political activity on your own time and do not use any of the organization’s resources to do so. A 501(c)(3) organization cannot support a candidate at all, whether it is a formal endorsement or even a suggestion of who the “best” candidate is. For more information on what you can do as an individual, see [Election Activities of Individuals Associated with 501\(c\)\(3\) Organizations](#).

Q: What if a candidate shows up at a townhall meeting or other event we are hosting?

A: Candidates for public office may attend public events sponsored by (c)(3)s following the same conditions as anyone else. However, the nonprofit should not provide preferential treatment such as free admission, promote the candidate’s attendance, retweet or repost the candidate’s photos, or in any way signal to the public to vote for the candidate that attended.

If a (c)(3) wants to invite a candidate to appear, then the (c)(3) must navigate carefully. The rules for hosting candidate appearances vary depending on the organization’s reason for inviting the candidate to speak. If the candidate is invited for a reason unrelated to the campaign, the nonprofit could promote the candidate’s appearance but should not reference that the individual

is a candidate for election. On the other hand, if she were invited as a candidate, then the (c)(3) must take steps to ensure that it indicates no support of or opposition to the candidate at the event. For more information, see our factsheet on candidate appearances.

Q: Can I attend a townhall or other event hosted by a candidate, on behalf of my organization?

A: No. As a representative of a (c)(3), you should not attend a candidate's campaign event. However, you can encourage others, such as your members, to ask candidates about their views on your issues whenever they see a candidate.

Q: What should I keep in mind as I engage in social media around elections topics this year?

A: The IRS generally treats online activities according to the same principles that guide treatment of an organization's other communications. If the organization can't say something in a press release, it shouldn't tweet it or post it Facebook. An organization cannot link to any content that it could not itself post. For instance, a (c)(3) organization could not link to another organization's website that lists candidate endorsements. See [Legal Tips for Using Social Media for Advocacy](#) for more information.

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