

Faith Leaders and Voter Engagement Bootcamp

Offered By:

The Faith Subcommittee of the Ohio Voter Rights Coalition:

All Voting is Local

Faith In Public Life

Heartland Conference of the United Church of Christ

League of Women Voters of Ohio

National Council of Jewish Women - Cleveland


Ohio Council of Churches

Ohio Religious Action Center of Reform Judaism

The Freedom BLOC

Unitarian Universalist Justice Ohio (UUJO)

Note: This presentation/training is not legal advice. For more more formal and official guidance, please contact legal counsel or the IRS.



Freedom is not a state; it is an act. It is not some enchanted garden perched high on a distant plateau where we can finally sit down and rest. Freedom is the continuous action we all must take, and each generation must do its part to create an even more fair, more just society.”

Rep. John Lewis

Introductions

Rev. Dan Clark - Ohio Director, Faith in Public Life, Newark

Ifeolu A.C. Claytor - Ohio Campaign Manager, All Voting is Local, Shaker Heights

Rev. Dr. Joan VanBecelaere - Retired Director, Unitarian Universalist Justice Ohio, Worthington

Rev. Dr. Amariah McIntosh - Associate Director, Ohio Council of Churches, Bowling Green

Disclaimer

Note: This presentation/training is not intended to be formal legal advice; nor should it be used in place of legal counsel. It is intended to clarify Internal Revenue Service guidelines as they relate to religious organizations in the hope that more congregations will (1) choose to become involved in working for justice; and (2) know when it is important to seek legal advice.

Purpose

- ▶ To provide guidance to faith leaders on how they can engage in voter registration and other civic efforts in a non-partisan way, protecting their safety where necessary, and maintaining the boundaries of their 501(c)3 statuses.
- ▶ To provide a chance to work through a few examples to facilitate understanding of the application of IRS regulations.

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Voting - The Environment

- ▶ Disinformation and Misinformation
- ▶ Intimidation and Big Lie Believers
- ▶ The Tension and Anxiety of COVID
- ▶ Lines and Delays at Polling Places and Post Offices
- ▶ White Christian Nationalism



**Why is Voter and Civic
Engagement so important for
faith leaders, as well as faith
communities, to engage in?**

What are the Hesitancies?

1. Losing c(3) Status
2. Safety Concerns
3. Election process confusion - polarization and alienation



ELECTION PROTECTION HOTLINES

Nonpartisan Voter Hotline: Provides nonpartisan information about registration status, polling location, and voter rights, and has an intake process for voter rights violations

- ▶ **1-866-OUR-VOTE (English)**
- ▶ **1-888-VE-Y-VOTA (Spanish)**
- ▶ **1-888-API-VOTE (Asian & Pacific languages)**
- ▶ **1-844-YALLA-US (Arabic language)**

Legal Do's and Don'ts for Faith Leaders and Faith Communities

Encouraging your members to vote is one of the most important ways you can contribute to public life.

Telling your members who to vote for or against is never allowed.

Legal Do's and Don'ts for Faith Leaders and Faith Communities

DO participate in non-partisan voter registration and identification (these activities CANNOT be affiliated with a political party.)

DO provide non-partisan voter education (CANNOT be affiliated with a political party.)

DO campaign for or against legislation (as a congregation and/or as an individual faith leader).

Legal Do's and Don'ts for Faith Leaders and Faith Communities

DO discuss candidates' positions on issues, but only in a manner that is purely informational. Be careful not to compare your opinion on the issue to the candidate's position.

DO allow candidates to make appearances at events if they appear in a private capacity and not as a candidate.

DO distribute candidate surveys and/or voting records of office holders but be careful to prepare these in compliance with IRS guidelines (visit [IRS.GOV](https://www.irs.gov) for more details).

Legal Do's and Don'ts for Faith Leaders and Faith Communities

- DO NOT support or oppose candidates on the congregation's behalf.
- DO NOT use congregation's funding to give financial contributions of any kind to candidates/office holders.
- DO NOT convey your personal opinions about candidates to the congregation when speaking as a faith leader. (Personal views and personal donations are at one's own discretion, as long as they are not attributed to the congregation.)

Legal Do's and Don'ts for Faith Leaders and Faith Communities

- DO NOT publish church editorials that are meant to support or oppose candidates.
- As a part of the congregation, DO NOT distribute candidate campaign literature; however the individual faith leader is allowed to do so in a personal capacity.

Legal Do's and Don'ts for Faith Leaders and Faith Communities

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Advocacy and Lobbying

Advocacy and Lobbying

- 1) General Issue Advocacy
- 2) Influencing Legislation (Lobbying)
 - a) Measuring Lobbying: the Substantial Part Test
 - b) Lobbying During Election Years
 - c) Nonpartisan Analysis

Political Campaign Activities

Political Campaign Activities

- 1) General Guidelines
- 2) Individual Activity by Religious Leaders

Example-Individual Activity

Minister B is the minister of Church K and is well known in the community. Three weeks before the election, he attends a press conference at Candidate V's campaign headquarters and states that Candidate V should be re-elected. Minister B doesn't say he is speaking on behalf of Church K. His endorsement is reported on the front page of the local newspaper and he is identified in the article as the minister of Church K.

Because Minister B didn't make the endorsement at an official church function, in an official church publication or otherwise use the church's assets, and did not state that he was speaking as a representative of Church K, his actions didn't constitute political campaign intervention by Church K.

Example- Individual Activity

Minister C is the minister of Church I. Church I publishes a monthly church newsletter that is distributed to all church members. In each issue, Minister C has a column titled “My Views.” The month before the election, Minister C states in the “My Views” column, “It is my personal opinion that Candidate U should be re-elected.” For that one issue, Minister C pays from his personal funds the portion of the cost of the newsletter attributable to the “My Views” column.

Even though he paid part of the cost of the newsletter, the newsletter is an official publication of the church. Because the endorsement appeared in an official publication of Church I, it constitutes political campaign intervention by Church I.

Issue Advocacy v Political Campaign Intervention

Issue Advocacy v. Political Campaign Intervention

1) General Guidelines

2) Inviting a Candidate to Speak

- a) Equal Opportunity to Participate
- b) Public Forum
- c) Speaking as a Non-Candidate

3) Voter Education, Registration & Get-Out-The-Vote-Drives

4) Business Activity

- a) Websites
- b) Other Internet Communications

Example - General

Church O prepares and finances a full-page newspaper ad that is published in several large circulation newspapers in State V shortly before an election in which Senator C is the incumbent candidate for nomination in a party primary. The advertisement states that a pending bill in the United States Senate would provide additional opportunities for State V residents to participate in faith-based programs by providing funding to such church-affiliated programs. The advertisement ends with the statement “**Call or write Senator C to tell him to vote for this bill, despite his opposition in the past.**” Funding for faith-based programs hasn’t been raised as an issue distinguishing Senator C from any opponent. The bill is scheduled for a vote before the election. The advertisement identifies Senator C’s position as contrary to O’s position.

Church O has not violated the political campaign intervention prohibition. The advertisement doesn’t mention the election or the candidacy of Senator C or distinguish Senator C from any opponent. The timing of the advertising and the identification of Senator C are directly related to a vote on the identified legislation. The candidate identified, Senator C, is an officeholder who is in a position to vote on the legislation.

Issue Advocacy v Political Campaign Intervention

Issue Advocacy v. Political Campaign Intervention

- 1) General Guidelines
- 2) Inviting a Candidate to Speak**
 - a) Equal Opportunity to Participate**
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 - c) Speaking as a Non-Candidate
- 3) Voter Education, Registration & Get-Out-The-Vote-Drives
- 4) Business Activity
 - a) Websites
 - b) Other Internet Communications

Example-Inviting Candidates

Minister E is the minister of Church N. In the month prior to the election, Minister E invited the three Congressional candidates for the district in which Church N is located to address the congregation, one each on three successive Sundays, as part of regular worship services. Each candidate was given an equal opportunity to address and field questions on a variety of topics from the congregation. Minister E's introduction of each candidate included no comments on their qualifications or any indication of a preference for any candidate.

The actions do not constitute political campaign intervention by Church N.

Variation: The facts are the same as in Example 1 except there are four candidates in the race rather than three, and **one of the candidates declines the invitation to speak**. In the publicity announcing the dates for each of the candidate's speeches, Church N includes a statement that the order of the speakers was determined at random and the fourth candidate declined the church's invitation to speak. Minister E makes the same statement in his opening remarks at each of the meetings where one of the candidates is speaking.

Church N's actions do not constitute political campaign intervention.

Example-Inviting Candidates

Minister F is the minister of Church O. The Sunday before the election, Minister F invited Senate Candidate X to preach to her congregation during worship services. During his remarks, Candidate X stated, “I am asking not only for your votes, but for your enthusiasm and dedication, for your willingness to go the extra mile to get a very large turnout on Tuesday.” Minister F invited no other candidate to address her congregation during the Senatorial campaign. Because these activities took place during official church services, they are by Church O.

By selectively providing church facilities to allow Candidate X to speak in support of his campaign, Church O’s actions constitute political campaign intervention

Issue Advocacy v Political Campaign Intervention

Issue Advocacy v. Political Campaign Intervention

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Example-Speaking as a Non-Candidate

Minister H is the minister of Church Q. Church Q is building a community center. Minister H invites Congressman Z, the representative for the district containing Church Q, to attend the groundbreaking ceremony for the community center. Congressman Z is running for re-election at the time. Minister H makes no reference in her introduction to Congressman Z's candidacy or the election. Congressman Z also makes no reference to his candidacy or the election and does not do any fundraising while at Church Q. Church Q has not intervened in a political campaign

Mayor G attends a concert performed by a choir of Church S in City Park. The concert is free and open to the public. Mayor G is a candidate for re-election, and the concert takes place after the primary and before the general election. During the concert, Church S's minister addresses the crowd and says, "I am pleased to see Mayor G here tonight. Without his support, these free concerts in City Park would not be possible. We will need his help if we want these concerts to continue next year **so please support Mayor G in November as he has supported us.**"

As a result of these remarks, Church S has engaged in political campaign intervention.

Issue Advocacy v Political Campaign Intervention

Issue Advocacy v. Political Campaign Intervention

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 - b) Public Forum
 - c) Speaking as a Non-Candidate
- 3) Voter Education, Registration & Get-Out-The-Vote-Drives**
- 4) Business Activity
 - a) Websites
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Examples-Voter Education

Church T sets up a booth at the state fair where citizens can register to vote. The signs and banners in and around the booth give only the name of the church, the date of the next upcoming statewide election and notice of the opportunity to register. No reference to any candidate or political party is made by volunteers staffing the booth or in the materials available in the booth, other than the official voter registration forms which allow registrants to select a party affiliation.

Church T is not engaged in political campaign intervention when it operates this voter registration booth.

Church S distributes a voter guide during an election campaign. The voter guide is prepared using the responses of candidates to a questionnaire sent to candidates for major public offices. Although the questionnaire covers a wide range of topics, the wording of the questions evidences a bias on certain issues.

By using a questionnaire structured in this way, Church S is participating or intervening in a political campaign.

Example-Get Out The Vote

Church C's activities include educating its members on family issues involving moral values. Candidate G is running for state legislature and an important element of her platform is challenging the incumbent's position on family issues. Shortly before the election, Church C sets up a telephone bank to call registered voters in the district in which Candidate G is seeking election. In the phone conversations, Church C's representative tells the voter about the moral importance of family issues and asks questions about the voter's views on these issues. If the voter appears to agree with the incumbent's position, Church C's representative thanks the voter and ends the call. **If the voter appears to agree with Candidate G's position, Church C's representative reminds the voter about the upcoming election, stresses the importance of voting in the election and offers to provide transportation to the polls.**

Church C is engaged in political campaign intervention when it conducts this get-out-the-vote drive due to the extra message given to some.

Issue Advocacy v Political Campaign Intervention

Issue Advocacy v. Political Campaign Intervention

- 1) General Guidelines
- 2) Inviting a Candidate to Speak
 - a) Equal Opportunity to Participate
 - b) Public Forum
 - c) Speaking as a Non-Candidate
- 3) Voter Education, Registration & Get-Out-The-Vote-Drives
- 4) **Business Activity**
 - a) Websites
 - b) Other Internet Communications

Examples-Business Activities

Church K owns a building that has a large basement hall suitable for hosting dinners and receptions. For several years, Church K has made the hall available for rent to the public. It has standard fees for renting the hall based on the number of people in attendance. A number of different organizations have rented the hall. Church K rents the hall on a first come, first served basis. Candidate P's campaign pays the standard fee for the dinner.

Church K isn't involved in political campaign intervention as a result of renting the hall to Candidate P for use as the site of a campaign fundraising dinner.

Church L is a Section 501(c)(3) organization. It maintains a mailing list of all its members. Church L has never rented the mailing list to a third party. The campaign committee of Candidate A, who supports funding for faith-based programs, approaches Church L and offers to rent Church L's mailing list for a fee that is comparable to fees charged by similar organizations. Church L rents the list to Candidate A's campaign committee, but declines similar requests from campaign committees of other candidates.

Church L has intervened in a political campaign.

Issue Advocacy v Political Campaign Intervention

Issue Advocacy v. Political Campaign Intervention

- 1) General Guidelines
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 - b) Public Forum
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- 3) Voter Education, Registration & Get-Out-The-Vote-Drives
- 4) **Business Activity**
 - a) **Websites**
 - b) **Other Internet Communications**

Example-Website Issues

Church P maintains a website that includes biographies of its ministers, times of services, details of community outreach programs and activities of members of its congregation. B, a member of Church P's congregation, is running for a seat on the town council. Shortly before the election, Church P posts the following message on its website, "Lend your support to B, your fellow parishioner, in Tuesday's election for town council."

Church P has intervened in a political campaign.

Church N maintains a website that includes staff listings, directions to the church and descriptions of its community outreach programs, schedules of services and school activities. On one page of the website, Church N describes a particular type of treatment program for homeless veterans. This section includes a link to an article on the website of O, a major national newspaper, praising Church N's treatment program for homeless veterans. The page containing the article on O's website doesn't refer to any candidate or election and has no direct links to candidate or election information. Elsewhere on O's website, there is a page displaying editorials that O has published. Several of the editorials endorse candidates in an election that hasn't yet occurred.

Church N has not intervened in a political campaign by maintaining a link on O's website because the link is provided for the exempt purpose of educating the public about its programs; the context for the link, the relationship between Church N and O and the arrangement of the links going from Church N's website to the endorsement on O's website don't indicate that Church N was favoring or opposing any candidate.

IRS Enforcement and Consequences

IRS Enforcement and Consequences

- 1) Enforcement
- 2) Consequences of Political Campaign Activity

Closing

Why faith leaders and faith communities?

Why now?



What You Can Do

CALL TO ACTION: Have voter registration available in your house of worship.

CALL TO ACTION: Encourage people in your congregations and communities to get out the vote.

Where are you now? And what can you do next?



What You
Can Do

ELECTION PROTECTION HOTLINES

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Resources - Emailed to You

The Real Rules: Congregations and the IRS Guidelines On Advocacy, Lobbying, and Elections

<https://www.uua.org/justice-programs/realrules>

Tax Guide for Churches & Religious Organizations. Publication 1828 (Rev. 08-2015).

<https://www.irs.gov/pub/irs-pdf/p1828.pdf>

Compliance Guide for 501 (c)(3) Public Charities, Publication 4221-PC (Rev. 3-2018).

<https://www.irs.gov/pub/irs-pdf/p4221pc.pdf>

Special Rules Limiting IRS Authority to Audit a Church. Reviewed or Updated May 2022

<https://www.irs.gov/charities-non-profits/churches-religious-organizations/special-rules-limiting-irs-authority-to-audit-a-church>



Questions?

"Do not get lost in a sea of despair. Be hopeful, be optimistic. Our struggle is not the struggle of a day, a week, a month, or a year, it is the struggle of a lifetime. Never, ever be afraid to make some noise and get in good trouble, necessary trouble."

John Lewis, 2018