

The Funder's Committee for Civic Participation (FCCP) is a nonpartisan organization. All invited speakers at FCCP events must keep their comments strictly nonpartisan. Please review the guidelines below. Thanks!

WHAT DOES KEEPING A CONVERSATION NONPARTISAN MEAN?

Organizations cannot: endorse candidates; favor or oppose a candidate's views on issues; compare a candidate's position with the organization's own views. They cannot do so with their own staff, trustees, and volunteers, and cannot invite outside speakers to do so either.

Examples of what you CAN say and discuss:

- Discuss voter suppression efforts and the effect they will have on minority communities.
- Discuss voter ID bills (lobbying if you express a view on particular bills and urge participants to contact legislators)
- Discuss ballot measures across the country (lobbying if you reflect a view on the measures).
- Share updates on redistricting efforts
- We should conduct research (or discuss research findings) about what motivates young people to vote.
- Support Proposition C or Ballot Measure 5 (lobbying, so only if you are with a public foundation/charity)

Examples of what you CANNOT say or discuss:

- Vote for Candidate X.
- Candidate Y has the most realistic plan for balancing the state's budget. The other candidates' plans are regressive and simply provide benefits to corporations.
- We need to get out there to make sure Candidate Z wins.
- Comparing the records or proposals of the various candidates
- Discuss your individual activities supporting (or opposing) a particular candidate.

The Law

501(c)(3) organizations cannot "participate in, or intervene in ... any political campaign on behalf of (or in opposition to) any candidate for public office." There is no comprehensive statutory or regulatory guidance on what counts as campaign intervention. Rather, the Internal Revenue Service uses a "facts and circumstances" test to decide whether a 501(c)(3) has supported or opposed a candidate for public office. Some activities, such as supporting or opposing a ballot measure, are considered to be lobbying, and would therefore be permissible for public foundations/charities only.

Common Activities

	Private Foundations	Public Foundations / Charities	Outside Speakers at 501(c)(3) Event
Urging support for ballot measures	No	Yes (within lobbying limits)	Yes (but should remind private foundations not to take action)
Supporting or opposing legislation	No	Yes (within lobbying limits)	Yes (but should remind private foundations not to take action)
Endorsing candidates	No	No	No
Disparaging a candidate or political party	No	No	No
Discussing partisan activities of political org	No	No	No

What FCCP Speakers + Members Need to Know

Elections provide great opportunities for 501(c)(3) organizations, including the Funders' Committee for Civic Participation and its funder partners and members. After all, what better way to participate in our civic society—our democracy—than voting? In the run up to an election, public policy issues are explained and debated in the context of voters deciding which policies and candidates they prefer. Candidates running for office are more likely to pay attention to organizations advocating for causes, and communities need help focusing the candidates on the issues and programs that affect their lives. Supporting election-related activities is an effective way for foundations to improve civic dialogue, strengthen democracy, give a voice to the underrepresented, and make an impact on important issues.

The opportunities are not unfettered, however. 501(c)(3) organizations—both private foundations and public charities/foundations-- are absolutely prohibited from supporting or opposing candidates for public office. There is no *de minimis* exception, nor does it matter whether the organization spent no money doing so. Consequently, it is important that staff, board members, and volunteers understand what they can—and cannot—say and do acting on behalf of an organization.ⁱ

Invited guests speaking at organization events need to abide by the 501(c)(3) rules as well.

ⁱⁱ The prohibition on partisan political campaign activity does not apply to the activities of officers, directors, or employees acting in their individual capacity. Staff may work on political campaigns outside work hours, or using their available leave time. However, leaders and volunteers may not use the facilities, equipment, personnel, or other resources (such as organizational events) of the organization to provide support or oppose a candidate or campaign.