



Election Guidelines for Jewish Organizations

These **JCRC-NY Election Guidelines** are to give guidance during political campaigns/elections for Jewish public charities - religious and nonprofit communal organizations. PLEASE NOTE: These Guidelines deal only with elections – not with advocacy or lobbying on proposed legislation. The laws governing advocacy on legislation and regulations by public charities are very different. There are requirements and limits for legislative advocacy and possible registration requirement, but this is very different from the fact that election activities are absolutely forbidden.

- ❖ Political and practical considerations would suggest that playing an even-handed role among competing candidates best ensures an organization's continued access to whomever wins the election.
- ❖ Jewish organizations are strongly urged to take part in the electoral process through voter registration and voter education (e.g. being the sponsors of candidate debates or information sessions).
- ❖ *Violation of the law can jeopardize both public and private funding sources.* In view of the potential legal, political and economic consequences, due discretion should be observed.

A. GENERAL CONSIDERATIONS

1. Organizations designated as 501(c)(3) entities (this category includes most Jewish nonprofits and all religious organizations) are strictly forbidden from intervening on behalf of, or against any candidate for any local, state or federal office.
2. Failure to strictly comply with this requirement can be found to violate IRS law as well as Federal Election Laws (FECA). Improper activities can lead to: an excise tax on the organization, its directors, trustees, officers and responsible employees, the revocation of the organization's tax exempt status by the IRS and the Federal Election Commission can initiate a law suit against an organization for making a "contribution, or expenditure, in connection with any [federal] election".
3. Since community involvement in the election process is recognized as

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important, non-partisan education programs and activities are allowed. Thus, involvement in non-partisan voter registration, enrollment in political parties and voter turnout within an organization is encouraged. *However*, please note that a Jewish organization under contract with various city, state and federal agencies often have specific restrictions even on voter registration and education activities. All government contracts should be reviewed by counsel before undertaking such activities.

4. There is a legitimate question of when is a person to be considered a candidate, especially with incumbents. An easily identifiable line of demarcation is to view the "campaign period" as commencing with a person's public announcement of candidacy for an office or filing the necessary petitions. Borderline activities are more problematic when undertaken immediately before an election.

B. SPECIFIC GUIDELINES

1. **ENDORSEMENTS** - Organizations should not endorse candidates or take any actions which could be interpreted as an organizational endorsement, for example, presenting an award of citation to a candidate during a campaign. Even the rental of an organization's auditorium to a partisan rally can be construed as an endorsement.
2. **BIASED INTERVENTION** - Organizations should not take actions that would benefit one candidate, rather than all candidates. Therefore, for example, membership lists should not be given to one political candidate or party to the exclusion of others. The same is true regarding the use of organizational facilities, staff, letterhead or fundraising machinery. If space is rented, make sure that the conditions attached to the rental are consistent with standard policies and available to all candidates. The only exception to this rule is, if a candidate is not considered significant or "viable", then such activities need not be extended to them. In making a decision in this circumstance counsel should always be consulted. Also groups should not target candidates by publicizing their positions (voting records) on a narrow range of issues deemed of concern to the Jewish community.
3. **VOTER EDUCATION** - Organizations can be involved in nonpartisan voter education activities. This can include debates between candidates or other appropriate programs to provide the opportunity for all significant candidates to present their views to the community. Make sure that you extend equal invitations at the same time to the candidates. Publishing a list of the voting records on a broad range of issues of incumbent office holders (without specifying who is up for election and without adding biased conclusions or commentaries) is another example.

C. POLICY CONSIDERATIONS

While the law mandates political neutrality, there are additional advantages to recommend such neutrality from an organizational viewpoint. Jewish institutions caught in the middle of a political battle, can end up as casualties, and the consequences can affect organizational operations for years. It is well known to candidates that exempt organizations cannot intervene in campaigns.

Although they might complain, aspirants will accept a policy of *honest* even-handedness. Organizations are advised to keep a line of communication open to all significant candidates, and to be responsive to their requests within the framework of the law.

D. SPECIFIC CONSIDERATIONS FOR JEWISH COMMUNAL LEADERS

While any individual may participate in campaigns, it is very important for communal leaders, lay and professional, to keep their individual political activities carefully segregated from their relationship with any nonprofit or religious organization. It is recommended that:

1. You should not lend your name to any political endorsement or advertisement, before carefully examining the documents to ensure that your affiliation with a nonprofit or religious entity is not in evidence. A listing with your organizational affiliation even with a disclaimer "for identification purposes only" might be construed as the official policy of the organization.
2. If you should make written statements about a candidate, it should be on your personal stationery as this will less likely be construed as an organizational statement.