

## d@w Organizational Policy for Political Advocacy

Democracy at Work (d@w) is a 501(c)(3) organization. By law, none of its staff time or resources can be used for partisan political purposes—that is, to support or oppose any candidate running for public office. This is a strict prohibition and any perceived violation could result in a costly investigation by the public, media and/or IRS, and possibly the loss of our tax-exempt status.

### Examples of activities to avoid include:

- Making statements that favor or oppose candidates or political parties at any d@w event or meeting or in any d@w official publication, including the website.
- Posting comments that favor or oppose candidates or political parties on any d@w social media, including our blogs, Facebook pages, Twitter accounts (including staff accounts that are associated with d@w), etc.
- Giving a candidate political party, PAC or any group working in a partisan political way any d@w mailing list.
- Forwarding an email from a candidate, political party, PAC or any partisan political group that came to your d@w email account.
- Do not use your d@w email address to subscribe to candidate or political material. If you inadvertently get candidate or political emails at work, delete them and unsubscribe your d@wemail address from the email list.
- Making statements or handing out literature supportive or critical of a candidate, political party or PAC at an d@w event.
- Wearing political buttons or t-shirts while representing d@w at any event or meeting or in the office.

**Note:** These organizational prohibitions do not inhibit your individual participation in election activities, provided you do not use any d@w resources act or represent that you are acting as an employee, volunteer, officer or Board member of d@w. Examples of the type of individual election activities you may participate in include voting, making financial contributions to candidates, volunteering for a candidate on your own time (weekends or evenings), or running for office. *For more on this, please see the following page titled “Election Activities of Individuals Associated with 501(c)(3) Organizations”*

Many organizations with which you may be familiar, such as Human Rights Campaign and Planned Parenthood Action Fund, are 501(c)(4) organizations that can engage in partisan election activity. Don't look to other groups to determine whether you can do something, since d@w's tax-exempt status may be different than that of other nonprofits. If you have any questions about these policies, please contact your supervisor.

## Election Activities of Individuals Associated with 501(c)(3) Organizations

501(c)(3) organizations are prohibited from participating in political activity. This prohibition, however, does not apply to the activities of officers, directors, or employees of 501(c)(3)s who are acting in their individual capacity. 501(c)(3) staff may work on political campaigns outside of work hours, or while using their available leave time; however, 501(c)(3) leaders, staff and volunteers may not use the facilities, equipment, personnel, or other 501(c)(3) resources to provide support to or oppose a candidate or campaign.

Employees and volunteers of public charities are often personally engaged in the political and democratic process in ways that are related to an organization's mission. Although the charity itself is prohibited by its tax-exempt status from engaging in partisan activity, individuals do not give up their basic First Amendment rights of speech and association because they become affiliated with a charity, whether as staff, board member, or volunteer. The question is, when is an individual representing a 501(c)(3), and when is she acting in her individual capacity? The following examples and guidelines will help you determine whether an individual's actions should be treated as personal statements, or will likely be attributed to the organization with which the individual is associated.

- A charity should not allow its assets or facilities to be used for individuals' personal campaign work (including obvious resources like letterhead, photocopiers and telephones, as well as perhaps less obvious ones like distribution lists, mailing permits, and email accounts). Staff time – time for which a charity compensates the individual – is also the charity's resource, and should not be used for supporting or opposing candidates. Even unpaid time off could be problematic if permitted to staff outside of standard personnel policy limits and preferentially allow them to volunteer on some campaigns and not others.
- 501(c)(3) -sponsored events use the organization's reputation and goodwill, so 501(c)(3) representatives cannot support or oppose candidates at events. (For example, an employee should not, while attending a charity-sponsored event, wear a political button). Charities should also avoid reporting their supporters' personal campaign intervention activities in the charity's newsletter.
- 501(c)(3) organizations should make staff aware, in writing, of policies against using organizational resources for supporting or opposing candidates, ideally in the organization's personnel manual.
- When dealing with the public on issues in an election, charity spokespersons should liberally include disclaimers, explaining that the charity cannot and does not endorse candidates (for example, posting a disclaimer on the charity's website). While such disclaimers will not excuse partisan activity, they can help explain a charity's public communications not intended to support or oppose candidates to those who might otherwise read campaign intervention on them.
- Individuals should make it clear that they are speaking for themselves and not for the organization when participating in partisan activities off the charity's clock.