Everything Your Nonprofit Needs to Know About the 2022 Election
Connect
Learn
Advocate
Important Disclaimers
If you can read this line print, you are sitting too close to your screen!
501(c)(3)
Dad's boring presentation

Dad's boring presentation + memes
PLEASE INCLUDE SOME MATH QUESTIONS IN TODAY'S WEBINAR
What is at stake in 2022
Not on the ballot this year . . .
Math Quiz!
Math Quiz!
IT'S KIND OF A BIG DEAL
Basics on election-related activities by 501(c)(3) nonprofits
Electioneering by 501(c)(3)s

• Excerpt from Internal Revenue Code § 501(c)(3)
  • “. . . which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.”
Translation

SEEMS LIKE A BAD IDEA
Lobbying by 501(c)(3)s

• Excerpt from Internal Revenue Code § 501(c)(3)
  • “...no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation (except as otherwise provided in subsection (h))”
Translation

FOR 501(C)(3) NONPROFITS

LOBBYING ALLOWED IS
What your nonprofit \textit{can} do
What your nonprofit *can* do
What your nonprofit *can* do
What your nonprofit *can* do

DON'T BE THE WORM!

VOTE EARLY!
What your nonprofit *can* do

Three Questions for Candidates for Office in 2022

*With responses published for community leaders throughout your district*
What your nonprofit *can* do
What about your staff and board members?

- Talking about candidates (or politics generally)
- Volunteering for campaigns
- Making campaign contributions
- Running for office
Questions?
Common election-year questions for 501(c)(3) nonprofits
Common election-year questions

• Can a nonprofit let people know who is on the ballot?
  • Yes.
  • But the nonprofit can’t provide qualitative assessments of the candidates.
Common election-year questions

• Can our nonprofit coordinate with a church for rides to the polls?
  • Yes.
Common election-year questions

• Can our nonprofit coordinate with a political party for rides to the polls?
  • No.
Common election-year questions

• Can our nonprofit encourage people to vote by absentee ballot and provide information about how to vote by mail?
  • Absolutely!
  • But encourage them to request absentee ballots now so they receive ballots in time to vote.
Common election-year questions

- Can our nonprofit help people complete their absentee ballot application?
  - Generally, no.
  - But a recent court ruling enables nonprofits to assist people with disabilities complete their absentee ballot applications.
Common election-year questions

- Can our nonprofit let a candidate use our facilities for a campaign event?
- Generally not.
- You may be able to rent facilities to candidates or political parties at your usual rates, but proceed with great caution!
Common election-year questions

• Can a 501(c)(3) nonprofit take positions on legislative issues during an election year?
  • Yes.
  • But proceed with caution in the period immediately before an election.
Common election-year questions

• Can a 501(c)(3) nonprofit take positions on ballot measures?
  • Yes.
  • This is lobbying, not partisan political engagement.
  • You may need to register as a “referendum committee.”
Common election-year questions

• Can a 501(c)(3)’s board chair personally endorse a candidate for office?
  • Yes.
Common election-year questions

• Is it a problem if the candidate then runs a campaign ad touting the board chair’s endorsement (and mentioning the nonprofit)?
  • It’s not a legal problem for the nonprofit, as long as the nonprofit isn’t paying for the ad.
  • But it may create the appearance of electioneering.
Common election-year questions

• Does a 501(c)(3)’s board chair need to step aside if she is running for office?
  • No.
  • But the nonprofit should be careful not to mention her campaign.
Common election-year questions

• Can a 501(c)(3) nonprofit make contributions to a PAC?
  • No.
Common election-year questions

• Can a 501(c)(3) nonprofit have an affiliated 501(c)(4) organization?
  • Yes.
  • It’s probably worthwhile to have a lawyer help set up this type of arrangement.
Common election-year questions

• Can we have...
• Yes.
Common election-year questions

• Can a 501(c)(3) nonprofit acknowledge an incumbent running for reelection who comes to a fundraising event?
  • Yes.
  • But don’t mention the election.
Common election-year questions

• Can a 501(c)(3) nonprofit give a candidate a tour of its facilities and programs?
  • Yes.
  • You might consider offering the same opportunity to the candidate’s opponent.
Common election-year questions

• During an election year, can a 501(c)(3) nonprofit co-sponsor an event with a political party?
  • It depends.
  • It may be legally permissible if the event isn’t overtly supporting particular candidates or a political party.
Common election-year questions

• Can a nonprofit organize a candidate questionnaire?
  • Yes.
Common election-year questions

• Can a nonprofit publish a candidate scorecard?
  • No.
Common election-year questions

• Can a nonprofit identify candidates who are generally supportive of its mission?
  • No. You can’t say a candidate is “for kids”, “anti-environment”, “a friend of the arts”, or “pro-charter school”.
  • That would be a sneaky work-around.
Common election-year questions

• Can a nonprofit make a grant to a local elections board to fund election expenses or activities?
  • Yes. This is generally a permissible expense for a 501(c)(3) nonprofit.
  • Governor Cooper vetoed a bill that would have made this illegal in North Carolina.
Common election-year questions

• Will my nonprofit lose its tax-exempt status if we break any of these rules?
  • Probably not.
  • But you should take them seriously anyway, because your nonprofit’s reputation is at stake!
Four great resources
Basics on the 2022 election in North Carolina
Timeline

- October 14: Voter registration deadline
- October 20: Early Voting begins
- November 5: Early Voting ends
- November 8: Election Day
Three options for voting

• In-person on Election Day
• In-person during Early Voting
• By mail through absentee voting
Voting on Election Day

• You must vote at your precinct
• Find your precinct at: https://vt.ncsbe.gov/RegLkup/
• You must be registered to vote – at your current address – by 5 p.m. today
Early Voting

• You may register to vote or change your address within your county during Early Voting
• You may vote at any Early Voting site in your county
• Find your Early Voting sites: https://vt.ncsbe.gov/ossite/
Voting by Absentee Ballot

- Request an absentee ballot by mail or online
- Complete the absentee ballot with two witnesses or a notary present
- You and the witnesses need to sign the envelope
- Return your absentee ballot:
  - By mail: Postmarked by November 8 and received by November 14 at 5 p.m.
  - At your county board of elections office or any Early Voting site
- Track your absentee ballot at BallotTrax
Laws related to the 2022 Election

• Photo ID is *not* currently required for voting
• Nonprofits *are* allowed to make donations to local election boards
• Felons on probation or parole are now permitted to vote, based on a recent court ruling
What will be on your ballot in the primary election?
Federal Offices

- U.S. Senator – 6-year term
- U.S. Representative (14) – 2-year terms
Statewide Judicial Offices

• NC Supreme Court (2 seats) – 8-year terms
• NC Court of Appeals (4 seats) – 8-year terms
Statewide Legislative Offices

• NC Senator (50) – 2-year terms
• NC Representative (120) – 2-year terms
County Offices

• County Commissioners
• Register of Deeds
• Sheriff
• Board of Education
• Soil and Water Conservation District Supervisor
Municipal Offices

• Mayor
• City Council
• Alderman
• Town Council
• Town Commissioner
Ballot Referenda

• Bonds
• Sales tax increases
Find your ballot today!

https://vt.ncsbe.gov/RegLkup/
Where to Learn More About Candidates

• NC Voter Guide: https://ncvoterguide.org/
• Nonprofit voter guides: https://www.ncnonprofits.org/content/2022-candidate-questionnaire-responses-county-map
• Media voter guides
• Candidate forums
Five actions your nonprofit can take
1. Share basic election information with your board, staff, volunteers, and clients
2. Give your staff time off to vote or volunteer on Election Day or during Early Voting
3. Encourage people to vote early
4. Check out candidates’ responses to nonpartisan questionnaires
5. Encourage people to find their ballots and make a plan for voting
Find your ballot today!

https://vt.ncsbe.gov/RegLkup/
For more information

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