

Permissible Advocacy: Taking Action in a Nonpartisan Way

NCJW is a 501(c)3 tax-exempt non-profit organization, as determined by the Internal Revenue Service. While this status allows tax advantages for organizations such as NCJW, it also limits the activities in which the organization can legally participate. Since the Plan A campaign is a project of NCJW, any activities planned in the name of the campaign must also be 501(c)3 permissible. Check with the NCJW Washington office (action@ncjwdc.org) if you have concerns about whether your activities are in compliance with NCJW's tax-exempt status.

There are many ways to impact progressive social change that are permissible within NCJW's 501(c)3 status. However, event planning can get tricky around election time. Below are a series of frequently asked questions and answers regarding allowable activity by NCJW, its sections, and those taking action through the Plan A campaign. All election-related activities must first be cleared with the NCJW Washington office.

- ▶ **Can NCJW sections or members endorse a candidate or party?** No, only as private individuals can NCJW members get involved in such activities. It must be clear that they are not acting as NCJW members.
- ▶ **Can NCJW endorse and work for or against referenda or ballot initiatives?** Yes, we can get involved in issue-related measures.
- ▶ **Can NCJW encourage members to vote for candidates with certain views?** No, telling members to vote for candidates who are "pro-choice" or "supportive of EC" (for example) is like saying for whom to vote.
- ▶ **Can NCJW do candidate questionnaires?** Yes, but with restrictions. NCJW must:
 - ▶ Distribute the questionnaire to every candidate
 - ▶ Ask a broad range of unbiased questions
 - ▶ Distribute responses with no editorial comment — do not include NCJW's views on issues
- ▶ **Can NCJW host candidate forums?** Yes, with restrictions. NCJW must ensure that:
 - ▶ All candidates who are considered serious contenders are invited to participate
 - ▶ A broad range of unbiased questions are asked
 - ▶ Candidates do not solicit contributions

- ▶ **What if one of the candidates cannot attend or does not respond to a questionnaire?** First, ask that candidate to send a campaign representative to participate in the forum. If not, you may have to cancel if that leaves only one candidate to attend. In the case of questionnaires, make it clear that you received no response from a candidate when sharing the results. Again, if only one candidate provides answers, you should not publicize the results of your questionnaire. (In races with more than two candidates, you can continue your effort without one candidate.)
- ▶ **May we invite someone who is running for office to speak?** It is safer not to invite candidates to speak even at programs unrelated to elections. If, however, you do invite a candidate to speak as an expert on an issue or as a sitting public official, make it clear to the invitee that he or she must not refer to their candidacy or electioneer in any way. Clarify in your program, etc., that the speaker's appearance does not constitute a political endorsement.
- ▶ **In what sort of election activities is NCJW allowed to participate?** NCJW members can conduct voter registration, conduct public education and training about participation in the political process, initiate get-out-the-vote drives that are not targeted only to voters with a particular viewpoint, and publish voting records.
- ▶ **Are there restrictions on publishing voting records?** Yes. NCJW must:
 - ▶ Include the entire legislative body/delegation
 - ▶ Ensure that the voting records cover a broad range of issues
 - ▶ Limit distribution of the voting record to NCJW members if the publication states NCJW's positions on issues and whether the candidate voted in accordance with those positions. Under no circumstances should it be distributed to the general public.
- ▶ **What are some basic tips when planning election activities?**
 - ▶ Always include all candidates
 - ▶ Never state positions on any questions asked of candidates
 - ▶ Present a broad and varied array of questions
 - ▶ Never endorse or oppose a candidate or party
 - ▶ Make sure your presentation is unbiased
- ▶ **Do I need NCJW approval for election-related activities?** Yes, contact the NCJW Washington office (202 296 2588 or action@ncjwdc.org) to have your activity approved or any questions answered.