



501(c)(3) Status and Election-Related Activities

NCJW is a 501(c)(3) tax-exempt organization as determined by the Internal Revenue Service. When planning efforts to promote and protect the vote, NCJW must follow certain rules and restrictions.

FAQs

In what sort of election activities is NCJW allowed to participate?

NCJW advocates can and should engage in **nonpartisan** voter registration drives, voter education, getting out the vote, volunteering at the polls, and advocacy around voting rights. The 2020 Promote the Vote, Protect the Vote guide, illustrates different ways to take election-related action.

Can NCJW sections or advocates in their NCJW capacity endorse a candidate or party?

No. We cannot tell people to vote for a specific candidate, party, or ideology. We can emphasize the importance of voting. *(Note: As private individuals, we can engage in partisan activities, including campaigns.)*

Can NCJW encourage others to vote for candidates with certain views?

No. Telling individuals to vote for candidates who are “pro-LGBTQ rights,” for example, is similar to endorsing an individual candidate directly. Similarly, we cannot encourage members to vote for “more female” or “more Latinx” candidates. We can encourage members to vote for a slate of candidates that reflect the diversity of our communities.

Can NCJW create candidate questionnaires?

Yes, but NCJW must:

- Distribute the questionnaire to every candidate;
- Ask a broad range of unbiased, open-ended questions;

- Distribute responses with no editorial comment, and without stating NCJW’s views; and
- Print responses exactly as received from the candidates without edits.

Can NCJW host candidate forums?

Yes, but NCJW must:

- Invite all viable candidates running for an office;
- Pick a neutral location for the forum;
- Ask a broad range of unbiased, open-ended questions; and
- Use an independent moderator.

Can NCJW publish voter guides?

Yes, but NCJW must:

- Include all viable candidates’ positions, regardless of party affiliation;
- Cover a broad range of issues; and
- Describe the issues and candidate’s positions using unbiased, neutral language that does not hint at NCJW’s positions.

Can NCJW participate in ballot initiative campaigns?

Yes. Because advocacy related to ballot measures qualifies as lobbying under federal tax law, we can take positions on them, sponsor ballot measures, and/or form committees to spend money for or against measures on the ballot. However, state law varies, so your section may need to register and report to the state as political committees.

What if only one candidate can attend a forum or responds to a questionnaire?

We must invite all viable candidates running for an office to attend a candidate voter forum or to answer a candidate questionnaire. Even if all are invited, there is a risk that the event or questionnaire could appear partisan if some candidates refuse to participate. Cancel the forum or questionnaire if only one candidate agrees to attend or respond.

May we invite someone who is running for office to speak?

It is safer not to invite sitting public officials who have announced their candidacy to speak even at programs unrelated to elections. If, however, you do invite a sitting public official who is also a candidate, make it clear to the invitee that he/she must not refer to their candidacy or electioneer in any way. Clarify in your opening remarks, program, etc. that NCJW is a nonpartisan organization and the speaker's appearance does not constitute a political endorsement.

What if I am unsure my activity meets these guidelines?

If you still have questions after consulting this resource and Alliance for Justice's "The Rules of the Game: A Guide to Election-Related Activities for 501(c)(3) Organizations" (<https://bolderadvocacy.org/wp-content/uploads/2012/01/Rules-of-the-Game.pdf>), please contact Hannah Cohen Smith at hcohensmith@ncjw.org.