

Election Season and Non-Profit Advocacy: What to Know

As advocates, we know that elections matter. Advocates and non-profits can be involved in the electoral process in limited ways, with very specific restrictions based on Federal and state law. The bottom line: The rules governing the conduct of non-profit organizations do not apply to people acting in their *individual* capacity. Staff may work on political campaigns outside work hours, or by using their available leave time. However, staff and volunteers may not use facilities, equipment, personnel, paid staff time, or other resources of the organization to provide support to or oppose any candidate or campaign. The following are general guidelines for non-profits concerning elections.

Non-profit organizations can:

- ✓ **Conduct nonpartisan get-out-the-vote and voter registration drives:** Non-profits can conduct nonpartisan public education about participation in the political process. Note: if you are planning to use grant funds to do this work, please confirm this work is explicitly allowed under the grant. Contact us at action@wscadv.org about registering your volunteers, boards, affiliates, and most importantly, survivors!
- ✓ **Lobby to support or oppose ballot measures:** Non-profits can proactively initiate ballot measures or react to ballot measures proposed by others. They can also support or oppose measures and encourage the public to vote accordingly. **Note: in WA there are important reporting requirements for non-profits that engage in ballot measure work. [Go here¹](#) for more information on what non-profits are allowed to do regarding ballot initiatives.**
- ✓ **Use questionnaires:** Non-profits can distribute questionnaires and/or candidate responses under certain conditions. The questions must cover a *broad range of subjects*, be framed without bias, and be given to *all* candidates for office. Questionnaires with a narrow focus could be considered implied endorsements of candidates whose replies are favorable, and should be avoided.
- ✓ **Share voting records:** Non-profits can tell their members about how legislators vote on key issues. It is only safe to do this if a non-profit disseminates voting records throughout the year, not just during campaign season.
- ✓ **Convene public forums:** Non-profits can invite candidates to meetings or public forums they sponsor. The invitation must be extended to “all serious candidates.” Non-profits should not state their views or comment on candidates. During question-and-answer periods, candidates should be given equal opportunity to answer.
- ✓ **Hold issue briefings:** If a non-profit gives a briefing on a specific issue (e.g. domestic violence) to one candidate, the same offer must be extended to all the candidates running for that office.
- ✓ **Membership lists:** A non-profit may sell, trade, or rent its list to others, including candidates for office. If it does so, all candidates must be aware of the opportunity and be given the same access on the same terms. A non-profit that gives or lends its membership list to a candidate is in effect making an illegal campaign contribution. To stay within the law, the non-profit must be paid fair value in return.

¹ <https://bolderadvocacy.org/resource/washington-ballot-measure-advocacy-chart>

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Non-profit organizations cannot:

- ✗ Endorse candidates for public office
- ✗ Make any campaign contributions
- ✗ Make expenditures (including in-kind staff or volunteer time) on behalf of candidates
- ✗ Restrict rental of facilities or mailing lists to only certain candidates
- ✗ Ask candidates to sign pledges on any issue (this would be a tacit endorsement)
- ✗ Increase the volume or amount of incumbent politician criticism as election time approaches
- ✗ Publish or communicate anything that explicitly or implicitly favors or opposes a candidate

Want more information?

Bolder Advocacy²: Offers support and resources on the laws and regulations governing nonprofit communication on policy issues. For technical assistance call at 1-866-NP-LOBBY (866-675-6229). Bolder Advocacy also has [Washington State specific resources](#).³

National Council of Non-profits⁴: Provides extensive materials about non-profit advocacy, including federal, state and local laws governing non-profits.

Questions? Contact WSCADV at action@wscadv.org

² <https://bolderadvocacy.org/navigate-the-rules/electoral-activity>

³ <https://bolderadvocacy.org/navigate-the-rules/state-resources?states=Washington#RESOURCES>

⁴ <https://www.councilofnonprofits.org/everyday-advocacy>