



## 501(c)(3) Permissible Activities Checklist

501(c)(3) organizations may **not** conduct any partisan activities to support or oppose any candidate for public office, including

- Endorse a candidate
- Make a campaign contribution to or an expenditure for a candidate
- Rate candidates on who is most favorable to their issue
- Let candidates use any of its facilities or resources, unless those resources are made equally available to all candidates at their fair market value

“Charities are allowed to conduct nonpartisan activities that educate the public and help them participate in the electoral process (such as) voter education, voter registration and get-out-the-vote drives and candidate forums.”

~IRS Office of Exempt Organizations

Activities a nonprofit **can** do on a nonpartisan basis:

- ✓ Educate voters on the process of voting
- ✓ Encourage & remind people to vote
- ✓ Participate in get-out-the-vote activities
- ✓ Conduct or promote voter registration\*
- ✓ Become a poll worker or volunteer at the polls
- ✓ Distribute non-partisan sample ballots, candidate questionnaires or voters guides
- ✓ Sponsor a candidate forum
- ✓ Educate the candidates on your issues
- ✓ Advocate for your issues during an election
- ✓ Support or oppose ballot issues as a lobbying activity

\*Subject to restrictions of funding sources. For example, the federal government sometimes prohibits use of federal funds (like CSBG) for voter registration.

Like all 501(c)(3) organizations, those that receive federal funding may not support or oppose candidates for public office. However like other charities, federally funded agencies (CAPs) may still do a variety of other nonpartisan voter engagement activities.

However, certain federal funding does come with added restrictions regarding an organization’s voter engagement activities.

### Restricted Programs

The following programs that receive federal funding have some restrictions. All others fall under the 501(c)(3) guidelines for charities.

### **Recipients of Community Services Block Grants (CSBG)**

Although CSBG recipients (**Community Action Agencies**) cannot use CSBG funds for voter engagement, they can often still conduct some nonpartisan activities, particularly when using non-CSBG, unrestricted funding.



## 501(c)(3) Permissible Activities (6/2012)

### **Community Action Agencies**

#### **Can**

- ✓ Use non-CSBG, un-restricted funds for nonpartisan voter engagement activities, including voter registration.
- ✓ Have staff members employed with non-CSBG, unrestricted funds conduct voter engagement activities.
- ✓ Have nonpartisan groups (e.g., League of Women Voters) conduct voter registration on agency premises.

#### **Cannot**

- Use CSBG funds for voter registration. However, a CAA may invite other organizations to register voters at their agency
- Provide rides to the polls.

### **AmeriCorps**

AmeriCorps members are prohibited from most active nonpartisan political activity.

#### **Can**

- ✓ Make voter registration forms available on the premises for clients.
- ✓ Conduct nonpartisan voter engagement during non-working hours.

#### **Cannot**

- Conduct voter registration activities during work hours or while performing work for the host organization.

### **Legal Services**

Legal services groups are generally prohibited by the Legal Services Act from conducting any partisan or non-partisan political activities.

### **Head Starts**

A 2007 change in regulations made it easier for Head Starts to have a non-partisan organization use its facilities to conduct voter registration.

#### **Can**

- ✓ Keep parents and others informed of the how, when and where of voting, including helping them identify their polling place on Election Day.
- ✓ Have an outside non-partisan organization conduct voters registration at Head Start facilities during hours of operation.

#### **Cannot**

- Have Head Start staff conduct voters registration activities while on the clock.
- Provide rides to the polls.

### **Who's Required to do Voter Registration?**

The 1993 Voters Registration Act (NVRA) identifies several types of federally supported agencies—those that offer public assistance or primarily provide services to those with disabilities—to proactively offer the people they serve the opportunity to register to vote. (See NVRA for more information)

### **Resources:**

- AmeriCorps, 2520.65, "Prohibited activities in subtitle C programs" [www.americorps.gov](http://www.americorps.gov)
- Community Action Program Legal Services, "Model Policies" [www.caplaws.org](http://www.caplaws.org)
- National Head Start Association, "Voter Education" [www.nhsa.org](http://www.nhsa.org)