

Church leaders have rights too!

Many pastors and church leaders worry about legal repercussions of speaking out on issues that frequently involve politics, like abortion. They are concerned about endangering their church's nonprofit status as a 501(c)(3).

While churches may not participate in a candidate's campaign, churches can do quite a few things that broadly involve election and legislative issues. There is no reason to remain silent or be concerned about informing members about issues of public concern.

Pastors and priests acting as individuals—and not as official church representatives—have the same rights as every other American citizen to involve themselves in political activity.

Key points:

- Be fair to every candidate in the race.
- When discussing candidates' position on issues, stick to the facts.
- Churches can tell members their position on legislation and encourage members to sign petitions as long as those efforts are not a substantial part of their activities or spending. Don't connect the legislation to specific candidates.

Thank you to
Alliance Defending Freedom
for providing much of this
information: www.adflegal.org



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ACTIVITY	CHURCH	PASTOR*
Provide information about legislation	YES	YES
Express an opinion for or against legislation	YES	YES
Spend a substantial amount lobbying on legislation	NO	YES
Discuss positions of candidates on issues	YES	YES
Endorse political candidates	NO	YES
Contribute to candidates	NO	YES
Give in-kind contributions to candidates	NO	YES
Make indirect expenditures for or against candidates	NO	YES
Contribute to political action committees	NO	YES
Contribute to other 501(c)(3) organizations	YES	YES
Pay expenses to attend state or national conventions	NO	YES
Non-partisan voter registration or get out the vote activities	YES	YES
Distribute candidate surveys and voting records	YES	YES
Distribute candidate literature or materials	NO	YES
Distribution by others of political materials in church parking lot	YES	N/A
Editorials in church bulletin endorsing or opposing candidates	NO	N/A
News stories about issues and candidates in church bulletin	YES	N/A
Political ads in church publications at regular rates	YES	N/A
Rental of church facilities or membership list at regular rates	YES	N/A
Invite all candidates to a church event or candidate forum	YES	N/A

*Acting as an individual and not in an official capacity or representative of the church.

What you need to know

The Internal Revenue Code (IRS) requires that 501(c)(3) organizations refrain from supporting or opposing a candidate's campaign. IRS guidelines prohibit direct contributions to a candidate, as well as in-kind contributions, which include giving anything of value to a candidate (such as a church mailing list). Independent expenditures are also prohibited; that includes expenditures expressly advocating the election or defeat of a candidate when made without the knowledge of any candidate.

Speech about public issues may incidentally influence elections, but the government is very limited in its ability to restrict discussion about issues. Churches may speak out about social and moral issues, the actions of government officials, and the positions of candidates on issues. As long as a church does not endorse or oppose a specific candidate for office, it has broad freedom of speech.

Churches can take a position or participate in ballot referendums and issue-oriented activities such as speaking out for or against legislation as long as spending or activity does not exceed an insubstantial amount.

These are general guidelines. Federal laws and laws in other states can differ or change in some cases.

Examples of do's and don'ts

Do say:

Senator Smith supports abortion and his opponent candidate Jones does not.

Don't say:

Senator Smith is bad for being pro-abortion, candidate Jones has a great prolife position.

Do:

Encourage people to sign a petition after the service on prolife legislation.

Don't:

Encourage people to sign a petition from candidate Jones so he can appear on the ballot.

Do:

Tell church members they should vote prolife.

Don't:

Tell church members they should vote prolife while talking about Senator Smith's and candidate Jones' position on abortion.

Do:

Talk about supporting the bill in the Michigan Senate to require parental consent before abortion.

Don't:

Talk about how we should vote against Senator Smith for opposing parental consent legislation.