

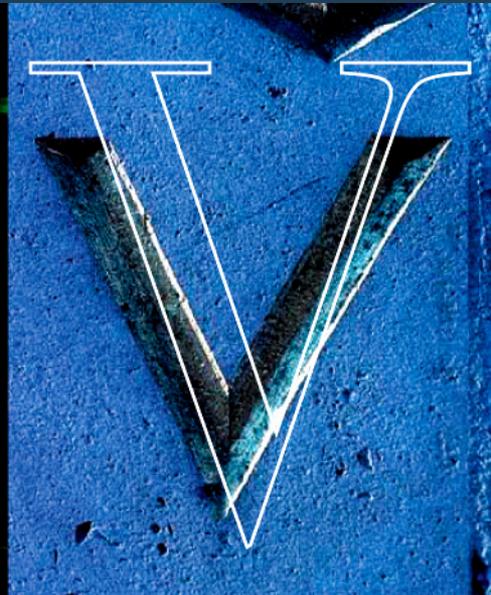
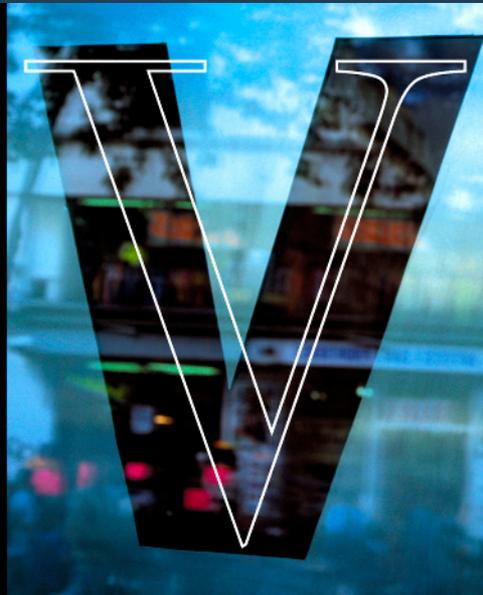
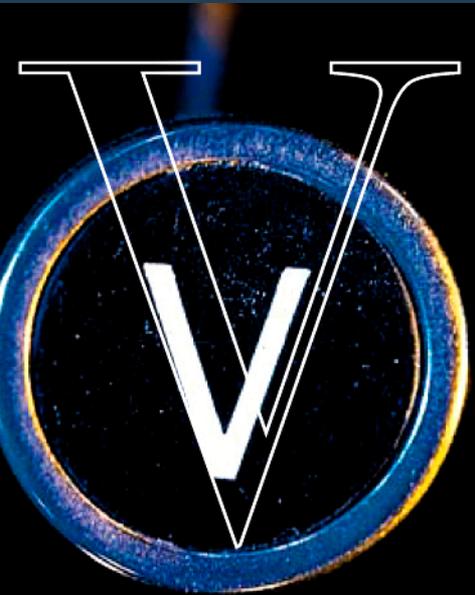


Election Year Activities for 501(c)(3)s: Being Involved without Intervening

Speakers:

Ronald Jacobs, Partner, Venable LLP
Lawrence Norton, Partner, Venable LLP

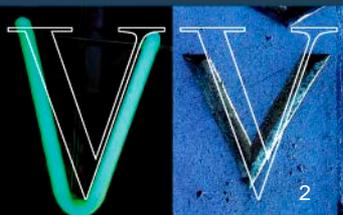
AUGUST 14, 2012



Agenda

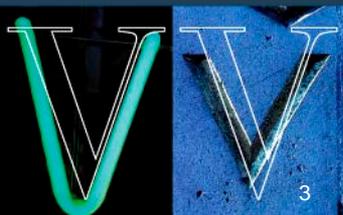
WHAT CAN YOU DO?

- Host candidate appearances
- Host candidate forums and debates
- Invite candidates in other capacities
- Legislative score cards
- Publish candidate questionnaires
- Engage in issue advocacy



Candidate Appearances

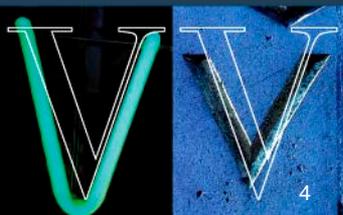
- Invite all candidates
- Equal opportunity to speak at similar events
- Explicitly state no support or opposition
- Tell people everyone was invited
- No fundraising



Candidate Forums and Debates

WHO GETS INVITED?

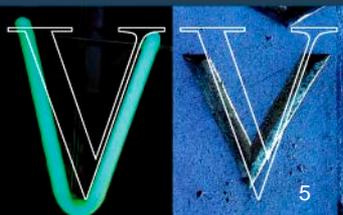
- Invite everyone (or have objective criteria to limit)
- Equal opportunities to speak at similar events if not all together
 - Note FEC rules on simultaneous participation



Candidate Forums and Debates

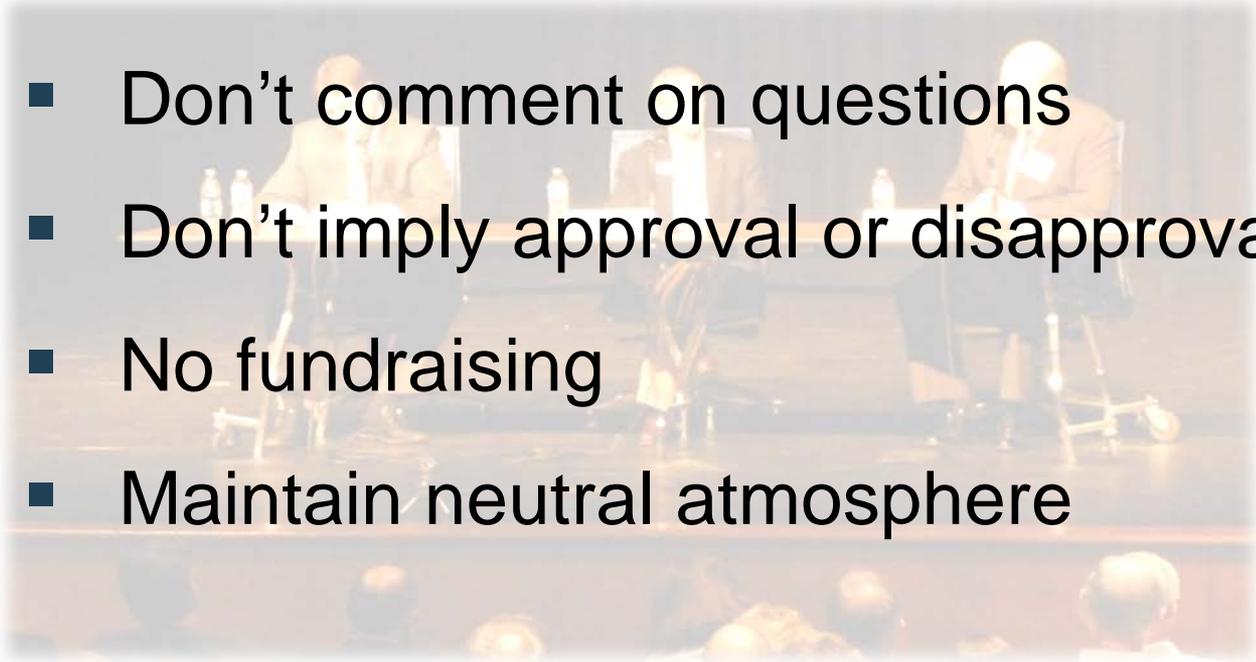
HOW DO THE QUESTIONS WORK?

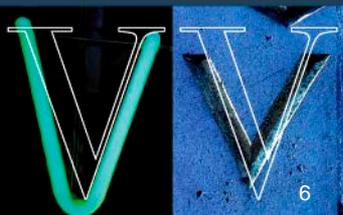
- Questions prepared and presented by independent nonpartisan panel
- Topics cover broad range of issues
- Provide equal opportunity to respond/present views
- Don't use agree/disagree questions



Candidate Forums and Debates

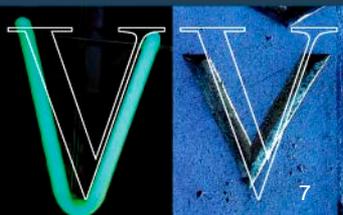
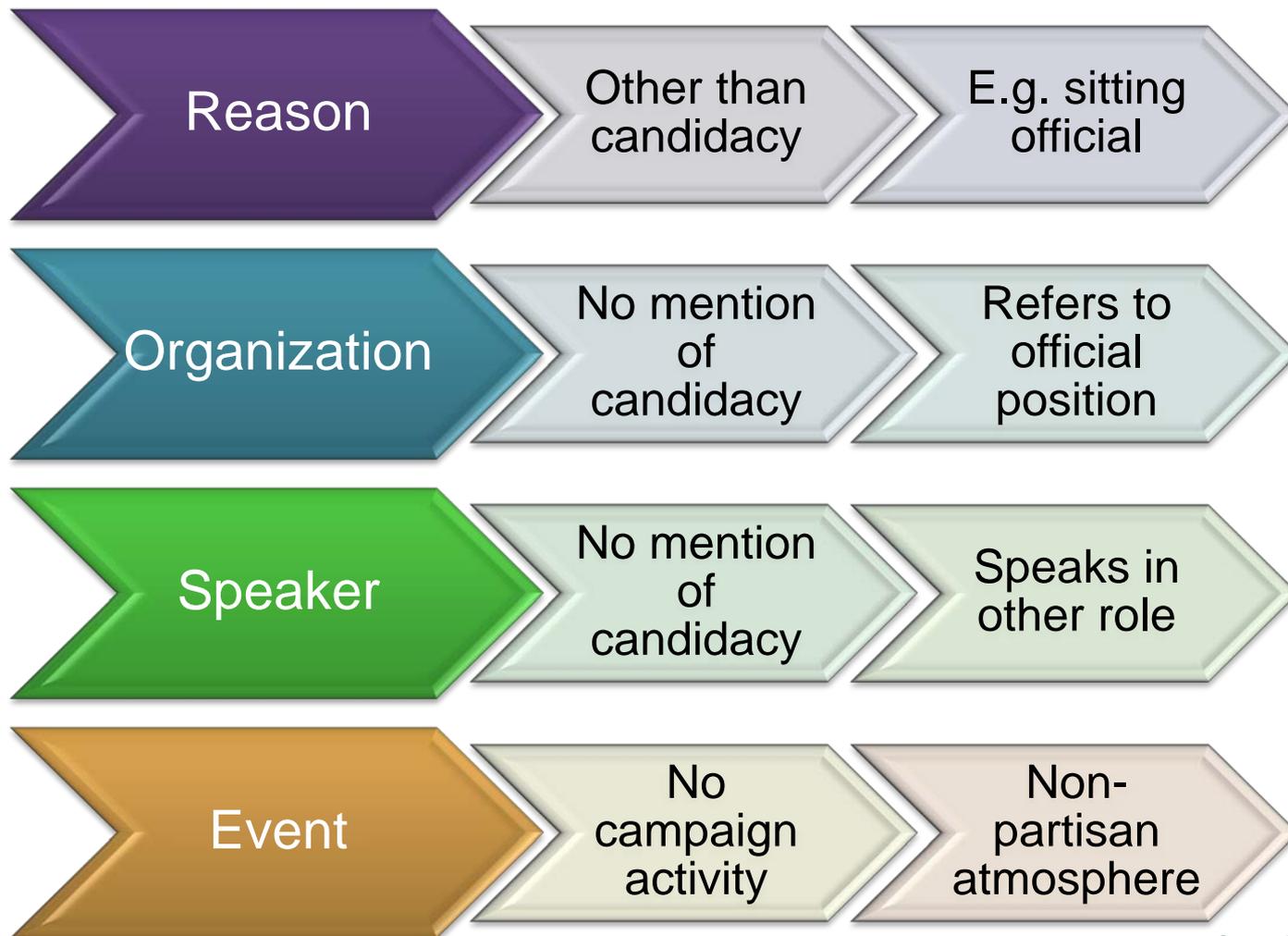
WHAT DOES THE ORGANIZATION DO?

- 
- Don't comment on questions
 - Don't imply approval or disapproval
 - No fundraising
 - Maintain neutral atmosphere



Non-Candidate “Candidate” Appearances

OFFICIAL CAPACITY/EXPERT



Legislative Scorecards

WHEN ARE THEY PERMISSIBLE?

- List all votes by a legislative body
- May include reference to issues
- May not include candidates
- Is it a regular activity
- Is it timed with an election



Voter Guides/Questionnaires

WHAT THE IRS SAYS

Structure

All Candidates for office sent questionnaire

Unbiased structure

No endorsement

Questions

Clear and unbiased

Subjects cover major areas of interest

Clear issue descriptions

Don't ask to accept a pledge

Answers

Reasonable time to respond

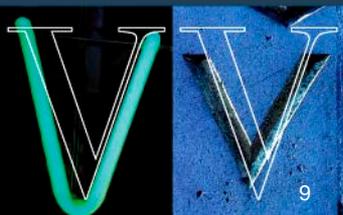
If limited answers allowed (support/oppose), opportunity to explain position

Guides

Questions the same in the guide as provided to candidates

Answers the same as provided or edited for space only

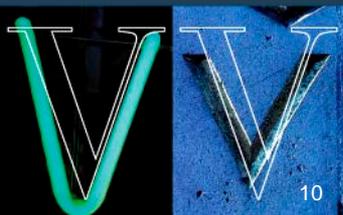
Answers presented close to the question



Issue Advocacy

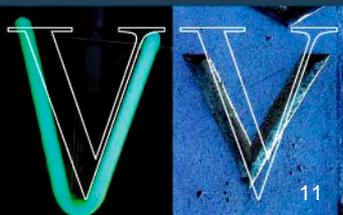
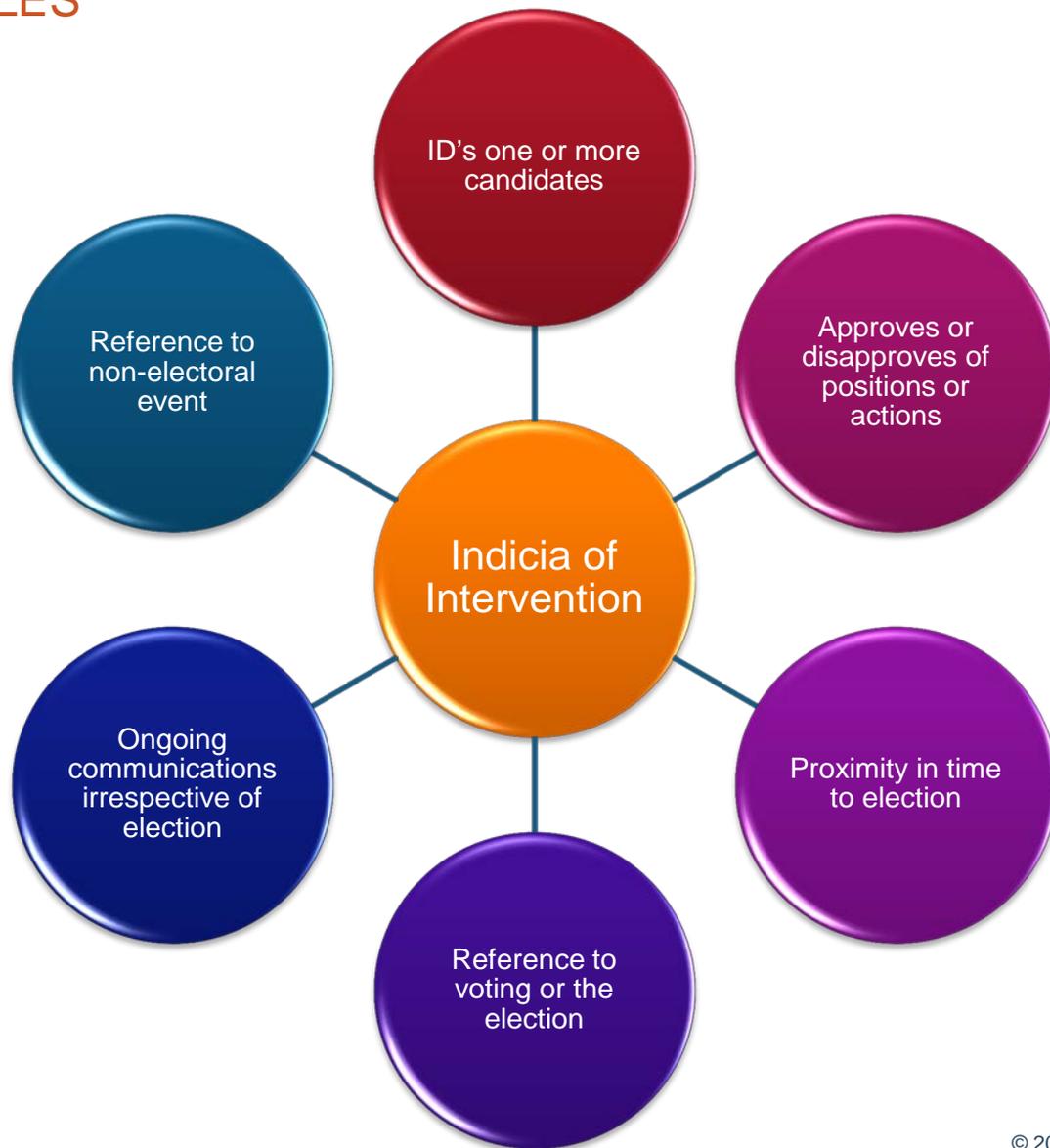
OVERVIEW

- IRS is wary of issue advocacy during elections
- Communications that refer to:
 - Candidate's name
 - Candidate's picture
 - Political party affiliation
 - Distinctive features of biography
 - Candidate's platform
- Communications that reference voting



Issue Advocacy

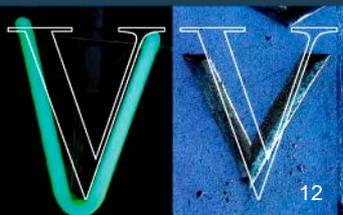
IRS RULES



Issue Advocacy

DISCLOSURE

- Electioneering communications
 - Defined
 - Broadcast
 - 30 or 60 days before election
 - Refer to a candidate
 - Disclosure of expenditures
 - Disclosure of funding
 - State rules may differ
- Grassroots lobbying



Contact Information

YOUR VENABLE TEAM

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