

**AN EDUCATIONAL MEMO FROM
THE SOUTHEAST LAW INSTITUTE, INC.**

To: SLI Supporters
From: A. Eric Johnston
Date: November, 2000
Re: Political, Legislative, and Campaign Activities by Individuals, Churches, and Non-Profit Organizations

INTRODUCTION

Each year, the Alabama Legislature is in session for a certain number of days, usually February to May. Normally, legislative days are Tuesdays and Thursdays with committee days on Wednesdays. The U. S. Congress is in session each year, with certain periods when it is out of session, such holidays, periodic recesses and other times. Campaigns for political office occur on a rotating basis from the local to the national level. Generally, such campaigns occur every other year for offices such as U.S. Congress, every four years for president or governor, and other terms up to six years, such as U. S. Senator.

Questions are often asked to what extent individuals, churches, and non-profit organizations may be involved in political and elective processes. Although the Alabama legislative session is winding down to the end of May, there will be continued activities in the U.S. Congress, and party primaries will take place in June with general elections in November of this year.

INDIVIDUAL ACTIVITIES

Individuals may be involved in legislative, executive, and election processes. In Alabama, a person must be 19 years of age to vote. However, younger persons may be involved in the other activities. It is the right, in fact the duty, for citizens to petition their government for redress of their grievances.

CHURCHES AND NON-PROFIT ORGANIZATIONS

Churches are usually classified for tax purposes as tax-exempt, similar to other non-profit organizations. Churches are not required (but may) to file for and receive tax-exempt status from the Internal Revenue Service, though separate organizations with a religious, educational, scientific or other such purpose must. Churches and such organizations are classified as section 501(c)(3) organizations. This means they are publicly supported and the contributions are not taxable to the organization and are deductible to the contributor.

However, such organizations have certain restrictions on political and campaign activities. There are other types of non-profit organizations such as section 501(c)(4) organizations which may lobby without restriction, but its contributions are not tax-deductible.

Restrictions on churches and other section 501(c)(3) organizations are fairly simple. Though there is not a specific regulation, the IRS observes court rulings that allow amounts to be spent on lobbying of up to 5% of the organization's gross receipts. For example, if a church has gross receipts of \$1 million, it may send up to \$50,000 on lobbying activities. This should provide comfort that some amount of lobbying activity is permitted.

On the other hand, concerning campaigns for candidates seeking political office, churches and other section 501(3)(c) organizations are specifically prohibited from participating in any such campaign either for or against a candidate. This does not preclude them from providing neutral, unbiased, factual information to members or supporters, such as a properly prepared voting record, legislative score card, or similar document.

There are many issues that affect churches and organizations and for which they should be concerned, *viz.*, abortion, religious liberties, education, and other legislation dealing with moral or foundational issues. Just as with individuals, churches and organizations have a duty to respond in the political process to those things which are important.

CONCLUSION

The purpose of this memo is to encourage the involvement that is protected by the free speech and free exercise clauses of the Constitution. There may be questions and if so, we encourage you to contact **SLI** for additional information. We will provide general information as may be appropriate, or refer you to a cooperating attorney if you have specific problems or questions. We encourage churches and non-profit organizations to respond in the "public square" of opinion, but to avoid

This statement is for informational purposes only. It is not intended to provide legal advice. We hope if you have questions or know of those who do, you will contact us and we can assist through referral to one of our cooperating attorneys.

involvement in political campaigns.