



JEWISH COMMUNITY RELATIONS COUNCIL ELECTION YEAR GUIDELINES FOR SYNAGOGUES AND COMMUNITY ORGANIZATIONS

Almost all synagogues, schools and academies, and most other community organizations, are tax-exempt organizations under section 501(c)(3) of the Internal Revenue Code. Such organizations are absolutely prohibited from directly or indirectly participating in any political campaign for or against any candidate for public office—federal, state or local. Organizations that violate this prohibition can lose their tax-exempt status and/or become subject to special taxes.

In addition, as incorporated non-profit organizations, synagogues and community groups are also subject to the restrictions of federal and state campaign finance laws, which strictly prohibit (federal) or limit (state) in-kind corporate contributions to candidates.

There are still many things that synagogues and community institutions *are* able to do, however, to educate their members and the community about candidates and issues, and to involve their membership in the political process, in a non-partisan way. The following information is intended to provide general guidance about what is and is not allowed. **If you have any questions at all, please consult your organization's counsel or contact the JCRC, which will put you in touch with JCRC's counsel.**

I. Candidate Appearances

A. Generally

In general, if your organization wants to sponsor any program or forum at which candidates will be invited to speak:

- *All* candidates meeting the Candidate Selection Criteria noted in Section I(B) below should be invited.
- All candidates must be given generally equal opportunity to address congregants, i.e., the synagogue can't invite one candidate to address services or a big event and another to address a much smaller club or group meeting; and candidates must be generally given an equal amount of time to speak or address the group.

- The topics addressed should cover a broad range of issues.
- The rabbi, synagogue leader or organization leader or representative must *not* indicate any bias for or against any candidate during the event, or make any endorsement or in any way ask for money or support for a particular candidate.
- No fundraising can take place during the event.
- Discussions with the candidates or their representatives should be limited to arrangements and format, and not get into the plans, projects, strategies or needs of their campaigns.

Note that, despite what you may hear about the practice of inviting candidates to appear in churches and synagogues before elections, it is *NOT* permissible to invite only one candidate to appear to speak during services or to address the congregation, or to invite candidates to speak in synagogue in any way that shows bias or implies endorsement.

Individuals holding public office, and candidates, *can* also appear in a *non-candidate* capacity in synagogue and at synagogue and organization functions. The individual might be invited to speak because she is—

- An incumbent elected official, invited to address a subject of importance to the community, or attend the dedication of a new facility or inauguration of a new synagogue or organization program;
- An expert or community leader in a particular area, invited to address the congregation or a synagogue event about that subject;
- A celebrity or distinguished citizen invited to speak about their experiences or career.

In these situations it's *not* necessary to invite any other candidates to participate.

But when an individual is invited to speak in a non-candidate capacity, in this way there should be *no* reference to their candidacy, by the speaker or anybody else at the event; *no* campaign activity, banners, campaign lit, etc.; and *no* fundraising.

Similarly, a public official *can* be acknowledged and introduced at synagogue, during services, by his or her official title, without reference to his or her candidacy.

B. Debates and Forums

A religious or other 501(c)(3) organization can sponsor a debate among candidates for the general election, or among candidates of one party seeking the nomination for an office, as long as:

- The debates include at least two candidates.
- In order to most fully be able to completely and fairly achieve the educational purposes of their political debates and forums, for a candidate for political office to be invited to participate in a JCRC-affiliated religious institution-sponsored political debate or forum, the candidate should demonstrate adherence at least to the following three nonpartisan, objective Candidate Selection Criteria adopted by the JCRC for use in political debates and forums the JCRC sponsors directly:
 - Formal Announcement of Candidacy – The candidate must have filed all required forms with his or her state or District of Columbia government voting regulatory authority necessary to formally declare his or her candidacy for office.
 - Statutory Eligibility – The candidate must have demonstrated to the state or District of Columbia government voting regulatory authority his or her statutory eligibility to appear on the ballot and stand for election to the position being sought.
 - Demonstration of Campaign Support – The candidate must have demonstrated at least a minimum level of public support for his or her campaign by either (a) receiving the support of at least 10 percent of those polled in an independent, credible, professional poll of voters (such a poll must have been conducted after the candidate has formally declared his or her candidacy and may not have been commissioned or paid for by the candidate, the candidate's campaign, or an organization affiliated with the candidate or his or her campaign); or (b) through filing one or more appropriate financial report(s) with his or her state or District of Columbia government voting regulatory authority showing funds raised by his or her campaign in the current election cycle totaling at least 15 percent of the amount raised in the current election cycle by the campaign of the candidate in the same race which has raised the most funds.
- The questions cover a broad range of topics; the questions are chosen by a committee of the organization that is not partisan and does not include known supporters or representatives of the candidates; and the questions are not structured to favor one candidate or another.
- All candidates participating are given an equal opportunity to present their views, in terms of time and format.

- Candidates are *not* asked to agree or disagree with positions or statements of the organization.
- The moderator should *not* make any remark or statement that implies any endorsement of one candidate over another.

II. Clergy and Organization Leaders

A rabbi or organization leader *cannot* endorse or oppose a candidate or a political party:

- Inside the synagogue or at any official synagogue or organization function;
- In an official synagogue organization publication such as a synagogue newsletter.

Example:

Permissible: In his monthly column in the newsletter, the Rabbi states that, “Because of the grave threats to the future of Israel, it is important that all members of our community vote and be active in the political process.”

Impermissible: In his monthly column in the newsletter, the Rabbi states that “Because of the grave threats to the future of Israel, our members must think seriously about supporting candidates who are from our community and who stood up against terrorists and Israel’s enemies. In the Democratic primary for US Senate, we all know where the candidates stand.”

A Rabbi or organization leader *can* endorse a candidate or political party in the Rabbi’s or leader’s *personal* capacity, meaning that the leader can, for example:

- Appear at a press conference or other event for a candidate or party, paid for by the candidate or party, off synagogue or organization property, and at which the rabbi’s or leader’s affiliation is indicated to be “for identification purposes only”;
- Lend her name to an endorsement in a paid ad or literature piece (paid for by the campaign or party), again with the synagogue or organization affiliation indicated to be “for identification purposes only”[add ; and]
- Appear at an organizing meeting, not held on the property of the synagogue or organization, organized by a candidate or party committee to

meet with other community activists, religious leaders, etc. to discuss positions on issues and candidates.

Example: *Permissible*: Candidate X publishes an ad in the Washington Jewish Week listing prominent individuals from the Jewish community who have endorsed the candidate. An endorsing individual is listed as, “Marla Smith, Vice President, Jewish Federation*”, with a note at the bottom of the ad, “*Titles and affiliations of individuals are provided for identification purposes only.”

III. Use of Synagogue and Organization Facilities

A synagogue can make its community room or other common space available for meetings organized by a political party IF the space is available on the exact same basis to *all* parties and candidates, *and* to *non*-political organizations, i.e., to the general public, on the *exact same* basis. A political party or candidate must be charged the same as any other user of the space or facility.

A political party committee or federal candidate can accept the use of a free meeting room from a religious organization, if the space is routinely made available for free to other civic and community groups or members of the public on that basis and if all candidates and political parties are afforded the same treatment.

IV. Voter Registration and Mobilization

Synagogues and other 501(c)(3) organizations can conduct strictly *non-partisan* voter registration and get out the vote drives, on their property or using the organization’s resources. A registration drive can be targeted at members of the congregation or at the Jewish community generally—but it *cannot* be targeted based on preference for a particular party or candidate.

Voter registration and GOTV assistance can be provided by a synagogue or organization as long as—

- No political party or candidate is named in any voter contact communication—whether phone, mail lit, in person rally, etc. Those taking part in the effort should not wear party or candidate buttons or tee-shirts.
- Assistance in registering, and assistance in voting (poll location info, rides to the polls, etc.) must be made available to all persons without regard to political party or candidate preference.
- There is no discussion or coordination of any kind with any candidate or political party, or their representatives or agents.

Examples: *Permissible*: The Synagogue newsletter urges all members to remember to vote on election day November 5 because of the critical issues at stake in the election; and provides the hours the polls are open and the official County Boards of Elections toll free numbers for assistance. An e-mail is sent to all synagogue members with the same information. None of this has been discussed in any way with any candidate or party committee or the representative of any candidate or party committee.

Impermissible: A major Jewish organization matches its membership list with a list of voters registered with a particular party and another list of persons who have donated to candidates of a particular party; and then sends the above e-mail just to those persons.