

## POLITICAL ACTIVITY

> Policy For Church Involvement In Political Affairs (26 October 2007; Msgr. Duchaine [Bishop Nickless])

1. Attached is a political activity document, "Policy for Church Involvement in Political Affairs," recently approved by the Iowa Catholic Conference.
2. The intent of this document is to explain, clarify and defend the Church's "right to speak out on issues of moral and social concern from a religious standpoint" and to "stand up for the faith convictions we hold."
3. Bishop Nickless encourages you to read this document and share it with your parishioners.

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1. "The joys and the hopes, the griefs and the anxieties of the men of this age, especially those who are poor or in any way afflicted, these are the joys and hopes, the griefs and anxieties of the followers of Christ. Indeed, nothing genuinely human fails to raise an echo in their hearts." *Gaudium et Spes*, Preface, Second Vatican Council
2. "In the moral order she (the Church) bears a mission distinct from that of political authorities: the Church is concerned with the temporal aspects of the common good because they are ordered to the sovereign Good, our ultimate end. She strives to inspire right attitudes with respect to earthly goods and in socio-economic relationships." *Catechism of the Catholic Church*, #2420
3. "The Church cannot and must not take upon herself the political battle to bring about the most just society possible. She cannot and must not replace the State. Yet at the same time she cannot and must not remain on the sidelines in the fight for justice. She has to play her part through rational argument and she has to reawaken the spiritual energy without which justice, which always demands sacrifice, cannot prevail and prosper. A just society must be the achievement of politics, not of the Church. Yet the promotion of justice through efforts to bring about openness of mind and will to the demands of the common good is something which concerns the Church deeply." *Deus Caritas Est*, 28, Benedict XVI (2006)
4. Throughout the decades Church documents such as those cited above have acknowledged that while politics is not the primary task of the Church, promoting the moral order and a just society through its teaching and activity is among its important tasks. Because of its duty to spread the Gospel and address the negative effects of injustice and sin in the world, the Catholic Church has a right to teach and speak out on public issues of moral and social concern from a religious standpoint. We have an obligation to stand up for the faith convictions we hold. The First Amendment of our nation's Constitution assists in protecting that right.
5. Therefore the Church would like to help parishioners understand their rights and duties as citizens and Catholics. We always have an opportunity to share the powerful moral and social teachings of the Church - the protection of human life being primary -- and encourage parishioners to participate in the political process with a rightfully formed conscience. Election seasons are especially important times to do this.
6. Therefore, dioceses and parishes are encouraged to assist parishioners to learn and take to heart the moral and social teaching of the Church; and then to apply those principles in the voting booth and the public life of our society.
7. In particular, challenging the laity to understand and accept their responsibility to engage the political process to improve society is essential. Therefore the following principles describe the vision for involvement in the political arena.
8. Principles
  - a. The God-given dignity of the human person should be the primary consideration. A basic test of policy is whether it supports or threatens human life and human dignity. From this, citizens and public officials alike must give serious consideration in all matters to the common good, which must be protected and promoted if individual rights and human dignity are to be encouraged and upheld.
  - b. Participation in the political process is both a Christian duty and a constitutional right.
  - c. Participation in the political process is required of Christians since social injustice and the denial of human rights can often be remedied only through governmental action.
  - d. It is the Church's role to call attention to the moral and religious dimensions of issues, to keep alive the Gospel values as norms for social and political life, and to point out the demands of the Christian faith for a just transformation of society.
  - e. The Church remains non-partisan and does not support or oppose issues based on party.

- f. The Church's participation in political affairs should affirm, not threaten, the political process and genuine pluralism. The Church recognizes the legitimate autonomy of government and the right of all, including the Church itself, to be heard in the formulation of public policy.
  - g. The Church does not seek the formation of a religious voting bloc; nor does it wish to instruct persons on how they should vote by endorsing candidates.
  - h. The Church urges citizens to avoid choosing candidates simply on the personal basis of self-interest. It encourages voters to examine the position of the candidates on the full range of issues as well as the candidates' integrity, philosophy, and performance.
9. Note: The following directives are based upon "*Political Activity Guidelines for Catholic Organizations*" USCCB, 2007
- a. Section 501(c)(3) of the IRS prohibits organizations that are exempt from federal income tax under its provisions, including Catholic organizations exempt under the USCCB Group Ruling, from participating or intervening in political campaigns on behalf of or in opposition to any candidate for public office. This prohibition has been interpreted as absolute.
  - b. Catholic organizations may engage in lobbying activities only if they do not constitute a substantial part of their total activities, measured by time, effort, expenditure and other relevant factors. Neither the IRS nor the regulations define what is "substantial" in this context. A few cases suggest that the line between what is substantial and what is insubstantial lies somewhere between 5% and 15% of an organization's total activities. It does not prohibit lobbying outright, as is the case with political campaign activity.
  - c. Legislation means any action: (a) by Congress, a state or local legislative body; or (b) by the public in a referendum, initiative, constitutional amendment or similar procedure. Ballot measures, including referenda, initiatives, constitutional amendments, and bond measures, are considered legislative proposals. Catholic organizations may support or oppose ballot measures, etc., in furtherance of their exempt purposes, subject to the relevant lobbying limitation, without jeopardizing tax-exempt status.

**10. Permissible Activities for Catholic Organizations**

- a. Educating Candidates. As a general rule, private efforts by a Catholic organization during election campaigns to educate candidates about particular issues or to persuade candidates to endorse or agree with the organization's position on such issues will not constitute political campaign intervention.
- b. Educating Voters. During election campaigns, Catholic organizations may educate voters about the issues. In addition, they may educate voters about candidates' positions on the issues through such activities as sponsorship of candidate forums and distribution of voter education materials, (e.g., incumbents' voting records or results of candidate polls or questionnaires) as long as activities are unbiased in content, structure, format, and context.
- c. Issue Advocacy. The political campaign activity prohibition does not prevent a Catholic organization from addressing the moral aspects of public policy issues or from pursuing its legislative advocacy program during election campaign periods.
- d. News Stories. During election periods, the Church's news coverage may include stories that report candidates and campaign activities. Coverage of such stories does not per se violate the political campaign activity prohibition. The threshold distinction is between legitimate news coverage and attempts to promote or oppose a candidate through editorial policy.
- e. Polling Places. Catholic organizations, particularly schools, frequently permit local election authorities to utilize their auditorium and gymnasium facilities to serve as polling places on Election Day. This activity is a manifestation of civic duty, is nonpartisan, and does not constitute a violation of the section 501(c)(3) political campaign activity prohibition. Any limited campaign leafleting or signage permitted outside polling places under local election rules, conducted by local campaign volunteers, should not be attributed to the Catholic organization. See "Renting Facilities" for additional information that pertains to party caucuses.
- f. Public Forums, Debates, Candidate Nights. Catholic organizations may sponsor unbiased public forums, debates, candidate nights and similar activities, in which candidates explain their views to the public. The sponsoring organization may not indicate its views on the issues being discussed, comment on candidates' responses, or in any other way indicate bias for or against a particular candidate, party or position. IRS has identified the following factors as important to a favorable determination on candidate forums: (a) all legally qualified candidates are invited to participate;

(b) the questions are prepared and presented by an independent nonpartisan panel; (c) the topics discussed cover a broad range of issues of interest to the public; (d) each candidate has an equal opportunity to present his or her views on the issues discussed; (e) the moderator does not comment on the questions or otherwise make comments that imply approval or disapproval of any of the candidates; and (f) the candidates are not asked to agree or disagree with positions, agendas, platforms or statements of the sponsoring organization.

i. Generally, all bona fide candidates for a particular office should be invited to participate, since a policy of excluding candidates may evidence bias. If the field of legally qualified candidates is large, the sponsoring organization may limit participation based upon “pre-established objective criteria”. Any debate must include at least two candidates and must not promote or advance one candidate over another.

g. Voter Registration/Get-Out-the-Vote Drives. Catholic organizations may sponsor voter registration and get-out-the-vote drives, provided that no bias for or against any candidate, political party, or voting position is evidenced. Catholic organization voter registration or get-out-the-vote efforts should not be conducted: (a) in cooperation with any political campaign; (b) according to the identity of the candidates; (c) based upon a candidate’s or party’s agreement or disagreement with the sponsoring organization’s positions; or (d) in a manner targeting members of a particular party.

h. Voter Guides - Incumbents Voting Records. Compilation of incumbents’ voting records is a common method of voter education. Voting records may also be compiled as part of an organization’s lobbying efforts.

11. **Prohibited activities** Section 501(c)(3) prohibits a range of activities, generally including: organizational statements, in any medium, of support or opposition for any candidate, political party or political action committee (“PAC”); providing or soliciting financial support to any candidate, political party or PAC; providing or soliciting in-kind support for any candidate, political party or PAC; distribution of voter education materials biased with respect to any candidate, political party or PAC; conduct of public forums, debates or lectures biased with respect to any candidate, political party or PAC; and conduct of voter registration or get-out-the-vote drives biased with respect to any candidate, political party or PAC.

a. Appearances at Church Events.

i. If an individual is invited in a candidate capacity, the rules applicable to public forums (see above) apply, and equal access must be provided to other candidates for the same office. IRS has also indicated an organization that invited two opposing candidates with the knowledge and expectation that one would not accept the invitation because of well-known opposing viewpoints would likely not be considered to have provided equal access.

ii. If, on the other hand, a candidate is invited to speak in their capacity as a public figure or expert, it is not necessary to provide equal access to other candidates for the same office. The following criteria should be followed: (1) the candidate must speak only in their capacity as expert or public figure and not as a candidate; (2) no mention should be made of their candidacy; (3) no campaign activity should occur in connection with the candidate’s appearance; and (4) all publicity and other communications regarding the candidate’s attendance should identify the capacity in which the candidate is appearing and should not mention her candidacy.

b. Bumper Stickers Political bumper stickers should not be placed on vehicles owned or rented by Catholic organizations for official business. The placement of political bumper stickers on the personally-owned vehicles of Church officials or employees is not prohibited.

c. Campaign Materials. Catholic organizations may not distribute voter education or other campaign materials prepared by any candidate, political party or PAC.

d. Collecting Signatures for Ballot Access. Catholic organizations may not collect signatures on or encourage voters to sign petitions to enable any candidate to appear on an election ballot.

e. Endorsements, Statements of Opposition. A Catholic organization may not directly or indirectly make any statement, in any medium, to endorse or oppose any candidate for public office, political party, or PAC

f. Financial Support. A Catholic organization may not provide or solicit financial support, including even market-rate loans and loan guarantees, for or on behalf of any candidate, political party, or PAC.

- g. Fundraising. A Catholic organization should not conduct fundraising events or activities, or otherwise solicit funds, for or on behalf of any candidate, political party, or PAC. Likewise, a Catholic organization should not permit fundraising for or on behalf of any candidate, political party, or PAC at any sponsored event.
- h. Loans/In-Kind Support. A Catholic organization may not make loans to or execute loan guarantees on behalf of any candidate, political party or PAC. Nor may it provide or solicit in-kind support such as selective use of volunteers, paid staff, facilities, office supplies of any candidate, political party or PAC.
- i. Internet Activities. The political campaign activity prohibition and these guidelines apply with equal force to Catholic organization websites and e-mail communications.
- j. Mailing Lists. Selling, renting or lending mailing lists to candidates, political parties, or PACs on a preferential basis, or without charge, violates the political activity prohibition.
- k. PACs. A Catholic organization may not establish a PAC, nor may it provide any financial or in-kind support to a PAC.
- l. Paid Political Advertising. A Catholic organization may not provide political advertising to a candidate, political party or PAC free, at a reduced rate, or on a selective basis.
- m. Parking Lots. The parking lots of most Catholic churches and other Catholic organizations are classified as private property. If a parking lot is classified as private property, a Catholic organization should not authorize the distribution of partisan campaign materials or biased voter education materials in the lot.
- n. Photo Ops. A Catholic organization receiving a request to host a “photo op” should inform the candidate immediately of its status as a section 501(c)(3) organization, the limitations imposed by the political campaign activity prohibition, and the need for further consultation. The (arch)diocese should be contacted for advice. It is difficult to generalize about the appropriateness of such requests.
- o. Pulpit Appearances. Appearances by candidates in the pulpit or at other worship services are governed by the same rules applicable to appearances at Church events. Thus, if an individual is invited to appear in a candidate capacity, equal access must be provided to other candidates for the same office. On the other hand, if the candidate is invited to appear in a non-candidate capacity, it is not necessary to provide equal access to other candidates. Diocesan policies related to those who may preach must be followed at all times.
- p. Rating Candidates. The rating of candidates for character, experience and professional ability, even on a non-partisan basis, violates the political campaign activity prohibition. The rating of candidates based on their agreement with a Catholic organization’s positions or the labeling of candidates as pro-life or anti-family or by using symbols or signs, likewise violates the political campaign activity prohibition.
- q. Renting Facilities. Rental of Catholic organizational facilities for political purposes is not per se prohibited. If there is no local policy barring rental of Catholic facilities for partisan political activities, appropriate policies regarding such use should be developed, including the following: (a) fair market rate must be charged; (b) the facility may not be provided free or at a reduced charge; (c) if the facility is made available for rental only to affiliated Catholic users, it should not be made available to a candidate or political party; (d) if the facility is made available for rental to outside users, the facility may be made available to a candidate or political party on the same basis as other outside users; (e) the facility should be equally available for all candidates or parties, with no preference for any particular candidate or party; and (f) the Catholic organization should not advertise, promote, or provide other services in connection with an event taking place in its facility. Prudence dictates that if a Catholic organization has never rented its facility, its first rental should not be to a candidate or political party.
- r. Signs on Church Property. Political signs should not be placed on property owned by Catholic organizations or rented by Catholic organizations for official business. Section 501(c)(3) does not prohibit the placement of political signs on the personally-owned property of Church officials or employees.
- s. Student Activities. Catholic schools are prohibited from engaging in political campaign activity. However, section 501(c)(3) does not prohibit the individual political activity of faculty, staff, or students. Student political activity required as part of a course assignment will not be attributed to

the school if the assignment was germane to the course and the school did not influence the choice of candidates.

- t. Voter Guides -- Candidate Questionnaires. Questionnaires should be distributed to all candidates, and all candidates should be encouraged to respond. No other coordination, cooperation, or consultation with candidates, their committees, etc. should take place. Failure of all candidates to respond, may, in certain circumstances, require re-evaluation of the appropriateness of disseminating questionnaire responses. If only one candidate in a particular race responds, the questionnaire responses may not be useable. FEC rules governing voter guides by section 501(c)(3) organizations require participation of at least two candidates. Catholic organizations should not in any circumstances attempt to develop position statements for candidates that fail to respond, and should consult local legal counsel for further analysis of particular fact situations involving candidate questionnaires.
- u. Outside Voter Guides: Catholic organizations should be wary of outside groups seeking to distribute their “voter education” materials. Outside voter education materials should be approached with extreme caution, including materials accompanied by outside legal opinions.
- v. Websites. The following information posted on a Catholic organization website or contained in an e-mail communication sent by a Catholic organization can be expected to violate the political campaign activity prohibition: (a) selective links to websites maintained by a candidate, PAC or political party; (b) endorsements or statements of opposition of any candidate; (c) biased voter education materials or links to same; and (d) links to other websites that support or oppose candidates.

## 12. **Personal Involvement**

- a. The political campaign activity prohibition applies to Catholic organizations, not to leaders, employees or members acting in their individual capacities. Thus, the political campaign activity prohibition does not prevent officials of Catholic organizations, acting in their individual capacities, from becoming involved in political activity, provided they “do not in any way utilize the organization’s financial resources, facilities or personnel, and clearly and unambiguously indicate that the actions taken or statements made are those of the individuals and not of the organization.”
- b. For more information, see [www.usccb.org/ogc/guidelines.shtml](http://www.usccb.org/ogc/guidelines.shtml).