



MEMORANDUM

To: WSPTA Board of Directors
Service Delivery Team Members
Council Presidents/Officers
Local Unit Presidents/Officers

From: WSPTA Staff

Date: November 15, 2004

Subject: Nonpartisan Policy

It is a requirement of both the National PTA and Washington State PTA bylaws, and it is a requirement by the Internal Revenue Service, that PTAs “not participate in or intervene in, directly or indirectly, any political campaign on behalf of any candidate for public office.”

This includes every elected office, including school boards. This affects every local PTA/PTSA unit in this association; every PTA/PTSA Council; and the State PTA itself.

Officers and directors of the association must exercise caution in this area. By virtue of holding an elected PTA position, the PTA can be jeopardized by inappropriate actions in the political area.

Any violation of this political campaign rule/law may result in fines, penalties, and/or revocation of the PTA’s tax-exempt status. Moreover, the Internal Revenue Service (IRS) will seriously consider complaints from the public that a charitable, educational, or social welfare organization is engaged in improper or illegal political campaign activity. Consequently, PTAs and their officers, directors, and volunteers must scrupulously avoid any appearance of political campaign activity on the part of PTA. The IRS is intent on closely monitoring the political arena for any indication that charitable, educational, and social welfare organizations, such as PTAs, have engaged in improper or illegal political campaign activity.

It is recognized that some PTA officers, directors, and volunteers may choose to participate on their own in the political process. PTA officers must separate his/her identity with PTA when personally participating in any partisan

campaigning. This includes not mentioning/including a PTA title or affiliation in any campaign activities.

The following guidelines summarize the legal requirements governing political campaign activities by PTAs and are intended to assist the officers, directors, and volunteers in understanding those requirements in order to maintain their respective PTA's tax exemption. The guideline is a brief abstract of those rules and a statement of PTA's philosophy.

- *PTA represents parents and others concerned with the welfare of children and youth.*
- *PTA has been advocating for children's health, safety, education, protection, and general welfare for over a century.*
- *PTA representatives should conform to the requirements of the law, both in service to PTA and in their personal affairs. They should observe high standards of conduct so that the integrity, independence, and tax exemption of PTA may be preserved.*

When campaign activities are involved, these rules should be observed:

A. An officer, director, or volunteer of any PTA, acting solely in his or her **individual capacity**, may participate freely in the political process.

B. However, in one's **official capacity** as an officer, director, or volunteer, an individual may not:

- (a) Act as a leader or hold any office in a political organization;
- (b) Make speeches for a political organization or candidate or publicly endorse a candidate for public office.
- (c) Submit funds for or pay an assessment or make a contribution to a political organization or candidate, attend political gatherings, or purchase tickets for political functions.

Washington State PTA Political Campaign Activities: Guidelines and Restrictions General Principles

Endorsements: PTAs may not make any statement (written or oral) supporting or opposing any candidate for public office. Thus, they cannot encourage votes for or against any candidate for public office, for example, via a speech or bulletin, or through an editorial position in a PTA newsletter. In addition, PTAs should avoid statements that indirectly support or oppose a particular candidate – for example, labeling a candidate as 'pro-education', using a + or – sign to evaluate candidates, or using biased voter education materials.

Financial and Other Support: A PTA may not provide financial support to any candidate or political action committee (PAC) or political party. In addition, it may

not provide other forms of candidate support, such as free volunteers, facilities, equipment, or mailing lists.

Partisan Campaign Literature: A PTA may not distribute campaign literature that supports or opposes a particular candidate or political party. In addition, the distribution of campaign literature on the premises of a PTA meeting should be avoided. Third party distribution of campaign material on public property (outside the building during a PTA event) should not be viewed as a PTA activity since the PTA lacks authority to control access to public property. If the PTA invites or suggests such distribution, however, complaints could be raised about political campaign activity.

Voter Education: Voter education activity consists of distribution during an election campaign of newsletters, pamphlets or other materials that include candidates' statements or voting records, or the results of candidate polls or questionnaires. Whether such distribution constitutes political activity depends upon the format and content of the publications and the manner of their distribution. All polls, questionnaires, voter guides, and voting records should be **very carefully reviewed** prior to publication or distribution.

- Voting records: The IRS has indicated that, during an election campaign a PTA may distribute the voting records of all members of the legislature on a wide range of subjects, only if the structure and content of the materials avoids bias. Materials would likely be considered biased if it indicates or implies that a legislator agrees or disagrees with the organization's position, or that the organization agrees or disagrees with the legislator's vote.
- Candidate Questionnaires: Polling or submitting questionnaires to candidates concerning their positions on issues is considered a neutral activity. It is only when the results of the polls or questionnaires are disseminated during a campaign that issue of political activity arises. Results may be distributed to the general public as a voter guide during an election campaign provided the poll does not pose questions designed to make the candidate appear acceptable or unacceptable to the organization; the poll or questionnaire covers a wide range of issues selected on the basis of importance to the electorate as a whole; and the results of the poll/questionnaire are reported in an accurate, unbiased manner.

Nonpartisan Voter Registration Drives: Both the IRS and the Federal Elections Committee (FEC) permit a charitable, educational, or social welfare organization to sponsor voter registration drives and encourage citizens to exercise their right to vote, provided no bias for or against any candidate or political party is evidenced. The FEC requires all materials prepared for distribution to the general public in connection with the drive to include the full names of all drive sponsors.

Nonpartisan Public Forums, Debates, Lectures: A charitable, educational, or social welfare organization may sponsor an unbiased public forum, debate, or

lecture 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 way indicate bias for or against any candidate.

Individual Political Action: Officers, directors, and members of any PTA, acting in their individual capacity, may participate freely in the political process. However, given the absolute prohibition on political campaign activities by PTAs, care should be taken to insure that no misunderstanding arises that individuals are acting as representatives of any PTA. For example, if a PTA official speaks at a campaign event supporting a particular candidate, they should not be introduced in their official capacity. Likewise, any written materials in which an individual's name appears should not contain any mention of PTA or a PTA position held by the speaker.

Penalties: Because the political campaign activity prohibition is absolute, PTA must take the prohibition seriously. Any violation of the restriction may result in revocation of exempt status. Moreover, there are additional financial penalties for violation of the political campaign activity restriction which may be imposed on both the organization and on organization officers and directors.

Conclusion

During an election campaign, PTAs remain free to address issues of concern to them and their membership, even when the issues are relevant to a campaign. However, such discussion must focus on issues, and not candidates.

PTAs must remain extremely careful that their actions not drift into the prohibited campaign arena. In addition, PTAs must pay special regard to appearance, particularly since the IRS will consider complaints by citizens (including candidates) and other groups, including political parties, that an exempt organization is engaged in improper or illegal political campaign activity.

These guidelines are designed to serve as a resource for Washington State PTA local units and councils. If there are questions or concerns please contact the WSPTA office.