

One Nation, Many Faiths
V★TE 2008



RELIGION & POLITICS

A CAMPAIGN SEASON GUIDE FOR HOUSES OF WORSHIP



Houses of worship, like other nonprofit organizations in the United States, enjoy a big benefit from the government: contributions to them are tax-deductible for the donor, and tax-exempt for the house of worship. But because Americans don't want their tax dollars supporting political causes, those tax benefits come with a catch or two. For this discussion, the most important is that houses of worship may not campaign – openly or otherwise – for candidates for public office.

That doesn't mean houses of worship are prohibited from taking part in the great exercise of democracy known as an election. It just means that they may not work to elect one candidate over another for office, or engage in other partisan activities.

On the other hand, houses of worship are permitted by the tax laws, and encouraged by The Interfaith Alliance Foundation and others, to involve their members in the political process by helping them understand the issues, and by encouraging them to vote.



Speak to your members on issues of the day but don't compromise religion's powerful healing force by using your authority to advance particular sectarian interests over America's shared values.

Religion plays a vital role in our communities and religious values inform an appropriate patriotism and inspire political action. Likewise, houses of worship also play a vital role at election time.

But it is one thing to urge our members to vote, and another to tell them *how* to vote. That's where the IRS draws its line, and where most Americans of faith seem to draw theirs. Of course, different faith traditions have different customs. Our intention with this publication is not to tell you what to do. It is to tell you how others, the IRS and Americans of faith in particular, are likely to perceive your choices.

We urge you to stay on the right side of the law, and so we will say in this document over and over that "houses of worship may" do a particular thing. When we say that, we mean that it is legal under current federal and state laws. Of course what is legal may not be moral. But some of the finer choices about your house of worship's election role are between you, your congregants, and your faith.

This guide will reaffirm several important concepts:

- ◆ Encouraging your members to vote is one of the most important ways you can contribute to public life.
- ◆ However, telling your members whom to vote for is never allowed.
- ◆ The ultimate goal is a partnership between religion and government that preserves the autonomy of houses of worship and ensures that religious institutions are not held hostage to the priorities and interests of federal, state, or local governments.
- ◆ Religion's powerful healing force in politics can be severely compromised when America's shared values are replaced by values that advance only particular sectarian interests.

THE BIG PICTURE IN RED AND GREEN

We all know that real life isn't always black and white. Or in the case of this publication, green and red. That's right. We're going to use traffic light colors to tell you what the law says you can and cannot do.

Of course, the IRS isn't the only authority houses of worship need to worry about. There's also...your congregation! Just because the law permits you to do something, doesn't mean you won't offend your congregants by doing it – something that's always nice to anticipate. So we'll discuss some of the pros and cons of various legal activities, too.

A Green Light for Encouraging Your Members' Informed Participation

Houses of worship are permitted by the IRS, and encouraged by The Interfaith Alliance Foundation, to provide nonpartisan information to worshippers on a broad range of issues, to encourage and register them to vote, and even to invite candidates to address them. But you should be aware of a few yellow caution lights.



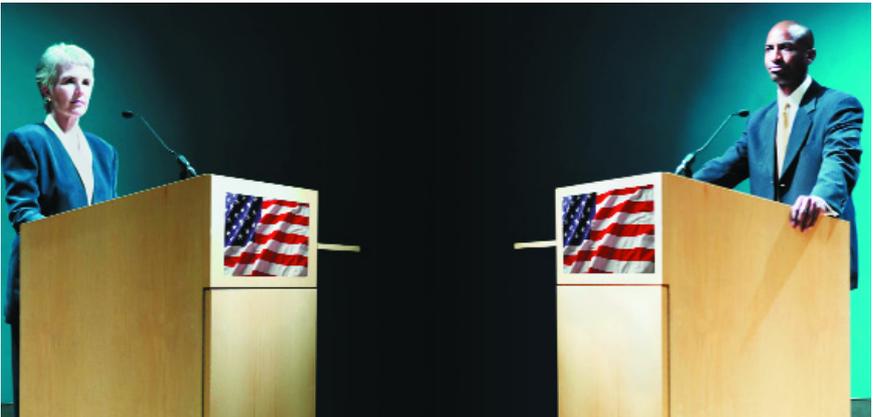
◆ **Houses of worship may conduct a voter registration drive as long as it is open to anyone, regardless of political party.** When crafting messages encouraging people to vote, be sure you don't implicitly suggest which candidates or parties to vote for. If you mention policy issues during a voter registration drive, mention a broad range of issues, and don't indicate which position your faith, congregation, or religious leader supports on any issue.

◆ **Religious leaders should encourage people to vote in elections.**

◆ **Religious leaders and other officials may take a stance on important issues facing their community, as long as they do not favor one candidate or party.** In

some faith traditions, such appeals are often made in the context of a formal religious service; other traditions prefer to use more informal meetings of the congregation for such purposes. The IRS permits either, but remember, these statements should not suggest – even implicitly – support for or opposition to any candidate. It is best not to refer to candidates or the upcoming election at all. Be aware that even if you avoid any such references, commenting on policy issues on which the candidates are sharply divided may still lead to charges that you are attempting to influence the election.

◆ **Houses of worship may invite candidates to a debate for your members.** But you must follow a few IRS rules. The event may *not favor one candidate over another*, in structure or any other way. (So, for example, it wouldn't be fair to deliberately slant questions to benefit one candidate, or to permit one candidate to always have the last word.) Questions must cover a broad range of issues to ensure that selective choice of topics doesn't favor one candidate over another. Finally, you must invite all candidates (or at least all the major candidates) in the race, even those you disagree with. And most of those invited candidates must agree to participate. If there are only two candidates in a race, and one declines to debate, you may not hold the event.



Religion is one source of reconciliation; but it, too, has been divided by the far right along political fault lines. It is by respecting our differences that we come together as a democracy.

◆ **Houses of worship may invite individual candidates and elected officials to speak to their members; however, to avoid tax-code problems, take several precautionary steps.** If you invite one candidate, invite all candidates, under similar circumstances - provide the candidates with opportunities to address a similar audience, for a similar length of time, and in the same general time period relative to the election. Don't explicitly or implicitly suggest favoritism. During these events, it is also essential for the house of worship to state that they neither support nor oppose any candidate.

It has long been custom in some churches to invite favored candidates to speak from the pulpit the weekend before Election Day and for candidates to use the opportunity to make partisan appeals. The simple truth is that these visits expose the house of worship to IRS sanctions, and they also raise very real concerns about inappropriately mixing religion and politics. Every house of worship must decide for itself what is right and proper in the context of its own customs and fully mindful of the law.

◆ **Houses of worship may invite people who are running for office to events for reasons unrelated to their candidacy for office.** People who are running for office are often current officeholders or other prominent people in your community, and it's fine for your house of worship to invite them to appear at a service or other event in that capacity. For example, you may want to invite your representative in Congress to attend the opening of a new meeting room or day-care facility. Make sure it's clear that anyone you invite is not appearing in his or her role as a candidate. Try not to schedule the event close to Election Day; instruct your guest not to speak about his or her candidacy; and don't mention the upcoming election when publicizing the event or introducing your guest. Because your guest is not appearing as a candidate, you need not invite the other people running for the same public office.

◆ **Houses of worship may urge worshippers (and others) to vote for or against a particular ballot measure.** Although houses of worship may not support or oppose *candidates*, they may support or oppose initiatives, referenda and other measures that appear on the ballot. In many states and localities, voters are given the chance to make new laws ranging from funding for education through school bond measures to constitutional amendments defining “marriage.” Houses of worship may “lobby” the public to support or oppose these proposals just as they are allowed to lobby elected officials to support or oppose legislative proposals.

Of course, the amount of lobbying that houses of worship may do is limited. Whether the activities take the form of attempting to influence ballot measures or of urging elected officials to support or oppose pieces of legislation, a house of worship must make sure that the total amount of such activities does not become, according to the IRS, a “substantial” part of its activities.

One more thing to be careful about: state and local election law also govern efforts for or against ballot measures. Check with people who know your state and locality’s election laws to determine whether your house of worship’s activities around a ballot measure trigger any obligations to register or report to state or local election authorities.

◆ **Religious leaders acting as individuals and not as representatives of their houses of worship may publicly endorse candidates.** But you should make clear to the public that the endorsement is not on behalf of their religious denomination or house of worship. Such endorsement should not be made from the pulpit, bema, lectern, or in any other official capacity.



◆ **You may organize a “Get-Out-The-Vote” drive aimed at your congregation, but it may not be designed to benefit a political party or a particular candidate.** The easiest way to make sure you’re within the boundaries of the tax laws is to aim your efforts at your entire congregation, and not to target specific subsets of the congregation. Your messages for your get-out-the-vote efforts should mention many issues, not just one or two, and you shouldn’t suggest that people vote for particular candidates or candidates that take particular policy positions. It is acceptable for you to target specific geographic areas for non-partisan reasons, such as low-income, minority, low voter turn-out or student populations.

Your house of worship shouldn’t simply give names and contact information of your congregation to candidates or others conducting partisan get-out-the-vote efforts. However, you may allow candidates to rent your mailing list for the rates typically charged for such lists as long as you make the

names equally available to all candidates. If you decide to allow candidates to rent your list, it’s safest to do so through a “list broker” – someone whose business is renting lists – because a list broker can set a fair price and ensure that all candidates have the opportunity to rent the list. If you decide to handle the rentals yourself, you should write to all of the candidates to offer them the list.

Of course there are barriers to making your list available for rental: Your members may not want you to rent the list and some houses of worship have privacy policies that forbid such rentals. Each house of worship should consider the matter carefully before renting its list.



◆ **If you regularly allow civic organizations to use your facilities for meetings, you may allow candidates to do the same.**

But you must charge candidates the same fee, if any, that you charge other groups and you must let all candidates know that they may use the space under the same terms.

◆ **Your house of worship may distribute unbiased candidate questionnaires that cover a range of issues and publicize the candidates' answers.**

Materials that suggest one candidate is preferable to another or that one candidate's answers are "better" than another's fail the test of non-partisanship. If you distribute candidate surveys, all (or at least all major) candidates for the office should be included, and most must respond before you publicize the answers. You should not edit their answers, or you risk being accused of mischaracterizing what they said for partisan reasons. Be careful that your questions do not suggest a "correct answer" or favor one candidate or party over another.



Prohibited Political Activities: A Red Light

Some activities clearly violate the tax laws.

- ◆ **You may not allow candidates to raise funds for their campaigns on the house of worship's property.**

This restriction does not apply to candidates who simply rent a house of worship's meeting room for a fundraiser on the same terms that others – including other candidates – in the community are permitted to rent the facility. Because of the potential that this would appear to be impermissible support for a candidate, however, many prudent houses of worship refuse to rent their facilities for political activities as a matter of policy.

- ◆ **The house of worship, including its leaders speaking in their official capacity, may not explicitly or implicitly endorse a candidate, potential candidate, political party, third-party movement, or candidate draft effort.**

- ◆ **A house of worship cannot make a donation or a loan to a candidate, political party, or political action committee.**

- ◆ **A house of worship may not permit political signs favoring a candidate or party to be posted on its property.**

- ◆ **A house of worship cannot focus its voter registration or other election-related activities in specific geographic areas that are selected because they are key districts or wards that will determine the outcome of the election.** (However, your congregation may target a geographic area because it is convenient to your location or because many members of your congregation or others of your faith community live there.)

- ◆ **A house of worship cannot coordinate its voter registration, “get-out-the-vote” drives, or other election-related activities with a candidate or political party.** Don't let candidates or political parties suggest the timing, message, audience, or location for these activities.

- ◆ **A house of worship cannot organize groups to work for a particular candidate.**

◆ **A house of worship cannot ask a candidate to pledge support for its religious denomination's position on an issue or publicize a candidate's independent decision to support or oppose the denomination's position.**

◆ **A house of worship cannot provide anything of value including space, equipment, mailing lists, or staff time without charging full market value and allowing equal access to opposing candidates.** It's even safer if these resources are available on the same terms to the general public.

◆ **A house of worship cannot provide space for the distribution of partisan materials on its property, including voter guides that are not truly nonpartisan.**

This prohibition includes information tables set up inside the congregation with the political material available to those who choose to pick it up.



How to Handle Some Yellow-Light Issues

Sometimes perfectly well-intentioned and appropriate election activities by houses of worship wander into trouble areas by mistake. Here are a few suggestions on how to handle some of these “yellow-light” issues, to make sure appropriate activities don’t veer toward the inappropriate.

If you invite candidates or representatives of their campaign to speak individually, in a non-candidate role ask them:

- ◆ To sign a promise saying they will not use their appearance to seek support for their candidacy or misuse photographs taken of the candidate at a service or with a religious leader to portray an endorsement of the candidate.
- ◆ To give you their written remarks in advance, so that you can review them to be certain they say nothing inappropriate or overtly partisan.



Also, if you invite candidates to speak:

- ◆ Remember that candidates come with the press corps, supporters, and even operatives of rival campaigns—any of whom could misconstrue or even misrepresent what is said. So, when hosting a candidate, *we recommend you record the proceedings*, on audio or video.
- ◆ Remember, once you open the door to one candidate in their role as a candidate, you are under a legal obligation to grant equal time and equal audience to all other candidates in the race. Not doing so would violate the tax laws.

Two more suggestions:

- ◆ Whenever you or any other leader of the church plans to speak about the campaign or about candidates, we recommend that remarks be written and reviewed in advance. That will help prevent speakers from getting caught up in the passion of the moment and inadvertently issuing what might seem like a partisan endorsement.
- ◆ The IRS has a publication that you can also consult: “Tax Guide for Churches and Religious Organizations” (Publication 1828). This guide offers additional information on a variety of tax-related issues and particularly those concerning election-related activities. You can download this at <http://www.irs.gov/pub/irs-pdf/p1828.pdf>.

POLITICAL PARTIES & HOUSE OF WORSHIP MEMBERSHIP DIRECTORIES

In the 2004 elections, we learned of concerted efforts on behalf of state and national political parties to collect house of worship membership directories through individual congregants. Was/is this legal? And if it's legal, is it ethical?

- ◆ Political parties are not necessarily violating the law when they request individual congregants to send them their house of worship's membership directories for get-out-the-vote (GOTV) efforts.
- ◆ It is, however, a violation of federal tax law for an official of a house of worship (in his or her official capacity) to provide a political party with such a list without making the same list available to other parties and without charging the market rate for the use of such a list. As a result, the political party's request inadvertently invites houses of worship to commit a tax law violation.
- ◆ There may also be issues under federal or state election laws. Providing a directory to a political party could be seen as a "contribution" and could be subject to reporting obligations and contribution limits (assuming the party uses the list for partisan purposes). However, if the value of the list is tiny, the contribution may not trigger reporting obligations.
- ◆ Sharing the directories could also be seen as invading the privacy of the members of the house of worship who presumably did not consent to the giving of their names to a political party. States may or may not have laws governing privacy and control of personal data and those laws will vary from state to state.

Here is The Interfaith Alliance's Position:

Collecting membership directories intrudes on the integrity of houses of worship and compromises their prophetic voice by classifying them as political organizing tools.

We are fearful that initiatives like this by any political party will lure religious organizations and religious leaders into dangerous legal territory.

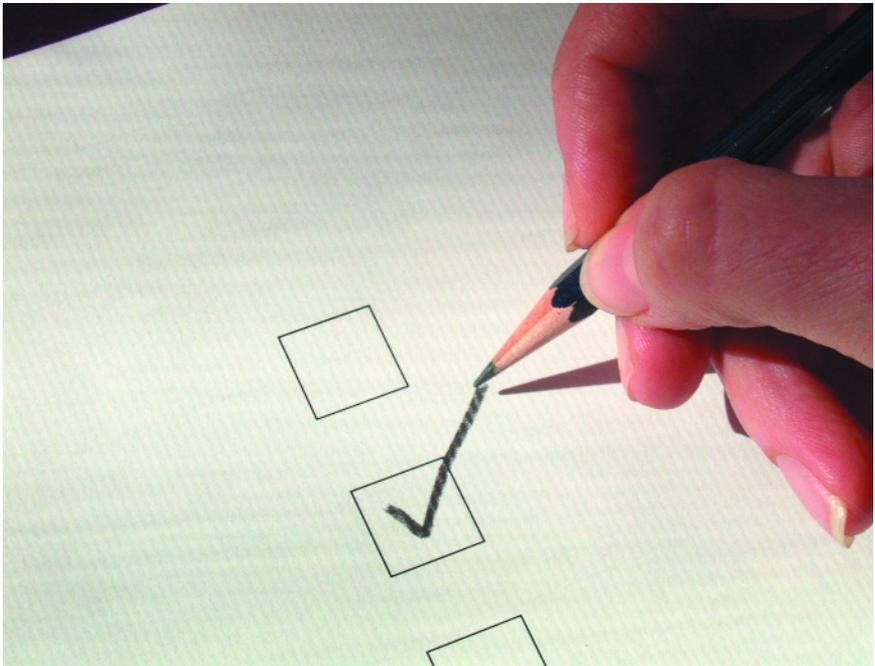
Proponents of such list-gathering are leading religious leaders into the temptation of forfeiting the prophetic voice of religion.

Regardless of whether you are an individual congregant or the religious leader of your house of worship, if you are solicited by a candidate or party to turn over your directory, don't do it.

What People of Faith Think

You know your congregation better than anyone, so we won't presume to tell you what they think. But we do know what Americans of faith in general think, because we've commissioned nationally respected pollsters to find out. For example:

- ◆ In a poll The Interfaith Alliance Foundation commissioned the Gallup Organization to conduct, we learned that most Americans of faith have concluded that they don't have much effect on the political process. Sixty-one percent say they make “only a little” or “no difference at all” in the political process as it currently operates.
- ◆ In a separate poll by Zogby International, also commissioned by The Interfaith Alliance Foundation, we learned that 76 percent of Americans disapprove of religious leaders endorsing candidates from their pulpit or in any official capacity on behalf of their houses of worship.



- ◆ In a 2001 Gallup poll, we learned that people of faith, by a 30 percentage point margin (53 percent to 23 percent) disapprove of religious leaders supporting the preparation and distribution of voter guides about political candidates.
- ◆ One activity most Americans agree on is the important role for religious leaders in increasing voter participation. Sixty-six percent of people of faith think religious leaders should promote voting and civic participation.

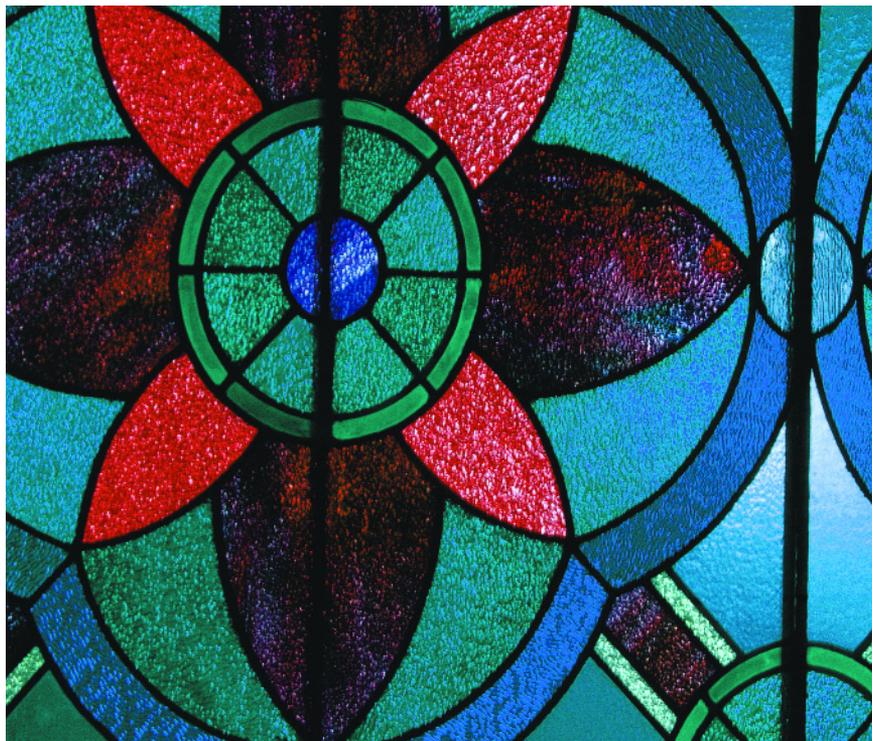
The message from Americans of faith is clear. They think houses of worship should encourage them to vote, but they don't want clergy or other religious leaders telling them how to vote. As it happens, that's where IRS regulations steer houses of worship, too.

Houses of worship have a unique role to play at election time, and if they do it well, they can help reduce the enormous

cynicism about politics that has taken root in the land. At first glance, these guidelines might seem a bit daunting. And as you approach the election, if you're planning on getting your house of worship involved in any way, we recommend you consult a qualified lawyer, so that you can satisfy yourself that our guidance – approved by a lawyer, too – is correct, and to make sure that your plans won't land you in trouble later with the IRS.

We recognize that it's sometimes difficult to get involved in elections without choosing sides. But as a leader of your house of worship, that's your obligation. However, you can help your followers make their own good decisions on Election Day, first by helping them get informed, and second, by helping to make sure they vote. Do that, and you'll have helped strengthen our democracy.





The information provided in this guide is accurate to the best knowledge of The Interfaith Alliance Foundation. While we have done our best to provide you with current information regarding your election-related activities, no resource guide can substitute for checking with the IRS, federal and state agencies administering election laws, and your attorney regarding the legality of a house of worship and/or its religious leaders becoming involved in specific political activities. The Foundation is grateful for and wishes to acknowledge the assistance of tax and election law expert John Pomeranz, a partner in the Washington, D.C., firm of Harmon, Curran, Spielberg and Eisenberg, LLP in the preparation of this guide.

**A Viewer's Guide to
"NAVIGATING POLITICS IN HOUSES OF
WORSHIP: AN ELECTION SEASON GUIDE FOR
RELIGIOUS LEADERS"**

Produced by The Interfaith Alliance Foundation

Dear Viewer,

The intersection of religion and politics is a bustling one, and the traffic is only getting thicker. And when religion and politics mix, there's a danger that religion can be manipulated to influence politics and policy decisions.

Certainly our religious beliefs, values, and practices should have an impact on politics and policy. Most important issues of the day have moral components - and many have been brought into the political arena. Our job as religious leaders, laypeople and citizens is to ensure that, especially around election time, congregations can fully engage with civic life and address important issues, while also staying clear of hazardous partisan political pitfalls. It's a difficult job, and we're here to help.

This video will serve as a guide to help you understand what you as a religious or lay leader, and your house of worship as a non-profit organization, can and cannot do - and we'll present expertise on how to navigate the gray areas.

Some issues are very clearly directed by federal tax law and the IRS. Some will depend on your congregation -- just because the law permits you to do something, doesn't mean you won't upset your congregants by doing it.

Enjoy the video, and please do let us know what you think about it, and how your congregation reacts and gets involved because of it. Thank you!

A handwritten signature in black ink that reads "Wilton Gaddy". The signature is written in a cursive, flowing style.

The Rev. Dr. C. Welton Gaddy
President, The Interfaith Alliance

About the Video

This video offers a 30-minute exploration and discussion of the role of religious leaders and houses of worship during an election season. It features footage of several forums and roundtables held across the nation in 2006 by The Interfaith Alliance to discuss the proper role of houses of worship during an election. Christian, Jewish and Muslim religious leaders, Interfaith Alliance staff and board members, journalists, and lay leaders of houses of worship are featured.

How This Video May Help

- ◆ This video seeks to acknowledge, emphasize with, and explore the particular difficulties faced by religious leaders at election time.
- ◆ This video clarifies what houses of worship may and may not do during an election, and can serve as a springboard for discussion among a congregation and its leadership.
- ◆ This video can help start a discussion of the proper role of religion and politics in America.
- ◆ This video may also stimulate discussion and action by houses of worship in regard to civic participation.

Possible Uses for the Video

Consider sharing this video with multiple audiences to help inform good practice by your congregation. Certainly, all religious leaders and leadership in your house of worship will benefit from the clarity and depth of the discussion about what houses of worship may and may not do during an election season.

In addition to the lay leadership, your congregation may become engaged in the issues if offered an opportunity to view and reflect on the video, and to hear from the leaders of your house of worship. Consider showing the video and holding discussions with the various groups and fellowships within your house of worship, including teen youth groups.

You may wish to share the video with candidates running for office, or to invite them to watch the video with you and share in the discussion. Your house of worship may wish to reach out to local media to let them know how seriously and carefully you are approaching the issue of religion and politics, and invite them to view and join in discussion. And you may wish to share the video and discussion with neighborhood and citizen's groups.

Questions for Discussion

For Religious Leaders and Congregations

- ◆ Should candidates be allowed to speak to my congregation from the pulpit, bema or lectern?
- ◆ How can we promote voting, and engagement with the issues of the day?
- ◆ What can we do to encourage civic participation?
- ◆ Who do we want to engage, and how might we reach out to them?
- ◆ How will we welcome candidates to our house of worship during an election season?
- ◆ Are there houses of worship whose actions around civic engagement we would like to emulate?
- ◆ Can you think of actions that other houses of worship or religious leaders have taken that have made you uncomfortable? Why? What might we do differently?
- ◆ Are there other members of our congregation who should see this video?
- ◆ How might we better utilize this video, and the accompanying booklet by The Interfaith Alliance?

For Religious Leaders

- ◆ What role do my parishioners want me to play at election time?
- ◆ Will I endorse a candidate, as a private citizen?

Please share your thoughts about this video with The Interfaith Alliance! We would like to know what you thought, and what actions your congregation may be taking as a result of viewing this video. Please contact Anne Sclater at 800-510-0969.

Production Credits:

PRODUCED BY

The Interfaith Alliance Foundation
Thaler Pekar & Partners, LLC

DIRECTED AND EDITED BY
Amy Wolf

MUSIC

Composed and performed by Jeremy Thal on French horn, grand piano and keyboard with Leo Adamov on violin

This film was made possible in part through the support of:
Logos Consulting Group
Joel and Yvette Mallah



Who Is The Interfaith Alliance

The Interfaith Alliance Foundation promotes the positive and healing role of religion in public life through education, research, and civil discourse. It pursues these goals through programs such as *First Freedom First*, an initiative to promote and protect religious liberty; our high school summer camp program LEADD (Leadership Education Advancing Democracy & Diversity); and our radio program, *State of Belief*, which airs on Air America Radio. All of these programs serve to educate the public about religious liberty, and all of them have seen great growth over the last year.

State of Belief, A Radio Show on Religion and Politics

Hosted by the Rev. Dr. C. Welton Gaddy

Each week, the Rev. Gaddy offers listeners critical analysis of the news of religion and politics, and seeks to provide listeners with an understanding and appreciation of religious liberty. Rev. Gaddy tackles politics with the firm belief that the best way to secure freedom for religion in America is to secure freedom from religion. *State of Belief* illustrates how the Religious Right is wrong – wrong for America and bad for religion.

Through interviews with celebrities and newsmakers and field reports from around the country, *State of Belief* explores the intersection of religion with politics, culture, media, and activism, and promotes diverse religious voices in a religiously pluralistic world.

State of Belief is a production of The Interfaith Alliance Foundation and Air America Radio.

Saturdays 10-11 AM ET and Sundays 7-8 PM ET

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“I believe that religion should – and can – serve as a positive and healing force in this nation—the most religiously diverse nation in the world. But that grand possibility will be tossed on the trash heap of history unless we stop manipulation of religion for partisan political purposes and the manipulation of politics for sectarian gains.”

Rev. Dr. C. Welton Gaddy

- YES , I want additional copies of the Election Year Guide for Houses of Worship to share with colleagues in my area _____ (qty)

NAME

NAME OF HOUSE OF WORSHIP

ADDRESS

CITY/STATE/ZIP

EMAIL (Will not be shared)

PHONE

COMMENTS

Please mail to:

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1212 New York Avenue NW, 7th Floor
Washington, DC 20005

This guide was made possible by donors representing more than 75 unique faith traditions across the nation, all of whom believe, as we do, that preserving the separation of religion and government is imperative. These election-year guides have been highly successful in the past, and we hope to print an even greater number of them this year to reach as many congregations as possible, but we can't do so without your support.

- YES, I want to support The Interfaith Alliance Foundation's committed efforts to educate and protect religious liberty for **all** Americans, with a gift of \$_____.
- My check is enclosed.
- My credit card information is provided below.

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