

Political Activities Guidelines for Catholic Institutions in Pennsylvania

Dealing appropriately with political activity can create a great deal of anxiety for pastors and others employed by Catholic institutions. Restrictions that are imposed on political speech in churches are high stakes limitations - possibly resulting in the loss of federal tax exemption. Nevertheless, as Catholics, we are called to be informed and engaged in the political decision-making process.

As the executive director of the Pennsylvania Catholic Conference, I know first-hand what an informed and active Catholic citizenry can mean to the advancement of important public policies. Catholics can have a tremendous effect on our culture simply by being registered voters who know the issues, know the candidates, and then vote based on a well-formed and well-informed conscience.

This brochure is designed to assist you in engaging in important and legitimate political activities while avoiding the pitfalls. It has been approved by our legal counsel so you can be sure it is legally sound.

Your diocese may have prudential policies, over and above what the law requires, by which you should abide. These may pertain to the use of diocesan or parish facilities and honoring or extending invitations to public figures or officials. Please consult with your diocese regarding such policies.

Dr. Robert J. O'Hara, Jr.
Executive Director, Pennsylvania Catholic Conference

THE BASICS

As an Internal Revenue Code ("IRC") §501(c)(3) organization, the Church is prohibited by law from participating or intervening in any political campaign on behalf of or in opposition to any candidate for public office. There is no safe harbor of permissible intervention; the ban is absolute. Any amount of participation in a political campaign, no matter how slight, can put the tax exempt status of the Church in jeopardy.

Churches and church organizations may not endorse or state their opposition to political candidates, including the publishing or distribution of materials that favor one candidate over another. Nor may churches or church organizations contribute to political candidates or parties, even in the form of in-kind expenditures such as donations of facilities, supplies, or employee time. Restrictions on political activity apply in equal force to the use of websites and email as well as to more traditional forums.

In addition to the limitations imposed under IRC §501(c)(3), the Federal Election Campaign Act forbids nonprofit entities to work in concert or cooperation with any federal candidate or campaign committee in the development or distribution of campaign materials.

Church officials and employees are permitted, however, to instruct the faithful about the Church's teaching on moral and social issues and identify such issues as important current political topics. Care must be taken, however, not to identify any particular candidate's views as preferable on such issues.

Individuals, whether pastors or employees, may participate in political campaigns so long as they do so in their own name, on their own time and without the use of church resources or facilities.

CANDIDATE APPEARANCES

A political candidate may appear at a church service or function with the following limitations:

- Any other candidate for the office or any other political party, which has nominated a candidate for the office, may not be denied the opportunity to appear at a subsequent service or function.
- No solicitation for funds for a candidate or endorsement of a candidate may be made by the church.
- The church may not indicate bias for or against a particular candidate. There should be no indication at the meeting of the church's views on any issues being discussed, and no signs or banners displayed by the church in support of or in opposition to a candidate.
- The candidate should be instructed to cover a wide variety of issues of interest to the church members.
- Churches may also sponsor "Candidates' Nights," at which all candidates for a particular office or offices may be requested to attend in the presence of a church-invited audience.

CHURCH PROPERTY

A church may allow political candidates or political committees to have meetings or use the facilities of the church on the same basis that it permits civic groups or other organizations to do so. If such organizations are required to pay some rent for using the church property, the political candidate should be charged on the same basis. No favoritism should be shown among candidates in making the facilities available, although some restrictions may be placed on the number attending and on the groups solicited for attendance.

Political signs should not be placed on property owned by Catholic organizations or rented by Catholic organizations for official business. Church halls or schools that are employed as polling places on Election Day may permit limited campaign leafleting and/or signage according to local election rules but those activities should not be attributed to the Catholic parish or organization.

CHURCH PARKING LOT LEAFLETING

Church parking lots are not public forums as a public street or shopping mall would be and remain dedicated to accommodating the religious activities of the church. If a church grants permission for the distribution of political campaign literature anywhere on its property, it must do likewise for all of the candidates or advocacy groups that wish to do so, without regard to whether the content of the literature is in concert with Church teaching. Churches must avoid complicity in the dissemination

of material endorsing or opposing political candidates. Therefore, churches may neither favor nor disfavor any particular group that seeks to distribute materials of that type on portions of its property that are generally accessible to the public.

Churches may, as a policy, refuse to allow parking lot leafleting altogether. At the same time, the law does not impose any obligation on a church to actively monitor and prevent the leafleting of cars parked in its lots.

CANDIDATE SURVEYS

A church may publish or distribute the results of surveys of candidates on public issues. Such surveys must be nonpartisan.

The Pennsylvania Catholic Conference (PCC), in cooperation with the dioceses of Pennsylvania, prepares, disseminates, and publishes candidate surveys for state and federal candidates. These surveys are drafted based on the public policy priorities established by the bishops of Pennsylvania and adhere to the guidelines stated below. They are reviewed by legal counsel prior to their publication. The PCC encourages you to use those surveys approved by the PCC or the diocese. You can be sure that these surveys meet the criteria below. Pastors and church organization administrators should be cautious about allowing the distribution of surveys from outside sources not approved by the PCC or the diocese, which may or may not meet the necessary criteria. Properly constructed candidate surveys:

- Cover a wide variety of issues of interest to voters.
- Do not use single-issue questionnaires. This includes questionnaires that merely contain several different questions on one issue or on related issues.
- Send questionnaires to all candidates for a particular office.
- Do not use biased questionnaires.
- List questions as they appeared in the questionnaire.
- List candidates alphabetically and do not identify incumbents.
- Do not make editorial comments regarding candidates or their responses.
- List responses as “yes” or “no” or “support” or “oppose.” Avoid the use of “+” and “-”. Do not specify what the “correct” or preferred response is.
- Do not edit candidate comments in a biased manner. Do not include candidate comments selectively so as to disadvantage any candidate.
- Describe your organization and explain that the purpose of the survey is voter education. State that the organization does not support or oppose candidates. Explain how responses will be disseminated.
- Report responses in an accurate and unbiased manner.

VOTING RECORDS

Church groups may publish the voting records of incumbent public office holders. In the case of publication of voting records, a church has more leeway than in publishing candidate surveys.

The church, in publishing the incumbent’s votes on particular issues, may indicate the church’s views and the fact that the incumbent supported or opposed the church’s views. Thus, “+” or “-”

may be used. The voting records of all incumbents in the area should be presented, candidates for reelection should not be identified, no comment should be made on an individual's overall qualifications for public office, no statements expressly or impliedly endorsing or rejecting any incumbent as a candidate for public office should be offered, and no comparison of incumbents with other candidates should be made.

VOTER EDUCATION MATERIALS

Individual Catholics are encouraged to engage in person-to-person networking in all elections by sharing the PCC's election materials or other legitimate Catholic voter guides from outside sources as approved by the PCC and the diocesan Bishop.

RENTAL OF CHURCH LISTS

Lists of members of the church congregation may be provided to candidates for use in seeking support or raising funds only on the same basis that such lists are made available to other individuals and organizations. If a charge is normally made for such a list, each candidate should pay the same amount. No favoritism should be shown among candidates in providing lists of congregation members.

VOTER REGISTRATION DRIVE

The PCC will coordinate with the Pennsylvania Knights of Columbus to conduct a non-partisan voter registration drive in parishes throughout the Commonwealth prior to major general elections.

CHURCH PUBLICATIONS

Political Ads

A church bulletin or newspaper may publish an ad for a political candidate, as long as the ad is purchased at the regular rate for such ads published in that bulletin or newspaper. If discounts are given regular advertisers under certain circumstances, the same discounts shall be extended to the political advertiser. A political ad may not be sold to a candidate at less than the regular rate since this would constitute a political contribution to that candidate.

The bulletin may not be selective in which ads it chooses to accept. If advertising is accepted from one candidate, it must be accepted from another, no matter how repugnant the candidate's views may be to church teachings. Diocesan newspapers or church bulletins may, as policy, refuse to accept political advertising at all.

News Stories

A bulletin, newspaper or website published or maintained by a church may publish, without limitation, nonpartisan news stories on political candidates, political campaigns and endorsements of political candidates by political organizations or advocacy groups as well as articles providing information on public issues of interest and statements attributed to political candidates.

Editorials

A bulletin, newspaper or website published or maintained by a church may not publish an editorial supporting or endorsing a candidate for political office.

ELECTION RESOURCES

Find candidate questionnaires, interview transcripts, voter guides and other up-to-date election resources from the PCC at www.pacatholic.org.

Provided by the Pennsylvania Catholic Conference
223 North St.
PO Box 2835
Harrisburg, PA 17105
717-238-9613 phone
717-238-1473 fax
www.pacatholic.org

2014