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Why Nonprofit Nonpartisanship Matters

It has been stated many times in this newsletter and elsewhere that the charitable nonprofit community is steadfastly nonpartisan in law, fact, and purpose. The National Council of Nonprofits' commitment to this statement is so sincere that it has for years appeared twice in its [Public Policy Agenda](#) (under tax policy and advocacy rights). It is one thing to say charitable organizations obey the letter and spirit of federal law. It's a whole other level of commitment to say it is steadfast. Why does this policy in support of nonpartisanship matter so much?

First, what does the law require?

All charitable nonprofits, as a condition of qualifying for tax-deductible charitable donations, must refrain from engaging in partisan, election-related activities. Specifically, the last proviso of tax code Section 501(c)(3) states that these organizations may "not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office." This means charities can't contribute to political candidates, make public statements calling on people to vote for specific candidates, or use organizational assets, including property, to tip the scale in favor of a candidate, political party, and the like.

In real world terms, the law means organizations cannot remain tax-exempt and claim contributions count as charitable donations if they endorse (or say “don’t vote for”) specific candidates, whether from the pulpit, on websites, in newsletters, or door to door. Some have said this infringes on free speech. Without the clear tradeoff between the major benefits and narrow limitations, they might have a point. But we ask the same question as those who wrote the law: why should American taxpayers subsidize partisan, election-related activities of charities when taxpayers don’t do so in most other cases?

Is Nonpartisanship at Risk?

Efforts have been made to repeal or weaken the law guaranteeing nonprofit nonpartisanship by Executive Order, via stand-alone legislation or attachment to must-pass legislation, and through the courts. Although couched as attempts to promote religious freedom and free speech, attempts to repeal or weaken the law on nonpartisanship would have the effect of politicizing and thereby erasing the public’s high trust in charities, houses of worship, and foundations to benefit politicians and paid political consultants.

During the 2017 federal tax debate, data showed that 89% of evangelical pastors rejected the argument that they would benefit from repealing or weakening the law on nonpartisanship. Seven years later, the trend continues with a Summer 2024 survey finding that even more — 98% of evangelical pastors — [object to faith leaders endorsing](#) politicians from the pulpit. This datapoint demonstrates that those objecting to current law are far outside the mainstream of religious life in America.

Is nonpartisanship really a big deal?

Oh yes. Living the letter and spirit of the law is essential not just because federal law says so, but also because nonpartisanship is essential to public trust and organizational impact in communities.

Nonpartisanship is vital to the work of charitable nonprofits. It enables organizations to address community challenges, and invites the problem-solving skills of all residents, without the distractions of party labels and the divisive partisan politics that currently bedevils our country.

There is both safety and power in the law's limitations.

- If individual organizations came to be regarded as *Democratic charities* or *Republican charities* instead of the nonpartisan problem solvers that they are, it would diminish the public's overall trust in the sector and thus limit the effectiveness of the nonprofit community.
- Similarly, if private foundations could contribute to partisan political campaigns, then their resources would be diverted to pay for political ads and political consultants rather than invested in the work of charitable nonprofits advancing their missions to actually help individuals and communities.
- Attention would be diverted from missions as politicians and their operatives hound 501(c)(3) organizations for endorsements and resources; board governance would falter as board meetings become shouting matches about who to endorse in the primary and then general elections for every office at every level of government; donations for missions would fall when current or potential donors see that an organization endorsed a specific candidate; partisan donors could pressure organizations to endorse the donors' preferred candidates; and the only real refuge for many Americans to escape caustic partisan politics — charitable nonprofits, houses of worship, and foundations — would disappear.

Our society is better today because charitable nonprofit organizations operate as safe havens from the caustic partisanship that is bedeviling our country, places where people can come together to solve community problems. Repeal or revision of the law would damage the integrity and effectiveness of all charitable nonprofits and foundations. Preserving the law on nonprofit nonpartisanship must remain an advocacy priority of all charitable organizations.