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501(c)(3) Advocacy Practices and Guidelines During an Election Year

Charitable organizations are allowed to educate and, within thresholds set by the IRS, lobby elected officials or other government officials about issues that are important to them. However, the laws governing nonprofit organizations draw a distinction between lobbying activities and intervening in elections. **Intervening in elections is broadly defined as “intervening, directly or indirectly, in any political campaign on behalf of or in opposition to any candidate for public office.”** While GSUSA encourages councils to actively work with and lobby their public officials on issues on the Girl Scout legislative agenda, it is important to remember that any type of intervening in elections in your official Girl Scout capacity is prohibited. Such activity is a direct violation of the tax law that governs non-profit organizations. If you are in communication with an elected official during his or her re-election campaign, you must be very careful that your actions are not misconstrued as an endorsement. You may, however, campaign on behalf of a political candidate as an individual on your own time without reference to your role as a Girl Scout leader. You may not use Girl Scouts computers or other resources to do so.

The official GSUSA policy on intervening in elections is as follows:

Political and Legislative Activity

Girl Scouts of the United States of America and any Girl Scout council or other organization holding a Girl Scouts of the United States of America credential may not, nor may they authorize anyone on their behalf to, participate or intervene directly or indirectly in any political campaign on behalf of or in opposition to any candidate for public office; or participate in any legislative activity or function which contravenes the laws governing tax-exempt organizations.

(Blue Book of Basic Documents 2015)

The IRS interprets the prohibition on intervening in elections far more broadly than issuing an explicit endorsement of a candidate. Below are some examples of activity that could constitute intervening in elections. The list below is not exhaustive and if at any point you are uncertain as to what constitutes intervening in elections, contact the GSUSA Public Policy and Advocacy Office, who can assist you with questions or concerns about what is appropriate during election season. The list provides an overview of federal guidelines. Each state also has its own laws regulating organizations’ activities related to state and local candidates.

When acting as a Girl Scout representative, a Girl Scout council staff person, volunteer or Girl Scout you **may not** engage in the following prohibited electoral activity:

- Endorse any candidate for public office. This includes social media functions that may be viewed as endorsement, such as “liking,” “friending,” or “following” a candidate.

- Influence in any way the nomination or election of someone to a federal, state or local public office or to an office in a political organization, including by publishing or communicating anything that explicitly or implicitly favors or opposes a candidate.
- Mobilize constituents to support or defeat a candidate.
- Use official Girl Scout letterhead, office email, or computers to write in support or opposition of a candidate.
- Distribute campaign materials, including flyers, postcards, newsletters and signage.
- Post, tweet, retweet, or otherwise share on social media any posts, tweets, or other materials from a candidate, campaign or political organization, or any statements that favor or oppose candidates.
- Share the link to a website that discusses specific candidates and their views on specific issues.
- Let a political candidate use any council office space or property for a campaign event.
- Post political statements on personal social media accounts that identify your employment organization without clarifying that the post is not work-related.
- Provide an email list to candidates, political parties or politically active 501 (c)(4) organizations.
- Coordinate or host council site visits, activities or other functions with a candidate running for office.
- Participate in any election events or activities, including a campaign parade or rally.
- Host a flag ceremony to open a political campaign event.
- Provide public opinions about a candidate.
- Wear official Girl Scouts uniforms or other insignia to a political campaign event or fundraiser, even during non-work hours.
- Wear campaign buttons on the Girl Scout uniform at any time, as well as on non-Girl Scout apparel while conducting official Girl Scout business.
- Make financial contributions to candidates or political parties on behalf of Girl Scouts, meaning any payment, loan, deposit, gift, or other transfer of anything of value.
- Ask candidates to endorse the Girl Scouts platform and publicize the responses (but feel free to urge all candidates and the public to invest in girls and make girls a priority).

In addition, be careful if you are considering posting, retweeting or otherwise sharing news video of a candidate talking about the Girl Scouts, to lessen the risk of an implicit endorsement. A candidate may speak favorably about the Girl Scouts. You cannot control what candidates say, but circulating their statements creates a risk that the Girl Scouts will be viewed as promoting that candidate.

It is, however, acceptable for Girl Scout staff and volunteers to engage in the following activities:

- Write, visit, or call your Members of Congress, Governor, state legislator and all other local policy makers to educate them about issues that are important to you or to encourage their support of or opposition to legislation, especially when Girl Scout or girl issues arise.
- Keep your Members of Congress, Governor, state legislators and all other local policy makers informed regarding your council's work. For example, you may continue to mail to your elected officials' newsletters, key press releases, fact sheets, annual reports, and other relevant council publications with your position on legislative proposals (including ballot measures) and other public issues.
- Invite your elected officials to major council events, such as Gold Award ceremonies or other community events, hosted by your council as long as the elected official is clear that they are being invited in his or her capacity as an elected official, not as a candidate, and cannot use their speaking time as an election-related platform. It is a good practice to send a letter to the elected official prior to the event reminding them that your Girl Scouts council is a nonpartisan 501(c)(3) organization that cannot support or oppose candidates and that he or she cannot mention their candidacy, hand out campaign literature, or use speaking time to discuss their election platform.
- Participate in and host nonpartisan "get out the vote" registration drives. Registration may not be limited to a particular political party or on behalf of a specific political party or candidate or targeted to individuals that express certain views on an issue.*
- Share unbiased, nonpartisan voter guides that include all candidates and information presented in a neutral manner.*

**Caution: The IRS has issued more detailed guidance on the facts and circumstances that may cause these activities to be considered impermissible electoral activity rather than permissible nonpartisan voter education or nonpartisan encouragement of participation in the electoral process. For example, voter guides should cover a wide range of issues selected on the basis of their importance and interest to the electorate as a whole, questions to candidates cannot evidence a bias on the issues, and the content and structure of a guide should not evidence a bias. Further, your funders may have restrictions in their grant agreements about use of their funds for these activities.*

As the nation's premier organization for girls, it is our mission to build girls of courage, confidence and character who will make the world a better place. What better way for us to help girls grow strong than to teach them the importance of using their voice by participating in the upcoming election cycle.

It is acceptable for Girl Scout staff and volunteers to teach girls about the election process by encouraging them to participate in the following activities:

- Going to the polls with an adult on Election Day.
- Collecting signatures of members in their community who promise that they will vote on Election Day such as participating in the "I Promise a Girl Scout I Will Vote" campaign and publicizing the efforts.
- Stage a candidate debate that is open to the public on a wide range of issues concerning girls that the candidates would address if elected to the office and that are of interest to the public.**
- Equally attend Republican and Democratic candidate events in Girl Scout uniform and ask candidates questions about issues that are important to girls.

***Additional safeguards should be put in place to ensure a nonpartisan debate. For example, generally you should invite all legally qualified candidates, questions should be prepared and presented by an independent nonpartisan panel, candidates should be given an equal opportunity to present their views on each issue, candidates should not be asked to agree or disagree with the positions or statements of the Girl Scouts, moderators should not comment on the questions or otherwise imply approval or disapproval of the candidates, and there should not be a "winner."*

GSUSA respects that Girl Scout staff and volunteers may hold strong political convictions concerning elections; however, it is crucial that you adhere to the GSUSA policy. Intervening in an election as a representative of Girl Scouts could result in the loss of your Girl Scout council's 501(c)(3) tax-exempt status. If you have any questions or concerns regarding this topic, please contact the GSUSA Public Policy and Advocacy Office at 202-659-3780 or advocacy@girlscouts.org.