

GIBBS LAW FIRM, P.A.
Attorneys and Counselors at Law

POLITICAL-LEGISLATIVE GUIDELINES FOR CHURCHES

Supporting or Opposing a Candidate for Public Office

- A church may not make statements in support/opposition of political candidates for public office. A pastor personally may make statements in support/opposition of political candidates for public office, but not in his official capacity (which would bar him from making statements during church meetings and in church communications)
- A church may not make contributions to a candidate for public office.
- A church may not make contributions to Political Action Committees.
- A church may not make “in-kind” contributions or expenditures for or against candidates for public office. Such contributions would include use of church mailing list or directory, use of church facilities, and providing of volunteers from the church.
- The church cannot engage in any fund-raising for candidates for public office. For example, the church may not allow a candidate for public office to take an offering during a church meeting or service.
- A church may allow a candidate for public office to appear at a church meeting or service as long as it is not for campaign purposes. If it is for campaign purposes, all candidates for that elective office must be afforded the same opportunity.
- A candidate for public office may be introduced to the congregation during a church meeting or service.
- A candidate for public office may preach or read scripture as long as the candidate for public office does not “preach” about his campaign or solicit volunteer workers or finances for the campaign.
- A church may conduct non-partisan voter registration programs and get-out-the-vote campaigns.
- A church may distribute neutral voter information materials stating the positions of the candidates for public office on the issues of the campaign.
- A church may rent its mailing list to candidates for public office but the list must be made available to all candidates for that public office on the same terms and at the same prices.
- Candidates for public office may use the church facilities but all other candidate for that public office must be invited to use the facilities on the same terms.

- The pastor may grant the use of his name in support a candidate for public office and may include title and church affiliation in the personal endorsement if he includes the following disclaimer: “Title and affiliation for identification purposes only.”
- The church may not support or oppose candidates for judicial office even if the candidates are required to run on a non-partisan basis.

Supporting or Opposing Legislation

- Churches may support or oppose legislation to an insubstantial degree. We recommend that the amount expended on such activities not exceed 5% of the gross annual revenues. A 501(c)(4) organization may support or oppose legislation without any limitations.
- A church may support or oppose legislation that directly affects the organizational structure and operation of the organization without limitation.
- The church may use its facilities to allow lobbying groups to discuss social issues (subject to the 5% rule).
- The church may rent or loan the church mailing list to lobbying groups (subject to the 5% rule).
- The pastor may (and should) preach sermons on social issues and political issues.
- The church may engage in education on the political process and provide information regarding political issues.
- The church may participate in petition drives that support or oppose specific proposed legislation.
- The church may encourage members to communicate with legislators regarding their support or opposition to specific proposed legislation.
- The church may hire a lobbyist to communicate with legislators regarding its support or opposition to specific proposed legislation.
- The church may distribute position papers that support or oppose specific proposed legislation.

Sincerely,

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