

The Pastor's Legal DO's & DON'Ts

Legal Guidelines

A frequently-asked question when it comes to political involvement is this: Is that legal? There are legal limits to what churches may do, but your hands are not completely tied. In fact, you may be surprised at how much influence you can have. Unfortunately, many are confused about what is and what is not legal given the IRS restrictions on political activity by churches and other tax-exempt organizations. While it is impossible to lay out a definitive list of do's and don'ts since the IRS interprets what is and isn't legal, this resource is offered for general guidelines.

This list was developed by **James Bopp Jr., general counsel for the James Madison Center for Free Speech**. This list of legal do's and don'ts is not represented as an exhaustive and comprehensive list. For a more complete discussion of the legal ramifications of the political process, visit iVoteValues.org

Activity	Church	Pastor
Endorse candidates for political office?	No	Yes
Personal endorsement can include church name for identification purposes only?	N/A	Yes
Engage in nonpartisan voter registration, voter identification, get out the vote, voter education?	Yes	Yes
Distribute voter guides?	Yes	Yes
Include statement in voter guides that candidate's position is/is not consistent with church's?	No	No
Make public comments concerning a candidate's position on any issue?	Yes	Yes
Allow candidates to speak on church premises?	Yes ¹	N/A
Use of church facilities by political candidates?	Yes ²	N/A
Rent list of church members to candidate for fundraising purposes (at fair market value)?	Yes	N/A
Establish a political action committee?	No	Yes ³

1. All candidates should be invited and given equal opportunity to speak. No fundraising allowed. No public endorsement of any candidate by church member at the event.
2. On same terms as other civic groups can use facilities, including rent.
3. Care must be taken to keep the PAC separate from the church and to not use church assets.

"The First Amendment of the Constitution was originally intended to guarantee, not take away, our freedom of religious expression."

— Richard Land, president, For Faith & Family



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