

## Frequently Asked Questions: Political Activity

### Restrictions on Political Activity of a Non-Profit Organization – W&L

Q. Why is this so important?

A. Internal Revenue Code § 501(c)(3) requires, as a condition for tax-exemption, that W&L (through the actions of its employees and students) “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.” In addition to loss of tax-exempt status, the University runs the risk of having excise taxes imposed on both on the University and its responsible managers, as well as the risk of federal or state government lawsuits, audits, and investigations.

Q. Does this restriction apply to local political campaigns as well as state and national campaigns?

A. Yes. The restriction applies to activities made in support of *anyone’s* candidacy for *any* political office.

Q. May I participate in political campaign activities during normal working hours?

A. *Only if* you take vacation time or leave without pay for those normal working hours spent campaigning.

Q. May I use university supplies or support services (secretarial, duplicating, messenger, computing, e-mail, campus notices, etc.) in connection with campaign activities?

A. No. This activity can be construed as participation by the university, so you must avoid using university resources.

Q. May I identify myself (or acquiesce to being identified) as a Washington and Lee University employee if I engage in off-hours political activity?

A. *Only if* such identification is accompanied by an express statement that you are conveying your own personal opinions – not the opinions of Washington and Lee University.

Q. I’m an administrator at W&L. May I submit an op-ed piece to the campus newsletter? What if I personally pay the costs associated with printing my op-ed piece?

A. No. Because of the risk that such statements would be *perceived* as support or endorsement by the University itself (notwithstanding the fact that you may have paid separately for the costs), such activity is not allowed.

Q. Can I invite a public speaker who is running for political office to speak in a non-candidate capacity?

A. Yes, *but only if*: 1) you introduce the speaker in a manner that does not mention the speaker’s candidacy in the upcoming election; *and* 2) you ensure that the speaker will not mention his/her candidacy during the speech.

Q. Can I distribute a statement, prepared by myself or someone else, that favors or opposes a political candidate?

A. No. You may not distribute such political materials on campus, nor may you use University supplies or property (including copy machines, computers, etc.) to create and/or duplicate such a statement.

Q. Who should I contact if I have questions or concerns about political activity among faculty, staff, or students?

A. If you have questions or concerns, contact the Office of General Counsel.

Q. I am a faculty member advising a **student organization** who wants to invite a political candidate to speak at the University. What do I tell the organization?

A. A **student organization** can use W&L facilities for partisan political purposes as long as: 1) the student organization pays the normal charge for use of the particular facilities; 2) the activity is consistent with the educational nature of the student organization; and 3) there is no endorsement – express or implied – by the University.

Q. I am a W&L **employee**, and I would like to arrange for a political candidate to speak at the University. May I do so?

A. *Only if*: 1) you provide equal time and access to *all* legally-qualified candidates for that particular public office, *and* 2) an explicit statement is made, as part of the introduction of *each* speaker, that W&L does not support or oppose the candidate.

Q. May I arrange a debate or forum on campus to educate voters?

A. If you are inviting a political candidate, see the preceding two questions/answers. If political candidates will not be present, you may conduct a debate or forum to educate voters *as long as* no preference is shown for or against a certain candidate *or* political party.

Q. I would like to conduct voter registration and/or a get-out-the-vote drive on campus. What do I need to know?

A. This type of activity is allowed by the IRS *as long as* no preference is shown for or against a certain candidate *or* political party.