

Campaign 2014: Educating the Candidates

A Public Awareness Campaign from the Southern Early Childhood Association

August 2014

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*Disclaimer: Information provided in this document was accessed from The **Alliance for Justice** (www.afj.org) and its partner organization, **Bolder Advocacy** (www.bolderadvocacy.org), as well as other organizations. This document is intended for informational purposes only and does not constitute legal advice.*

It's the Perfect Time!

Campaign time is the perfect time to get to know candidates and to find out where they stand on issues of importance to us. This is an optimal time to interact with candidates because they are actively campaigning, willing to meet with various groups/persons and may be more attuned to your message as they seek votes and support.

SECA recognizes that taking advantage of this opportunity can benefit our associations in several ways:

1. The state association can position itself as the “**go to expert**” in the field of early childhood education for existing and potential office holders.
2. The state association can gain **visibility**, both statewide and locally, helping to enhance member retention and recruitment.
3. The state association can be viewed as a **resource for members** in helping them to determine which candidate best represents their positions and goals for early childhood education.
(*Caution: Remember that you cannot endorse a candidate as a 501(c)(3) organization.*)

We've developed resources around the theme of **Just Ask Us!** to help you meet these goals and we encourage you to utilize it during the next few months. These resources are available to you:

- Campaign letterhead that can be utilized to make an initial contact with candidates.
- Scripts for Public Service Announcements (with hints on how to get them produced and aired).
- An introductory letter (that can be customized with your contact information) to mail initially to candidates/campaigns.
- An ad that can be placed in newsletters or other media sources. *Upon request to the SECA office, the ad can be modified to reflect state specific information.*
- A background paper with some do's and don'ts for 501(c)(3) organizations and resources to utilize if you are tapped as the “expert”.

Just Ask US!

Educating the Candidates: What You Need to Know

The campaign season for the 2014 mid-term elections is underway and this election may be particularly important because the control of the Senate may be at play. There are six Democratic Senators including Pryor of Arkansas, Landrieu of Louisiana and Hagan of North Carolina who are up for re-election and appear to be vulnerable.

If those seats should go to their Republican challengers, the balance of power in the Senate may change from Democratic to Republican, bringing about new leadership in that body. It would also mean that both the U.S. House of Representatives and the U.S Senate would be led by Republicans while a Democratic President is in the White House.

As primary elections are held, we'll know who will stand for election in the general election to be held on **November 4, 2014**. Following are the dates for your state.

2014 Primary Election Dates (as of 3/13/14)

SECA States	Senate Election?	Primary Date
Alabama	yes	June 3
Arkansas	yes	May 20
Florida	no	August 26
Georgia	yes	May 20
Kentucky	yes	May 20
Louisiana	yes	n/a
Mississippi	yes	June 13
North Carolina	yes	May 6
Oklahoma	yes	June 24
South Carolina	yes	June 10
Tennessee	yes	August 7
Texas	yes	March 4
Virginia	yes	June 10
West Virginia	yes	May 13

Source: State Election Offices & Statutes

Compiled by: Public Disclosure Division, Office of Communication, Federal Election Commission,
www.fec.gov

The Legalities

As a 501(c)(3) organization, you are prohibited from participating in some political activities. **The primary “no-no” is endorsing a candidate and participating as an organization in a campaign.**

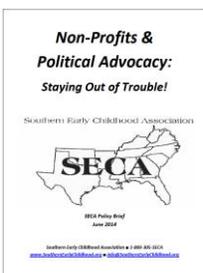
You can:

- Conduct public information campaigns/voter education.
- Gather information from candidates about their positions on issues of interest to your organization.
- Publicize your organization’s positions on issues and identify your organization as an “expert resource” for candidates.
- Conduct research on issues and distribute that research.

You cannot:

- Endorse or oppose a candidate.
- Participate in a campaign.
- Provide biased information.
- Ask members to vote for a candidate.
- Provide written materials or ads for or against a candidate.

For more detailed information on what you can and cannot do, access



[Non-profits and Political Advocacy: Staying Out of Trouble!](#) by SECA



[The Rules of the Game](#) by the Alliance for Justice

Information Gathering: Some Options You May Wish to Consider

All of the options listed below are available to 501(c)(3) organizations and will take your advocacy activities up to another level. If you wish to develop any of these options, we encourage you to spend time reviewing the IRS rules that govern these activities. Your organization can quickly get into uncharted territory if you don't have experience putting these together. You may wish to partner with other organizations that are more experienced with these activities on your first try....it's better to be safe than sorry on this one!

Candidate Questionnaires

Candidate questionnaires are often very popular tools for accessing candidate specific information on issues and the responses are typically printed in some type of **informational guide**. ***The most appropriate type of questionnaire for a 501(c)(3) organization to distribute is one that is designed for informational purposes only without regard to helping or hurting a candidate or group of candidates.*** The following criteria should be met:

- 1) **The questionnaire must be distributed to all candidates for an office.** Check with your state/county election office to determine who filed as a candidate. All of the persons who legally filed for an open position/office should receive a questionnaire.
- 2) The questions should be **unbiased, non-partisan** and should include open-ended responses. Do not include questions that "hint" at a correct answer.
- 3) The questionnaire should contain questions on a **broad range of issues**. Your 501(c)(3) status is most closely protected if questions on at least 2-3 issues unrelated to your major issue are included.
- 4) The questionnaire **cannot be designed to provide an advantage** to one candidate or another or advance the candidacy of a specific candidate.
- 5) There should be **no request for pledges** included with the questionnaire.
- 6) Information that is published from responses to the questionnaires must be **un-edited, reflect the exact content in the candidate's response and present responses equally**. (This means publishing in the same font, same print size.) If a candidate does not respond to a question, it is acceptable to note that no answer was provided.

- 7) The questions included **cannot reflect the organization's agenda**. The organization should not include any information with the questionnaire that reflects the agenda or position of the organization on the issues.
- 8) It's also a good idea to include a **statement** that your organization does not endorse or oppose candidates for office. You may also include a statement that a candidate's fitness should be judged on a variety of qualifications, not just his/her responses to the questionnaire.

For more information go to [Candidate Questionnaires and Voter Guides](#).

Posting Questionnaire Responses on a Website

Question: May our 501(c)(3) website include candidates' answers to our issue questionnaire?

Answer: Yes, but the organization should take care not to indicate that it views one candidate's answers to be the "right" ones or the "wrong" ones. The IRS has said 501(c)(3) organizations may publish candidate questionnaires if they select issues solely on the basis of their importance and interest to the electorate as a whole; if the questionnaire and any subsequent voter guide do not contain any biases or show preference for any candidate; and as long as the organization publishes all candidates' responses in their entirety.

If an organization publishes answers to its questionnaire online, it may include links to each candidate's website. The IRS might find even an unbiased, neutral questionnaire to be problematic if an organization posts the candidates' responses on its website, and other sections of the organization's website advocate for a particular position on the issues mentioned in the questionnaire.

The IRS might argue that by including the organization's own viewpoint on the website, the organization is telling readers the "correct" position on each issue, and from that readers could then infer which candidates the organization would support. *Source: Bolder Advocacy Blog, <http://bolderadvocacy.org/blog/questionnaires-and-linking-to-candidates-website-question-of-the-week>, Retrieved 4/7/14*

You may also wish to access this resource document, [Influencing Public Policy in the Digital Age](#).

Candidate Forums

Many 501(c)(3) organizations sponsor or participate in nonpartisan candidate forums prior to elections, usually between the primary and general elections. These are allowable according to the IRS if these principles are met.

- 1) **ALL candidates** (not just candidates from the major parties) must have an equal opportunity to participate.

- 2) Organizations cannot show preference for any candidate and this includes ensuring that introductions and communications during the event show **no evidence of bias**.
- 3) Questions should be prepared and presented by an **independent nonpartisan panel**. The questions should reflect a wide range of issues rather than a narrow perspective.
- 4) In a forum, each candidate should participate on a **sequential basis**, with equal time given to each candidate. The moderator should treat each candidate **fairly**, including ensuring that time limits on comments are respected.
- 5) The moderator must remain **impartial** and imply neither approval nor disapproval of any candidate. A statement that the **views expressed were not that of the organization** should be made by the moderator at the end of the event.
- 6) The organization **should not try to “stack” the audience** at the event to include only persons who reflect a position taken by the organization.
- 7) The event should be **publicized widely** and not just with organizations of similar interests and positions.
- 8) If **all candidates** appear at the event, they may distribute campaign literature. If some candidates are absent, it is safer not to allow distribution of the literature.
- 9) At the conclusion of the event, a 501(c)(3) **cannot publish a final report of the event that contains any ratings or evaluations of the candidates**.

Candidate debates in which candidates interact with each other rather than respond sequentially to a moderator require more preparation and compliance with IRS regulations. ***We would not recommend that SECA state affiliates sponsor a debate, unless they have developed partnerships with other organizations that can assist in ensuring compliance.*** If you are interested in getting more information about debates, access [Hosting Candidate Debates](#).

Hosting Candidates at Charitable Events

For many of our state affiliates, this may be the most likely scenario in terms of candidate participation. Inviting a candidate to speak at one of your events during campaign season is not prohibited and the rationale for inviting an incumbent or candidate to speak may have nothing to do with his/her potential election. However, there are guidelines that you must follow to ensure that you are in compliance with the IRS guidelines.

- 1) **Document the reasons** for the invitation, other than his/her candidacy.
- 2) Make every effort to ensure that the **appearance does not turn into a campaign event**. Avoid any mention of the person’s candidacy or the election.
- 3) Do not work with the **candidate’s campaign staff** to coordinate the event.

- 4) Send a **letter to the speaker**, reminding them of the organization’s prohibition against supporting or opposing a candidate and the need to keep the event nonpartisan. Ask them not to mention their candidacy (often more easily said than done).
- 5) Include a **nonpartisan disclaimer** on written materials and announce it during the event. Make sure that everyone in attendance understands that the candidacy is not the rationale for including the candidate as a speaker.
- 6) Because **the event is not related to the campaign**, the organization is not required to invite other candidates to attend.

If you’d like more information on this issue, go to [Hosting Candidates at Charitable Events](#).

Commenting on Candidates and Campaigns

It is often the case during campaigns that statements are made which are not factual. A candidate may often make a remark that needs to be corrected to “set the record straight”. **While 501(c)(3) organizations may certainly continue their education and advocacy efforts during a campaign, moving forward to “set the record straight” must be done carefully and with significant planning and thought.**

If a 501(c)(3) organization chooses to “set the record straight” on an issue that is important to them, they should:

- 1) Focus on what was said (the issue), not who said it (the candidate).
- 2) Decide who will speak publicly on behalf of the 501(c)(3) organization, so that non-designated staff or persons will not inadvertently say something inappropriate. (This means a controlled, planned response with only one person authorized to make that response to the press and public.)
- 3) Script responses before talking to reporters. Do not identify one candidate as better than others on the organization’s issues...this is tantamount to an endorsement.
- 4) Avoid talking about a candidate’s qualifications or whether someone is a good or bad candidate.
- 5) Avoid discussing a candidate’s record. Commenting on a candidate’s record is very close to commenting on a candidate’s qualifications or whether he or she should be elected.
- 6) Avoid talking about voters and making references to the election.
- 7) Avoid identifying the candidate by name. It is better to say, “During the recent debate, statements were made about X. We disagree.”
- 8) If you’re doing a press release, make sure to include a disclaimer that identifies the organization as a 501(c)(3) which does not endorse or oppose candidates.

Excerpted from *Commenting on Candidates and Campaigns*, BolderAdvocacy, www.bolderadvocacy.org, Retrieved 4/9/14

An Example

Issue: A candidate makes the statement that early childhood education doesn't really make a difference and is a waste of taxpayer money.

Our response in a press release: Recently, a candidate for the office of Governor made the statement that early childhood education doesn't really make a difference and is a waste of taxpayer money. **We respectfully disagree.** We work with young children every day and see their growth and development during the year. Here are some facts from comparative research studies that show that that high-quality early childhood programs are effective in closing the educational/developmental gaps between children of different socio-economic groups. *(List the research next.)*

For a copy of the complete information brief, go to [Commenting on Candidates and Campaigns](#) to determine how to safely do this during an election year.

Our Sources

The **Alliance for Justice** (www.afj.org) and its partner organization, **Bolder Advocacy** (www.bolderadvocacy.org), provided the majority of resources for this background document. **For an excellent two-page summary of much of the information provided in this document, go to [Election Checklist for 501 \(c\)\(3\) Public Charities](#).**

You'll also find excellent, user friendly advocacy resources from one of our SECA states. Texans Care for Children (www.txchildren.org) is an advocacy organization in that state that works at the state level to improve the lives of children and families.

Social Media: YES or NO?

Twitter appears to have become a communication tool of choice for many legislators and candidates are using it as a connection/communication tool as well. Many national early childhood groups have instituted Twitter campaigns during the last several months to promote passage of early childhood initiatives in Congress. As you consider bringing your message to social media (Twitter, Facebook, Pinterest, etc.), you'll need to remember the distinctions and potential pitfalls for a 501(c)(3) during an election cycle.

A 501(c)(3) organization “cannot use social media for partisan political activities. A 501(c)(3) can discuss officeholders and candidates in tweets and status updates only to the extent they could legally do so through other communications channels. Public charities may use social media to discuss public officials, as long as those messages do not suggest support for, or opposition to, those public officials as candidates for office. For example, a public charity could use Twitter and Facebook to rally its supporters to contact specific legislators with views about specific legislation, but only if such activity is truly lobbying in nature and is not a veiled attempt to intervene in the election.”

***For the JUST ASK US! Campaign:** Contacts made through social media should be primarily limited to those in office and must bear no relationship to their candidacy. For candidates who are not in office, it will be very difficult, if not impossible, to maintain the constraints placed on 501(c)(3) organizations if you use Twitter. Because messages sent through Twitter by individual members of the organization cannot be controlled to ensure appropriate message content, **SECA would NOT recommend** that social media be utilized for this initial awareness campaign with candidates. The use of social media should be a **second tier advocacy strategy to influence those elected to office.** Source: [Legal Tips on Using Social Media for Advocacy](#), BolderAdvocacy, Retrieved 4/9/14*

Other Resources



[Influencing Public Policy in the Digital Age](#) by Bolder Advocacy



[How to Use Social Media for Advocacy](#) by AAUW



[Beyond the Hype: A Social Media Guide for Nonprofits and Advocates](#) by Texans Care for Children (photo retrieved from www.txchildren.org on 5/29/14)

CONCLUSION

It's important that candidates for political office understand that "expert" resources are available to them to gather information about issues that they may consider if elected. **It's the optimal time for the SECA state affiliates to position themselves as those "experts", a relationship that may last for many years as the candidate becomes a policymaker and continues to serve his/her community and state.**

**Remember, [JUST ASK US!](#) says it all....we're the experts.
Let those who will lead know who we are and what we can offer!**

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Just Ask US!

Introductory Letter

Early childhood education.....we're hearing a lot about it these days. We're delighted that the discussion on the value of early childhood education has expanded beyond our state boundaries and it's now being debated at the national level. Everyone seems to be learning what we knew years ago....these programs can make a significant difference in the educational outcomes for our children.

We wanted to let you know that we're here to assist you with the answers about "**why it works**". We're your state association of early childhood professionals who work in the classroom with young children every day. We don't have just research and statistics: **we can tell you the "real" stories**, stories that show you what these programs can mean to the lives of children and families in our state and communities.

(*State affiliate name*) represents the early childhood professionals in your state and we hope that you'll utilize us as your "**expert**" resource. If you'd like more information and a personal contact within the organization, please contact _____ at _____.

We look forward to talking with you and sharing our knowledge and experiences.

Sincerely,