



Politics: A List of Do's and Don'ts Employers

A list of Do's and Don'ts to help you stay "legal" during the 2010 election cycle

Key Term—The restricted class of a member company includes the company's "executive or administrative personnel, and their families." (Note: Executive and administrative personnel are paid on a salary and have policymaking, managerial, professional, or supervisory responsibilities.)*

To Whom May Employers Announce Political Endorsements?

An Employer may announce at a press conference or in a press release sent to regular press contacts that it has made a "candidate endorsement" to its restricted class as long as there is minimal cost involved and there is no coordination with the candidate.

What Type Of Signs May Employers Put Up?

An Employer may not put up any sign in a public area that expressly advocates the election of any candidate. However, a company may and is encouraged to put up nonpartisan signs that stress registering and voting in their public areas. A company may also use signs, billboards, and advertisements for issue advocacy purposes. Please consult your legal counsel or an election law attorney on any message to the general public.

An Employee is allowed to display campaign signs, buttons, or bumper stickers in his or her individual work area if the company allows employees to display personal items.

What Rules Apply To Voter Registration And Get-Out-The-Vote Drives?

An Employer may sponsor non-partisan get-out-the-vote and voter registration drives. This means it can provide such services as transportation to the polls, but such services must be provided without regard to party affiliation or voting preference.

Get-out-the-vote and voter registration drives may not, however, be conducted in consultation with any political party or candidate or expressly advocate the election or defeat of any candidate. Furthermore, any registration drive may not be directed at individuals primarily or previously registered with a preferred party.



Assistance must be provided without regard to party affiliation. An individual conducting the activities must not be compensated based on the number of individuals registered or transported in the course of the activity.

Finally, those receiving information or assistance must be notified at the time of the drive that these services will be available without regard to the voter's political preference.

May An Employer Distribute Voter Guides?

One type of voter guide is a nonpartisan presentation of written questions posed to candidates on campaign issues and their responses to those questions.

Employers may distribute voter guides obtained from nonprofit organizations to employees and the general public as long as the guides comply with FEC regulations.

In order to comply with FEC regulations, all candidates for a particular office shall be provided an equal opportunity to respond (with limited exceptions for presidential races).

No candidate may be featured more prominently than any other or be given more spaces for responses, and the voter guide may not contain express advocacy, contain an electioneering message or score or rate the candidates' responses in such a way as to convey an electioneering message.

An Employer may not, however, prepare or distribute voter guides in coordination with a campaign or as part of an endorsement of any candidate or party. The official voting records of elected officials may be distributed under separate FEC regulations.

May An Employer Send An Advocacy Letter Or Other Printed Materials Supporting A Federal Candidate To Other Employers?

Employers may send partisan communications to its own restricted class.

Use of corporate funds and letterhead to send letters beyond the restricted class is not allowed. If an Employer spends more than \$2000 per election on a communication to its restricted class supporting a candidate for federal office, the expenditure must be reported to the Federal Election Commission.



What Is Issue Advocacy?

Issue advocacy is promoting a particular stance on an issue. For example, "America needs pro-business/pro-jobs policies" is an example of issue advocacy.

Issue advocacy may also be used to praise or criticize individuals in the context of a discussion of that issue and must have a call to action unrelated to any campaign action, i.e.: "America needs pro-business/pro-jobs policies. Rep. John Doe supports pro-business/pro-jobs policies. Call his office and thank him."

Issue advocacy pieces may not contain words and phrases such as "vote for," "elect" or "defeat," which are designed to influence an election by expressly urging support or opposition of a candidate. An Employer may participate in issue advocacy directed at its employees and the general public.

Personal or corporate money may be used for this purpose, but you should consult an attorney before engaging in any type of issue advocacy that mentions an incumbent legislator, candidate, or political party, especially since there may be restrictions of the timing and placement of the advocacy piece and it may trigger reporting requirements.

You must cite the organization, person, or company that paid for the issue advocacy piece.

What Means Can I Use to Advocate Issues?

You are welcome to use any resource available to talk to your employees.

Posters and bulletin board announcements may be put up to promote a stance on an issue. Envelope stuffers, or informational flyers that fit inside paycheck envelopes, are effective tools that can easily deliver short messages about why a worker should get involved.

You can use specific days to highlight related issues. For instance, on April 15, tax day, host an event or send an e-mail that highlights how tax policy impacts employees. On Flag Day or Memorial Day, discuss the freedoms that our armed forces protect, especially the freedom to vote.

** These do's and don'ts follow the current FEC regulations. They do not address independent expenditures. If you want to make independent expenditures, you should contact your legal counsel.*