

Election Activities of Individuals Associated with Foundations

The prohibition on partisan political campaign activity does not apply to the activities of officers, directors, or employees of public or private foundations acting in their individual capacity. Foundation staff may work on political campaigns outside work hours, or using their available leave time; however, foundation leaders, staff and volunteers may not use the facilities, equipment, personnel, or other foundation resources to provide support to or oppose a candidate or campaign.

Below are examples of instances when the actions of board members, officers, or employees can be seen as actions on behalf of the foundation in a political campaign:

1. The director of a foundation makes statements biased for or against candidates for public office during an event sponsored by the foundation or in any of its publications.
2. An employee of a foundation wears a political button at a public event or function when acting on behalf of the foundation.
3. An employee gives the foundation's mailing list to a candidate.
4. A foundation permits a candidate to use the foundation's office for a phone bank without charge.
5. A board of directors thanks its executive director for her work on behalf of a candidate.

A foundation can help to protect itself from violating these laws by:

1. Requiring officers or employees acting as individuals engaged in partisan political activity to clearly state that they are acting in their individual capacity, not on behalf of the foundation, and that any reference to their affiliation with the foundation be made for identification purposes only.
2. Notifying employees of the limitations on their use of staff time and office facilities. Time sheets should reflect that employees took leave to participate in partisan activity.
3. Disavowing any partisan actions of officials or employees that appear to be authorized by the foundation and taking steps to ensure that such actions are not repeated. Disavowals should be in writing and done in a timely manner.

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This handout provides general guidance only, and should not be relied upon as legal advice.