



Lawyers Alliance
for New York

Connecting lawyers, nonprofits, and communities

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Nonprofit Organizations Can Speak Out About Controversial Government Actions

A week into the new Presidential administration, nonprofit organizations want to speak out about issues affecting their communities. Even organizations with 501(c)(3) status can do this. Don't be scared into silence by false internet rumors.

False Rumor: Nonprofit organizations cannot criticize President Trump because he filed a "Statement of Candidacy" form with the Federal Election Commission regarding the 2020 election.

True: Organizations with 501(c)(3) status cannot take a position on who should win an election, such as the 2020 Presidential election. But all public charities can:

- criticize or praise sitting public officials, including the President, for actions that they take while in office.
- take a position on issues, such as environment, refugees, or school reform.
- take a position on specific government actions, including Executive Orders, and proposed laws and regulations.

Taking such a position *may* count towards a public charity's limit on lobbying activity, and if the charity spends more than a minimal amount of money on this activity it *may* be required to register as a lobbyist, but only if it asks a public official to act or asks members of the public to contact a public official.

Lawyers Alliance staff are available to help qualified nonprofits review their policies and procedures to ensure compliance with their tax obligations and with New York lobbying disclosure laws. Please contact Senior Policy Counsel Laura Abel at label@lawyersalliance.org, (212) 219-1800 ext. 283, or visit www.lawyersalliance.org for further information.

This alert is meant to provide general information only, not legal advice.

Lawyers Alliance for New York is the leading provider of business and transactional legal services for nonprofit organizations that are improving the quality of life in New York City neighborhoods. Our network of pro bono lawyers from law firms and corporations and staff of experienced attorneys collaborate to deliver expert corporate, tax, real estate, employment, intellectual property, and other legal services to community organizations. By connecting lawyers, nonprofits, and communities, we help nonprofits to develop affordable housing, stimulate economic development, promote community arts, strengthen urban health, and operate and advocate for vital programs for children and young people, the elderly, and other low-income New Yorkers.