



29 British American Boulevard, 2<sup>nd</sup> Floor  
Latham, NY 12110  
518-439-8311  
thearcny.org

## [Policy Number]: Political Contributions/Lobbying

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Category: Corporate Compliance      Effective Date: XXXXXXXX  
Department: XXXXXXXXXXXXXXXXXXXXXXXX      Last Revision Date(s): 5/22/2020

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### POLICY STATEMENT

Because [Chapter] is a nonprofit organization operated exclusively for charitable purposes and is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code, [Chapter] may not engage in any political campaign activities and may not engage in a substantial amount of lobbying. Moreover, [Chapter] is subject to state laws regarding lobbying and procurement of government contracts. This Policy sets forth procedures to ensure that [Chapter] retains its tax-exempt status and complies with applicable federal and state laws.

This Policy and Procedure applies to all employees, members of the Board of Directors and other representatives of [Chapter].

### PROCEDURE

#### A. Political Campaign Activities.

1. **Prohibition Against [Chapter]'s Support of or Opposition to Candidates for Public Office.** Under no circumstances will [Chapter] directly or indirectly participate in, or intervene in, any political campaign on behalf of or in opposition to any candidate for elective public office. Further, [Chapter] will not make contributions to political campaign funds or make public statements of position in favor of or in opposition to any candidate for public office.
2. **Personal Involvement in Political Campaign Activities.**
  - a. The organizational prohibition on political campaign activity is not intended to restrict free expression on



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political matters by employees, members of the Board of Directors or other representatives of [Chapter] speaking for themselves, as individuals. To avoid potential attribution of individual comments to [Chapter], [Chapter] employees, members of the Board of Directors and other representatives who speak or write on behalf of any candidate for elective office in their individual capacity are required to clearly indicate that their comments are personal and are not intended to represent the views of [Chapter]. [Chapter] employees, members of the Board of Directors and other representatives may make personal contributions to candidates for public office. The decision as to whether or not to contribute is at the sole discretion of the individual and any decision not to participate shall have no impact on any personnel actions regarding such individual. Under no circumstances will personal campaign contributions be reimbursed by [Chapter] or otherwise identified as a business expense by the individual making the contribution.

- b. Publications identifying [Chapter] employees, members of the Board of Directors or other individuals associated with [Chapter] as individuals supporting or opposing any candidate for elective office may indicate the individual's title and affiliation with [Chapter], so long as any such publication includes an appropriate disclaimer indicating that the individual's affiliation is provided for identification purposes only and the individual's endorsement, participation or other involvement reflects the individual's views only and not the views of [Chapter].



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### B. Activities Attempting to Influence Legislation.

1. **Prohibition Against Engaging in a “Substantial” Amount of Lobbying.** Lobbying is attempting to influence legislation. To retain its tax- exempt status [Chapter] may not engage in a “substantial” amount of lobbying, but still may engage in some lobbying to advocate its position on public issues.

To ensure that [Chapter] does not risk its tax-exempt status and is in compliance with all laws regulating lobbying activity, all [Chapter] employees and representatives who participate in lobbying activities on [Chapter]’s behalf must consult with the Corporate Compliance Officer before any lobbying activities are performed. Moreover, any employee or representative of [Chapter] participating in lobbying activities on [Chapter]’s behalf must report all time and expenditures devoted by [Chapter] to lobbying activities to the Corporate Compliance Officer for tracking purposes.

- C. The Corporate Compliance Officer shall track all time and expenditures devoted by [Chapter] to lobbying activities to ensure that [Chapter] does not engage in “substantial” amount of lobbying and for reporting purposes. The Corporate Compliance Officer shall consult with legal counsel as necessary to assess [Chapter]’s lobbying activities and to determine whether lobbying activities may jeopardize [Chapter]’s tax exempt status.
- D. [Has [Chapter] elected 501(h) status? Electing 501(h) status allows an organization to be covered by an objective quantitative framework for determining a permissible level of lobbying activities. If [Chapter] has elected 501(h) status,



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please consult legal counsel to determine any impact of the election on this Policy.]

1. **Registration/Reporting.** The Corporate Compliance Officer shall be responsible for maintaining [Chapter]'s lobbying registration with appropriate state and federal agencies, as required. Moreover, the Compliance Officer shall be responsible for providing any periodic reports required by such agencies. Does [Chapter] employ lobbyists or use its employees to lobby? If so, please consult legal counsel to determine fact-specific information regarding registration and reporting of lobbyist activities.

### E. New York Procurement Law.

1. New York law restricts communications between [Chapter] or a person acting on behalf of [Chapter], including a lobbyist, with the officers and employees of certain State of New York governmental agencies when seeking certain procurement contracts.
2. Any employee or representative of [Chapter] involved in the procurement of governmental contracts with the State of New York will adhere to all requirements of New York procurement law, as applicable. Any questions regarding compliance with these requirements should be directed to the Corporate Compliance Officer.