



# Navigating Voting & Politics

## Do's and Don'ts for Head Start Employees

Since its inception, Head Start has long embraced civic engagement as a core priority for engaging children, families, and their communities. As federal grant recipients, there are a few limitations you should be aware of before you or your program engage in any political or voting activities.

### Voter and Campaign Engagement

Voter registration and other voter engagement efforts are explicitly allowed to take place at Head Start facilities so long as no Head Start funds are used to support them. Employees may not engage in any political or voter engagement activity during any hours they are working directly on behalf of Head Start.

#### Political activity includes:

1. Any partisan, nonpartisan, or any other political activity associated with a candidate or group running for public office. This includes social media (i.e. no posting, liking, or sharing of political posts); and
2. Any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election.

**DO** encourage people to vote and register to vote (which can include hosting voter registration efforts at your center).

However, **DON'T** use any Head Start funds or on-the-clock staff to carry those efforts out.

**DO** disseminate nonpartisan voter guide brochures\* that explain the candidates' positions on issues to your policy councils and parent committees.

However, **DON'T** expressly advocate any candidate's election, defeat, or coordinate with a candidate.

*\*Many organizations in your community (such as the NAACP, League of Women's Voters, Rock the Vote, etc) would be happy to partner with you to provide resources and staff to run nonpartisan voter registration efforts.*

If you are at home after work and see a new candidate has announced their candidacy for State Senate in your district,

**DO** engage in any political activity you wish! Like or tweet a message encouraging others to vote for that candidate because you are not in the workplace and not on duty. **DO** also be mindful of your organization's policies as well as the potential impact of your political engagement given your role at Head Start.

Please note that voter guide brochures can not be printed using materials paid for by Head Start funds, i.e. paper, ink, etc. See more in the next section.

# Contributions of Money and Services to Campaigns

Federal campaign finance law also places restrictions on **all** incorporated organizations **including non-profits**. Generally, federal campaign finance law prohibits the use of corporate resources in connection with federal elections.

Under the Head Start Act, **no funds or staff hours** may be used to conduct voter registration activities. This means:

<b>No contributions</b> of non-profit funds directly to candidates, political parties, or political committees registered with the FEC from your organization or within your role at your organization.	<b>No fundraising or otherwise facilitating contributions</b> to candidates, political parties, or political committees registered with the FEC.	<b>No republishing of campaign materials.</b>
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If you receive an invitation to attend a fundraiser to benefit a congressional candidate in your district held over the weekend,

<b>DO</b> participate in the fundraiser in your personal time by attending, being a special guest, or being a featured/keynote speaker,
but <b>DON'T</b> solicit funds or be referred to as a “host.”

If a candidate for state representative in your area requests a campaign contribution from you,

<b>DO</b> feel free to make a <u>personal contribution</u> to the candidate,
but <b>DON'T</b> use organization resources (including your work address, title, or work email).

## Fundraising and Non-Fundraising Political Events

<b>DON'T</b> engage in any fundraising or political events (such as campaign rallies, promoting or selling tickets to an event for a political candidate or party) as an organization or from your role at your organization.
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In addition to campaign finance law restrictions at the federal level, state, and local campaign finance laws *must* be consulted when participating in state and local elections. These laws differ across all 50 states and some municipalities.

## The Hatch Act

Political activity by all federal employees is governed by a law called the Hatch Act.

Head Start grant recipients and delegates should be mindful of this policy and avoid any violations of the law with regard to their staff members' political activities.

**The Hatch Act** restricts political activity of executive branch employees of the federal government and District of Columbia government employees (5 U.S.C. 7321–7328) and State or local officers or employees (5 U.S.C. 1501–1528).

While the Hatch Act applies to most federal employees with some exceptions, almost every state has a State Hatch Act, a.k.a. the “Little Hatch Act,” that similarly applies to employees of that state.

## Tax Rules for 501(c) Organizations

Unlike most other corporations, charities face additional restrictions on political activity under provisions of the Internal Revenue Code. Restrictions depend on the type of organization.

Under the Internal Revenue Code, all section 501(c)(3) organizations are absolutely prohibited from directly or indirectly participating in, or intervening in, any political campaign on behalf of (or in opposition to) any candidate for elective public office.

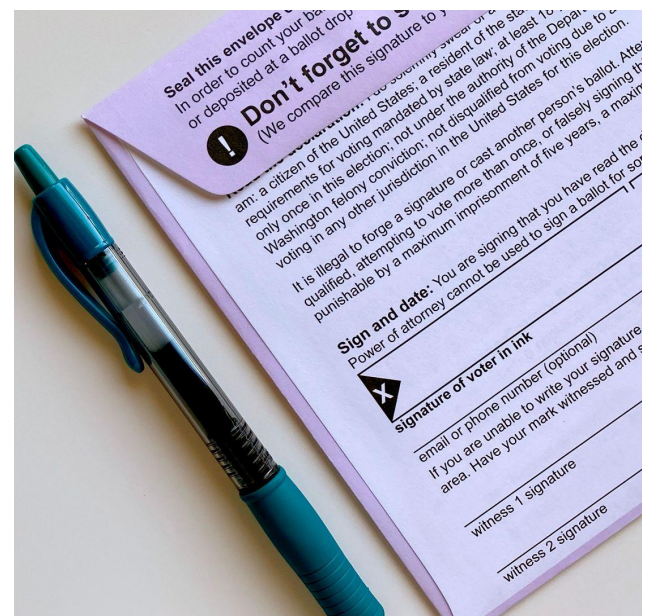
This means no endorsement of or contribution to candidates whatsoever. Violating this prohibition may result in denial or revocation of tax-exempt status and the imposition of certain excise taxes.

### Government Employee Definitions

**State or local officer or employee:** individual employed by a State or local agency whose principal employment is in connection with an activity that is financed in whole or in part by loans or grants made by the United States or a Federal agency. (Certain State educational or research institutions are excluded from this definition.)

**Less Restricted Employees:** Most federal executive branch employees are considered “less restricted employees” under the Hatch Act. Less Restricted employees may take an active part in partisan political management or partisan political campaigns.

**Further Restricted Employees:** Broadly, “further restricted employees” are generally in the areas of defense and intelligence; e.g., DOD, FBI, DHS, NSA, etc.



## 501(c)(3) Permissible Activities

Certain activities or expenditures are allowed depending on the facts and circumstances.

All permissible activities must be conducted in a completely **nonpartisan manner**, without showing a bias or preference for or against any candidate or political party.

This includes certain voter education activities such as:

Presenting public forums;	Publishing voter education guides;	Activities intended to encourage people to participate in the electoral process, such as voter registration and get-out-the-vote drives.
It is important to ensure that none of these activities have <b>any</b> evidence of candidate bias.		

## Limited Lobbying Activities

501(c)(3) Public Charities may engage in a <i>limited</i> amount of lobbying activities	501(c)(3) Private Foundations may not lobby.
Seek legal guidance before conducting <i>any</i> lobbying – federal, state, or local lobbying registrations may also apply.	

## References

Head Start Act, Sec. 656 political activities. ECLKC. (2019, January 8). Retrieved October 14, 2022, from <https://eclkc.ohs.acf.hhs.gov/policy/head-start-act/sec-656-political-activities>

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Who can and can't contribute. FEC.gov. (n.d.). Retrieved October 14, 2022, from <https://www.fec.gov/help-candidates-and-committees/candidate-taking-receipts/who-can-and-cant-contribute/>

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