

## **Candidate Questionnaires and Voter Guides**

Many nonprofit organizations develop or distribute materials about candidates' positions on issues, and the Internal Revenue Service has approved only one purpose for such activities by a charity: to educate the voters impartially on a nonpartisan basis. They may not use candidate questionnaires to advance the electoral interests of some candidates or political parties or disparage others. The sorts of candidate questionnaires that are appropriate for a 501(c)(3) to distribute are those that are distributed for purely informational purposes, without regard to helping or hurting any candidate or group of candidate.

Candidate questionnaires and voter guides may be an important and effective tool in ensuring an organization's issues are kept in the forefront during an election year. Below are some guidelines designed to help organizations make use of these important advocacy tools without putting their tax-exempt status at risk:

### **Guidelines for Candidate Questionnaires**

- Distribute the questions to all candidates
- Do not include questions that hint at the "correct" answer
- Do not ask a candidate to pledge their support (for example, "if elected I agree to support all civil rights issues")
- Do not compare the candidate responses to the organization's views on the issues (for example, do not put a plus/minus sign indicating when the candidate agreed/disagreed with the organization's position on an issue)
- Use open-ended questions: avoid yes/no, support/oppose, or multiple choice formats unless you allow the candidate to explain their answer
- Include questions on a broad range of issues (for example, questions on the impacts of poverty including the issues of housing, education, healthcare, employment, and welfare reform reflect a broad range of issues)

### **Guidelines for Voter Guides**

- Publish all responses and print the answers that the candidate provides—no editing/paraphrasing, although a reasonable word limit may be imposed
- Publish all responses in the same font, the same print size, and in an impartial way
- Make the questionnaires generally available to the public
- Do not coordinate with a candidate about questionnaire content (for example, do not change a question at the request of a candidate)

### **What if a candidate does not respond to the questionnaire?**

If, but only if, a candidate does not respond, you can note that in the voter guide, and attempt to determine the candidate's position on the issues based on a neutral, unbiased, and complete compilation prepared from publicly available sources. The voter guide should indicate that the

answer was not given by the candidate, and should include citations or state where citations are available. If no clear determination can be made, you may describe the candidate’s position as “unknown” or “unclear.” If only one of two candidates responds, the organization will need to consider carefully whether to publish the questionnaire/voter guide, as it runs the risk of appearing as though it supports only those candidates who responded.

It is always a good idea to prominently remind readers that your organization does not endorse or oppose any of the candidates for public office, and to point out that candidates’ fitness for office should be judged on a variety of qualifications that go beyond their responses to the questions contained in the guide. In the end, the IRS, when evaluating candidate questionnaires, will mainly try to decide if the overall impression given to the reader by the selection and presentation of issues “evidences a bias or preference with respect to the views of any candidate or group of candidates.”

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