

A LIST OF DO'S AND DON'TS FOR CHAPTERS TO HELP YOU STAY "LEGAL" DURING THE ELECTION CYCLE*

***Key Term-** ABC's own restricted class consists of its own executive and administrative personnel and their families. For purposes of making communications, ABC's restricted class also consist of those individuals within the member companies with whom ABC normally communicates – i.e. – member contacts.*

TO WHOM MAY ABC AND ITS MEMBERS ANNOUNCE POLITICAL ENDORSEMENTS?

A Chapter may announce to the press its endorsement of a candidate for federal election provided that the announcement is made to the chapter's regular press contacts, there is minimal cost involved, and there is no coordination with the candidate.

WHAT TYPE OF SIGNS MAY ABC AND ITS MEMBER COMPANIES PUT UP?

A chapter may use signs, billboards, and bumper stickers for the purpose of issue advocacy. Please consult ABC National or an election law attorney on any message to the general public.

An employee is allowed to display campaign signs, buttons, or bumper stickers in his or her individual work area if the company allows employees to display personal items.

WHAT RULES APPLY TO VOTER REGISTRATION AND GET-OUT-THE-VOTE DRIVES?

An ABC chapter may sponsor non-partisan get-out-the-vote and voter registration drives. This means it can provide such services as transportation to the polls, but such services must be provided without regard to party affiliation or voting preference. Get-out-the-vote and voter registration drives may not, however, be conducted in consultation with any political party or candidate or expressly advocate the election or defeat of any candidate. Furthermore, any registration drive may not be directed at individuals primarily or previously registered with a preferred party. Assistance must be provided without regard to party affiliation. An individual conducting the activities must not be compensated based on the number of individuals registered or transported in the course of the activity. Finally, those receiving information or assistance must be notified at the time of the drive that these services will be available without regard to the voter's political preference.

MAY AN ABC CHAPTER COMPANY DISTRIBUTE VOTER GUIDES?

One type of voter guide is a nonpartisan presentation of written questions posed to candidates on campaign issues and their responses to those questions. ABC chapters may create their own voter guides or distribute voter guides obtained from nonprofit organizations to ABC member companies. The ABC member company may distribute to all employees and the general public as long as the guides comply with FEC regulations. In order to comply with FEC regulations, all candidates for a particular office shall be provided an equal opportunity to respond (with limited exceptions for presidential races). No candidate may be featured more prominently than any other or be given more spaces for responses, and the voter guide may not contain express advocacy, contain an electioneering message or score or rate the candidates' responses in such a way as to convey an electioneering message. An ABC chapter or member company may not, however, prepare or distribute voter guides in coordination with a campaign or as part of an endorsement of any candidate or party. The official ABC voting records of elected officials may be distributed under separate FEC regulations.

MAY AN ABC CHAPTER SEND AN ADVOCACY LETTER OR OTHER PRINTED MATERIALS SUPPORTING A FEDERAL CANDIDATE TO ABC MEMBERS?

An ABC chapter may send letters or other partisan communications to the principle contacts of its member companies, but the printed materials must be original productions of the chapter and not a reproduction of the candidates' campaign publications. An ABC chapter may use chapter money to send partisan communications only to the member contacts with whom they normally communicate. If an ABC chapter spends more than \$2000 per election on a communication to its restricted class supporting a candidate for federal office, the expenditures must be reported to the Federal Election Commission.

WHAT IS ISSUE ADVOCACY?

Issue advocacy is promoting a particular stance on an issue. For example, "America needs pro-merit policies" is an example of issue advocacy. Issue advocacy may also be used to praise or criticize individuals in the context of a discussion of that issue and must have a call to action unrelated to any campaign action. Issue advocacy pieces may not contain words and phrases such as "vote for," "elect" or "defeat," which are designed to influence an election by expressly urging support or opposition of a candidate.

An ABC chapter may participate in issue advocacy directed at its members, employees, and the general public. Personal or corporate money may be used for this purpose, but you should consult an attorney before engaging in any type of issue advocacy that mentions an incumbent legislator, candidate, or political party, especially since there may be restrictions of the timing and placement of the advocacy piece and it may trigger reporting requirements. You must cite the organization, person, or company that paid for the issue advocacy piece.

WHAT MEANS CAN I USE TO ADVOCATE ISSUES?

You are welcome to use any resource available to talk to your employees. Posters and bulletin board announcements may be put up to promote a stance on an issue. Envelope stuffers, or informational flyers that fit inside paycheck envelopes, are effective tools that can easily deliver short messages about why a worker should get involved. You can use specific days to highlight related issues. For instance, on April 15, tax day, host an event or send an e-mail that highlights how tax policy impacts employees. On Flag Day or Memorial Day, discuss the freedoms that our armed forces protect, especially the freedom to vote. Around Labor Day, showcase the benefits of the merit industry. Contact ABC National or visit our web site (www.abc.org) for sample posters, announcements and envelope stuffers.

** These do's and don'ts follow the FEC regulations. They do not address independent expenditures. If you want to make independent expenditures contact ABC or your legal counsel.*