

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

***Key Term-** The restricted class of a member company includes the company's "executive or administrative personnel, and their families." (Note: Executive and administrative personnel are paid on a salary and have policymaking, managerial, professional, or supervisory responsibilities.)*

DO:

An ABC member company may announce at a press conference or in a press release (sent to regular press contacts) that it has made a "candidate endorsement" to its restricted class, as long as it involves minimal cost.

DO:

A company is both allowed and encouraged to put up nonpartisan signs that emphasize the importance of registering and voting. These signs may appear in public areas. A company may also use signs, billboards, and advertisements for issue advocacy purposes. Please consult ABC National or an election law attorney regarding any message issued to the general public.

DO:

An ABC member company may sponsor non-partisan get-out-the-vote and voter registration drives. A company may provide transportation to the polls and other similar services. Those receiving information or assistance must be notified at the time of the drive that these services will be available regardless of their political preference.

DO:

ABC member companies may distribute voter guides obtained from nonprofit organizations to employees and the general public, provided that the guides comply with FEC regulations. In order to do so, the guides must provide all candidates for a particular office an equal opportunity to respond (with limited exceptions for presidential races). No candidate may be featured more prominently than any other, and the space allotted for responses must be the same for each candidate.

DO:

ABC members may send partisan communications to its own restricted class. If an ABC member or chapter spends more than \$2000 per election on a communication to its restricted class supporting a candidate running for federal office, the expenditure must be reported to the Federal Election Commission.

DO:

An ABC member company may participate in issue advocacy directed at its members, employees, and the general public. Issue advocacy may be used to praise or criticize individuals in the context of an issue-specific discussion and must have a call to action unrelated to any campaign action. 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. This is important as there may be restrictions surrounding the timing and placement of the advocacy piece, and it may trigger reporting requirements. You must also cite the organization, person, or company that paid for the issue advocacy piece.

DO:

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 also effective tools that can easily deliver messages emphasizing the importance of worker involvement. 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.

DON'T:

Coordinate a “candidate endorsement” with a candidate.

DON'T:

An ABC member company may not put up any sign in a public area that expressly advocates for the election of any candidate.

DON'T:

Get-out-the-vote services must be provided without regard to party affiliation or voting preference. Compensation of the individuals conducting these activities must not be related to or effected by the overall success of the operation.

DON'T:

The voter guide may not contain express advocacy, contain an electioneering message, or proceed to score or rate the candidates’ responses in such a way that conveys an electioneering message. An ABC member company may not prepare or distribute voter guides in conjunction 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.

DON'T:

The use of corporate funds and/or the ABC letterhead to send letters of partisan communication beyond the restricted class is prohibited.

DON'T:

Issue advocacy pieces may not contain words and/or phrases such as “vote for,” “elect” or “defeat,” which are designed to influence an election by expressly urging support or opposition of a candidate.

** 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.*