

Nonprofits: Nonpartisan by Law, Fact, and Impact

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The National Council of Nonprofits (NCN) opposes the Free Speech Fairness Act (S.1205/H.R. 2501), which seeks to weaken nonpartisan protections for nonprofit organizations. Charitable nonprofits serve communities and strengthen the economy. Their effectiveness depends on remaining nonpartisan in law, purpose, and practice.

Nonprofits are the backbone of our communities, serving as trusted partners in delivering essential services. From feeding the hungry and supporting veterans to educating our youth and caring for the elderly, nonprofits work every day to serve people across America and meet real community needs. They embody the spirit of neighbor-helping-neighbor, stepping in to fill the gaps where local and state governments cannot fully meet the needs of the community.

The Free Speech Fairness Act ([S.1205](#)/[H.R. 2501](#))

Weakens longstanding federal law protecting nonprofits from partisanship by permitting electioneering “in the ordinary course of the organization’s regular and customary activities” if the activities do not “incur more than de minimis incremental expenses.”

The Challenge

Nonprofits exist to serve the public good, not partisan interests. Efforts to make them partisan or politicized threaten their ability to provide essential services and undermine public trust in these vital institutions. NCN opposes allowing nonprofit organizations to engage in partisan activities, regardless of how or how much, as it would erode public trust in nonprofits and their ability to serve their communities.

Nonprofits operate in every community in the United States, addressing community needs related to job training, healthcare, financial literacy, education, food security, substance abuse prevention and recovery, and more. They need broad public support and bipartisan cooperation to fulfill their missions. Many nonprofits are faith-based; all of them are community-focused. If charitable nonprofits are drawn into partisan battles, it risks dividing who they serve and jeopardizing funding streams that enable them to serve those in need.

Key Principles of Nonprofit Organizations

- **Remaining Nonpartisan, Now and Always:** Nonprofit nonpartisanship (sometimes referred to as the Johnson Amendment) ensures nonprofits remain free from partisan influence. Protecting this 70-year-old law safeguards nonprofits from partisan exploitation and using nonprofits for tax-deductible campaigning and fundraising. Weakening these protections would erode credibility and mission focus.
- **Clarifying the Role of Advocacy:** Nonprofits *can* and *should* engage in public policy advocacy related specifically to their missions, not partisan election-related activities. Advocating for issues like healthcare, education, and social services is not the same as endorsing candidates for public office. Policy engagement is essential for nonprofits to address challenges and ensure their communities' voices are heard in the legislative process.
- **Combating Confusion:** The misuse of terms like “political nonprofits” creates misconceptions. Charitable nonprofits do not engage in partisan, election-related activities. Equating issue advocacy with electioneering is misleading. Lawmakers, media, and the public must understand the difference to prevent confusion that could lead to harmful policy changes or misperceptions about nonprofit activities.
- **Promoting Civic Engagement:** Helping citizens understand the electoral process, ensuring they are informed, and promoting civic engagement are fundamental components of a strong, participatory democracy. Nonprofits play a crucial role in strengthening communities by ensuring everyone has a voice in the democratic process.

Call to Action

Congress should reject efforts to weaken the laws that protect them from partisan politics. NCN urges members of Congress to **oppose the Free Speech Fairness Act** ([S.1205/H.R. 2501](#)).

Sponsors and Cosponsors

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S.1205

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