

## **BYU Management Society Political Neutrality Statement**

Not-for-profit organizations like Brigham Young University and its affiliated groups, such as the BYU Management Society, must be politically neutral. Individual chapters may not sponsor, host, or in any way participate in any kind of political fundraising, political endorsement, or political activity. Chapter membership lists and contact information may not be shared with any campaign or political group. Management Society members, chapter presidents, officers, board members, and steering committee members may not represent the BYU Management Society or Brigham Young University in communicating with any political entity. Similarly, candidates for any political office may not be invited to address BYU Management Society groups unless these requests are cleared in advance by the BYU Marriott School of Management and BYU General Counsel's office. These restrictions apply to all campaigns and political activity whether on the local, state, or national level.

Please contact the Management Society Executive Director at 801-422-6824 or [management\\_society@byu.edu](mailto:management_society@byu.edu) with specific questions.

### **Expanded Political Neutrality Statement**

#### **Background**

BYU and its affiliated organizations, such as the J. Reuben Clark Law Society and the BYU Law School Alumni Association, must be politically neutral to maintain tax-exempt status under Section 501(c)(3) of the Internal Revenue Code. Section 501(c)(3) requires that these organizations "not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office." The Treasury Regulations specify that a "candidate for public office means an individual who offers himself, or is proposed by others, as a contestant for an elective public office, whether such office be national, State, or local." Treas. Reg. § 1.501(c)(3)-1(c)(3)(iii). Since a person may be "proposed by others" without his or her consent, or before an official announcement of intent to seek public office, the candidacy line is not always clear. See T.A.M. 9130008 (April 16, 1991).

Please note that federal tax laws, not federal or state election laws applicable to candidates themselves, govern the actions of BYU and its affiliated organizations.

#### **General Prohibitions**

A recent IRS publication stresses that 501(c)(3) organizations are "absolutely prohibited" from participating or intervening in political campaigns on behalf or in opposition to any candidate for elective public office. FS-2006-17 (February 2006); see also IRS Publication 1828, Tax Guide for Churches and Religious Organizations, September 2006.

Individual chapters cannot sponsor, host, or in any way participate in any type of political fundraising, campaign contribution, endorsement, or other activity that favors or opposes a candidate.

Chapter membership lists or contact information may not be shared with any campaign or political group. No announcements of campaign events or political fundraisers may be circulated via organizational e-mail lists or through other communication channels to chapter members. No leader or member of the J. Reuben Clark Law Society or the BYU Law School Alumni Association may represent the organization or BYU in communicating with any political entity or in participating or intervening in any campaign.

As a procedural matter, candidates for any federal, state, or local political office may not be invited to speak at chapter events unless the request is cleared in advance by the Marriott School of Management and the BYU Office of the General Counsel.

## **Guidelines to Avoid Participating or Intervening in a Political Campaign**

In advance of requesting clearance for a particular candidate or political figure to speak at an event, please note the following guidelines:

### **1. Speaking as a Candidate**

Candidates may be invited to speak at an event, provided that:

- The chapter provides an equal opportunity to political candidates seeking the same office;
- The chapter does not indicate any support for or opposition to the candidate, and expressly states that neutral position in the speaker's introduction and in any communications regarding the event; and
- No political fundraising occurs.

Equal opportunity requires equality in both the nature of the event and the manner of presentation. For example, an invitation for a candidate to speak at an annual dinner would not provide equal opportunity to other candidates. If an event includes a panel of candidates for the same office, the organization must take care to avoid any bias for or against a candidate, especially in moderating the panel and in preparing questions for the candidates.

### **2. Speaking or Participating as a Non-Candidate**

Candidates may also appear at chapter events in a "non-candidate" capacity. For example, candidates who are current or former office holders, experts in non-political fields, celebrities, or notable for their distinguished military, legal, or public-service careers may be invited to speak, provided that the chapter ensures that:

- The individual is chosen to speak solely for reasons other than candidacy for public office;
- The individual speaks only in a non-candidate capacity;
- Neither the individual nor any representative of the chapter makes any mention of his or her candidacy or the election;
- No campaign activity occurs in connection with the candidate's attendance; and

- The chapter maintains a nonpartisan atmosphere on the premises or at the event where the candidate is present.

In addition, the chapter should clearly indicate the capacity in which the candidate is appearing and should not mention the individual's political candidacy or the upcoming election in the communications announcing the candidate's attendance at the event.

### **3. Judges and Prospective Judges**

The same rules applicable to candidates outlined above also apply to judges who are elected or retained via election. Activity in support of a prospective federal judge who has not yet been confirmed by the U.S. Senate, or a prospective state or local judge who has not yet received legislative approval, could violate applicable lobbying restrictions on 501(c)(3) organizations. Invitations to speak extended to prospective judges must be cleared in the same way as invitations extended to candidates.

### **4. Individual Action**

The prohibition on participating or intervening in political campaigns with respect to a candidate does not prevent individual members of the J. Reuben Clark Law Society or the BYU Law School Alumni Association from doing so on their own. However, individual members should make sure not to engage in any campaign activity at official functions, through official newsletters, or through chapter or class-member e-mail lists.

### **5. Chapter Endorsements**

The Political Neutrality Policy does not specifically address chapter endorsements. Beyond the chapters of the J. Reuben Clark Law Society, BYU also coordinates chapters of the Alumni Association, the Management Society, and the Cougar Club.

BYU is not restricted by the tax code on ballot initiative issues. However, BYU has historically taken a position of institutional political neutrality on federal, state, and local issues, including ballot initiatives. Given that the various chapters are--legally and practically--an offshoot of the university, the best approach, in my view, is for these chapters to respect and reflect that institutional neutrality, even when the Church itself may not be neutral. We specifically discussed Proposition 8 neutrality last year, and BYU made the determination to remain neutral on that issue.

The section of the Political Neutrality Policy titled Political Activities of University Personnel is instructive in this regard. The second paragraph reads:

"Other university personnel may participate in partisan political activities as well as activities involving matters of public policy, including legislation, referenda, ballot initiatives, or constitutional amendments; however, they should act, attend, speak, or write in an individual capacity and not put forward their affiliation with the university. If their affiliation becomes known, they must state that they do not represent or speak for the university. No one affiliated with the university is authorized to speak for the university on political matters except the president or those expressly authorized by him."

Each member of the various chapters is certainly welcome and encouraged to engage in the political process as an individual or as a member of another group. However, the same concerns raised by participation of university personnel applies with equal or greater force to organized BYU-branded chapters of law, management, or alumni societies. The chapters, by virtue of their organization, necessarily put forward their affiliation with the university and imply that they represent or speak for the university when they endorse political positions. It would be inappropriate--and it would run contrary to the spirit of the Political Neutrality Policy--for a particular chapter to use BYU's name (for enhanced credibility, name recognition, or otherwise) to endorse a political activity that BYU has not chosen to endorse for itself.