

GUIDANCE FOR ENGAGING WITH CANDIDATES

**national
collaborative
for infants
& toddlers**





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INTRODUCTION

The stakes of the upcoming 2024 election are high for parents, infants, toddlers, and families across the country. Prenatal to three issues – from child care, to paid leave, to maternal health, to head start, and more – are at an inflection point. As advocates, we must stand together to ensure every child has the strong start in life they deserve, starting where the needs are greatest and with those communities most impacted by historic disinvestment and structural racism. Because if policymakers don't collectively take action to address the lack of investment in these issues, young children and families will suffer, which is why we have to get it right.



In an election year, getting it right means mobilizing your members and those impacted by the policies we seek to change to engage candidates on prenatal to three issues so they know it's a priority for their constituents. It means asking candidates questions that get them thinking about the policy solutions they need to enact once they're in office. Ultimately, it means making prenatal to three issues a priority for candidates and voters.

More than 5,793 seats are up for elections this year, representing 78% of the nation's legislative seats. In November 2024, 44 states will conduct legislative elections. To make the most of these opportunities, nonprofit organizations, coalitions, and individual advocates seeking to elevate the importance of public sector support for these issues need to be sharp, persistent, and unified in their efforts to engage with candidates for public office.

This guide provides tools and resources to navigate this election cycle as an advocate for expectant parents, infants, toddlers and their families. It offers insight into how to talk about the most crucial issues facing families today, including child care, maternal and child health, early Head Start, paid family and medical leave, and economic security. It also offers expert insight into how to best engage with elected officials across mediums for advocates and organizations of all types and levels of expertise. Please [connect with us here](#) to offer feedback on this guide and start a conversation about anything else you'll need to secure the victories that families everywhere are counting on.

OVERVIEW: ENGAGING WITH PUBLIC OFFICIALS

In an election year, it is essential that nonprofit staff are familiar with the legal limitations and restrictions on their organizations' involvement with candidates for public office and elections. This overview is intended to provide guidance on how your organization can effectively navigate these issues while you continue to advocate for policy, systems, and environmental change.

Below are three overarching takeaways to keep in mind:

1. We're deep into election season, from the Presidential election to a slew of local campaigns, so it's important for all of us to know the do's and don'ts of working with elected officials and candidates for public office. Section 501(c)(3) nonprofit organizations are prohibited from taking any actions that indicate support for, or opposition to, a candidate for public office. During election season, 501(c)(3) organizations can continue to advocate for public policy change, and can play important roles in educating the public about candidates and encouraging people to vote. But staff must remember to avoid any actions, either in their professional or personal capacity, that could suggest their organization supports or opposes a candidate for public office.
2. Relationships with lawmakers and other public officials are important to achieving your organization's goals. In general, it is useful to invite these officials to your organization's events. However, having a candidate participate in your event could create the perception of an endorsement by your organization, so you need to proceed carefully. Your event must satisfy the IRS rules regarding candidate appearances. The context must make it clear that your organization is not indicating support for any particular candidates. When making decisions on candidate involvement, talk to a lawyer with expertise in these issues.
3. The IRS recognizes that section 501(c)(3) organizations have the right to weigh in on public officials' actions, even during election season. To determine whether communication is allowable issue advocacy, or whether it is prohibited electioneering, the IRS has [outlined the factors](#) it will consider, including the proximity to an election, whether the issue in the communication is one that divides the candidates in the election, and whether the timing of the communication coincides with a non-electoral event beyond the organization's control.



For more detailed information, [please click here](#) for additional resources.

BEST PRACTICES FOR ENGAGING WITH CANDIDATES

When engaging with candidates on policy issues, keep **your goal** front of mind. The candidate's goal is trying to gain voters' support, so it's up to you to connect your goal with their goal. You're more likely to be successful if you can briefly and directly communicate why supporting your issue will help them achieve their goal. Share how popular prenatal to three issues are with voters.

Before engaging with candidates on your priority policy issues, it is essential to know where they currently stand on your issue. This allows you to meet them where they are and use language that resonates with them when making your case. To find this information, start by reviewing the candidate's website. If it isn't included, you've learned that your issue may not be a top priority for them (so your advocacy is vital!). You can also do some internet sleuthing via Google to see if the candidate has said anything public on your issue in the press or in a previous role.

Below are best practices to utilize when planning to engage with candidates to elevate prenatal to three policy issues.



IDENTIFY A CLEAR GOAL

- **What is your ultimate goal?** Whether your ultimate goal is more elected officials supporting your issue or more awareness for it, it should ground how you engage with candidates.
- **What is your goal for this interaction?** Are you trying to bring the issue to their attention? Do you have a specific question for the candidate? Do you want to increase their support for your issue? If so, how? Is there a specific action you want them to take?

HOW TO INCREASE CANDIDATES' SUPPORT FOR YOUR ISSUE

- **Do the research.** In advance of engaging a candidate, assess their current position on your issue. You can check their campaign website, social media posts, quotes in the press, or their votes on the issue if they're running for reelection.
- **Ask questions at events.** Candidates typically hold meetings with potential voters, such as town hall meetings or roundtable discussions. Attend and participate by communicating the importance of your issue and asking for their position on the issue.
- **Invite them for a site visit.** Making an issue more tangible for a candidate can increase their support. If you can, invite the candidate to visit a child care center, Early Head Start classroom, etc., so they can see for themselves why supporting your issue is essential. It is important that these visits be done privately (i.e., without journalists invited to join the candidate). You don't want your organization to be used as the setting for a campaign event
- **Provide polling to demonstrate support.** Candidates are trying to win an election, so polling showing that voters in your state support your issue can be particularly persuasive in making the case for why they should publicly support your issue.

BEST PRACTICES WHEN TALKING TO CANDIDATES

- **Prepare in advance.** Before engaging a candidate on your issue, review the talking points and prepare what you want to say and what you want to ask them.
- **Identify as a voter.** Candidates' primary purpose is campaigning to get enough votes to win, so they are more likely to engage if they can identify you as a voter in their election. Ideally, be sure to include a voter from the district the candidate seeks to represent.
- **Be concise and follow the talking points.** Because interactions with candidates are usually brief, make sure that you have time to touch on the most important points: why the issue is important, your personal connection to the issue, and ask for them to speak out on the issue.
- **Adapt your language.** When communicating about your issue, choose the language that will most resonate with the candidate.

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HOW TO WRITE QUESTIONS FOR CANDIDATES

Crafting a question to ask a candidate, especially in a public forum like a town hall or another event, is both a science and an art. While there is a best practice for structuring a question for candidates and the elements it should include, there is an art to customizing a question to the specific candidate on the receiving end of it so that you, as an advocate, get the most out of the interaction. This how-to outlines the elements of a well-structured candidate question and includes tips to keep in mind when crafting so that advocates can write variations on questions using the talking points in this guide.

TIPS FOR CANDIDATE QUESTIONS

- Research the candidate's position on the issue by checking to see if it is on the candidate's website or Google if they've said anything public about it in the press. This information can change how you'll frame your question.
- Make sure what you're asking them to do matches the authority they'll have (i.e. don't ask a state-level candidate about a federal bill and vice versa)
- Be specific with the actual question. Even if your setup is really strong, asking, "Why don't you support paid leave" can allow candidates who are not aligned with you to let themselves off the hook publicly. They could respond, 'But I do support paid leave,' and even name a bill; when in fact, the paid leave bill they support would force you to pay for it by borrowing against your financial future.
- Identify what legislation organizations you trust support (like NCIT members). You can use this to make your question specific by asking the candidates their views on those particular policies.

STRUCTURE OF A CANDIDATE QUESTION

- **Identify who you are**
 - ▶ Ideally, you can identify as a voter in their race (or at least in their state).
 - Hi, I'm [first name]. I live in [city, county, state] and will vote in the upcoming elections.
 - ▶ If you are with an organization, communicate the power of your organization with concrete numbers: how many members, how many people you serve in your programs, and how many people you've registered to vote in the district.
 - I [am a volunteer with/work for] [X organization], and we have X members, Y of whom live in your district.

HOW TO WRITE QUESTIONS FOR CANDIDATES

■ Name the issue

- ▶ I am here because I care about [child care, maternal health, etc.].
- ▶ If you have a personal connection to the issue, name that (i.e. my child is in a Head Start program).
- ▶ 1-2 brief talking points on the importance of the issue (use the issue-specific talking points in this guide).

■ Ask the question

- ▶ Include localized information if you can (i.e., I work for X child care center in your district).
- ▶ Be simple and clear
 - Do you support universal child care?
 - Do you support expanding paid family leave to cover all part-time employees?
- ▶ Be specific so you can get a commitment
 - If elected, tell me what specific actions you would take to address the racial disparities in the maternal mortality crisis.

■ Capture the answer and follow up

- ▶ Take notes on the candidate's answer and provide that information to your organization to inform strategy and hold that candidate accountable should they win their race.
- ▶ If the candidate's response opposes your issue, take note and share it with the communications staff of your organization to keep track of opposition talking points.

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BEST PRACTICES FOR EFFECTIVE COMMUNICATION STRATEGIES AND ISSUE PROMOTION

Advocates need to employ effective communication strategies to successfully engage candidates on the issues—strong talking points alone are not enough. It’s not only about what you say but *how* you say it, *when* you say it, *where* you say it, and *who* is saying it *to whom*. When speaking to candidates about child care, infant and maternal health, early head start, paid family and medical leave, and family economic security, here are some things to consider.

1. **Know your audience.** Understand your target audience’s concerns, values, and priorities based on their political track record, personal experiences, and party alignment. Accordingly, consider what might persuade them to agree with your cause. If the candidate is open about their role as a parent, they may be open to a conversation parent-to-parent about concerns with the status quo. If the candidate’s top priority is improving the economy, emphasize the long-term economic and workforce development benefits of investing in programs today.
2. **Humanize the issue.** Use personal narratives and real-life examples to illustrate why these policies matter. Share stories of families who have benefited from access to affordable child care or paid leave, highlighting the challenges they faced and the positive outcomes they experienced. Humanize the issue to evoke empathy and drive action.
3. **Make it urgent.** On the campaign trail, it’s easy to see everything as a “day one priority.” For something to become one, candidates need to recognize why your solution will have long-term and far-reaching positive impacts while garnering support among their constituency base. This means clearly making the case about the urgency of the problem, why your solution will address this need, and ultimately how their support would help achieve policy changes that will improve people’s lives.
4. **Use data and evidence.** Support your arguments with credible data, research, and statistics to demonstrate the gravity of the problem at hand and the efficacy of the solutions you’re pushing for. Whenever possible, highlight the potential long-term impact of an investment today (i.e., the return on investment for doing the right thing).
5. **Choose the best messenger.** After carefully considering your audience, consider who would be the most effective messenger for each message you need to deliver. For example, a recent [Gallup poll](#) indicates that nurses are the most trusted professionals in the U.S., followed by physicians and grade-school teachers. However, some messages might only be heard if a parent or local business person delivers them.

6. **Choose the best medium.** Consider where and how you're delivering your message. There are public-facing mediums, such as public forums, social media, and media outlets, which put a public spotlight on the policy conversation but may be less likely to result in an open, honest conversation. Behind-the-scenes conversations may allow you to get into the weeds on the issues but lack the accountability that the public spotlight can bring to your policy priorities.
7. **Be prepared for a two-way conversation.** It's crucial to be prepared for tough questions and push-back from the person you're speaking to, even if you presume the candidate is aligned with you on the issues. Ahead of time, list out questions that you would find challenging to answer and address them one by one, backing them up with data and stories. While you should be prepared, you don't need to know everything! If you can't sufficiently answer a candidate's question in real-time, let them know you'd like to follow up over email to answer their question in greater detail. When offering this, it's important to follow up promptly to avoid leaving them hanging.



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HIGH-QUALITY, AFFORDABLE CHILD CARE

CORE MESSAGES

Solution. We must increase funding for high-quality child care to ensure affordability and access for all families, including those in greatest need.

Problem. Working families, children, early educators, and our economy are all harmed because we do not fund child care as a public good.

Call to action. Investing in high-quality, affordable child care now is our chance to make a powerful commitment to our youngest generation and our future workforce.

MAKING THE CASE

- **Community impact.** The future of our communities depends on our investment in high-quality, affordable, and accessible child care. Strong communities start with strong families. Investing in young children's healthy development pays off for everyone. Babies grow healthier, parents have more opportunities to work, and our economy strengthens.
- **Early childhood development.** Babies and toddlers only get one chance at a strong start in life. The brain develops faster from birth to age three than at any later point in life, and high-quality child care nurtures a growing brain during this period. Early experiences, both positive and negative, lay the foundation for our brain development and mental and physical health throughout adulthood.
- **Affordability.** Most families cannot afford high-quality child care. Currently, funding for high-quality child care is not creating sufficient access for those who need it most. Infant and child care are often a family's largest expense, exceeding the cost of college tuition in 30 states and the District of Columbia. As a result, nearly half of children in families with low incomes (48%) arrive in kindergarten unprepared to succeed.



HIGH-QUALITY, AFFORDABLE CHILD CARE

- **Accessibility.** Even for families who can afford child care, accessibility remains a significant hurdle. Half of the families seeking child care live in areas designated as child care deserts, where access to quality care is severely limited or nonexistent.
- **Economic ramifications.** Ignoring the child care crisis is bad for families and for the economy. Every year, the economic impacts of our nation's child care crisis result in \$57 billion in lost earnings, productivity, and revenue. Meanwhile, investments in high-quality early childhood programs starting at birth provide taxpayers with a return of \$6.30 for every dollar invested, with compounding benefits annually in the form of better education, health, social, and economic outcomes later in life.
- **Workforce.** Investing in our future workforce requires an investment in care providers today. Average wages for infant and toddler care are at the bottom of the occupational ladder at less than \$11 an hour – less than for individuals caring for and educating older children. Historically, these jobs have been underpaid and undervalued because of who does them. Approximately 45% of early childhood educators are Black, Asian, or Latinx, and half of child care businesses are minority-owned.



TIP: As you communicate about this policy area, we encourage you to consider the language that best resonates with your audience. For example, “child care/child care provider” is preferred in some communities, while “early childhood education/educator” resonates better in other communities.

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MATERNAL AND CHILD HEALTH

CORE MESSAGES

Solution. All expectant parents need access to care during and after pregnancy for both physical and mental health, and families need access to regular well-child visits and screenings that give their babies the best start in life. This is our chance to ensure the next generation grows up healthy and prepared to thrive in school and the workforce.

Problem. Maternal and infant mortality are at a crisis point in the United States. Our systems create and exacerbate racial and economic disparities. Is not built to fully support families or acknowledge the intrinsic link between maternal and infant health – and that costs us in the long run.

Call to action. Policymakers must invest in comprehensive health policies, expanding Medicaid and Children's Health Insurance Program (CHIP) access during pregnancy and post-partum and for infants, toddlers, and kids, enhancing culturally sensitive care, and supporting early childhood and family services.

MAKING THE CASE

- **Disparities.** More women in the U.S. die during childbirth than in any other developed country. We are the only high-income country whose maternal mortality rate has actually risen over the past two decades. Black women are dying at an alarming rate – more than twice the national average of their counterparts. The disparities pregnant people of color face have a long-lasting impact on their babies. On average, 5.6 in 1,000 babies born in the U.S. will not survive to see their first birthday; mortality is nearly twice as high for Black infants (10.8 in 1,000 babies).
- **Access.** Right now, far too many Mothers and children lack access to the quality care they need. Alarming, the rate of uninsured children is now back on the rise after years of decline. Babies in families with low incomes and babies of color are the least likely to receive preventive health services.



MATERNAL AND CHILD HEALTH

- **Extend care.** Today, nearly 25% of all U.S. mothers start prenatal care too late in pregnancy or do not receive the recommended number of prenatal visits – this number is even higher for pregnant women of color. To ensure mothers start and end their pregnancies healthy, we must expand access to Medicaid and CHIP during pregnancy and further into postpartum.
- **Expand care options.** Culturally sensitive models like midwifery, group prenatal care, and doula support can mitigate disparities and improve the quality of care, particularly for people of color, who are discriminated against in the health care system and experience higher rates of disrespect and abuse.
- **Economic impact.** Health coverage for pregnant parents reduces costly and traumatic outcomes for parents and infants, such as infant mortality and low birth weight. Children with Medicaid coverage have better long-term health, education, and employment outcomes than those uninsured because they can access preventative care, early detection, screenings, and treatment. This greatly reduces costly special education and health interventions as children grow.

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EARLY HEAD START

CORE MESSAGES

Solution. The Early Head Start approach uses federal investments and community resources to support early development and equip parents with skills for their child's future.

Problem. Not every child starts from the same place; nearly 19% of babies in the U.S. live below the poverty line, with their families facing systemic barriers that hinder essential resources babies need to thrive.

Call to action. Policymakers can support infants, toddlers, and their families during a critical time of their development by increasing investments in the Early Head Start approach.

MAKING THE CASE

- **The Early Head Start approach.** Infants and toddlers only get one chance at a strong start in life. Early Head Start is an evidence-based program that provides those living below the poverty line with the resources they want and need to support their families' economic well-being while ensuring their young children are on a solid path toward healthy development. The approach includes investments in and expanded access to prenatal and postpartum services, early childhood education, family support within the community, community health services, and parent support and education. Components of Early Head Start include:
 - ▶ **Prenatal and postpartum services**, including health care and education on healthy fetal development, labor and delivery, postpartum recovery, parental depression, infant care, safe sleep practices, and the benefits of breastfeeding.
 - ▶ **Early childhood education** through a variety of learning experiences, including high-quality center-based programs, and family child care.
 - ▶ **Family support systems** that connect families with available community resources, including employment, transportation, housing support, and more.
 - ▶ **Health services** in the community to ensure children have access to immunizations, dental, medical, mental health, and nutritional services, as well as early identification of health problems.
 - ▶ **Family engagement** that prioritizes preparing parents as primary teachers and nurturers in the planning and implementation of services for their child's well-being and development.
- **Economic impact.** By investing in programs that support families with infants and toddlers, we can give children a healthy foundation in life and drive economic growth for communities and the families who live in those communities.

EARLY HEAD START

- **Access.** For 25 years, Early Head Start has been a proven model that positively impacts the development, health, and well-being of young children and their families. Despite its proven benefits, only 11% of eligible infants and toddlers are currently served by Early Head Start.
- **Community impact.** Early Head Start's positive impacts on children's cognitive and language skills, behavior, immunization rates, and engagement during play are visible at a young age and extend to kindergarten entry. Research has shown that parents in Early Head Start show increased emotional support, language development, and reduced use of harsh discipline, such as spanking. Enrollment in Early Head Start also promoted parents' participation in education, training, and employment.



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PAID FAMILY AND MEDICAL LEAVE

CORE MESSAGES

Solution. Establishing a permanent paid family and medical leave program ensures parents can care for children without jeopardizing their financial and job security.

Problem. Only 15% of U.S. workers have paid leave, forcing many parents to choose between caring for their children and job security.

Call to action. Policymakers should invest in affordable paid leave policies that benefit both employers and employees, covering diverse needs and families and preventing negative consequences for taking leave.

MAKING THE CASE

- **Early childhood development.** Infants and toddlers only get one chance at a strong start in life. The brain develops faster from birth to age three than at any later point in life and high-quality child care is what nurtures a growing brain during this period. A baby's early relationships with parents and caregivers nurture brain connections that form the foundation for all learning and relationships that follow.
- **Benefit to parents.** Parents and caregivers need dedicated paid time off so they are able to bond with and care for their young children during these critical stages of development. Paid leave is also associated with health benefits for new mothers, including declines in depressive symptoms and improvement in overall health. Moreover, paid leave is essential for allowing families to take time off if their children have a serious health need or a family member gets sick, which can improve recovery.



PAID FAMILY AND MEDICAL LEAVE

- **Disparities.** No parent should have to choose between their job security and their child's health, but that's the impossible too many workers face today without comprehensive paid leave policies. Black and Latinx workers are even less likely to have access to paid leave through their jobs, exacerbating inequitable health and economic outcomes for their families.
- **Economic impact.** Paid leave improves outcomes for families, employers, taxpayers, and the economy. When parents can attend to a child's early medical needs, infant mortality rates, and childhood illnesses are reduced. This lowers private and public health costs and minimizes the need for working parents to take time away from work. Paid leave can also give parents and other caregivers time to search for quality child care that meets their families' needs, which promotes increased productivity when they return to their jobs after leave.



TIP: Eight in 10 voters support a comprehensive paid family and medical leave policy that covers all people who work.

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ECONOMIC SECURITY

CORE MESSAGES

Solution. Targeted interventions in the first three years can mitigate negative outcomes, ensuring families have safe housing, food security, and stable income.

Problem. We put our nation's present and future at risk when high poverty rates impact access to housing, health care, food, clothing, and early childhood education for families with infants and toddlers.

Call to action. We need to invest in our future by supporting families with young children and providing access to adequate income, housing, health care, nutritious food, and quality early education.

MAKING THE CASE

- **Early childhood development.** Infants and toddlers' early experiences shape lifelong health and brain development. Poverty during this critical period impacts brain growth and health outcomes. To mitigate the harmful health effects of poverty, families need access to resources to provide safe housing, nutritious foods, adequate clothing and diapers, and regular access to medical care so their young children have the stability they need during this critical time of rapid growth and development.
- **Financial burdens.** The cost of child care alone for families with infants is approximately 21% of the U.S. median income for a family of three. Families with young children often earn their lowest income at a time when their caregiving responsibilities and costs are the most demanding. What's more, many low-income parents work in low-wage jobs that can not support a family and lack necessary benefits such as health insurance and paid time off.



ECONOMIC SECURITY

- **Racial disparities.** Nearly one in five infants and toddlers live in families experiencing poverty. Due to longstanding inequities in public policy, nearly twice as many American Indian/Native and Black infants and toddlers experience poverty. One-half of babies in the U.S. are children of color, making today's children represent our nation's most racially and ethnically diverse generation. We have an opportunity to ensure that our policies, programs, and services meet the needs of our community's increasingly diverse families.
- **Economic impact.** The negative impacts of early childhood poverty can persist well into adulthood, impacting educational attainment, later earnings, adult health, and reliance on public benefits. But when families with young children have equitable access to opportunities that help them build economic security, it not only lifts the whole economy, but guarantees stronger, healthier, and more resilient communities for generations to come.

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ENGAGING WITH PUBLIC OFFICIALS

INTRODUCTION

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Below are three overarching takeaways to keep in mind:

1. We're deep into election season, from the Presidential election to a slew of local campaigns, so it's important for all of us to know the do's and don'ts of working with elected officials and candidates for public office. Section 501(c)(3) nonprofit organizations are prohibited from taking any actions that indicate support for, or opposition to, a candidate for public office. During election season, 501(c)(3) organizations can continue to advocate for public policy change, and can play important roles in educating the public about candidates and encouraging people to vote. But staff must remember to avoid any actions, either in their professional or personal capacity, that could suggest their organization supports or opposes a candidate for public office.
2. Relationships with lawmakers and other public officials are important to achieving your organization's goals. In general, it is useful to invite these officials to your organization's events. However, having a candidate participate in your event could create the perception of an endorsement by your organization, so you need to proceed carefully. Your event must satisfy the IRS rules regarding candidate appearances. The context must make it clear that your organization is not indicating support for any particular candidates. When making decisions on candidate involvement, talk to a lawyer with expertise in these issues.
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BACKGROUND

- As a tax-exempt charitable organization under section 501(c)(3) of the Internal Revenue Code, your organization can legally engage in a variety of advocacy activities for public policies that support your mission, including lobbying. This includes advocating for ballot measures relating to your mission (these are treated as direct lobbying by the IRS, and are likely to be subject to regulation under your state’s campaign finance laws).
- Section 501(c)(3) nonprofits **cannot** engage in any actions that directly or indirectly support or oppose a candidate for elected office or a political party.
- Violating these restrictions on political campaign activity could be grounds for the IRS to revoke the organization’s tax-exempt status. It could also trigger a penalty tax on the organization and, in certain circumstances, its officers, directors and the manager involved in the violation.
- The prohibition on supporting or opposing candidates is quite broad – no organizational resources may be used to advocate for or against candidates, including staff time, technology equipment, or other resources. For example, staff should not use their work email to send a message to the organization’s donors, soliciting contributions to a candidate. But, these restrictions do not apply to actions by organizational staff acting as individual private citizens – as long as the staff conduct their activities while “off the clock” and not with organizational resources (e.g., not their work email address, and not using the organization’s donor or supporter list).
- Other organizations in your coalition may be legally structured in ways that allow them to engage in election activities that are prohibited for a 501(c)(3). During an election season, be particularly careful to keep your organization’s activities separate from political activities conducted by others in your coalition that are allowed to endorse candidates.

NONPROFIT COMMUNICATIONS PRIOR TO AN ELECTION

- Communications about public policy and advocacy must always be nonpartisan.
- To help ensure communications are not misinterpreted as political or partisan, staff should:
 - ▶ Ensure communications cannot reasonably be viewed as favoring or opposing any candidate or political party.
 - ▶ Carefully craft your message to align with [the IRS rules on allowable issue advocacy](#).

INVITING PUBLIC OFFICIALS TO ORGANIZATIONAL EVENTS

- During an election season, inviting lawmakers and other public officials to a nonprofit organization's events must be handled carefully to avoid the perception of endorsement. There's no specific timing for when is "too close" to an election, but the closer in time to an election, the greater the risk for the organization. The degree of participation also matters: Having a candidate speak at an event is treated differently than having the candidate attend solely for that person's own education about the organization and your policy issues.
- In general, candidates for public office may attend a nonprofit's events just like any member of the public, but they should not have a speaking role unless it is very clearly in their official capacity and not in their role as a candidate (e.g., opening a new Head Start center, and this Senator secured the government funding to build the center). Absent special circumstances, your organization should not announce the candidate's attendance or recognize them in some way that could be interpreted as supporting their candidacy. Candidates should never be allowed to distribute campaign materials (e.g., buttons, stickers, signs, literature) at a nonprofit organization's event, even if that event is election-related, like a nonpartisan candidate debate.
- The benefits and risks must be carefully weighed when determining whether to invite a lawmaker or public official to a nonprofit event. If an invitation is extended, it must adhere to the following criteria:
 - ▶ If any speaking opportunity is offered to a candidate, the candidate must speak solely in their official capacity (e.g., as Mayor or Senator).
 - ▶ Neither the candidate nor any organizational representative may make any mention of his/her candidacy or the election.
 - ▶ No campaign promotion or activity may occur in connection with the candidate's attendance.
 - ▶ The host organization must maintain a nonpartisan atmosphere before, during and immediately after the event (e.g., no political signs may be posted and host staff must ask audience members to refrain from wearing political pins or other campaign paraphernalia).

STAFF ATTENDANCE AT EVENTS OF PUBLIC OFFICIALS OR CANDIDATES

- Organizational staff should not attend campaign events in their work capacity, as that could be treated as the organization supporting the candidate (e.g., using paid staff time to build a crowd, or tacit organizational support of the candidacy). For official government events hosted by an officeholder who is also a candidate, organization staff may attend and participate, but only after first confirming:
 - ▶ The event is being conducted as an official government event;
 - ▶ Any candidates who will speak are doing so only in their official capacity;

ADDITIONAL RESOURCES: ENGAGING WITH PUBLIC OFFICIALS

- ▶ No speakers will mention the election or voting, and not campaign materials will be allowed at the event; and
- ▶ The event is very clearly tied to a non-election event that is core to your organization's mission (e.g., passage of legislation).
- Nonprofit staff may choose to attend a campaign or candidate event **in their individual capacity**. Those choosing to do so:
 - ▶ Should not represent themselves at the event in association with the nonprofit, and should not use their organizational title and role unless done in a manner consistent with their organization's policy (e.g., some organizations allow use of the title if the material specifically notes "Organizational affiliation for identification purposes only; not a candidate endorsement").
 - ▶ Should not bring materials from their nonprofit, or wear organization-branded clothing/accessories to the event.
 - ▶ Should make it clear they are attending the event as an individual and not on behalf of the organization.
 - ▶ Should take PTO for the time spent if the event takes place during working hours or otherwise make up the hours in a manner consistent with organizational policy.

ACTIVITIES AS PRIVATE CITIZENS

- Regardless of their employer's 501(c)(3) nonprofit status, organizational staff may participate in the political process and exercise their voting rights as they see fit.
- However, an employee's participation in the electoral process must be **separate and apart** from their association with the organization.
- Organizational staff should not:
 - ▶ Share personal opinions about candidates or elections in official organization communications or on the organization's social media accounts, or in other ways that could confuse people about whether they are speaking in their personal capacity or on behalf of their organization.
 - ▶ Display campaign materials relating to an active candidate while conducting official organization business.
 - ▶ Utilize the organization's funds, equipment, technology or other resources in any way that could be interpreted as supporting or opposing a candidate or political party. For example, people should only use their personal email account when communicating about a campaign.
 - ▶ For an organizational leader whose public profile is closely associated with the nonprofit, it may be appropriate to clarify proactively that you are participating in a campaign event or activity as an individual and not as an organizational representative. (e.g. "My views are my own.")

CANDIDATE EDUCATION DURING ELECTION SEASON

- Election season can be a great time to educate candidates and the public at large about your organization's positions on priority issues, because they tend to be paying closer attention to policy discussions Staff and volunteers may:
 - ▶ Explain the organization's position on public policy issues.
 - ▶ Give candidates or campaigns organizational materials describing our public policy positions.
 - ▶ Pose questions at campaign events that objectively ask for a candidate's positions on public policy issues.
- The information must be provided to all candidates on an equal basis.
- These efforts improve understanding and elevate the importance of mission-critical public policy priorities. They are in no way intended to support or oppose a particular candidate or political party.
- The organization cannot praise or thank a candidate for adopting its policy position or criticize a candidate for not doing so. Similarly, the organization cannot ask candidates to pledge publicly that they will implement the organization's policy if elected, as that is akin to a tacit endorsement by the organization.

SOCIAL MEDIA

An employee may use their personal social media account to advocate for candidates, but they cannot post political content to an organizational account. It sometimes can be difficult to determine whether the IRS will treat a particular social media account as being that of an organizational account, or an employee's own personal account. Factors the IRS may consider include:

- Whether the account includes a disclaimer along the lines of "views are my own," etc.;
- Whether and how the social media bio identifies the employee's work role;
- Whether the person's social media handle includes the organization's name (e.g., @NancyatHeart);
- Whether the content is mostly work-related, or also includes significant other content connected to the person's hobbies and other interests; and
- Does the person post all of their own content, or does an organizational communications staffer sometimes post content to the account.

Note that no single factor will be dispositive: Depending on the circumstances, the IRS may consider some to carry more weight than others.

This guidance does not constitute legal advice. All organizations should seek counsel from a lawyer experienced in navigating the election-season rules applicable to section 501(c)(3) organizations.

PERMISSIBLE ISSUE ADVOCACY VS. PROHIBITED CAMPAIGN INTERVENTION

Organizations exempt from federal taxation under Internal Revenue Code section 501(c)(3) may not intervene in any campaign for public office on behalf of, or in opposition to, any candidate or political party. At the same time, organizations retain their First Amendment right to speak out on social issues and to advocate for public policy. The distinction between permissible issue advocacy and prohibited campaign intervention can be fuzzy; this area of the law does not always lend itself to bright-line tests.

To help nonprofits determine whether their communications are allowable, the IRS has articulated a series of factors it considers when examining messages for political content. The more factors that are present, and the greater degree to which they are evident, the stronger the likelihood that the IRS will find an organization has crossed the line into prohibited campaign intervention.

Factors indicating a communication is political:

- The communication identifies a candidate;
- The communication reflects a view on a candidate's actions;
- The timing of the communication coincides with an election;
- The communication refers to voting or to an election;
- The communication identifies a candidate's position on a public policy issue, and that issue has been raised as distinguishing the candidate from other candidates for that office;
- The communication is not part of an ongoing series of substantially similar advocacy communications by the organization on the same issue; and
- The timing is not related to non-electoral event (e.g., a scheduled legislative vote).

Sophisticated organizations will use these factors to maximize their ability to influence public policy debates in their communities without jeopardizing their tax-exempt status. Election season offers a prime opportunity to raise the profile of public-policy issues: people are speaking out on issues that impact their lives; journalists are covering public policy; and government officials are paying close attention to voters' concerns.

ADDITIONAL RESOURCES: PERMISSIBLE ISSUE ADVOCACY VS. PROHIBITED CAMPAIGN INTERVENTION

By considering the factors listed above, organizations can insert their issues into the public conversation without threatening their tax exemption. Peg communications to external events such as legislative votes (keeping in mind the IRS lobbying rules, as well as federal, state and local lobbying laws); recognize the risks involved with mentioning an election or voting; be extra careful when identifying public officials who are candidates in an upcoming election; and seek counsel from someone well-versed in these issues.

Created by Allen Mattison of Trister, Ross, Schadler & Gold as a summary of based on IRS Revenue Ruling 2007-41

<https://www.irs.gov/pub/irs-tege/rr2007-41.pdf>



Guidance for Engaging with Candidates

National Collaborative for Infants & toddlers - Spring 2024

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