

Weakening the Johnson Amendment Would Harm Nonprofits

For the past six decades, a federal tax law commonly known as the “Johnson Amendment” has required 501(c)(3) organizations – including churches, foundations, and charitable nonprofits – to operate in a nonpartisan manner. **The vast majority of nonprofits and Americans support this law.** More than 5,500 nonprofits – including 455 North Carolina organizations – have signed on to the Community Letter in Support of Nonprofit Nonpartisanship opposing the repeal or weakening of the Johnson Amendment.

What is the Johnson Amendment?

- The Johnson Amendment was introduced in Congress by then-Senator Lyndon Johnson in 1954. It was approved by the Republican Congress and signed into law by President Eisenhower.
- It provides that 501(c)(3) tax-exempt organizations cannot endorse or oppose candidates for office, make campaign contributions, or coordinate activities with candidates, PACs, and political parties.

How would repeal or weakening of the Johnson Amendment hurt nonprofits?

- **The nonpartisanship requirement in existing federal tax law protects the public’s trust in nonprofits, churches, and foundations.** If nonprofits could take positions on partisan politics, many would become known as *Democratic* charities or *Republican* charities. This would erode the trust of these organizations’ donors, board members, staff, clients, and communities.
- **Pressure on nonprofits and foundations to redirect charitable resources to partisan political campaigns would reduce the amount of time and money they can devote to their mission-related work.** This would be particularly troubling at a time when 60% of North Carolina nonprofits lack the resources needed to meet existing demands for their services.

Does the Johnson Amendment limit the free speech rights or churches and nonprofits?

- **No! Nonprofits and churches – and their individual leaders – already have tremendous free speech protection under existing law.**
- Charitable nonprofits, including churches and foundations, are allowed to advocate on policy issues relevant to their missions and those they serve. Religious leaders can legally preach on moral and policy issues such as abortion, immigration, social justice, and religious liberty.
- Nonprofit board members, volunteers, and staff –including clergy – can freely speak out on political issues, make campaign contributions, and even run for office. They just cannot carry out these political activities on behalf of the 501(c)(3) organizations with which they are associated.

Nonprofits across North Carolina call on Congress to preserve the existing law that protects nonprofits and communities by requiring 501(c)(3) organizations to be nonpartisan.

Specifically, we ask Congress to reject proposals to repeal or weaken the Johnson Amendment through tax reform, the budget process, or separate legislation like H.R. 781, S.264, or H.R. 172.