



Elections & Church-State Separation: Frequently Asked Questions

Elections raise important questions about the separation and religion and government. The law is pretty simple: houses of worship can't endorse or oppose candidates running for office. But voters and religious leaders often have questions. This FAQ is designed to answer some of the most common questions about the separation of religion and government as it pertains to elections.

What types of political activities can houses of worship engage in?

There are many! Houses of worship may engage in **non-partisan “get out the vote” (GOTV) efforts** such as encouraging voting, hosting voter registration drives, or organizing rides to the polls on election day. However, these efforts must remain strictly non-partisan and cannot implicitly or explicitly tell people who to vote for.

Houses of worship and religious groups may also sponsor **non-partisan candidate forums** at which all legally qualified candidates for a given office are invited to appear. The questions should be non-partisan and cover a broad range of issues. Houses of worship may send questionnaires to all candidates for a given office and ask them where they stand on issues. However, candidate answers cannot be compared to the religious community's position on issues. The conditions under which houses of worship may distribute candidate questionnaires and voter guides are complex, and groups wishing to do so should seek additional counsel.

Houses of worship may also continue to **speak out on political, social, or moral issues**, so long as the house of worship and its religious leaders do not endorse political parties or candidates nor advise congregants to vote for or against candidates.

For more detailed information about political activity and houses of worship, please see the [IRS Tax Guide for Churches & Religious Organizations](#).

Can houses of worship engage in political campaigns or endorse candidates?

No. Houses of worship and other non-profit organizations are strictly prohibited from intervening in elections by endorsing or opposing candidates or political parties by the Johnson Amendment, which is a provision under Section 501(c)(3) of the tax code. This rule, now more than six-decades old, protects the integrity of tax-exempt organizations, the tax code, and our elections. This prohibition extends to religious leaders when they are speaking at official events or through official publications of their house of worship.

Prohibited activities may include letters of endorsement or opposition printed on the house of worship's letterhead or sent from their email accounts, distribution of campaign literature, religious leaders advising congregants to vote for or against candidates from the pulpit, the display of campaign signs on house of worship property, and other activities that could be construed as endorsing or opposing a candidate or political party. In addition, houses of worship may not contribute money nor solicit contributions to candidates or political parties.

The penalty for violation of the Johnson Amendment can include loss of tax-exempt status or financial penalties. If you would like to report an organization for engaging in prohibited activity, you may file a [Tax-Exempt Organization Complaint](#) with the IRS.

What about clergy? Can religious leaders engage in political campaigns or endorse candidates?

Individual religious leaders may endorse candidates for political office and engage in other electoral activity. However, these activities must be done by the religious leader acting in their personal capacity and cannot be done in the name of the house of worship, during activities sponsored by the house of worship, or utilize any resources of the 501(c)3 organization.

Did President Trump get rid of the Johnson Amendment?

No. President Trump has made statements that he “got rid of” the Johnson Amendment. This is not true. The Johnson Amendment remains the law of the land, and houses of worship may not endorse or oppose any candidate or political party. As polling consistently shows, Americans overwhelmingly agree that church and state should remain separate and do not want our houses of worship to be involved in partisan campaign politics.¹

For more information about the Johnson Amendment, including additional resources about its widespread public support, please visit [Project Fair Play](#).

My polling place is inside a house of worship. Is that allowed?

While Americans United and many voters are uncomfortable with this practice, it is allowable under certain conditions. First, voters should have an alternative to voting at the house of worship, such as voting absentee, by mail, or at a different location. Second, the room where the voting takes place should not have substantial religious imagery. Third, the locality should use both religious and non-religious venues for voting on a non-discriminatory basis. Finally, neither voters nor poll workers may be required to follow any religion-based rules or restrictions as a condition of voting or working, such as requirements to wear head-coverings or prohibitions on certain foods or garments.

If you encounter a polling place that does not meet these criteria, please contact AU through our [Violation Report Form](#).

Can candidates or political parties hold rallies in houses of worship?

Houses of worship may allow their worship and social spaces to be used by candidates and campaigns with certain important restrictions. First, houses of worship must treat all candidates equally. For example, if a space is made available to one candidate, it must be made available to all legally qualified candidates in that race under the same conditions. In addition, the house of worship is still bound by the Johnson Amendment and cannot endorse any candidate or political party.

Americans United for Separation of Church and State is a nonpartisan educational and advocacy organization dedicated to advancing the separation of religion and government as the only way to ensure freedom of religion, including the right to believe or not believe, for all.

www.au.org

¹ <http://projectfairplay.org/resources#polls>