



July 1, 2024

To: Pastors and Parish Administrators

From: Dennis Poust, Executive Director

Re: "Equal Rights Amendment" ballot referendum

As you may be aware, a referendum that is on the general election ballot for this November is asking voters to approve or reject what is known as an Equal Rights Amendment to the New York State Constitution. While some of the language of the proposed amendment is unobjectionable, the New York State Catholic Conference, which represents the Bishops of New York State in public policy matters, strongly opposes the referendum for important reasons.

First, it would enshrine a fundamental right to abortion on demand in the state Constitution. While the practical impact of this likely would be minimal given that the state legislature already has embedded this right in statute, by adding it to the state Constitution, it would make it nearly impossible to enact any pro-life laws even if public opinion in New York was to evolve.

Second, because the language of the amendment would bar discrimination based either on "age" or "gender identity" or "gender expression," it could open the door to a judicial interpretation barring parents from having any say in medical interventions of their minor children regarding "gender transition" and could impact youth sports, locker room and bathroom facility use and more.

We also have concerns regarding religious liberty implications for our charitable institutions.

A ballot issue committee has been formed as the formal opposition to the amendment. Known as the Coalition to Protect Kids-NY (CTPKNY), this committee is registered with the New York State Board of Elections and reports on its funding and expenditures in accordance with state election law. The Catholic Conference and your local diocese support the goal of the CTPKNY to defeat the amendment. Attached is a letter from the CTPKNY, which we have agreed to pass on for your information. The letter asks for parish engagement in efforts to defeat the referendum, by sharing CTPNYK print materials in your parish and by sharing their digital materials on your social media platforms at your discretion.

Also enclosed are some guidelines for parish advocacy developed by legal counsel designed to help you understand what a parish may and may not do to support the CTPKNY's efforts and remain in compliance with state and federal law. Please refer to these guidelines and keep in mind parishes should not expend funds and should not share materials that are partisan in nature (including those that picture or mention political leaders or parties by name). The CTPKNY will provide any materials gratis to avoid you incurring copying or staff costs. If you are interested, please contact them directly as explained in the letter. If you have specific questions, contact your diocesan Respect Life Office or diocesan attorney.

Guidelines for Parish Political Activity

Following are frequently asked questions regarding parish participation with the Coalition to Protect Kids, the registered Ballot Issue Committee that coordinates opposition to the upcoming Equal Rights Amendment ballot proposition. Parishes can support the Coalition without engaging in activities that require their own registration with the Board of Elections. Please refer to this guidance or consult your diocesan attorney with any specific concerns.

Q. The Church enjoys 501(c)(3) tax-exempt entity status based on an IRS ruling. What political activities are permitted by 501(c)(3) organizations?

A. Distribution of non-partisan voter guides, voter registration and get-out-the-vote drives. Voter guides may include links to other non-partisan sites in an educational context for informational purposes.

Q. As a 501(c)(3) organization may the church state its position on public policy issues that candidates for public office are divided on?

A. An organization may take positions on public policy issues, including issues that divide candidates in an election for public office if the message does not in any way favor or oppose a candidate. Be aware that the message does not need to identify the candidate by name to be prohibited political campaign activity. For example, a message that shows a picture of a candidate, refers to a candidate's political party affiliations, or contains other distinctive features of a candidate's platform or biography may be prohibited political campaign activity.

Q. May Officers, Directors or Employees of a 501(c)(3) Organization Engage in Political Campaign Activity?

A. Officers, directors and employees of a 501(c)(3) organization may engage in campaign activities as long as they do so in their individual capacity, it is clear that they are not acting on behalf of the organization and, as discussed above, are not using any of the organization's resources to support the activity.

Q. Are monetary donations the only way to contribute to a Ballot Issue Committee?

A. No, organizations can make in-kind contributions of non-monetary resources, such as, goods, services, and expertise. Certain business activities of nonprofit organizations including, but not limited to, the sale or rental of mailing lists, or leasing office space, could be considered reportable in-kind contributions.

Q. Does the use of parish computers and copy machines to download and print campaign pamphlets on behalf of a Ballot Issue Committee count as an in-kind contribution?

A. It depends on the particular facts, but generally, yes, the use of an entity's business resources during business hours can be viewed as an in-kind contribution that must be reported.

Q. Am I allowed to volunteer to assist a political committee?

A. Yes, the state Election Law specifically states that individuals who volunteer a portion or all of their time on behalf of a candidate or political committee are not required to report this value of services as a contribution.

Q. Is a parish allowed to donate its facility space to host a non-partisan event?

A. Yes, the state Election Law also states that the use of real or personal property and the cost of invitations, food, and beverages voluntarily provided to a candidate or political committee on the donor's premises for candidate-related activities is not a reportable contribution so long as this does not exceed \$500 in value. Because parishes do not charge groups to use their space, it is not a reportable contribution.

Q. Are parishes allowed to share print and online materials on behalf of a Ballot Issue Committee?

A. Yes, so long as the materials contain the appropriate disclosures and do not take a position on partisan political activity. A best practice here is to make the pamphlets available in a common area in the parish and announce to parishioners that these pamphlets are available at that location if parishioners wish to educate themselves more about the issue.

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