

Guidelines for Political Candidates to Visit Children's Hospitals

As 501(c)(3) tax-exempt organizations, children's hospitals are forbidden from participating or intervening—directly or indirectly—in any election campaign in support of or in opposition to a candidate for local, state or national public office. Violation of this prohibition may result in revocation of a hospital's tax-exempt status and the imposition of excise tax on both the hospital and the hospital's managers.

Separate provisions of federal campaign finance law prohibit corporations, including nonprofits, from making political contributions to federal candidates. A hospital must distinguish between those prohibited political activities and permissible political activities when elected officials and candidates visit the hospital.

Note that this brief is intended as a reference guide and does not constitute legal advice or address all applicable authority and guidance on interacting with administration officials. You should consult the relevant laws, rules and standards of conduct—or engage legal counsel and/or compliance personnel—should you have any questions about an elected official's visit to a hospital.

Appearances by Current Officeholders

Generally, a public figure who happens to be a candidate may be invited to speak or appear at a hospital event in another capacity without triggering the requirement to provide equal opportunities to opposing candidates or incurring an impermissible corporate contribution; however, a hospital must take care to distinguish this appearance from a campaign event.

General Guidelines

- The officeholder must be invited to speak in his or her capacity as an officeholder, an expert in a field, a celebrity or someone who has led a distinguished career, and the officeholder must have been chosen to speak solely for reasons unrelated to his or her candidacy.
- The officeholder must appear or speak only in his or her non-candidate capacity.
- Neither the officeholder nor hospital personnel may mention the campaign at the event, and the hospital should issue guidance to the officeholder to that effect. Note that even questions from the audience about the officeholder's candidacy may turn the appearance into a prohibited campaign-related event.
- All hospital communications regarding the event must clearly indicate the capacity in which the officeholder is appearing.
- Neither the hospital nor the officeholder may advocate the election or defeat of any candidate or raise funds for any candidate's election.
- No campaign activity may take place in connection with the officeholder's appearance.
- The hospital should maintain a non-partisan atmosphere at the event.
- The officeholder may address health care legislation and other issues of concern to the hospital community.

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Issue Briefings for Candidates

A hospital may conduct issue briefings at the hospital to inform candidates running for public office of its position on issues and to encourage them to adopt a position. Alternatively, or in conjunction with an issues briefing, a hospital may offer candidates a facilities tour to acquaint them with hospital issues.

These events generally would not involve a large number of hospital staff and would focus on educating a candidate, rather than on providing the candidate with an opportunity to take his or her message to hospital employees. If an issue briefing is offered to a candidate for public office, it should also be extended to all candidates running for that particular office and may not favor one candidate over another.

If a candidate is an officeholder, an issue briefing—if it addresses specific legislation or advocates for official action on the part of the officeholder—may constitute direct lobbying, which may be conducted by a 501(c)(3) organization only to a very limited degree. A briefing for an officeholder also may trigger federal or state lobbying registration requirements.

Candidate Forums

A hospital may provide candidates running for public office an opportunity to meet with hospital employees to share their views on issues of public policy. Such forums, or questionnaires distributed to candidates for purposes of publication in hospital literature, must avoid endorsing a candidate or favoring one candidate over another.

Guidelines

- The forum invitation or questionnaire should be extended to all candidates running for an office and may not favor one candidate over another. If inviting all legally qualified candidates to a forum is impractical, it may be possible to adopt reasonable and objective criteria to determine which candidates to invite.
- Questions presented to candidates should be non-partisan in nature and cover a broad range of issues.
- If reprinting candidate responses to questionnaires, hospitals should reprint the entire candidate responses in unedited form.
- No materials should be specifically prepared for a particular candidate's use; only materials prepared on a non-partisan basis should be used and these should be made available to all candidates.
- If, as a result of a forum or questionnaire, a candidate publishes a statement or position paper on an issue, he or she may distribute it to the media and general public. A 501(c)(3) organization, however, may not circulate the candidate's statement.

What to Do If Approached by a Candidate Seeking to Speak at Your Hospital

- Explain to the candidate that, as a 501(c)(3) organization, the hospital may not endorse or oppose any candidate, allow campaign literature to be distributed on hospital premises, or be involved in any campaign fundraising.
- Explore with the candidate what type of event he or she has in mind—debate, speech or issues briefing—and explain the restrictions for each.
- Ensure that any hospital employees working on the event are aware of and understand all restrictions.
- Ensure that all hospital materials produced in connection with the appearance include a disclaimer stating that the activity is in no way intended to reflect an endorsement for, or opposition to, any candidate or political party.
- Consult with legal counsel and compliance personnel, and/or Children's Hospital Association¹ personnel, before making any commitments.

¹ The Children's Hospital Association's legal name is the National Association of Children's Hospitals.