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**Steve Moyer**  
*Vice President of Government Affairs*

## MEMORANDUM

**DATE:** September 1, 2020  
**TO:** Trout Unlimited Staff and Volunteer Leaders  
**FROM:** Steve Moyer, Vice President of Government Affairs  
**RE:** Reminder about Prohibitions on TU Involvement in Electoral Politics

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The 2020 election cycle is upon us, one like no other, and I want to take a moment to remind everyone that **TU is a 501(c)(3) organization and thus cannot endorse or oppose any candidates for elective office, nor can TU use its funds or any other of its resources (e.g., phones, computers, offices) to support or oppose candidates for elected political office.**

This prohibition is found in the federal tax code under provisions that regulate tax-exempt charitable organizations. It applies to the national organization, councils, chapters, and to staff and volunteers acting on behalf of or in the name of TU. While there are a variety of ways 501(c)(3) organizations can play neutral, non-partisan roles in the electoral process, failure to comply with these narrowly defined restraints could endanger our tax-exempt status, and therefore the very financial foundation of our organization. Trout Unlimited's tax-exempt status is a hugely important asset that the Board of Trustees, staff and volunteers are duty-bound to safeguard. Because the penalties are so serious, and because these are such divisive times, we want to act with an abundance of caution when dealing with candidates for office. Please review the details below about prohibited activity. We strongly encourage you to consult with TU staff before considering electoral activity, even if you believe that it would be authorized for tax-exempt organizations.

In addition to complying with the prohibition against use of TU funds and resources for political campaign contributions, all TU volunteer leaders and staff must refrain from making any statement that has **the effect of endorsing or opposing a candidate for elected political office in TU's name**. In addition to avoiding obviously prohibited statements ("TU endorses Candidate A" or "TU opposes Candidate B"), please bear in mind that anything you say publicly in your capacity as a TU leader or staff regarding how you or someone else should—or even might—vote for or against a candidate for elected political office could be construed as a TU endorsement or statement in opposition. (For example: "I, the president of a chapter of TU, voted Egalitarian in the last six elections, but I am voting for the Contrarian Party this time," or "You may have voted Contrarian last time, but as president of a TU chapter, I think you should vote Egalitarian this time.") Even if you are careful to say that you are voicing a personal opinion and not speaking on behalf of TU, in the heat of a political campaign season, any such public statement of support or opposition may be construed as a statement by or on behalf of TU.

The above obviously places some limits on the free speech of TU volunteer leaders and staff, but it does not affect such private activity as making campaign contributions of personal funds or casting your vote. Nor does it prohibit you, **in your private, non-TU capacity**, from participating in election-related canvassing, hosting or attending fund-raising events for candidates for elected office, or other election related activities.

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**A mission to conserve, protect, & restore North America's coldwater fisheries and their watersheds.**

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But please be careful not to use any TU mailing lists or other resources in connection with any such activity or event and observe the other precautions and prohibitions described in this memorandum.

TU volunteers and staff will continue to engage in advocacy efforts this election season in pursuit of our mission and doing so will at times include communication regarding legislators' positions on issues on which TU has long been working. At all times, but particularly during campaign season, such communication must be handled in a way that is consistent with IRS rules for 501(c)(3) nonprofits. There are numerous ways to engage legislators and candidates that, if done correctly, are well within the IRS rules, such as candidate forums, questionnaires, and issue-oriented presentations to candidates and their staffs—as long as they treat each candidate with equal consideration, do not pass judgment on their positions and are in accord with TU's mission. Please consider engaging in these activities in order to advance TU's mission, but err on the side of caution, and contact me at 703-284-9406 before engaging in any kind of activity that could be construed as influencing an election.

Thank you for your cooperation,

Steve Moyer  
Vice President of Government Affairs  
Trout Unlimited