

Title:	Prohibited Political Campaign Activity and Lobbying
Policy Owner:	Valerie Way
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Purpose:

The Mental Health Association of Rochester (“MHA”) is a tax-exempt 501(c)(3) organization and must ensure it complies with applicable State and Federal regulations and standards, and any other requirements from funding sources. The intent of this policy and procedure is to provide guidance to MHA's affected individuals on prohibited political and lobbying activities to ensure compliance with applicable laws and not jeopardize our tax-exempt status.

Definition(s):

Affected Individuals: All persons who are affected by the MHA's risk areas including our employees, chief executive, other senior administrators, managers, volunteers, interns, contractors, agents, subcontractors, independent contractors, governing body and corporate officers.

Legislation: Action by Congress, state legislature, local council, or similar governing body, with respect to acts, bills, resolutions, or similar, or by the public in referendum, ballot initiative, constitutional amendment, or similar procedure.

Lobbying: Communication with members or employees of a legislative body to propose, in support of, or in opposition to legislation. Influencing legislation via direct contact or encouraging the public to contact members of a legislative body to support, propose or oppose legislation are both considered lobbying whether before or after the introduction of any bill or other legislation.

Non-Partisan: Not biased toward a particular political party or candidate.

Political Activity: For the purposes of this policy this includes but is not limited to:

- Making statements, in any form, whether explicitly or implicitly, in support or in opposition to a particular candidate or a political party on behalf of the organization or using the organization's resources
- Posting a political party's or candidate's signage, banners, or similar materials anywhere on our property, such as outdoors, on windows, in breakrooms, on computers, and in offices.
- Wearing any apparel during work hours or while providing services on the organization's behalf that show support of or opposition to a particular party or candidate.
- Using company resources (office space, phones, internet, printers, time, funds) for a political candidate, party or political action committee, such as buying tickets to a fundraising event sponsored by one or the donation of items, services or equipment.

- Influencing or attempting to influence others to support or oppose a particular party or candidate on behalf of the organization or using the organization's resources
- Making or soliciting contributions for, on behalf of, or against any candidate for public office, political party, or political action committee on behalf of the organization or using the organization's resources
- Endorsing or opposing a particular candidate or political party on behalf of the organization or using the organization's resources. Rating a candidate is also prohibited, no matter how objective the rating is.
- Providing our funds to a 501(c)(4) organization (E.g., Social Welfare Organizations and Local Associations of Employees) which engages in political activity without controls to assure our funds are used solely for 501(c)(3) exempt activities, not for political campaign activity.

Risk areas: Areas of operation affected by the Compliance Program, including (1) billings; (2) payments; (3) ordered services; (4) medical necessity; (5) quality of care; (6) governance; (7) mandatory reporting; (8) credentialing; (9) contractor, subcontractor, agent or independent contract oversight; (10) review of contracts and relationships with contractors specifically those with substantive exposure to government enforcement actions; (11) review of documentation and billing relating to claims made to Federal, State, and third party payers for reimbursement; (12) compliance training, (13) effectiveness of the Compliance Program and (14) any other risk areas reasonably be identified by MHA through its organizational experience.

Policy:

MHA is designated as a charitable 501(c)(3) organization and exempt from Federal and State income, sales and use taxes. As a 501(c)(3), the net earnings of the organization cannot personally benefit a private shareholder or individual. All affected individuals are strictly prohibited from engaging in any political activity or lobbying using the organization's resources. Similarly, affected individuals may not engage in political activities or lobbying as a representative on behalf of the organization. Further, solicitation, offering or providing gifts/benefits to government officials or representatives is strictly prohibited.

In accordance with 18 U.S.C. § 1913, no part of funds appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation.

Engaging in prohibited political activities or lobbying can subject the organization to excise taxes, enforcement action by the New York State Attorney General, contract termination, and revocation of tax-exempt status which makes all income of for the non-compliant timeframe subject to tax. It also may be subject to civil penalties and could impact MHA's ability to receive future grants/awards. Separately, affected individuals who engage in prohibited activity/lobbying are individually subject to sanctions. Non-compliance with this policy can result in disciplinary action up to and including termination of employment or affiliation.

Procedure:

1. Affected individuals must not lobby or participate in or intervene, directly or indirectly, in any political campaign or any political activity on behalf of, in support of, or in opposition to any political party, political action committee, or candidate for public office using the organization's resources or while representing MHA.
2. Affected individuals may engage in the following activities, as they are not considered prohibited activity:
 - Activities done strictly in an individual capacity, if:
 - a. It is evident that the individual is acting solely in their personal capacity, is not acting on behalf of the organization, and that no endorsement by the organization is implied AND
 - b. The individual does not use any of MHA's resources to engage in the activity (E.g., the activity cannot be conducted during the person's hours of employment).
 - Communications to legislators regarding the organization's existence/tax-exempt status.
 - Consideration of public policy issues in an educational way.
3. Nonpartisan provision of advice to a governmental body in response to a request where MHA's organizational experience can assist in better understanding the matter may also not be considered a prohibited activity; however, it must be reviewed by the Compliance Officer for approval before engaging in this activity. Prior to approval, the Compliance Officer will evaluate whether it is authorized by the governing authority, ensuring that the activity does not violate any law, regulation or other requirement, such as contractual provisions or additional restrictions from funding source(s).
4. All affected individuals should contact the Compliance Officer with any questions about the scope of this policy and for any guidance around what activities are prohibited or permitted. Any suspected violations of policy must be reported to the Compliance Officer.

Regulatory References:

18 U.S. Code § 1913
26 U.S.C. §501(c)(3)
New York State Tax Law § 1116
Public Law 101-121 Section 319