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REPLY TO FLORIDA

NO ON 4 Frequently Asked Legal Questions for PASTORS, CHURCHES, AND NON-PROFIT ORGANIZATIONS

- (1) **Can a pastor or other minister preach on or publicly discuss the dangers of this amendment from the pulpit and specifically encourage a NO Vote on Amendment 4 to members of their church?**

ANSWER: Yes. Clearly a pastor may exercise his First Amendment rights to preach Biblical values from the pulpit, including preaching about a Biblical perspective on ballot measures, and also urge the church's members to vote their Biblical conscience concerning any ballot measure including encouraging a No Vote on Amendment 4 in Florida on November 5, 2024.

- (2) **Can a pastor or other minister personally endorse opposition to Amendment 4 on public facing official No On 4 websites or brochures?**

ANSWER: Yes, a pastor may *personally* endorse opposition to Amendment 4 and encourage his congregation to vote no on Amendment 4. A pastor may also include his name and his title as pastor of a church to official publications advocating the defeat of Amendment 4, so long as it includes the disclaimer that the pastor's name and title as pastor of the church are used for identification purposes only.

- (3) **Can a church hand out official No on 4 brochures or show official No on 4 videos found on the website www.VoteNoOn4Florida.com?**

ANSWER: Yes. In general terms, churches may devote between 5 and 15% of their overall time, money and activities directly to lobbying, promoting or opposing the passage of legislation like this ballot measure. If a church only engaged in 4½ hours of activity per week (3 services on Sunday from 9:00-12:00 and 1½ hours for midweek services), the church could then devote up to almost 14 minutes every single Sunday promoting the passage of righteous ballot measures. If a church had a full-time employee that worked 40 hours per week, then the activity per week would be

44½ hours. If there are volunteers that teach Sunday School, then all of their activities should be included as well.

Activities such as day care, church schools, and other outreach should be included in the church's overall activity. Even if the church exceeded the activity in a given week, the scale is not measured on a weekly basis, but on an annual or overall basis. Therefore, churches could devote much more than 5% for many weeks and then much less than 5% for subsequent weeks, so long as the overall activity is not considered substantial. And it should be remembered, this is only the minimum. As noted above, the permissible activity generally ranges between 5 and 15%. Since churches engage in so much overall activity as part of their ministry, it is no wonder that no church has ever lost or jeopardized its tax-exempt status for engaging in too much lobbying activity.

- (4) Can your church make a direct financial contribution to the No on 4 Campaign to the official Political Committee opposing the Amendment called “Florida Voters Against Extremism?”**

ANSWER: Yes. The Internal Revenue Service states that a church or other 501(c)(3) non-profit organization may make contributions to a ballot measure committee. If significant contributions are made the church must include such contributions in its 5-15% of lobbying calculations for purposes of determining whether a substantial part of its activities constitute lobbying.

- (5) Can our church make independent financial expenditures to encourage voters to reject Amendment 4 such as printing official materials found on the website or printing official yard signs with a private vendor?**

ANSWER: Yes, churches are permitted to engage in issue advocacy, such as supporting or opposing ballot initiatives. But the church should be aware that issue advocacy is subject to the same lobbying limitations outlined above to ensure that the church is not devoting a substantial amount (5-15% is permissible) of its activities to lobbying or political activity. However, under Florida law should the church expend more than \$5,000, it should be aware that there would be reporting requirements which is more complicated and may require legal counsel.

- (6) Can a church create its own Political Committee, Website, or brochures encouraging others to Vote No on 4?**

ANSWER: Technically yes, but the official campaign and Liberty Counsel is advising against this and encouraging everyone to use the official Political Committee “Florida Voters Against Extremism” to make contributions and access resources. See www.VoteNoOn4Florida.com. Utilizing resources from the official Political Committee allows churches to avoid expenses and the burden of reviewing and following election law and campaign finance reporting requirements.

- (7) Can a church or other organization use the official Vote No on 4 logos?**

ANSWER: Yes, any entity can use the official No on 4 logo without a political disclaimer so long as it is not mass produced or incurs any cost to the organization. This is not a federal restriction to limit a church's expression - it's a Florida law to ensure

transparency around campaign advertising and any paid usage of the logo requires a political disclaimer.

- (8) Can a church or other non-profit organization email or write to its members and urge them to donate to No on 4 and note No on 4?**

ANSWER: Yes. Subject to the terms addressed above in question-and-answer number 5.

- (9) Can a church use its building to set up local meetings or conferences to urge a No Vote on 4?**

ANSWER: Yes. Subject to the terms addressed above in question-and-answer number 5.

Specific questions not directly addressed above can be directed to

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