

Albany, NY (October 23, 2019) – The New York Council of Nonprofits, Inc. (NYCON) and our nearly 3,000 member organizations celebrated a monumental victory for the charitable nonprofit community when Governor Cuomo signed senate bill 4347 into law on October 23, 2019. This legislation codifies protection from partisan politics for 501(c)(3) organizations in New York State, reflecting federal safeguards currently instilled by the 1954 Johnson Amendment; an amendment that has been under attack since President Trump’s administration took office. The bill received bi-partisan support in the Senate, with Senators Krueger (D., 28th district), Ranzenhofer (R., 61st district), Myrie (D., 20th district), Biaggi (D., 34th district) and Carlucci (D., 38th district) all co-sponsoring.

“This legislation was imperative to maintaining the integrity of - and the public’s trust in - the charitable community,” stated Doug Sauer, CEO of NYCON. “This law helps to ensure that divisive partisan politics do not diminish or pollute the contributions and good work of New York’s vibrant 501(c)(3) sector. Allowing charitable nonprofits to participate in electioneering activities would have undoubtedly undermined public and donor confidence and opened the door for donations and influence to become tools for political manipulation and corruption.”

Senate Bill 4347 amends section 204 of the Not-for-Profit Corporation Law to provide that a 501(c)(3) nonprofit corporation shall not endorse, participate in, or intervene in any political campaign on behalf of or in opposition to any candidate for public office. “Although congressional actions to repeal the federal Johnson Amendment have not been successful to date, the President has stated that he wants to ‘destroy’ the electioneering prohibition and has issued an executive order to diminish enforcement on a selective basis,” says, Sauer.

Nonprofit organizations with charitable, religious and educational missions have fiduciary obligations to serve their communities with integrity and to use the resources bestowed by the public, government and foundations responsibly, as outlined in their mission statements. Without the protection provided by the Johnson Amendment and this new legislation, political campaign dollars could be funneled through 501(c)(3) organizations, rendering them tax-deductible. This would result in skewed political campaign reporting, while also dividing the nonprofit sector among partisan lines and damaging the reputation of all involved.