



THE POWER TO CHANGE AMERICA IS IN **YOUR VOTE**

FIRST  LIBERTY



First Liberty Institute is the nation's largest nonprofit law firm exclusively dedicated to defending religious liberty. We work to change the culture by protecting our religious freedom. But what we do is only one of the ways to steer America in the right direction.

Not everyone can represent a case at the Supreme Court like we do, but you can do something that will have a major impact on the direction of our country: **VOTE!** Yes, vote at every level—whether it's a local, state, or national election.



NOT TO VOTE IS TO VOTE

Whether an election is to fill a seat on a local school board or the Oval Office, we keep seeing anti-religious liberty candidates elected who then promote their anti-religious liberty policies. They're determined to steer America away from our constitutional heritage while ushering in extreme agendas and ideology that are hostile to people of faith. How did they gain so much power? The answer is obvious. People of faith did not vote them into office—they largely stayed home and didn't bother to vote.

Tragically, only a fraction of Americans who identify religious liberty as important actually votes in the major elections. People of faith need to see voting is not just a *right*, but also a *responsibility*. If we love America and our Constitution, we have a civic obligation to vote. I am convinced that if more of us took the voting process more seriously, our culture and government would not be nearly as hostile to religious liberty.

Dietrich Bonhoeffer was a person of faith who took a bold stand against the evils of Nazi Germany. His words should still exhort us today to not sit on the sidelines, but to take action: "Not to speak is to speak. Not to act is to act." One of the ways we speak and act is by voting; so not to vote is to vote.



HOW SHOULD PEOPLE OF FAITH THINK ABOUT VOTING?

The President of the United States is often described as “the most powerful person in the free world;” which makes a presidential election your most powerful vote.

As our nation considers its next President in the upcoming election, we must look closely at the positions of each candidate. What positions or issues are most important? Here are the two that rise to the top.

1

How will the President choose justices and judges?

Justices and judges have a greater impact than any other issue because they impact ALL the issues. And they're appointed for life. Care about protecting the unborn? Judges impact that. Care about your authority as a parent over your children? Judges impact that. Care about whether the government can take away your hard-earned property? Judges impact that. Care about whether you can own a firearm? Judges impact that. Care about whether you can run your business according to your faith, or raise your children according to your faith, or have your church or religious schools operate without the government ordering transgender bathrooms or curriculum? Judges impact that.

As we vote for the next President, we should carefully consider who that President will nominate to become federal judges.

America is a Constitutional Republic. Without good judges, we begin to lose that—as well as the freedoms our Founders put in place.

This is why First Liberty puts in countless hours to research the rulings and judicial track records of potential judges being considered for high-ranking appointments. We've become the go-to source for key decision makers to receive timely guidance on finding trustworthy, conservative judges and avoiding those who want to disregard the Constitution.

2

Where does the candidate stand on religious freedom?

The Founders called religious freedom our “first freedom” because if you lose that freedom, you will lose all of your other freedoms as well. America was founded on religious freedom, yet attacks have increased relentlessly in the last few decades. Twenty years ago, First Liberty had under 50 legal matters. Ten years ago, it was 100. Last year, it was over 620.

The onslaught is great, but with judges who follow the Constitution, we will prevail. For instance, we just won at the Supreme Court the case of Coach Joe Kennedy, who had been fired for going to a knee to pray and giving thanks to God after the game. We also just won at the Supreme Court the right of faith-based schools to be included in school choice programs nationwide.

When you look at the candidates in this election and in the future, we encourage you to carefully consider their positions on judges and on religious freedom. No other issues affect more of the things you care about than these two.

CHURCHES* AND THEIR LEADERS HAVE LEGAL RIGHTS DURING ELECTION SEASON

Pastors and churches have a legal right to educate their members about biblical and political issues and encourage them to vote according to biblical values.

Unfortunately, churches and pastors have been given false information about what they can and cannot do. But the law is on the side of pastors and churches who want to equip their members to stand for righteousness.

PASTORS' RIGHTS: There are no limitations on pastors when they speak and act in their individual capacity rather than on behalf of their church. The First Amendment protects a pastor's right to endorse candidates, speak in support of a candidate, and more (as long as he does not use church resources to do so).

CHURCHES' RIGHTS: There are very few limitations on churches. According to IRS guidance, churches "are automatically considered tax exempt," even without obtaining 501(c)(3) recognition from the IRS.¹ For this reason, churches do not need to fear losing their tax-exempt status if they speak out on political issues. But if a church wants to fully comply with 501(c)(3) limitations, it can safely follow these guidelines:



CHURCHES CAN

- Register their members as voters
- Hand out nonpartisan voter guides
- Invite all candidates in a race to speak (It's okay if only one shows up)
- Speak about specific issues (including abortion or marriage), specific legislation, and ballot initiatives



CHURCHES CAN'T

- Endorse or oppose a particular candidate
- Contribute money or church resources to a candidate (including allowing free use of a church list)

¹ Internal Revenue Service, The Tax Guide for Churches & Religious Organizations, I.R.S. Pub. 1828 at 2 (Rev. 8-2015), <https://www.irs.gov/pub/irs-pdf/p1828.pdf>; see also 28 U.S.C. §508(c)(1)(A). (While churches may seek official 501(c)(3) recognition, this IRS document itself says that churches "are not required to apply for and obtain recognition of tax-exempt status from the IRS" to be considered tax exempt.)

* Applies to all religious organizations including, but not limited to synagogues, mosques, temples, and other religious organizations.

WE'RE IN A BATTLE FOR THE FUTURE OF AMERICA

No matter which way the political winds are blowing, we must not become passive and stay out of the political process. By not voting, we abdicate the future of America to those who are hostile to what matters most. But at First Liberty, we do just the opposite: we fight for what matters most.

Whether our preferred candidate wins or loses, the battle is not over. Only by choosing not to get involved in the political process do we truly lose. Our freedoms—including religious freedom—are unlikely to ever be taken by force. We are far more likely to give them up through apathy and complacency. But we can ensure that never happens by exercising our right to vote as often as we are legally able to do so.



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Fighting for What Matters Most

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