

# MEMORANDUM

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**TO: GOVERNMENTAL AFFAIRS SPECIALISTS**

**FROM: Gigi Hyland  
CUNA Regulatory Staff Attorney**

**RE: GET OUT THE VOTE EFFORTS**

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Credit unions should play an active role in the political process by providing registration and voting information and activating credit union members to vote. But, as you know, there are a couple of Federal Election Commission (FEC) rules to follow when leagues and credit unions, as corporations, communicate to the general public and to their memberships. Here are some guidelines:

## **WHEN COMMUNICATING TO THE PUBLIC, LEAGUES AND CREDIT UNIONS**

### **CAN:**

- ❖ Provide general public registration and voting information through posters, billboards, broadcast media, newspapers, newsletters, brochures, etc.
- ❖ Prepare and distribute voter guides or brochures to their employees and the public. There are two types of voter guides and there are rules for preparing each type:
  - ❖ Type 1: a voter guide based solely on news articles, voting records or other noncampaign sources. The content of this type of guide **cannot** be based on consultation or coordination with the candidates; distribution **cannot** be coordinated with the candidate; the guide **must** include at least two candidates in the same election; and the guide **cannot** contain express advocacy (*see below*).
  - ❖ Type 2: a voter guide based on written answers to questions submitted in writing by the league/credit union to the candidates. The content of this type of guide is governed by the following rules: no candidate's response may receive greater prominence or space than another candidate's; questions **must** be sent to all on the ballot in the state where the guide is distributed; all candidates **must** be given equal opportunity to respond; the guides **cannot** contain an electioneering message; the guide **cannot** contain scores or ratings of responses in such a way to convey an electioneering message.
- ❖ Prepare and distribute to the general public and employees the voting records of members of Congress.
- ❖ Organize registration and "get-out-the-vote" (GOTV) drives. Leagues and credit unions **must** make the services and voter information available to everyone, regardless of the voter's political preference. In addition, leagues and credit unions must provide written notice of the nonpreferential nature of the service to those who receive the information or assistance.

## **WHEN COMMUNICATING TO THEIR MEMBERSHIP, LEAGUES AND CREDIT UNIONS CAN:**

- ❖ Do all of the above but can also urge members to vote for, support, or contribute to a specific candidate.+

**WHEN COMMUNICATING TO THE PUBLIC, LEAGUES AND CREDIT UNIONS  
CANNOT:**

- ❖ Distribute publications to the general public that **expressly advocate** the election or defeat of a clearly defined candidate or candidates of a clearly defined party. (i.e. – “Vote for Gore”; “Bill McKay in ‘94”; “Cast your ballot for the Republican challenger for the U.S. Senate in Missouri”, etc.  
**Remember that express advocacy also includes publications, when taken as a whole, could only be interpreted by a reasonable person as containing advocacy of the election or defeat of one or more clearly identified candidates.**
- ❖ Coordinate the publication with any candidates or political parties. “Coordination” means any activity made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of the candidate.
- ❖ Distribute publications to the general public that contain a solicitation for contributions for a candidate or party.
- ❖ In GOTV and registration drives, leagues and credit unions **cannot:**
  - ❖ expressly advocate the election or defeat of a clearly identified candidate or party;
  - ❖ coordinate the drive with any candidate or political party.
  - ❖ target a GOTV and registration drive primarily at those voters registered with or intending to register with the party favored by the league/credit union.
  - ❖ pay persons conducting a GOTV and registration drive based on the number of persons assisted who support a particular candidate or political party.

**WHEN COMMUNICATING TO THEIR MEMBERS, LEAGUES AND CREDIT  
UNIONS CAN:**

- ❖ Distribute publications containing express advocacy.

If you are interested in conducting any of these activities and have additional questions on these issues, please don’t hesitate to call me at 202/218-7782 or Karen Kincer at 202/218-7781.