



PJI

September 22, 2022

**Re: Church Information On Proposition 1**

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Dear Church Leader,

EXECUTIVE SUMMARY

Our office has been asked to provide an opinion as to whether a church can lawfully inform congregants about a proposition appearing on California's November ballot regarding abortion known as Proposition 1.

*Short Answer:* A church can lawfully inform the congregation about Proposition 1 and urge that they vote against it.

DISCUSSION

As an initial matter, church leaders have the right to speak out on issues of doctrine and morality. IRS Publication 1828. Thus, taking a position on a proposition before the voters that deals with doctrinal and moral issues is unquestionably lawful under the First Amendment.

Second, a church can engage in limited lobbying activities. This includes speaking to items appearing on the ballot from the pulpit. What is more, a church can provide literature explaining the ministry's position on such issues and sponsor public forums. This limited lobbying activity stands as an insubstantial portion of the church's activities and resources. Because of this, tax-exempt status under IRC § 501(c)(3) will not be in jeopardy. As one court explained, "[a] church can lobby for or against legislation, the passage of a referendum, or the confirmation of a political appointee, and can spend no more than an 'insubstantial' amount of its budget for such lobbying." *Seasongood v. Commissioner of Internal Revenue*, 227 F.2d 907, 912 (6th Cir. 1955). The "insubstantial" test was determined to be up to 5% by the *Seasongood* court.

Please feel free to contact the Legal Department of the Pacific Justice Institute for answers to any questions you might have regarding the summary of information provided above. We would be honored to assist you without charge.

Very truly yours,

Kevin T. Snider, Chief Counsel  
PACIFIC JUSTICE INSTITUTE

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