

**SIERRA CLUB POLITICAL TEAM
COMPLIANCE GUIDELINES**

September 2021



**SIERRA
CLUB**

Welcome to the Sierra Club Political Compliance Guidelines. If this is your first time reading these guidelines, you may be intimidated by the sheer size of the booklet. Don't be! Although these guidelines are comprehensive, they are informed by many years of work and experience of the volunteers and staff across the Sierra Club. We hope these will be helpful as you get accustomed to the subject matter and will become a useful resource to you in the course of your work in support of an effective Sierra Club political program. In addition to this resource, your Sierra Club Political Team liaison (see Appendix D) is available to help navigate the material.

These guidelines cover federal, state, and local political activities. They address both legal issues and Sierra Club electoral policies. They are intended to ensure that important and sensitive decisions about electoral activities are in accordance with the law and Sierra Club policy, are made fairly, and are coordinated with the Sierra Club's national priorities. Some of these guidelines are stated as mandatory requirements. Others are stated as general guidelines that may be adapted to the needs of the situation.

All Sierra Club political activity must be conducted in accordance with these requirements and guidelines. It is the expectation that all chapter and national staff familiarize themselves with these guidelines. Volunteers on Political Committees and Executive Committees are also responsible for understanding these guidelines.

Election law is complex; however, the basic concepts are simple. Understanding them will enable you to plan and carry out your political activities confidently, effectively, and in compliance with legal requirements and Sierra Club rules.

The Sierra Club Political Team

These Guidelines are dedicated to the memory of the late Jono Hildner: our cherished colleague and friend, whose commitment to the environment was matched only by his zeal for social justice.

**SIERRA CLUB POLITICAL TEAM COMPLIANCE GUIDELINES
2021-2022**

NOTE: Political Activity Not Conducted in Accordance with These Guidelines Is Not Authorized Sierra Club Activity

TABLE OF CONTENTS

1-000. INTRODUCTION AND KEY TERMS

- 1-100. Overview of Political Team, Political Committees, PACs, and Types of Funds
- 1-120. Types of Campaigns and Communications
- 1-140. Types of Political Contributions
- 1-160. Role of Groups in the Political Program
- 1-170. Ballot Measure Activities
- 1-180. Conclusion; Compliance Help; Updates, Enforcement of Guidelines

2-000. ENDORSEMENT GUIDELINES

- 2-100. Criteria for Endorsement
- 2-200. Environmental Record and Platform
- 2-250. Candidate's Prospect of Success in the Election
- 2-300. Incumbency, Partisanship, and Other Criteria
- 2-350. Primaries and Early Endorsements
- 2-370. Dual Endorsements; Multiple-Seat and Ranked-Choice Elections; Candidate Slates
- 2-390. Opposition to Candidate; Retraction of Endorsement; Recall Elections
- 2-400. Suggested Outcomes for Different Endorsement Scenarios
- 2-430. Criteria for Involvement in Primaries
- 2-450. Prioritizing Engagement in Races
- 2-500. Candidate Research
- 2-510. Questionnaires and Interviews
- 2-540. Candidate Forums and Appearances at Club Meetings
- 2-560. Public Meetings with Incumbent Officials
- 2-600. Internal Approval Procedures for Political Action; Two-Thirds Vote
- 2-610. Conflicts of Interest and other restrictions
- 2-700. Federal Candidate Approval Procedures
- 2-720. Approval Without Chapter Agreement or Recommendation
- 2-800. State and Local Candidate Approval Procedures
- 2-810. Approval Procedures in Non-California Chapters
- 2-820. Approval Procedures in California Chapters
- 2-900. Activities Short of Endorsement
- 2-910. Communications
- 2-920. Direct and In-Kind Contributions to Campaigns
- 2-930. Sierra Club Members' Use of Sierra Club Name

- 2-940. Objective Factual Information about Candidates
- 2-950. Summary Checklist for Making Endorsements

3-000. REGULATION OF POLITICAL ACTIVITY

- 3-100. Limits on Political Action in All Elections
- 3-200. Limits in Federal Elections
- 3-300. Limits in State and Local Elections
- 3-350. Use of General Club c4 Funds for State or Local Political Advocacy
- 3-400. Joint Federal-State Activities
- 3-500. Key Factors in Determining Which Rules Apply
- 3-600. Complaints about Campaign Finance Violations

4-000. GUIDELINES FOR POLITICAL ACTIVITIES

- 4-050. Use of Sierra Club Resources in Elections
- 4-060. Establishing Firewalls
- 4-100. Endorsement and Use of Sierra Club Name
- 4-120. Use of Sierra Club Logo or Endorsement Seal
- 4-130. Use of Sierra Club Letterhead and Masthead
- 4-150. Endorsement Announcement
- 4-160. Member Communication Exception
- 4-200. Public Communications in Elections
- 4-210. Public Communications about Federal Candidates
- 4-220. Public Communications about State and Local Candidates
- 4-240. Sierra Club Slate Cards and Endorsement Lists
- 4-250. Slate Cards for Distribution to Sierra Club Members
- 4-260. Slate Cards for Distribution to Nonmembers
- 4-270. Slate Cards Limited to Ballot Measures
- 4-280. Voter Registration and Get-Out-The-Vote (GOTV) Activities
- 4-290. Use of Club Postal Permit
- 4-300. Contributions to Candidates
- 4-310. Contributions to Federal Candidates
- 4-350. Contributions to State and Local Candidates
- 4-410. Sierra Club Staff and Facilities in Federal Elections
- 4-420. Sierra Club Staff and Facilities in State and Local Elections
- 4-430. Volunteer Support for Campaigns
- 4-440. Distribution of Sierra Club Materials to Non-Club Entities
- 4-450. Sharing Information and Issue Materials with Candidates
- 4-500. Independent Expenditure Campaigns
- 4-520. Federal Independent Expenditure Campaigns
- 4-550. State and Local Independent Expenditure Campaigns
- 4-600. Fundraising for Your Political Program
- 4-610. Raising Federal PAC Funds
- 4-640. Fundraising for State PACs and Ballot-Measure Committees

- 4-660. Who May Contribute to PACs and Ballot-Measure Committees
- 4-670. What Donor Information Is Required
- 4-680. How to Handle Contributions
- 4-700. Political Program Administration and Training
- 4-800. Unauthorized Use of Club Name and Logo
- 4-810. Preventing Unauthorized Use of Club Name
- 4-820. Remedies for Unauthorized Use of Name and Logo
- 4-900. Activities in Recall Elections

5-000. OUTREACH AND USE OF SIERRA CLUB LISTS; MEMBER, NONMEMBER, AND, CANDIDATE, AND PUBLIC COMMUNICATIONS

- 5-100. Member Communications
- 5-120. Member Communications in Federal Elections
- 5-200. List Use by Candidates and Campaigns
- 5-300. List Rentals for Nonmember Communications
- 5-350. Mailing List Orders for Candidate Communications

6-000. USE OF NEWSLETTERS AND ELECTRONIC MEDIA

- 6-100. Use of Newsletters
- 6-200. Use of Websites
- 6-210. Special Definitions for Web Guidelines
- 6-220. General Rules for Web Use in Political Program
- 6-240. Endorsement Lists of Federal Candidates
- 6-250. Endorsement Lists of State and Local Candidates
- 6-260. Links with Non-Sierra Club Websites
- 6-270. Posting Sierra Club Publications Containing Political Content
- 6-280. Web Notices of Candidate Appearances
- 6-300. Use of Email and Email Lists
- 6-350. Use of Salesforce
- 6-360. Use of Third Party Sierra Club Contracted Tools
- 6-400. Use of Sierra Club Blogs
- 6-410. Posting to Outside Blogs
- 6-500. Use of Social Networking Sites and Online Communities

APPENDIX A: ACTIVITIES IN PRESIDENTIAL ELECTIONS

- A-001. Goals and Principles
- A-100. Approval Process
- A-200. Criteria
- A-210. Environmental Record
- A-220. Political Characteristics of the Race
- A-230. Making a Difference
- A-300. Campaign Finance Restrictions

- A-350. Campaign Activities
- A-400. Decision to Make No Endorsement in Presidential Election
- A-500. Presidential Campaign Plan

APPENDIX B: ELECTORAL WORK WITH OTHER ORGANIZATIONS

- B-100. Basic Guidelines for Joint Action
- B-200. Application of Guidelines for Joint Action

APPENDIX C: FUNDRAISING FOR CANDIDATES

- C-100. Fundraising for Candidates by Mail, Phone, and Email
- C-200. Members-Only Fundraisers for Federal Candidates
- C-300. Members-Only Fundraisers for State and Local Candidates
- C-400. Fundraisers Open to Non-members

APPENDIX D: SIERRA CLUB POLITICAL TEAM 2021-2022

APPENDIX E: WEB-BASED POLITICAL RESOURCES

- E-100. Accessing the “Campfire Community” Website
- E-200. Campaign Toolkit
- E-300. Political Training
- E-400. Political Compliance
- E-500. Federal Endorsement Listings

APPENDIX F: INCORPORATING EQUITY, JUSTICE, AND INCLUSION VALUES INTO THE POLITICAL PROGRAM

- G-000. Introduction.
- G-100. Redefining “Environmental Record”
- G-200. A More Nuanced Approach to Incumbency
- G-300. The Jemez Principles
- G-400. Transformational Tactics

APPENDIX G: SUPPORTING CANDIDATES FOR INTRA-PARTY POSITIONS

APPENDIX J: ACTIVITIES IN JUDICIAL ELECTIONS

- J-000. General Introduction
- J-100. Criteria for Deciding Whether to Get Involved
- J-200. Criteria for Deciding About Individual Candidates
- J-300. Candidate Research
- J-400. Endorsement Approval Procedures
- J-450. Activities Short of Endorsement for Judicial Candidates
- J-500. Campaign Activities

1-000. INTRODUCTION AND KEY TERMS

1-001. The mission of the Sierra Club political program is to preserve the environment through grassroots political action. The Sierra Club political program is not aligned with any political party. The principal goals of the program are:

- (1) To elect candidates who will support and promote environmental protection and who share our core values of equity, justice, and inclusion;
- (2) To raise public awareness about environmental issues and elevate the priority of these issues for decision-makers;
- (3) to encourage Sierra Club members and other environmentalists to participate in the political process;
- (4) To advance the Sierra Club's environmental conservation and justice agenda by electing legislators and other elected officials who will champion our issues;
- (5) To build relationships with these leaders so that they may become better champions for our policy priorities; and
- (6) To strengthen the Sierra Club's capacity to elect pro-environment candidates at every level of government.

1-002. Election law is complex. However, the basic concepts are simple. Understanding them will enable you to plan and carry out your political activities. These guidelines might not contain the answer to every question that comes up but they will help you to assess when to reach out to the appropriate stakeholders for assistance.

1-003. These guidelines cover federal, state, and local political activities. They address both legal issues and Sierra Club electoral policies. They are intended to ensure that decisions about political activities on behalf of candidates will benefit the environment, and to make certain that these decisions are in accordance with Sierra Club policy, are made fairly and with great care, and are coordinated with the Sierra Club's national priorities. In addition, the guidelines are designed to ensure that the Sierra Club's political activities comply with federal, state, and local election laws.

1-004. Some of these guidelines are mandatory requirements. Others are general principles that may be adapted to the needs of the situation. All Sierra Club political activity must be conducted in accordance with these requirements and principles. ***Political activity that is not conducted in accordance with the Sierra Club Political Team Compliance Guidelines is not authorized Sierra Club activity.*** Willful violation of these Guidelines may result in disciplinary action, including but not limited to removal of a volunteer leader from certain or all

positions of responsibility within the organization and/or suspension of the ability of a chapter or group to conduct political activities. In addition, Sierra Club volunteers and staff who engage in unauthorized political activity may face personal civil or criminal liability for violation of applicable federal, state, or local election laws.

1-005. The Sierra Club itself and its officers may be held legally responsible for political activity that is conducted in the Sierra Club's name, even if the Sierra Club has not authorized the activity. If a chapter or group engages in political activities that are not in compliance with these Guidelines, the national political team may suspend the authority of that chapter or group to engage in federal, state, or local political activities until the team is confident that the chapter or group will act in compliance with these Guidelines. The national political team may also take other actions short of a suspension, such as requiring chapter or group political committee members to complete a Sierra Club political training program. The chapter or group may appeal the national political team's ruling to the Board of Directors, but the decision to hear the appeal is entirely at the discretion of the Board, and the ruling remains in effect unless reversed by the Board.

1-006. These Guidelines are divided into several divisions. Each section is numbered using a special system. The division is identified by the first number (or letter, for the divisions in the appendix). The three-digit number defines the order of sections within the division. There are gaps in the three-digit numbers in order to allow new sections to be added without renumbering the entire division.

1-007. Endorsement Guidelines (2-000). This division describes the factors to consider and the procedures to follow for making decisions on candidate endorsements. It also describes what a Sierra Club endorsement means and implies.

1-008. Regulation of Political Activity (3-000). This division gives a brief introduction to the complex regulatory framework that affects and limits the Sierra Club's political program.

1-009. Guidelines for Political Activities (4-000). This division contains guidelines for several common types of political activities, such as use of the Sierra Club name, Endorsement Seal, and postal permit; public communications about candidates; contributions to candidates; and fundraising for state and local PACs.

1-010. Use of Sierra Club Lists; including Membership Communications

(5-000). Numerous political activities at the federal, state, and local levels call for the use of Sierra Club lists in one form or another. These lists are one of our most valuable resources. This guideline covers specific rules for using our lists in any political activity, and legal restrictions on the use of these lists.

1-011. Use of Newsletters and Electronic Media (6-000). This division contains guidelines for use of chapter and group newsletters and Sierra Club-sponsored websites, blogs, online communities, and email lists in the Sierra Club's political program. Newsletters may be used to inform Sierra Club members and involve them in our political program, but the inclusion of political advocacy material often impacts how the Sierra Club may legally finance and distribute a newsletter. Likewise, there are legal and policy restrictions on how electronic media may be used for communicating about political activities.

1-012. Appendices. Appendix A addresses activities in presidential elections. Appendix B describes Sierra Club policy on doing electoral work with other organizations. Appendix C contains guidelines for raising money for federal, state and local candidates. Appendix D lists the volunteer members of the national political team and the national political staff. Appendix E contains information about web-based political resources including how to access Campfire Community. Appendix F addresses the incorporation of equity, justice, and inclusion in our political work. Appendix J governs activities in judicial elections.

1-013. Release of Guidelines to Candidates. These Guidelines are an internal Sierra Club document. They may not be released for general public distribution. In some circumstances it might be appropriate to quote relevant sections of these Guidelines to a candidate who has a specific question about some aspect of the Sierra Club's endorsement procedures or the use of Sierra Club resources in political campaigns. However, you may *not* release the substantive endorsement criteria to candidates or their campaign managers.

1-100. Overview of Political Team, Political Committees, PACs, and Types of Funds

1-101. The Sierra Club Political Team (SCPT) consists of Sierra Club staff and volunteers appointed by the Political Team Co-Leaders in consultation with the Campaigns & Programs Coordinating Pair (the current Sierra Club Board Vice-President and Sierra Club Program Director). Its roles include: overseeing federal PAC funds, including PAC fund expenditures; confirming endorsements in federal races; formulating, publishing and overseeing the implementation of these Compliance Guidelines; and encouraging and guiding chapter and group political activity. The national political team has the responsibility of ensuring

that Sierra Club political activity is carried out in a consistent manner throughout the country.

1-102. SCPT Liaison with Chapters. The SCPT assigns each of its volunteer members to be the liaison contact with the political programs in several chapters. The SCPT liaison contacts are responsible for checking in with chapter Political Chairs, orienting new Political Chairs and guiding them through the Sierra Club's political processes, serving as a first alert system for potential conflicts or problems, advising volunteers and staff during disagreements, and recruiting participants for political training programs. Because the Sierra Club's success on many of its national environmental priorities depends on action by governors and mayors of major cities, the SCPT liaison will also discuss prospective Sierra Club involvement in gubernatorial elections and mayoral elections in major cities with Political Chairs. In addition, they may ask about any upcoming state ballot measures that are related to the Sierra Club's national priorities. Contact information for SCPT Liaisons is found in Appendix D.

1-103. The Chapter Political Committee Chair. This is the person who chairs the chapter political committee and is responsible for ensuring that endorsements are made in adherence to our guidelines and in a timely manner. Given the nature of this position, both within the Chapter and externally, a chapter Political Committee Chair is on the coordinated side of the firewall (see section 4-063). If there is an extenuating circumstance, the Chapter Political Chair must reach out to the office of general counsel and their SCPT liaison to discuss an alternative plan.

See the Chapter Political Chair job description

<https://community.sierraclub.org/section/program-department/policy-advocacy-and-legal-unit/politics/politics-toolkit>

1-104. The Chapter Compliance Officer is a person who has agreed to advise political activists in the chapter about how to conduct political activities in compliance with state and local election laws. No state or local political activity may be undertaken by a Sierra Club entity without a Chapter Compliance Officer whose contact information is listed in the national leadership database. The Chapter Compliance Officer must maintain a neutral role and cannot participate on either the coordinated or independent side of the firewall (see section 4-063). Due to the neutral nature of this role, the Chapter Compliance Officer and the Chapter Political Committee Chair cannot be the same person. The Chapter Compliance Officer can be a non-voting member of the political committee.

See the Chapter Compliance Officer description

<https://community.sierraclub.org/page/job-description-compliance-officer> and guidelines beginning at 3-300 for additional discussion.

1-105. Chapter PAC Treasurer. This is a person who serves as the officer of the state political action committee (PAC) that ensures compliance with state and local PAC registration and reporting requirements. They are required to set up or maintain the PAC bank account, maintain records, reconcile the account(s) and file necessary campaign finance reports. See the full description at <https://community.sierraclub.org/file/1212/download/State%2520PAC%2520Best%2520Practices.pdf>.

1-106. The Sierra Club has established a federal political action committee (PAC) for use in federal elections called Sierra Club Political Committee (SCPC) and a separate federal PAC reserved for independent expenditures in federal elections called Sierra Club Independent Action (SCIA). These PACs are registered with the Federal Election Commission, administered by the Sierra Club Political Team (SCPT), and the *only* means through which Sierra Club may expend funds in support of federal candidates. No other Sierra Club entity is authorized to expend funds of any sort on federal political action.

Chapters may establish PACs as separate funds with a distinct Federal Tax Identification Number/ Employer Identification Number (EIN) and bank account that may be used for political action in state and local elections.

In these guidelines, the term "PAC fund" refers to a separate fund that may be used for political action. "Political team" or "SCPT" refers to the volunteers and national political staff who are responsible for the Club's national political program. The term "political committee" refers to the volunteer committees that oversee state and local political activity.

1-107. Sierra Club Federal PAC Funds – Sierra Club Political Committee. These funds are voluntary contributions by Sierra Club members that are specifically designated for the Sierra Club's main federal PAC, the Sierra Club Political Committee (SCPC). These funds may be solicited from Sierra Club members only. It is illegal to ask non-members to contribute, although we may accept PAC donations from non-members who contribute them without having been solicited. Federal law requires these funds to be kept in a separate bank account, segregated from the Sierra Club's general-purpose funds. This account is maintained by the national staff for the national political team. These PAC funds may be used to engage in political activities in federal campaigns, such as advocacy communications to the general public on behalf of a candidate. They may also be used to make direct or in-kind contributions to candidates for federal office. Federal law permits an individual to contribute to SCPC up to

\$5,000 (\$10,000 per married couple) each calendar year.

1-108. Sierra Club Federal IE-Only PAC Funds – Sierra Club Independent Action. The Sierra Club has a second federal PAC: Sierra Club Independent Action (SCIA). Unlike the Sierra Club Political Committee, Sierra Club Independent Action may accept unlimited contributions from the general public, including individuals, corporations, labor unions, and other PACs. This PAC may not be used to make direct or in-kind contributions to federal candidates. SCIA funds may only be used for independent expenditure campaigns.

1-109. Sierra Club State and Local PAC Funds. Chapters may establish and operate state and local PACs and raise funds for them from Sierra Club members (and where permitted by state law, non-members) in compliance with state and local election laws. A chapter that establishes a state or local PAC must open a separate bank account for the PAC funds and obtain a separate EIN (employer identification number) for the PAC from the IRS. State and local PAC funds are usually administered by the political committee of the chapter that established the fund. Most states require state and local PACs to register with a state or local agency and to file regular reports of their income and expenditures. State and local PAC funds may be used to engage in political activities, such as advocacy to the general public on behalf of candidates for state or local office. They may also be used to make direct contributions to candidates for state or local office. State and local PAC funds may not be used to pay for federal election campaign activities or for contributions to federal candidates.

Chapter PAC funds may not be used to make direct or in-kind contributions to, or for independent expenditure campaigns on behalf of federal candidates.

IRS Registration and Filing Requirements. If a chapter PAC fund receives or anticipates receiving \$25,000 or more in any taxable year, the fund is required to register with the Internal Revenue Service on Form 8871. While political organizations are generally required to file periodic reports with the IRS on Form 8872, chapter PAC funds may be exempt from the periodic reporting requirements if they file reports of their contributors and expenditures under state law requirements. Note, however, that all chapter PACs that meet the \$25,000 threshold must register with the IRS on Form 8871 and file amended copies of that form when information related to its leadership or other information included on the registration changes. Your Chapter Compliance Officer should help to ensure that your chapter PAC fund is in compliance with the IRS filing requirement. It may also be required to file Form 990 with the IRS.

1-110. Sierra Club State and Local IE-Only PAC Funds. Some state and local jurisdictions allow the formation of a committee (or PAC) that is exclusively set

up to fund independent expenditures. IE-only PACs can typically accept unlimited contributions from the general public including individuals, corporations, labor unions, and other PACs. IE-only PACs may not be used to make direct or in-kind contributions to candidate committees. Please check with your Chapter Compliance Officer for details on forming an IE-only PAC in your jurisdiction.

1-111. General Club Funds: Nature and Origins. The Sierra Club's general purpose funds are used to operate the day-to-day business of the Sierra Club, including the administration of the electoral program at both the federal and state levels, as permitted by law. These funds come largely from membership dues and general-purpose contributions to the Sierra Club. They are sometimes referred to as "c4" funds from the section of the Internal Revenue Code that applies to them. They may be solicited from non-members as well as Sierra Club members.

1-112. Sierra Club "527" Organization Funds. Sierra Club Federal 527 Committee - Sierra Club Voter Education Fund (SCVEF). While these funds are subject to disclosure under section 527 of the Internal Revenue Code, they are not regulated by the Federal Election Campaign Act. This type of entity is commonly known as a "527 committee." All activity – receipts and disbursements – are reported on a regular basis to the IRS, not to the Federal Election Commission. These funds are used on a limited basis for issue advocacy campaigns (see 1-123 below) and generic, independent "get out the vote" or GOTV activities (see 4-282 for details). These funds may *not* be used to expressly advocate for the election or defeat of a federal candidate or make contributions to federal candidates.

1-113. Foundation "c3" Funds. Funds granted to the Sierra Club by Sierra Club Foundation (sometimes known as "c3" funds from the subsection of the Internal Revenue Code that applies to Sierra Club Foundation funds) may be used only for the specific nonpartisan projects for which the money was given. ***C3 funds may never be used for any partisan electoral purpose, including the administration of the Sierra Club's political program.*** Moreover, in some circumstances the lack of proper separation between political and c3 activities may make certain activities ineligible for Sierra Club Foundation funding. (See 6-105 for an example of this ineligibility). If you have any questions about the permissible uses of Sierra Club Foundation funds, consult with compliance.review@sierraclub.org.

1-120. Types of Campaigns and Communications

1-121. Coordination. Sierra Club political campaign work is often done in coordination with candidates and their campaigns. By law, political work is

considered “coordinated” when it is conducted in communication with a candidate, candidate’s committee, political party committee or their agents, including volunteers. Discussions with any of these entities or individuals during the endorsement process or later about campaign strategy or decisions regarding content, audience, method, distribution, timing, or frequency of a communication may constitute “coordination.”

1-122. Independent Expenditure Campaigns. An "independent expenditure campaign" (IEC) is a public campaign to advocate the election or defeat of a candidate that is conducted independently of the candidate and the candidate's own campaign (not “coordinated”). IECs have become increasingly common in elections that are subject to contribution limits, because the limits do not apply to IECs. See 4-500 for details on conducting IECs. IECs require legal counsel, careful planning, and an understanding of legal rules forbidding coordination with candidates and their campaigns (see 1-121 for details).

1-123. Issue Advocacy Campaigns. In certain areas of the country the Sierra Club undertakes issue advocacy campaigns. These campaigns are intended to raise the visibility of environmental issues during elections. "Issue advocacy" links an elected official with their position on a policy issue and urges members of the public to communicate their views about that position and the issue to the elected official. For example, a newspaper ad might say "State Senator Scarlet voted to weaken your family's protection from the ravages of arsenic in your drinking water. Call State Senator Scarlet, and urge her to vote in favor of clean drinking water." In an electoral context, statements of this sort may be issue advocacy. State and local campaign finance laws may impose restrictions on issue advocacy.

1-124. General Sierra Club (c4) funds may be used for communicating with members about any endorsed federal candidates, and sometimes about state and local candidates; check with your Chapter Compliance Officer to see which rules apply in your state. Communications to Sierra Club members regarding a federal candidate are known as "member communications" for purposes of federal campaign finance reporting requirements. Member communications on behalf of federal candidates may be paid for with general Sierra Club (c4) funds, but the Sierra Club is required to report the cost of the communication to the Federal Election Commission. With the exception of newsletter expenses, all member communications on behalf of federal candidates must be reported on Form 3 within 7 days of the date the cost was incurred. Some states and some local government entities have similar exceptions for member communications on behalf of state and local candidates. You must always confer with your Chapter Compliance Officer to determine what is permissible under state and local election law before making political communications, including those

limited to members. See the discussion beginning at 5-100 for guidelines for member communications.

1-125. Public Communications: Express Advocacy. "Express advocacy" seeks the election or defeat of a candidate. "Express advocacy" is an appeal to the public that may use such phrases as "vote for," "vote against," "support," or "defeat." Two examples would be "Vote for Green" or "The Sierra Club endorses Green." Even without those specific words, a communication could be considered express advocacy if there is no other reasonable interpretation than encouraging the election or defeat of a candidate. For this reason, it is required that public communications be reviewed by the Chapter Compliance Officer for state/local candidates or by the office of general counsel staff for federal candidates.

1-140. Types of Political Contributions

1-141. For federal elections, a "contribution" is money or any good or service of value given for the purpose of influencing an election. There are two kinds of contributions:

- (1) Direct contribution: A monetary contribution, given directly to a candidate's campaign or a political party.
- (2) In-kind contribution: Anything of value (goods and services) benefiting a campaign that is not a direct contribution or spent in the context of an independent expenditure campaign. Examples include: flyers distributed to the public in support of a candidate; expenses incurred for a fundraiser involving the general public in which the proceeds go directly to the candidate; newspaper ads purchased to support a candidate; funds spent to organize an event for the candidate; or the loan of Sierra Club staff to work on a candidate's campaign. In each case, the costs of these activities are in-kind contributions and the relevant PAC must pay the Sierra Club *in advance* for the value of the goods and services. Note that it is *not* considered a contribution for Sierra Club volunteers to work as campaign volunteers, so volunteer all you want!

1-142. The contribution limit for the Sierra Club Political Committee federal PAC is \$5,000 (direct and in-kind together) per candidate per election. Primary and general elections are considered separate elections, so the Sierra Club Political Committee federal PAC may make direct and in-kind contributions to a federal candidate of up to \$5,000 in a primary and \$5,000 more in the general election.

1-143. All Sierra Club contributions (direct and in-kind) in federal elections must be paid from the Sierra Club Political Committee federal PAC directly. These payments must be reported to the Federal Election Commission (FEC) on forms that are prepared by the Sierra Club's national staff. The FEC may impose heavy fines and other penalties for violations of federal election law, including failure to file accurate reports of the Sierra Club's direct and in-kind contributions to federal candidates, so it is important to follow all administrative and reporting processes outlined in these Guidelines.

1-144. The precise definition of what constitutes a "contribution" in state and local elections varies by state, as do contribution limits. Consult with your Chapter Compliance Officer and see 4-350 for guidelines on contributions to state and local candidates.

1-160. Role of Groups in the Political Program

1-161. Chapters are the fundamental grassroots entities of the Sierra Club; groups have no separate existence except as creations of the chapter, and are subject to oversight or even dissolution by the chapter at any time. Although groups often have important roles to play in the political program (particularly in areas where local elections offer the best opportunities for positive change) all group political activity must be conducted under the supervision of the chapter that the group is within. No group may engage in political advocacy (including endorsements) unless the chapter has adopted written Political Committee Standing Rules that delegate specific authority to its groups.

1-162. Federal Endorsement Authority. Consistent with section 2-702, groups may not be named as mandatory two-thirds voting entities for the approval of federal endorsements, although chapters may choose to authorize them to recommend federal endorsements in an advisory capacity.

1-163. State and Local Endorsement Authority. Chapters may choose to authorize groups to act as a mandatory two-thirds voting entity in state and local endorsements, including ballot measures, provided that a chapter level entity (chapter executive committee, steering committee, or political committee) acts as the second two-thirds voting entity. Groups may also be authorized to act as non-mandatory advisors regarding state and local endorsements.

1-164. Actions groups *may* take, if authorized by the chapter Political Committee Standing Rules

- (a) Use c4 funding for member communications in support of endorsed candidates, with approval from the Chapter Compliance Officer and

- where allowed by state and local law;
- (b) Use c4 funding in support of endorsed ballot measures, with approval from the Chapter Compliance Officer;
 - (c) Authorize state or local candidates whose districts fall completely within the group's geographic boundaries to send a mailing to group members;
 - (d) Recruit volunteers for an endorsed candidate's campaign, or in some circumstances (see section 2-900) for a candidate who has been approved for activities short of endorsement;
 - (e) Raise money for a chapter PAC;
 - (f) Participate in political training and use c4 funding to pay for them.

1-165. Actions groups *may not* take

- (a) Originate and operate a Political Action Committee (PAC);
- (b) Make direct or in-kind contributions to candidates at any level;
- (c) Engage in independent expenditure campaigns (IECs) at any level;
- (d) Engage in electoral advocacy to the general public.

1-170. Ballot Measure Activities

1-171. Due to increasingly complicated disclosure rules that potentially link all Sierra Club ballot measure activities together (both within and across states) and due to some historical reporting problems, chapters must notify office of general counsel (compliance.review@sierraclub.org) before endorsing, sponsoring, or spending money on a ballot initiative or referendum petition to ensure that all activity is accounted for and tracked. The subject line of the notification should indicate the nature of the chapter's request.

1-172 The regulatory framework for ballot measure elections is based on state and local laws, not on federal law. Therefore, Sierra Club entities may be able to use general Sierra Club funds (c4 funds) in public campaigns to support or oppose ballot measures. However, most states have registration and reporting requirements and other restrictions on ballot measure campaign activity, which must be strictly adhered to.

1-173. Individual Sierra Club entities are responsible for determining the procedures they will follow in making decisions about whether to support or oppose proposed state or local ballot measures, or in drafting, gathering petition signatures to get on the ballot, and registering ballot measures themselves. Chapters shall specify the approval procedures used for ballot measures in their Political Committee Standing Rules. They may use the candidate endorsement approval procedures outlined in these guidelines as a general model, with any modifications that they deem appropriate for their circumstances.

1-174. Chapters are responsible for compliance with all applicable state and local legal requirements relating to ballot measure campaigns. Chapters and groups must work with their Chapter Compliance Officer to ensure compliance with these requirements.

1-175. The most common legal requirement relating to ballot measure campaigns is to disclose the sources and uses of funds for these campaigns. The disclosure requirements may be triggered by an expenditure of a relatively small amount of money. If a Sierra Club entity is planning to raise or spend any money to support or oppose a ballot measure, the entity must first designate a competent volunteer or staff member who will be responsible for ensuring that the entity complies with all applicable legal requirements.

1-176. State and local ballot measures. State and local ballot measures may affect, in some instances adversely, the Sierra Club's success on some of its national environmental priority campaigns. Although the national political team and national political staff have no formal role in a chapter's decision, the national political team and national political staff may be able to provide advice and assistance to chapters that are involved in campaigns to support or oppose state ballot measures that are directly related to the Sierra Club's national environmental priorities. If your chapter is considering supporting or opposing a state ballot measure related to one of the Sierra Club's national environmental priority campaigns, chapters are required to provide information about the ballot measure to the national political desk (political.desk@sierraclub.org) and the name of the local Sierra Club contact person as early as possible, and in any case, before a decision to support or oppose has been made. In Chapters outside California, the entity responsible for approving the measure is responsible for informing the national political desk. In California, the Local Ballot Measure Review Committee is responsible for informing the national political desk when a position on a local ballot measure has been approved. The chair of the state political committee is responsible for informing the national political desk when positions are taken on statewide Propositions.

1-177. Sierra Club Sponsorship of Initiative and Referendum Petitions. Many states have initiative and referendum procedures that allow individuals and organizations to qualify ballot measures by gathering signatures of voters on a petition and submitting a sufficient number of signatures to state or local officials. The official sponsors of an initiative or referendum petition have special legal powers and responsibilities during the initiative or referendum campaign. For example, they may be named as defendants in litigation by opponents of the proposed initiative or referendum. Therefore, although chapters and groups may take positions to support or oppose state and local ballot

measures in the same manner as they take positions on other state and local legislative issues, they are required to confer with their Chapter Compliance Officer and notify the national office of general counsel (compliance.review@sierraclub.org) before making a commitment to become the formal sponsor of an initiative or referendum petition either individually or in collaboration with another entity or coalition.

1-180. Conclusion; Compliance Help; Updates, Enforcement of Guidelines

1-181. These basic concepts will help you tackle the rest of these Compliance Guidelines. Don't worry if it doesn't all fit together immediately. The Guidelines will start making more sense when you put them to practice on actual election campaigns.

1-182. If you have questions regarding the Compliance Guidelines, do not hesitate to call for assistance. First, try contacting your Chapter Compliance Officer, Chapter Political Chair, or Chapter Chair. If you need further assistance, contact the national political team member who serves as liaison with your chapter (a list of liaisons and their contact information can be found in Appendix D), or the national political staff (political.desk@sierraclub.org). If you have a compliance question that can't be answered by your Chapter Compliance Officer or SCPT chapter liaison, send an email to the national office of general counsel staff (compliance.review@sierraclub.org) for further assistance.

1-183. If you have any suggestions about additions or revisions to these Guidelines, please submit them to the national political staff (political.desk@sierraclub.org), national office of general counsel (compliance.review@sierraclub.org), or any member of the national political team. The national political team considers revisions to the Guidelines biennially, in the years following federal elections.

1-184. Guidelines Approval Process. These Guidelines are revised and updated on a biennial basis by the Guidelines Subcommittee of the national political team. After approval by the full national political team, the Guidelines are subject to the approval of the Board of Directors.

1-185. Guidelines on the Web. These Guidelines are available on the web in the Politics section of Campfire Community at <https://community.sierraclub.org/section/capacities/finance-operations/office-general-counsel/compliance/political-compliance>

1-186. Updates on the Web. Federal campaign finance rules are subject to continuous change as a result of new laws, regulations, and court decisions.

These Guidelines are based on the federal rules in existence as of October 2021. The Sierra Club's national office of general counsel staff will prepare and distribute occasional compliance memos to update these Guidelines and deal with specific topics that are affected by new federal laws, regulations, and court decisions. All compliance memos are posted on the Campfire Community on the office of general counsel > compliance homepage
<https://community.sierraclub.org/section/capacities/finance-operations/office-general-counsel/compliance/political-compliance>

1-187. Enforcement of Guidelines. The Sierra Club Political Team is authorized to ensure adherence to the Compliance Guidelines, subject to the review of the Sierra Club Board of Directors.

2-000. ENDORSEMENT GUIDELINES

2-001. In electoral politics, an endorsement of a candidate is a recommendation to the public that they should vote for that candidate. The Sierra Club endorsement is highly prized by candidates. They value it because it allows them to list the Sierra Club as a supporter in television and radio ads, mailings, and other public statements. This use of the Sierra Club name can be a crucial vote-getting tool.

2-002. An endorsement does not ensure that the Sierra Club will make any financial or in-kind contribution to the candidate's campaign. The Sierra Club endorses many candidates without making a contribution to their campaign. See 4-310 for guidelines about allocating Sierra Club resources in federal campaigns.

2-003. An endorsement allows the candidate to send a mailing to Sierra Club members and supporters at the candidate's expense, including payment of the fair market value of the one time use of that list. Guidelines for use of Sierra Club lists begin at 5-000. An endorsement also allows the candidate to apply for and use the Sierra Club's Endorsement Seal (4-124)

2-004. The criteria and procedures used to make endorsement decisions are extremely important. The Sierra Club is involved in federal, state, and local elections throughout the country. Our endorsement decisions are closely watched by several key audiences, including the general public, Sierra Club members, candidates and political leaders, and the media. The timing of endorsement decisions is also important, as earlier endorsements are often more effective. Guidelines unique to a presidential endorsement are detailed in Appendix A.

2-100. Criteria for Endorsement

2-101. Sierra Club endorsement decisions should be based primarily on three major criteria:

1. The candidate's overall record and platform, as measured by their history of public service, public statements, responses to Sierra Club interviews and questionnaires, and other factors;
2. The candidate's performance on environmental, racial equity, justice, and inclusion issues as an incumbent, if the candidate is an incumbent running for reelection; and
3. The candidate's prospect of winning the election, or at least mounting a credible campaign. Politics is an art, not a science, and the application

of these criteria depends on the specific circumstances of the particular case. See section 2-400 for suggested outcomes for different endorsement scenarios.

2-102. A Sierra Club endorsement of a candidate may be defined as a statement of our opinion that the candidate meets each of the criteria defined in sections 2-103 through 2-105.

2-103. Environmental Platform and Agenda. The Sierra Club's endorsement is a statement of our opinion that if the candidate is elected, they will support and promote environmental protection on most issues, especially on the national conservation priority campaigns (for federal races), although they may disagree with the Sierra Club on a few issues. At a minimum, the Sierra Club's endorsement is a statement of our opinion that the candidate will support and promote environmental protection on several major issues, and that they will be significantly more supportive of environmental protection than any other candidate who has a reasonable prospect of winning the election. This guideline does not imply that we should endorse the better of two or more mediocre candidates. See additional discussion beginning at 2-200.

2-104. Record as Incumbent. The endorsement of an incumbent is a statement of our opinion that the candidate deserves to be reelected based on the totality of their record, including their positions on environmental, equity and justice issues, other Sierra Club priority issues, and considering any notable leadership actions in the body in which they serve. Endorsement of a challenger is a negative statement about the incumbent as well as a positive statement about the challenger. Such an endorsement is a statement that the incumbent deserves to be defeated based on their total record, including their positions on environmental, equity and justice issues, as well as other Sierra Club priority issues. See additional discussion in section 2-301.

2-105. Candidate's Prospect of Success in the Election. In most instances, the Sierra Club's endorsement is a statement of the Sierra Club's opinion that the candidate has a reasonably good prospect of winning the election. However, there are circumstances where it may be appropriate for the Sierra Club to endorse a longshot candidate who is capable of mounting a serious campaign, even though the candidate is not expected to be successful in the current election. See the additional discussion beginning at 2-250.

2-106. Because an endorsement is a statement of the Sierra Club's position in an election, and the organization's policy is to speak with one voice, it is inappropriate for any Sierra Club member or leader to use their Sierra Club membership or title in connection with public statements that contradict our

endorsement decision. In addition, individual Sierra Club leaders are not authorized to use their Sierra Club titles in connection with their personal endorsement of a candidate not endorsed by the Sierra Club. Willful disregard of this provision subjects the violator to disciplinary action in accordance with the Sierra Club's standing rules on Standards of Conduct.

2-200. Environmental Record and Platform

2-201. One of our goals is to elect candidates who will support and promote environmental protection; therefore, one of the most important considerations when looking at candidates is their environmental record and platform.

2-202. If the candidate has held a legislative office, their voting record is an important factor. Additional factors should also be considered, particularly if the candidate has a mixed record of supporting environmental protection on some issues but not others. Has the candidate provided leadership on any major environmental issues, or in any legislative committee with jurisdiction over natural resources or other environmental issues? Have they sponsored or cosponsored any important environmental legislation? Has the candidate been willing to support environmental protection on a major issue despite opposition by significant voting blocs or business interests in the district? Has the candidate supported environmental protection despite contrary pressure by others in their party?

2-203. If the candidate has held an executive office, such as mayor or governor, or has served as a leader in another government body, and is running for reelection or for a different office, there are at least four general categories of activities to evaluate:

- (1) In making appointments to environmental agencies and other important offices, has the candidate selected capable individuals who have taken effective action to carry out environmental laws and programs?
- (2) In making budgetary decisions, has the candidate given an appropriate level of financial support to environmental programs?
- (3) Has the candidate supported and promoted environmental protection in their legislative proposals and participation in the legislative process?
- (4) Has the candidate provided effective leadership in building and maintaining public support for environmental protection?

2-204. Obtaining Candidate Questionnaires. Many non-incumbent candidates will not have an extensive record. Thus, it can be helpful to obtain a

questionnaire and perhaps an interview from these candidates if they appear to have a reasonable prospect of success in the election and if they are seeking an endorsement. However, it is not necessary nor good practice to request a questionnaire from an incumbent with a good record. See 2-511.

2-205. Sierra Club leaders should also consider the candidates' public statements and campaign literature as an indication of their environmental platform. The candidates' key sources of funding and other support may also be relevant as a sign of what their agenda will be if they are elected, though sources of candidates' funding must not be the sole factor in any endorsement decision.

2-206. The evaluation of the candidates' record and platform should be based on the Sierra Club's environmental, justice, racial equity, democracy, and inclusion issues and mission. A candidate's record must not be based solely on a voting scorecard, but should also include policy platforms, candidate's statements, and responsiveness to community concerns.

2-207. No one issue may dictate the decision. For instance, it would ordinarily be inappropriate to deny an endorsement to a candidate with an excellent overall voting record solely because they are at odds with the Sierra Club on a single issue. Nor would it be appropriate to endorse a candidate who is excellent on one important issue but who votes against us most of the time. Chapters and groups should be particularly cautious about endorsing candidates who have taken a position against our national conservation priority campaigns.

2-208. In federal races, the evaluation should give principal attention to the Sierra Club's national priority issues and other federal legislative issues that have nationwide significance, but it may also consider issues that are primarily significant within the candidate's own district, state, or region, and the candidate's overall record on core values of racial equity and justice. Similarly, issues of statewide significance should be weighed more heavily in state-level races, and local issues are most important in local elections.

2-209. The disparity between an incumbent's record on national Sierra Club priorities and on one or more local issues can be a cause of contention. Sometimes a congressional hero on national legislation is less responsive on a local public works project, for example, so differing views can develop between local activists and the national political team. A comparable problem can develop between chapter leaders and group leaders about state legislators. There is no automatic answer to this problem, but where it exists it should be addressed as early in the electoral cycle as possible. If the incumbent is a congressional leader with an important role in advancing the Sierra Club's national agenda, it is critical that dialogue is established between the national and local levels within

the Sierra Club, and between both Sierra Club levels and the incumbent. All parties must try to understand the others' substantive goals and political constraints, so that late-cycle conflict can be avoided. If the national political team believes that a major national Sierra Club priority is at risk, and if it cannot reach agreement with the chapter, it may ask the Board of Directors to authorize appropriate action in the election (see 2-721).

2-210. The Sierra Club must be consistent in how it handles races that are similar to one another. In congressional elections, for instance, we should not ordinarily withhold endorsement of congressional incumbents with good voting records when we endorse practically all other incumbents who have similar records. However, we must account for regional differences when evaluating congressional candidates. In a region where environmental support is very strong, for example, an incumbent who votes for the environment 60 percent of the time is considered not very good. In contrast, a 60-percent pro-environment record could be considered relatively strong for an incumbent from a region where environmental support is very weak. In applying the endorsement criteria described beginning at 2-100, it is important to compare the candidates with their opposition and with other legislators and candidates from the same region or who represent similar districts and/or constituencies. For example, candidates who represent districts with a heavy manufacturing or extraction presence.

2-250. Candidate's Prospect of Success in the Election

2-251. Rationale for Considering Prospect of Success. Since the beginning of the political program in 1982, we have generally focused our efforts on candidates who have a reasonable prospect of winning their election. We have rarely endorsed candidates who seem to have little chance of winning. There are several reasons for following this general strategy. First, when good environmental candidates win their elections with the Sierra Club's endorsement, their success helps build the public credibility of our endorsement. Conversely, the Sierra Club's credibility suffers if we endorse weak or non-viable candidates who have little or no hope of winning their elections. Second, we make better use of the Sierra Club's limited resources when we focus our efforts on candidates who can win, instead of diverting our resources into campaigns that are almost certain to lose. Third, strong candidates who have a reasonably good environmental record and platform will be more likely to seek our support and work with us if they know the Sierra Club will work with them at election time, instead of opposing them in favor of less viable candidates whose environmental platform is closer to the Sierra Club's ideal views. Fourth, our lobbying campaigns often depend on gaining the support of moderate incumbents for key environmental issues, and these campaigns will suffer if we alienate the moderate incumbents by endorsing opponents who have little hope of defeating

them.

2-252. The Sierra Club's political program is not limited to sure winners. There are several situations in which it may be appropriate to endorse a candidate who is able to mount a serious campaign but who has little chance of winning the current election. For example, the Sierra Club has endorsed such candidates in the following circumstances:

- (1) The incumbent was so hostile to our views that we had nothing to lose, and a longshot challenger with good public credibility made our values a centerpiece of their campaign.
- (2) The candidate had widespread and enthusiastic support among Sierra Club members in the area, and our participation in the campaign would mobilize and energize Sierra Club volunteers to take political action and/or engage in advocacy.
- (3) The endorsement was part of a long-range strategy to build public support for a candidate who was likely to have a much better chance of winning a future election.

This list is illustrative, and not exhaustive. The Sierra Club is in the political process for the long run, so in appropriate circumstances credible environmental candidates should be able to receive support from the Sierra Club even if they are not likely to win their current election.

2-253. Factors to Consider. There are several keys to look for in determining a candidate's prospect of success in the election.

- (1) Does the candidate hold a public office, either by election or appointment?
- (2) Have they been elected in the past?
- (3) Do they appear to have the experience and ability to perform the responsibilities of the office in question?
- (4) Based on the nature of the race, does the campaign have enough money and other resources to be visible and credible to voters and the media?
- (5) If it is a partisan election, how much support will the candidate receive from their political party?
- (6) Does the candidate seem to have a realistic campaign plan and a well-organized campaign?
- (7) Does the candidate already have support in the community?
- (8) Have they been endorsed by other influential organizations or political leaders?
- (9) Is the candidate receiving any media coverage?
- (10) Does the voting history of the district indicate that a person of the candidate's party and philosophy could be elected?
- (11) If there are polls, what do the numbers show?

2-254. **Minor-Party Candidates in Tight Races.** Most elections in the United States are conducted under a simple "winner-take-all" system that generally favors major-party candidates. Minor-party candidates generally have no prospect of winning this type of election. Nevertheless, a minor-party candidate's campaign may be a "success" from the minor party's perspective if the candidate receives at least the statutory minimum percentage of votes that is necessary to qualify the party for official recognition or other public benefits as a political party. In tight races this party-building goal can be harmful to the Sierra Club goal of electing candidates who will support and promote environmental protection. One common situation is a tight race involving a strong anti-environmental candidate, a second strong candidate who supports environmental protection on a limited range of issues, and a weak minor-party candidate with a good environmental platform but virtually no chance of winning. In this situation, endorsement of the longshot minor party environmentalist could split the environmental vote and lead to the election of the most hostile candidate -- our least preferred outcome.

2-255. **Activities Short of Endorsement.** In some cases it may be appropriate for the Sierra Club to engage in activities short of endorsement for long-shot candidates who are good environmental advocates. For example, this course of action may be advisable where a moderate incumbent is faced with an environmentally friendly challenger who is clearly not in a position to mount a winning campaign. There are also situations in which geography and/or demographics are such that it is better for both the candidate and the Sierra Club for us to support the candidate privately, not publicly. We often need support from moderate legislators to achieve victory on close votes, and a public endorsement of their opponents may make it harder for us to influence them after they are reelected. See the discussion beginning at 2-900 for a description of the types of political action that we can engage in without making an endorsement.

2-300. Incumbency, Partisanship, and Other Criteria

2-301. **Incumbency.** It is important for the Sierra Club to endorse incumbents with good environmental, equity, and justice records and consistent support for our policy goals. Officials who are clearly supportive of Sierra Club values should be recognized by an endorsement to encourage their continued support for our issues, even if a challenger has better credentials than the incumbent. We must send a consistent signal to legislators and other elected officials that if they work for our issues, we will support them. Otherwise, if we abandon our incumbents and support their opponents, legislators will be less likely to support our positions when we need them.

Definition of incumbency. An “incumbent” is defined as a sitting officeholder running for reelection to the office they currently hold. An appointed incumbent is an incumbent. A candidate holding the same office but within district boundaries that have changed is an incumbent. A candidate holding an at-large seat (for example, for a city council) but now running in a district election is an incumbent. Note that the latter two situations may pit two good environmental incumbents against each other and be among the rare occasions when a dual endorsement may be appropriate. Candidates currently serving in other offices (including offices at the same level, such as an Assemblymember running for State Senate), are not incumbents. Candidates who held the office previously are not incumbents. Candidates who were endorsed for the office previously but were not elected to that office are not incumbents.

2-302. Although the Sierra Club has a policy and practice of endorsing incumbents for reelection if they have a good record, there are exceptional occasions where an endorsement against a generally supportive incumbent may be advised. In these circumstances, the chapter, working in collaboration with the national political team and national political staff, may recommend supporting a strong challenger who has met all of the criteria for an endorsement, against an incumbent (see 2-101). In these exceptional instances it is critical that the challenger demonstrates that they are already an environmental leader and can mount a viable campaign and win (see 2-253).

2-303. Incumbents in Safe Seats. There are several reasons for the Sierra Club to endorse incumbents with good environmental records even though they do not face a competitive race. For example:

- (1) The Sierra Club's federal and state lobbying programs usually work closely with many good incumbents in safe seats, so our political program should also pay attention to them.
- (2) Politicians, voters, and the media look to the Sierra Club's endorsement list to see the extent of environmental support within electoral bodies, so the omission of good incumbents gives an inaccurate message.
- (3) An endorsement usually provides an opportunity for a personal meeting with the incumbent, either before or after the endorsement is made. In addition, it helps to maintain a continuing positive relationship and dialogue with the incumbent about the Sierra Club's environmental concerns. Conversely, failure to endorse the incumbent often leads to a more difficult relationship with the incumbent.
- (4) The visibility and credibility of the Sierra Club's political program increases when popular incumbents include the Sierra

- Club on their lists of supporters.
- (5) An endorsement authorizes the Sierra Club to contribute financially or through in-kind support to the campaigns of incumbents who are supportive of the environment and the mission of the Sierra Club.

2-304. Independence from political parties. The Sierra Club is independent from and not aligned with any political party. Good environmentalists from all parties (as well as those with no party affiliation) should be treated equally, just as bad ones from all parties should be opposed equally. In recent years, the average environmental score of Democrats, as determined by the League of Conservation Voters, has been higher than the average score of Republicans. Reflecting this difference, the Sierra Club has endorsed more Democrats than candidates from other parties. We should not let this general record distort our assessment of individual candidates who are committed to environmental protection. Otherwise, we will miss the opportunity to help elect and build relationships with many excellent candidates. Moreover, we could give the impression to candidates from other parties that we are not interested in working with them, thus reducing the incentive for them to work for environmental protection. We should encourage pro-environment candidates from all parties to run for office, and we should take active steps to ensure that candidates who meet our basic criteria are given full consideration for endorsement, regardless of their party affiliation.

2-305. Chapter Political Party Endorsements. Because involvement with internal partisan decision-making (other than primary elections) can undermine our credibility as a nonpartisan organization, endorsements for party offices such as central committees are strongly discouraged and are only permitted where one political party has overwhelming dominance and the precedent for making such endorsements has already been made. National political staff must be notified before such endorsements are undertaken, and any endorsements for such offices must meet basic Sierra Club endorsement criteria including an objective research process, invitation to all candidates to participate, and approval by a two-thirds majority from two entities. Provisions regarding conflicts of interest (section 2-610) and barring preferential treatment for candidates who are also Sierra Club activists (section 2-308) all apply.

2-306. Partisan Legislative Bodies. Congress and most state legislatures operate within a highly partisan framework, usually divided between two major parties. In this situation it is often essential to have bipartisan support to pass environmental legislation. For this reason, we should be particularly cautious about endorsing a challenger against an incumbent legislator whose environmental record is well above the norm of other legislators from the same

party, even though it is only mediocre by our standards. Endorsing entities should review the record of and relationship with such an incumbent, and weigh that against the viability and prospects of any challenger. In elections that do not involve an incumbent, however, Sierra Club endorsement decisions should be based on the substantive criteria described in these Guidelines, without regard to the candidates' party affiliation.

2-307. Scandal. On rare occasions, candidates who have been endorsed or are being considered for a Sierra Club endorsement are embroiled in some kind of public controversy or accused of some wrongdoing. In such situations, the SCPT co-leads may consult with the chapter and the Board to determine appropriate next steps. Although we should not prejudge the ultimate outcome of the accusation or controversy, if there is enough evidence to take an accusation of scandal credibly, we must exercise caution before endorsing a candidate with perceived ethical or legal problems, and consider how the issue could affect the candidate's prospect of success in the election and how an endorsement might affect the Sierra Club's reputation with the general public. On rare occasions retraction of an endorsement might be appropriate. If a candidate at any level is under indictment their endorsement requires advance approval from national political staff.

2-308. Club Volunteer as Candidate. The Sierra Club encourages qualified Sierra Club activists and other environmentalists to run for public office, but the same endorsement criteria still apply. Preferential treatment for Sierra Club leaders would undermine our reputation for fairness and is not permitted. The endorsement process must be open and impartial, consistent with the procedures required under these guidelines and without favoritism to candidates who are Sierra Club volunteers. In some situations it may be advisable for the Sierra Club leader who is running for office to resign or take a leave of absence from the Sierra Club position to separate their campaign positions and actions from the positions and actions of the Sierra Club, but there is no general rule that precludes a Sierra Club leader from running for public office while continuing to serve in a Sierra Club volunteer role. A Sierra Club volunteer who is a candidate may list their past or present Sierra Club offices as part of a general campaign biography, but unless endorsed, neither the campaign biography nor any other campaign materials may imply that the Sierra Club has endorsed their candidacy. Please see 2-610 for more information.

2-309. Club Staff Member or Contractor as Candidate or other personal political involvement. As a general guideline, Sierra Club staff members and independent contractors may run for public office or have a significant role with a political campaign or party while maintaining their relationship with the Sierra Club, as long as their campaign activities do not interfere with the performance of their

Sierra Club duties. At the launch of their campaign, the Sierra Club staff member or independent contractor must reach out to the office of general counsel to obtain a Personal Electoral Activity agreement that outlines an appropriate separation between the campaign and their job duties. In making endorsement decisions, the same endorsement criteria still apply to candidates who are current or former Sierra Club staff members or independent contractors, as do the procedures required under these guidelines for reaching an endorsement decision, with the exception that current staff members may not be interviewed by someone they currently supervise. A current or former staff member who is a candidate may list their past or present Sierra Club relationship as part of a general campaign biography. Unless the Sierra Club has endorsed their candidacy, however, neither the campaign biography nor any other campaign materials may imply that the Sierra Club has endorsed their candidacy.

2-350. Primaries and Early Endorsements

2-351. Primaries and Other Multi-Step Elections. Many elections involve a multi-step process prior to the ultimate election. In partisan elections, the most common form is a primary election to select each party's nominee, followed by a general election. In nonpartisan elections there is no party primary, so all candidates participate in the first election, but there may be a runoff election between the top vote-getters. Some elections may involve an additional step, such as a convention or a caucus selection process. For convenience, the term "primary" is often used in a broad sense to include all of the intermediate electoral steps leading up to the final election.

2-352. There are several reasons for the Sierra Club to be involved in primary and other intermediate elections:

- (1) In districts that are safe for one party, primary elections are our only opportunity to elect pro-environmental candidates to open seats and defend them against future primary challenges. They are also our only opportunity to help strong pro-environmental challengers replace anti-environmental incumbents.
- (2) The Sierra Club's involvement may have a greater impact in primary elections, because fewer people vote in primaries than in general elections.
- (3) Primary elections usually require fewer resources than general elections and may have separate contribution limits.
- (4) If we develop a good base of volunteer activists during primary campaigns, we will have a greater ability to engage in grassroots action during general elections.
- (5) Engaging in the primary is an opportunity to ensure Sierra Club priority

issues are part of the public conversation and may be a way to push competing candidates further along in support of our issues.

2-353. Limited Endorsement or Full Endorsement. The Sierra Club could make a separate limited endorsement decision for each step in a multi-step election process. However, it is almost always better to identify a single preferred candidate early in the process and make a full endorsement that applies through the final election. This action allows for early support (which is always appreciated), and it creates a sustained and unambiguous relationship with the candidate. It is important to indicate in the documentation recommending the endorsement the type of election(s) for which the candidate has been endorsed: Special Election, Runoff Election, Primary Election, General Election, or multiple elections where appropriate (e.g. Primary and General elections). Failure to properly indicate the election(s) for which the endorsement form is submitted may result in a delay in processing the endorsement request.

2-354. Provisional Primary Endorsements. When there are two (or more) strong candidates in the primary and the chapter has decided against making a primary endorsement, it is important to be able to act as quickly as possible after the primary is over. Therefore the chapter should complete the research process before the date of the primary and also vote to endorse whichever strong environmental candidate wins their primary. In the case of federal candidates, the provisional endorsement should also be sent to the national political team for concurrence before the primary. This process allows the endorsement to be announced and campaigning to begin immediately after the conclusion of the primary elections.

2-355. Primaries for Open Seats. Primary elections for an open seat often attract a crowded field of candidates. When there are two or more strong candidates who would qualify for a Sierra Club endorsement based on their environmental record and platform and these candidates are the only ones who seem to have a reasonable prospect of winning the primary, it is best to wait until after the primary to make an endorsement. The situation is much more difficult if the primary is a three-way or four-way race, with two or more strong environmental candidates and one or more other strong candidates who are much less supportive of environmental protection. A split in the environmental vote could lead to the least desirable outcome. Thus, in this situation it is usually better for the Sierra Club to make a difficult choice and endorse one of the strong environmental candidates.

2-356. Limited Primary-Only Endorsement in Multiple Primaries. In some situations it might be appropriate to endorse candidates in two or more parties' primaries for an office. This action requires great care in sending a clear

message to the candidates and to the public that the endorsement applies to the primary election only. The letter to each candidate confirming the endorsement should specify that the endorsement applies only to the primary election, and that the Sierra Club's endorsement cannot be used in any campaign materials after the primary election unless the Sierra Club decides to endorse the candidate again in the general election. This course should be approached with considerable caution, because the Sierra Club will face a very difficult choice if both candidates win their party's nomination. If the Sierra Club endorses only one candidate in the general election and the other candidate wins, we are likely to have a poor relationship with the winning candidate. On the other hand, if the Sierra Club endorses both candidates in the general election, we send an unclear message to our members and to the voters. If we take the third option and endorse neither candidate in the general election, we undermine the credibility of our primary endorsements, and we almost certainly antagonize both candidates. Instead of making endorsements in multiple primaries, it is often better to approve Actions Short of Endorsement for the good environmental candidates (see 2-911).

2-357. Early Endorsements Before Filing Deadlines. State and local laws impose calendar deadlines for a candidate to file a formal notice of their candidacy. However it may be advisable to make an early endorsement rather than wait for the filing deadline. For example:

- (a) Early endorsements are clearly indicated for incumbents with good environmental records (see 2-358).
- (b) Early endorsements may be necessary for effective action if the election is less than four months from the filing deadline, and waiting until after the filing deadline could needlessly hinder our effectiveness (see 2-359). This situation often exists in primary elections, which may have a very brief period between the filing deadline and the primary.
- (c) Early endorsements may be appropriate to provide maximum support for a particularly good candidate who is facing a close race (see 2-360).

2-358. Except where the early endorsement is for an incumbent running for reelection, it is advisable to send a questionnaire and perhaps offer an interview to all known potential candidates for the position (see 2-504).

2-359. Incumbent with a Good Environmental Record. As noted in section 2-301, the Sierra Club has a fundamental policy and practice of endorsing incumbents for reelection if they have a good environmental record and demonstrate strong support for policies and values central to the Sierra Club and

our partners. Early endorsement of these incumbents sends a clear message to the public and to other elected officials that we recognize their good record and support their reelection regardless of who may file to challenge them.

2-360. Short Campaign Period for Open Seat. An early endorsement is often appropriate if the filing deadline is less than four months from the election. To have maximum impact, the Sierra Club's endorsement should be completed at least two months before the election. The endorsement process for open seats should begin early because it can take some weeks to complete questionnaires, interviews, and internal approval decisions. If the election is less than four months from the filing deadline, the chapter or group political committee should send questionnaires and schedule interviews with prospective candidates before the filing deadline has closed. If there is a clear choice among the prospective candidates, and if there is little prospect of a last-minute entry by another viable candidate with a good environmental record, it is appropriate for the Sierra Club to complete its process and announce its endorsement without waiting for the filing deadline to pass.

2-361. Outstanding Candidate in Close Race. An early endorsement may be appropriate to give maximum support to an outstanding environmental candidate who is facing a very close race. For example, an early Sierra Club endorsement could help a strong challenger make the environment a major issue in a campaign against a bad incumbent. Likewise, if the election is for an open seat and there is a strong candidate with an outstanding environmental record, an early endorsement would help the candidate solidify their support among voters who are particularly concerned about environmental issues.

2-362. Early Action in Late Primary. Some states hold their primary elections very close to the general election. In this situation it is usually most effective for the Sierra Club to make an endorsement during the primary campaign. If the Sierra Club does not make an endorsement during the primary, we should be prepared to make its endorsement as soon as possible after the primary (see 2-354).

2-370. Dual Endorsements; Multiple-Seat and Ranked-Choice Elections; Candidate Slates

2-371. Dual Endorsements (Ranked choice endorsements are different and are covered in 2-380). It is almost never appropriate to endorse more than one candidate for an office. Dual endorsements risk creating confusion among Sierra Club members and the general public about the Sierra Club's role in and view of the election, and may create difficult internal divisions if Sierra Club leaders are drawn into conflicts between endorsed candidates. In addition, one or both of the

candidates to receive a dual endorsement may prefer no endorsement at all to a dual endorsement. It is essential to make sure that both candidates find a dual endorsement acceptable before announcing it publicly. Ideally, the possibility of a dual endorsement will be made known to both candidates during the interview process, and their acquiescence determined, but if this is not possible the endorsement vote should explicitly state that it is provisional pending candidate agreement. If one candidate rejects an approved dual endorsement then the endorsement applies to neither candidate. A dual endorsement should never be undertaken unless the Sierra Club entity has volunteer leaders or staff who are willing and able to effectively manage the Sierra Club's involvement in the election after the decision. If you are contemplating a dual endorsement in a federal race, make early contact with the national political staff or the political team volunteer who serves as liaison with your chapter to discuss whether the circumstances warrant this very rare action.

2-372. Primary Elections. As noted in section 2-354, a dual endorsement may be appropriate in rare circumstances. For example, if redistricting puts two good incumbents against each other, or if a primary election includes two strong candidates with reasonably good environmental records and a third candidate who is competing for the environmental vote but who would be much weaker in the general election, a dual endorsement might be warranted. In these situations, endorsement of both of the pro-environmental candidates during the primary will allow the Sierra Club to participate fully in the general election as soon as the primary is over. It may also help to make the environment a more significant issue in the general election.

2-373. Significance of Dual Endorsement in Primary. If the Sierra Club endorses more than one candidate for nomination in a primary election, this action is a public statement that (1) the Sierra Club supports the election of any of the endorsed candidates from an environmental perspective, and (2) primary voters should choose between the candidates based on non-environmental issues. Unless the endorsement is expressly limited to the primary election (see section 2-355), it is also a public statement that if one of the endorsed candidates wins the primary, the Sierra Club will support their candidacy in the general election. Another possibility is to approve activities short of endorsement for two or more candidates in a crowded primary field. This is particularly appropriate when there are multiple candidates running for a seat where the primary is considered to be the deciding election.

2-374. Procedure for Dual Endorsement. If a Sierra Club entity is considering endorsing more than one candidate for an office, it may vote on each candidate individually, or it may vote on both candidates in a single motion. However, no candidate should be endorsed who does not individually qualify for a Sierra

Club endorsement under the criteria contained in these guidelines.

2-375. **Public Statements After Dual Endorsement.** If the Sierra Club has endorsed two or more candidates in an election, the Sierra Club may make individualized public statements in support of each of the endorsed candidates. However, the Sierra Club should not make public statements or take other actions that selectively favor one of the endorsed candidates over the other. Sierra Club volunteer leaders should not mention their Sierra Club affiliation in connection with any *personal* public statements they make in support of or in opposition to any of the endorsed candidates. This restriction is intended to minimize the risk of creating public misunderstanding about whether they are speaking for the Sierra Club.

2-376. **Use of Club Name and Endorsement Seal by Dual Endorsed Candidates.** Before deciding to endorse two or more candidates for an office, the Sierra Club entity must identify a volunteer leader or staff member who will actively act as liaison with the endorsed candidates' campaigns and control their use of the Sierra Club name and Endorsement Seal in their campaign materials. It is always desirable for the Sierra Club to have a designated campaign liaison (see section 4-102), but it is essential after a dual endorsement in order to minimize the risk that the Sierra Club will be drawn into a dispute between the endorsed candidates.

2-377. **General or Runoff Election.** A dual endorsement almost never makes sense in a general or runoff election. Such an endorsement for a federal candidate will not be approved by the national political team, which may choose to recommend an endorsement for one candidate to the Board of Directors.

2-378. **Multiple Endorsements in Multiple-Seat Elections.** It is fairly common in local elections for more than one seat to be filled in a single contest. In a city council election, for example, the top two vote-getters in a field of six might be elected to fill two seats on the city council. To avoid confusion, the Sierra Club should endorse the same number of candidates as there are seats to be filled. Endorsing more candidates than there are seats to fill risks dividing the environmental votes and may lead to the victory of one of our opponents. If there are not enough strong environmental candidates, however, adhere to the endorsement criteria discussed above, and do not feel obliged to endorse as many candidates as there are available seats. In rare instances it might be appropriate to endorse more candidates than there are seats to be filled, but this action is discouraged, and is subject to the same restrictions that apply to dual endorsements.

2-379. Reserved

2-380. Ranked-choice (Instant-Runoff) Elections. Some jurisdictions have adopted “ranked-choice” or “instant-runoff” elections in which voters indicate their first-choice, second-choice, and third-choice candidate, etc. Some jurisdictions allow voters to indicate more than three choices. If no candidate wins a majority of first-choice votes, the candidate with the lowest number of first-choice votes is eliminated, and their first-choice ballots are reallocated based on the second choice. The process of elimination and reallocation continues until one candidate has a majority of the votes. Because ranking approaches differ so much from one place to another, chapters are encouraged to work with their SCPT liaison to devise the best strategy, within the general framework of the SCPT Compliance Guidelines.

2-381. Ranked Choice Elections: State and Local. It is usually most effective for the Sierra Club to endorse only one candidate in a ranked-choice election. If an incumbent with a good record is running for reelection in a ranked-choice situation, the Sierra Club should endorse only the incumbent. Likewise, if there is only one candidate who has a good environmental record and platform, and who also has a reasonable prospect of success in the election, the Sierra Club should endorse only that candidate. (See the guidelines at section 2-250 for discussion of the concept of “success” in an election.) Because endorsing more than one candidate can split votes between two good environmental candidates, it can make it easier for a candidate who is hostile to our agenda to win an election. For that reason, ranked-choice endorsements are only permissible for a ranked-choice election. If a chapter decides to endorse two or more candidates for a ranked-choice election, it may rank the endorsed candidates, or it may endorse the candidates without ranking them.

2-382: Ranked Choice Elections: Federal. Ranking of candidates in federal races will almost never be approved and only in rare circumstances where multiple candidates meet the criteria outlined in these guidelines. It is almost always most effective to endorse and support one candidate for a federal office to avoid limiting resources and causing confusion. Ranking of candidates in federal races requires advance approval from the national political staff, in addition to being subject to the endorsement approval processes set out in these guidelines. Endorsing entities in states where ranking is possible for federal offices are encouraged to work with their SCPT liaisons and national political staff beginning early in the election and endorsement process.

After making an endorsement for a candidate in a federal race in states with Ranked Choice Voting, chapters must clearly communicate support of the endorsed candidate and any ranking. For example, “Sierra Club has endorsed Rita Green for US Senate and we must do everything we can to elect her. We

recognize that voters have the ability to rank candidates in order of preference. We urge our members to rank Rita Green first.”

In the rare circumstance of a federal ranked endorsement, only the top ranked candidate may use the endorsement seal in a federal race.

2-383. Use of Club Name and Endorsement Seal by Ranked Choice Non-Federal Candidates.

Chapters must clearly articulate the nature of the ranked or multiple endorsements in any communications and to candidates and their campaigns. For example, the chapter must notify a candidate at the time of the endorsement whether a candidate ranked as the #2 choice in the race should be expected to include language identifying their “#2 choice” status when promoting the endorsement. It is appropriate to ask and expect that candidates make their ranking clear. In some circumstances, a chapter may decide to endorse more candidates than the number of candidates the voters may choose under the ranking system.

As a general rule, only the top ranked candidate in non-federal ranked choice elections may use the endorsement seal. We recognize there are circumstances where it may make sense to allow all endorsed candidates to have access to the endorsement seal; in these situations please work with your SCPT liaison for an exception. However candidates must include their ranking position if the chapter has indicated they expect them to identify their rank in a given election. For example, Rachel Green has been endorsed and ranked as Sierra Club’s 1st choice, and Joe Blue has been endorsed and ranked as Sierra Club’s second choice. The chapter wants candidates to include language identifying their ranking and this has been communicated to candidates. Here, both can use the endorsement seal if the chapter decides to allow it, but Joe Blue must include that he has been ranked as #2 in Sierra Club’s ranking.

2-384. Endorsing Candidate Slates. While it is common to have slates of candidates running for multiple seats, and good environmental candidates may prefer to be interviewed together and to be endorsed as an entire slate, the Sierra Club does not encourage the practice. Individual candidates should generally be endorsed on their own individual merits. An exception might be when there are some major environmental issues in the campaign and in various slates’ platforms; even then care should be taken to ensure that each candidate is worthy of the Sierra Club’s endorsement.

2-385. In most cases, when endorsing two or more candidates, it is better to limit confusion and to announce both endorsements at the same time. Endorsement

pages on Chapter websites and other member communication regarding the endorsement should include all endorsed candidates in a particular race, and should be described clearly and consistently for the duration of the election cycle.

2-390. Opposition to Candidate; Retraction of Endorsement; Recall Elections

2-391. Official Position Against an Anti-Environmental Candidate. Occasionally, Sierra Club might take an official position opposing a candidate without endorsing their opponent. A position in opposition to a candidate requires the same two entity, two-thirds majority voting procedure described in section 2-600. This action could be appropriate for an incumbent who has an atrocious record on environmental issues, for example by actively promoting and sponsoring anti-environmental legislation. The individual must be clearly identified by the media and/or the Sierra Club as someone with notable anti-environmental positions. This action can be effective when the Sierra Club wants to begin to mobilize opposition before the identity of the opposing candidate has been determined. In other circumstances (e.g. when the candidate's major opponent has a marginal environmental record or has little or no chance of winning the seat) the effectiveness of explicit advocacy for the defeat of a candidate is generally limited, and other mechanisms will nearly always be preferable, such as engaging in political action without endorsing or opposing any candidate. (See the discussion beginning at 2-900.)

2-392. Retraction of an Endorsement. This action should be used only on those rare occasions when the Sierra Club must publicly distance itself from an endorsed candidate who has clearly and consistently demonstrated disregard and outright hostility toward environmental protection or the candidate is involved in a scandal (see 2-307) where continued support by the Sierra Club is contrary to our values or would weaken our credibility and tarnish our reputation. Retraction of an endorsement could be appropriate when the person has clearly misrepresented their environmental agenda to the Sierra Club, either on a questionnaire or in interviews, and later proved to be hostile to the Sierra Club's environmental agenda by frequently voting contrary to those previously expressed positions. Change of political party during an election cycle may additionally justify retraction. This action is likely to lead to a broad and lasting antagonism between the Sierra Club and the person whose endorsement is retracted, so it should not be based on a disagreement on a single set of issues. In the case of misrepresentation on environmental issues, the Sierra Club must first attempt to communicate with the person about our disagreements with their actions and do our best to work with the person to improve their record. The option of retraction should be explored only after these attempts have been

unsuccessful. If the chapter decides to rescind an endorsement, the endorsing entity must inform the national political team (political.desk@sierraclub.org) and the candidate. The procedure for retracting an endorsement is the same as for making an official endorsement, as described beginning at 2-600.

2-393. Change of Party During an Election Cycle by an Endorsed Candidate. If an endorsed candidate changes their party affiliation before the election, retraction under 2-392 may be considered. The same Sierra Club entities that voted to approve the endorsement must assess such a change, and may reopen the endorsement process, retracting the previous endorsement and considering other candidates. Nothing prohibits this candidate from re-applying for endorsement and the endorsing entity must inform the candidate of their ability to seek reconsideration of their endorsement.

2-394. Recall Elections. A recall of an elected official is essentially a referendum on an incumbent and in most states, it is a referendum ballot measure as described in 1-177. The Sierra Club should support elected officials with good environmental records by opposing their recall. Likewise, supporting recalls can be appropriate for public officials who have poor environmental records. As in regular elections, the procedure for supporting or opposing a recall of a public official is the same as for making an official endorsement and must be approved by a two-thirds vote of two Sierra Club entities, as described beginning at 2-600.

2-400. Suggested Outcomes for Different Endorsement Scenarios

2-401. There are five possible outcomes of the endorsement process. The most common outcomes are no endorsement and full endorsement. In rare instances, formal opposition to a candidate, activities short of endorsement (see section 2-900) and in rarer instances, dual endorsement (2-370) may be the outcome. The criteria for deciding who is a “good environmental incumbent” include total performance in office and support for fundamental equity and justice values, not voting record alone. See Appendix F.

The scenarios below are the suggested outcomes for the most common situations. Politics is an art, not a science. It is not possible to apply a blanket rule to every situation. If your endorsing body is wrestling with these scenarios and how to apply the criteria, please reach out to your SCPT liaison for support, suggestions, and best practices. However, as discussed above, in many circumstances it is good practice to offer a questionnaire and perhaps an interview, to credible challengers facing good incumbents.

2-402. Good environmental incumbent vs. bad environmental challenger:

Endorse incumbent.

2-403. Good environmental incumbent vs. good environmental challenger:
Endorse incumbent.

2-404. Good environmental incumbent vs. better challenger who is an
office-holder in a different position: Endorse incumbent.

2-405. Good environmental incumbent vs. environmental challenger who is also
a Sierra Club activist: Endorse incumbent.

2-406. Incumbent very good on environmental issues most relevant to the
position where running for reelection, but bad on one or more local issues vs.
pro-environmental challenger with very little chance of success in the election:
Endorse incumbent.

2-407. Moderate environmental incumbent vs. pro-environmental challenger
with very little chance of success in the election: Endorse incumbent.

2-408. Incumbent with a generally good voting record but mediocre or poor
performance on key issues vs. a much better challenger who is mounting a
credible campaign. No endorsement, or in rare cases endorse challenger.

2-409. Good environmental challenger vs. bad environmental incumbent, close
race: Endorse challenger.

2-410. Good environmental major-party challenger in extreme long-shot race
against bad environmental incumbent: No endorsement, unless the challenger is
a credible candidate who is making the environment a major issue and the
campaign will build public support for environmental concerns in the district.

2-411. Good environmental minor-party challenger vs. bad environmental
incumbent, bad (or no) major-party challenger: No endorsement, unless the
environmental challenger is a credible candidate and the campaign will build
public support for environmental concerns in the district.

2-412. Strong environmental challenger vs. average incumbent, close race:
Endorse challenger.

2-413. Weak environmental challenger vs. average incumbent, extreme
long-shot race: No endorsement.

2-414. Poor environmental challenger vs. worse environmental incumbent: No

endorsement.

2-415. Open seat with one good environmental candidate, one bad one: Endorse good candidate, unless good candidate has an extremely small chance of winning.

2-416. Open seat with two equally viable candidates who are equally good on environmental issues: No endorsement or activities short of endorsement for both candidates.

2-417. Open seat with one bad environmental candidate, one good candidate with a reasonable prospect of winning, and one candidate with excellent positions on our issues but little chance of winning: Endorse good candidate with a reasonable chance of winning.

2-418. Open seat with no good environmental candidates: No endorsement.

2-419. Several strong environmental candidates for two or more at-large seats, such as in some city council elections: Endorse the best strong environmental candidates for the number of seats to be filled.

2-420. Good environmental candidate vs. bad environmental opponent and the good environmental candidate would like support, but does not want a public endorsement which could hurt their candidacy: Activities short of endorsement for good environmental candidate.

2-421. Bad environmental incumbent vs. a good environmental challenger, but the challenger has very little chance of success in the election: Activities short of endorsement for good environmental challenger.

2-422. Average environmental incumbent whose record has improved and deserves encouragement, but the candidate is not worthy of a full endorsement vs. a good environmental challenger with very little chance of success in the election: Activities short of endorsement for incumbent.

2-423. Two good environmental candidates in a primary both deserving of support in a close race, but a dual endorsement might confuse the public and failure to endorse the winning candidate may harm a future working relationship: Activities short of endorsement for both good environmental candidates.

2-430. Criteria for involvement in primaries

2-431. It is critical to take the entire primary landscape, along with potential general election scenarios, into consideration when making decisions about primary endorsements. See reasons why Sierra Club may be involved in primaries in section 2-352. Races in which to consider getting involved in the primary:

- (1) Open seat in which the district is safe for Party "A": Get involved in the Party "A" primary if the race is competitive and there is a clear environmental difference between the candidates.
- (2) Open seat, competitive district; there is a pro-environment, strong candidate in Party "A," and no good candidate in Party "B": Endorse the strong environmental candidate for the Party "A" primary and general election.
- (3) District is safe for Party "A," incumbent from Party "A" will have competitive race in primary, there is a clear environmental difference between strong candidates in that primary: Endorse the strong pro-environmental candidate in Party "A" for primary and general election; stay out of Party "B" primary.
- (4) Good incumbent in Party "A" facing competitive primary and/or general: Endorse good incumbent for Party "A" primary and general election; stay out of Party "B" primary.
- (5) Very bad incumbent from Party "A" is facing a competitive general; Party "B" has two strong candidates, one great on environment, one bad on environment: Endorse environmental candidate for Party "B" primary and general election.

2-440. Reserved

2-450. Prioritizing Engagement in Races

2-451. While it would be ideal for the Sierra Club to be involved in all elections, it is important to consider the extent of the volunteer and staff resources that are available for the political program. Chapter and group political committees should be selective about which elections to consider for endorsements, and which elections warrant additional campaign action beyond an endorsement. The following sections list several of the factors to consider in making these decisions. Bear in mind that a Sierra Club endorsement may be significantly helpful in itself, even if the Sierra Club is not able to engage in any additional action to support the candidate.

2-452. Volunteer Resources. Endorsement decisions and political action usually require a substantial investment of volunteer time. This factor needs to be

weighed realistically, with special attention to avoiding burnout of existing volunteers and discouraging new ones. It is better to engage in a smaller number of elections than to try to do too much and lose your volunteer base in the process.

2-453. Good Incumbents in Contested Elections. We should give a particularly high priority to endorsement and other political action to support good environmental incumbents who face a strong challenge in their campaign for reelection.

2-454. Good Incumbents in Safe Seats. We should also give a very high priority to endorsing good incumbents for reelection even if they do not face a competitive race (see 2-303). This guideline is particularly applicable to Congressional elections, because the Sierra Club needs to apply a uniform national policy in these elections. It is not necessary to engage in any additional political action in these elections beyond making an endorsement.

2-455. Relationship of Office to Sierra Club's Environmental Priorities. If the group or chapter has identified specific environmental priority goals (such as limiting sprawl in a certain area or passage of a strong pollution prevention bill), the political committee should pay special attention to the electoral offices that are particularly significant in achieving these goals. Likewise, the committee should also give special priority to candidates who are particularly significant in achieving the Sierra Club's national environmental priorities.

2-456. Open Seats. Open seats usually present the best opportunity to elect good environmental office-holders. If an anti-environmental candidate is elected to an open seat, it will be much more difficult to elect an environmental supporter to the seat in future elections.

2-457. Rising Stars. Local office-holders often move on to state and national offices. It is worthwhile to get involved in a local election in order to support a particular candidate who appears to have the potential to become an environmental leader in a higher office by winning a state or national election in the future.

2-458. "Starter Offices." It may be desirable to support a strong candidate with a good environmental record who is making their first run for office as a candidate for a position that is not directly related to environmental protection, such as a school board. Sierra Club support at this stage helps the candidate build name recognition, and it can establish the basis for a good working relationship with the candidate throughout their political career.

2-459. Relationship between Campaign's Needs and Sierra Club's Resources. It is important to match available Sierra Club resources to the needs of campaigns appropriately. If an important campaign primarily needs money to finance an expensive advertising and mail effort in a large electoral district, but the Sierra Club's primary resource is volunteer campaign workers, it may be more effective to limit the Sierra Club's involvement in the large district to an endorsement, and focus the Sierra Club's campaign work on a different campaign that is relying on a door-to-door effort in a smaller district.

2-460. Links to Other Key Offices. Sometimes an election deserves a special priority because of its relationship to other offices. For example, an important state or local agency may have a governing board that is composed of local office-holders, so a local election may be particularly significant because of the candidate's existing or potential role in the state or local agency.

2-461. Building Environmental Awareness and Club Recognition in District. A Sierra Club endorsement may help increase voter awareness of environmental issues in the district, and it may also help build name recognition for the Sierra Club as an environmental voice within the district.

2-500. Candidate Research

2-501. Successful endorsement decisions require an early start. Construct a plan for how the candidates will be evaluated, determine how the process should work, and begin the candidate and political research. Then, if controversies or tough calls come up, you will have enough time to consider them thoughtfully and arrive at the right decision. It is never too early to get started on your endorsement planning. Even if there are no announced candidates, you can begin to put together an endorsement process plan and a questionnaire. When establishing your timetable, be particularly aware of the deadlines of your chapter and group newsletters.

2-503. If you are considering making an early endorsement in an open seat before the filing deadline (see section 2-357), do your best to identify all of the likely candidates who have a reasonable prospect of success in the election and give fair and equal treatment to all of them before making the endorsement decision.

2-504. Depending on the circumstances of the election and the availability of volunteer or staff resources, there are several other matters in addition to the questionnaire to consider in your candidate research:

- (1) Candidate's established policy record, especially on chapter and national priority issues (voting record, authored or

- sponsored bills, public statements).
- (2) Breadth of candidate's environmental record. (Is it just a few selected issues?)
 - (3) Candidate's record of leadership on environmental issues.
 - (4) Candidate's demonstrated recent commitment to environmental protection in personal life or organizational activities.
 - (5) Sierra Club's past relationship with the candidate at the group, chapter, and national levels.
 - (6) Candidate's public statements and campaign literature, as a sign of the candidate's priorities.
 - (7) The candidate's posts on social media and other forums.
 - (8) Is the environment a significant issue for the candidate's campaign?
 - (9) Endorsements the candidate has received from other organizations and community leaders.
 - (10) Third-party feedback about the candidate from reliable environmental activists who have had personal experience with the candidate.
 - (11) Resources available for the campaign, whether financial or otherwise. Does the candidate have the financial resources needed to carry out a visible and credible campaign? Does the candidate have grassroots volunteer and donor support?
 - (12) Funding sources. Who are the major donors? What is the level of small donor support? What industries or special interests are funding the candidate? Is there any evidence to indicate that obligations to donors would impair the candidate's ability to advocate in support of Sierra Club goals if elected?

2-505. As early as possible and always before submitting the endorsement proposal to a committee vote, make sure that the candidate actually wants to receive the Sierra Club's endorsement. There are some electoral districts where a Sierra Club endorsement might not be seen as politically desirable. In these districts consider proceeding with political activities short of endorsement, as outlined beginning at section 2-900, or no endorsement at all.

2-510. Questionnaires and Interviews

2-511. For several reasons it is neither necessary nor desirable to send questionnaires to incumbents with a good record in office. First, it is unnecessary since the incumbent's record and previous relations with the Sierra Club provide ample basis for judgment. Second, omitting the questionnaire speeds up the process, and thus allows the Sierra Club to make plans earlier and

allocate staff and funding resources more efficiently. Confirming obvious endorsements for incumbents with a good record in office early also frees both volunteers and staff to focus on the more difficult races. And third, asking an incumbent to fill out a questionnaire may be seen as insulting and impair the Sierra Club's good working relationship with that office holder.

2-512. It is also not ordinarily necessary to offer a questionnaire and interview to candidates who are running against an incumbent with a good pro-environment record. Chapters should consider these situations carefully and may decide to communicate with a challenger about the endorsement process. For example, this may be appropriate as an opportunity to build a relationship and discuss issues with a candidate who may run again. In these situations, it is best to be clear that the Chapter is supportive of the incumbent, but is open to hearing from other candidates.

2-513. Meeting with an incumbent before the chapter approves the endorsement is encouraged as an opportunity for local activists to build relationships with their legislators, but a meeting or questionnaire is not a prerequisite for endorsement. If a pre-endorsement meeting would substantially slow down the process it is usually better to go ahead with the endorsement and arrange a meeting afterwards to discuss chapter or group concerns. See 2-706 for additional information.

2-521. Questionnaires and/or interviews are essential in a race between two relatively unknown strong candidates in an open seat, and in other situations in which Sierra Club leaders do not know enough to make an informed decision about all of the candidates who have a reasonable prospect of success in the election. To maintain the credibility of our endorsement, it is critical that the process be fair, and ample opportunity must be given for candidates to provide information on their environmental records and platforms. Ordinarily all candidates for an open seat should be given a formal opportunity to present their environmental records via a questionnaire or an interview if they appear to have a reasonable prospect of success in the election, regardless of their party affiliation. However, candidates who have publicly made racist, misogynist, anti-Semitic, anti-Muslim or other comments that violate Sierra Club values do not need to be sent a questionnaire. Except as noted in section 2-522, it is not necessary to send questionnaires and offer interviews to fringe candidates who are likely to receive only a tiny fraction of the vote. Be sure to allow ample time for the candidates to respond to a questionnaire or participate in an interview. Appendix F-200 discusses circumstances in which equity considerations demand substitution of an interview for a questionnaire.

2-522. In elections for open seats, environmental party candidates should be

offered a questionnaire, even if they have little prospect of winning the election. Most environmental party candidates and supporters are sympathetic to the Sierra Club's goals, and we should make a special effort to maintain an ongoing dialogue with them. However, as previously noted (section 2-250), the Sierra Club should not endorse candidates who are unlikely to have a reasonable prospect of success in the election. We should be careful to avoid actions that increase the risk of an anti-environmental candidate winning as a result of a split in the environmental vote.

2-523. Failure of a candidate to return a questionnaire is not in itself grounds to deny endorsement or endorse the opponent. Many candidates are advised by their consultants not to fill out any questionnaires, because their opponents may use their responses against them. If a candidate does not return a questionnaire, it is useful to make a couple of follow-up calls to the campaign to remind them about the questionnaire and confirm that responses are confidential, to ask for an interview if they refuse to fill out the questionnaire, and to advise them that they are missing an excellent opportunity to be considered for an endorsement if they refuse the interview as well.

2-524. Candidates' responses to questionnaires and statements in interviews are confidential. Participants in interview teams and other candidate review activities may not send any comments about the candidates or the Sierra Club's internal review process to any non-Sierra Club group, publication, or electronic media, including social networking sites, online communities, and blogs. Questionnaire responses and interview statements may be summarized in a Sierra Club newsletter after the Sierra Club has made a decision about an endorsement. Questionnaire responses by federal candidates may not be released to the press or posted on a website. Responses by state and local candidates may be published or posted on a website with the candidate's advance permission. This policy is intended to reduce the risk that anti-environmental candidates will use the Sierra Club's internal information to attack pro-environmental candidates. (In heated campaigns for important offices, campaign workers often search through all published statements by their opponents to find material that can be quoted selectively in attack ads and hit pieces.)

2-525. Interview Team. Sierra Club members who are affected by conflicts of interest as specified in section 2-610 may not serve on interview teams in races where a conflict exists. Ideally, the team should consist of at least three Sierra Club members who have not yet made a personal endorsement of any candidate; at a minimum, the team leader should be someone who has not yet made a personal endorsement in the election. Team members who have already made a personal endorsement should nevertheless maintain an open mind about what

action (if any) the Sierra Club should take in the election. If it is feasible, the same team should conduct all of the interviews for the office in question. Interviews must be limited to one interview led by the interview team with information shared appropriately; multiple interviews by multiple entities are not allowed.

2-526. In preparing questionnaires and interviewing candidates, always phrase your questions in the form of general policy questions. In all candidate interviews, emphasize that Sierra Club endorsement decisions are always based on a broad range of factors, and not on any single issue. Never ask a candidate to promise or sign a pledge to do or refrain from doing a specific act as a condition of receiving a Sierra Club endorsement. This type of specific "quid pro quo" could be considered bribery under state laws. If the candidate is an incumbent officeholder, it could also subject the candidate to federal prosecution for extortion under the Hobbs Act, 18 USC 1951.

2-527. Special Limits on Questionnaires and Interviews to Allow for an Independent Campaign. If you are preparing a questionnaire or conducting an interview in a race that you think might qualify for either an independent program or an issue advocacy campaign, be careful about the contents of the questionnaire and the topics that you discuss in the interview. The questionnaire must not ask the candidate about their campaign plans or strategy, and the interview should focus on Sierra Club core issues and the candidate's views on those issues, without any discussion of the candidate's campaign plans or strategy. In addition, do not mention the possibility of an independent program or issue advocacy campaign to the candidate or any campaign staff. If you are preparing a questionnaire or conducting an interview in a race that you think might qualify for either an independent program or an issue advocacy campaign, it is recommended that you firewall some staff and volunteers from the endorsement process so that they may participate in independent expenditure activities or issue advocacy campaigns. Further discussion can be found in section 4-503.

2-528. The Sierra Club's national staff prepares a questionnaire to be given to federal candidates in each election cycle. With advance approval from the national political staff, you may add one or two questions that are consistent with the Sierra Club's policies. You may not change the wording of any of the national questions, nor may you add questions that do not pertain to the environment. You may not omit questions from the prepared questionnaire. National staff may give the questionnaire to candidates upon request, notifying the chapter that they have done so and informing the candidate that additional questions may be added by the chapter.

2-529. National staff may offer a small number of sample general questions on the Sierra Club's national environmental priorities that may be used for questionnaires and interviews of candidates for state and local offices, particularly executive offices such as governor and mayor. The Sierra Club's success on many of its national environmental priorities depends on action by state and local executive officials and their appointees, so we encourage chapters to keep these national priorities in mind in connection with the election of state and local officials.

2-530. In addition to providing sample general questions on national environmental priorities, the national political staff may be able to provide advice and assistance to chapter leaders about specific issues relating to national environmental priorities that may be relevant in elections in individual states or cities.

2-531. When you have received questionnaire responses from federal candidates, or if your interview team has prepared written summaries of interviews with federal candidates, send a copy of all of the questionnaire responses that you received, and all of the summaries of interviews with candidates in the race, to the national political staff at political.desk@sierraclub.org. Send this material to the national political staff regardless of whether you decide to recommend an endorsement in the race. This information helps maintain a record of everyone the Sierra Club has interviewed, and provides documented support for why the Sierra Club has made its endorsement decisions. It may also be helpful as a future reference for the Sierra Club's national political staff in providing background information about individual legislators.

2-540. Candidate Forums and Appearances at Club Meetings

2-541. Public Candidate Forums. Organizations that engage in political action frequently hold candidate forums and debates as part of the process of deciding whether to make an endorsement. Unfortunately, federal law severely limits the ability of the Sierra Club to hold public candidate forums in federal elections and some state campaign laws have similar restrictions for state or local elections. Because the Sierra Club endorses candidates for federal office, any public candidate forum for federal candidates requires SCPC funding (except for members-only events as noted in 2-542 and following sections). This funding restriction applies regardless of whether the Sierra Club decides to endorse any candidate for the federal office in question. Confer with your Compliance Officer about state and local restrictions if you are considering whether to hold a forum or debate for candidates for a state or local office. It is inappropriate for a Sierra Club entity to sponsor or co-sponsor a candidate forum after the Sierra

Club has made an endorsement in that race.

2-542. Federal Candidate Forums for Sierra Club Members. The Sierra Club may sponsor a forum for candidates for federal office at a meeting or other event that is open to Sierra Club members only. Federal law does not require us to invite all candidates for the office, so we may be selective in deciding which candidates to invite to participate in the event. As a matter of general policy, however, follow the same guidelines in inviting candidates to a forum that you would use in deciding which candidates to invite to pre-endorsement interviews. The expenses for a members-only event may be paid from general Sierra Club funds. They are not considered an in-kind contribution to the participating candidates. Sierra Club representatives may not ask or require members to contribute to any candidate as a condition for attending the event. Likewise, Sierra Club representatives may not facilitate contributions to any candidate by handing out envelopes or collecting checks from Sierra Club members. However, the participating candidates may ask for contributions at the event, and the candidates or their representatives may collect contributions.

2-543. Media Participation in Members-Only Forums. Federal law does not require us to allow news media to cover the appearance of candidates at a federal candidate forum for Sierra Club members, but it does allow us to permit media coverage of their appearance. If we decide to permit media coverage, we must allow the media to cover all of the candidates who appear at the forum, and we must provide equal access to the event for all news media.

2-544. Coordination. Sierra Club representatives may confer with the federal candidates' representatives on the structure, format, and timing of the candidates' appearance at a federal candidate forum for Sierra Club members. However, this coordination may affect the ability of Sierra Club entities to engage in an independent program. If questions persist, consult with your Chapter Compliance Officer, SCPT volunteer liaison, or national political staff.

2-550. Reserved

2-560. Public Meetings with Incumbent Officials

2-561. Chapters and groups may use Sierra Club general funds to pay the expenses of a meeting to which the public is invited at which an incumbent official discusses issues, even if the official is also a candidate for election to public office. The speaker is appearing as a current officeholder, and not a candidate. (For example, the official must not be introduced as a candidate.) The public meeting must not include a discussion of the election or the official's campaign, and the official may not distribute campaign materials or solicit funds

for their campaign.

2-600. Internal Approval Procedures for Political Action; Two-Thirds Vote

2-601. Candidate endorsement decisions at any level of the Sierra Club (as detailed in section 4-000) must be approved by a two-thirds vote of two Sierra Club entities. Voting by proxy shall not be permitted. See the discussion beginning at 2-700 for U.S. House and Senate candidates, at 2-800 for state and local candidates, and Appendix A for Presidential Candidates for details about which entities must be involved.

2-602. A "two-thirds vote" means two-thirds of those voting on the action, provided that the number supporting the action is more than 50 percent of the total number of voting members of the entity, ***excluding only vacant positions and members who are unable to vote because of conflict of interest or government-imposed restrictions***. For example, if an executive committee consists of 15 people, a vote on an endorsement of 8-4 is acceptable, because it is both two-thirds of those voting (12) and the 8 "yes" votes are a majority of the total body. However, a 7-3 vote is not acceptable, because, while it is two-thirds of those voting (10), the "yes" votes are not a majority of the total body. If 2 members are recused for conflict of interest that would reduce the number of total members eligible to vote to 13. In that case a 7-3 vote would be both two-thirds of those voting (10) and a majority of the total eligible body (13). If the entity's operating rules allow it to act by email, telephone or videoconference, the entity may use this procedure for decisions on political actions.

2-603. For federal races, the national political team may recommend candidates for early endorsement but otherwise will generally await action by the chapter executive committee. For state and local level races, the entity closer to the race should ordinarily act first. If chapter rules provide for action by a group entity in the election, for example, the group entity should ordinarily vote first before a chapter entity votes.

2-604. Chapter Rules for Political Activities. Before beginning the endorsement process, chapters must adopt written political standing rules to supplement these guidelines. The rules should cover such issues as forming political committees, which entities must vote on political actions, how votes about political actions will be conducted (such as whether phone or email voting will be allowed) and how the chapter will determine and regulate political expenditures. Sample Chapter Political Committee Standing Rules may be found at: <https://community.sierraclub.org/section/program-department/policy-advocacy-and-legal-unit/politics/politics-toolkit>. Chapter Political Standing Rules must be

in compliance with these Guidelines. Chapter political decisions made in the absence of, or not in compliance with, Chapter Political Standing Rules may be overruled by the national political team. Questions regarding compliance with these Guidelines should be referred to the national political team.

2-605. Activities in Districts That Overlap Two or More Sierra Club Chapters. If an electoral district overlaps all or part of two or more Sierra Club chapters, follow the "25 percent rule": all chapters that represent 25 percent or more of the Sierra Club members living in a given electoral district must approve activities on behalf of candidates in that district. (Example: A state senate district covers all of the area included in the Sierra Club Mountain Chapter, plus part of the Sierra Club's Valley Chapter. Seventy percent of the Sierra Club members in the district are members of the Mountain Chapter and 30 percent are members of the Valley Chapter. Thus, both chapters must approve any political decisions for the district. But if the Valley Chapter membership were only 20 percent of the Sierra Club membership in the district, then it would not need to vote on this matter, although it should be consulted.)

2-606. Applying the 25 Percent Rule to Groups Within a Chapter. If an electoral district overlaps all or part of two or more Sierra Club groups, the chapter executive committee should determine before the endorsement process the roles of the groups in political decisions and activities in the district. The chapter executive committee is not necessarily required to follow the 25 percent rule when dealing with groups as they are when dealing with other chapters.

2-610 Conflicts of Interest and other restrictions.

The fundamental Sierra Club policy on conflicts of interest is contained in Standing Rule 2.2.5. This rule defines a conflict of interest as existing "when any volunteer or staff member, or said person's immediate family, or any party, group or organization to which said person has allegiance, has a direct or indirect financial or other material interest in a proposed contract, transaction, or arrangement with the Club, or in a policy or position of the Club". Note that a conflict can originate in the role of a spouse or other close relative, and that a "material interest" need not necessarily be financial.

2-611 Disclosure and Jurisdiction. The Standing Rule requires members to promptly disclose potential conflicts to the Sierra Club entity most closely involved, and to be recused from deliberations and decisions where the conflict exists. When there is doubt about whether an actual conflict of interest situation exists, the matter is to be resolved by a vote of the members of the entity, excluding the person with the potential conflict. Although the option to waive a conflict for certain elections exists (see below), a decision to waive is seldom desirable and only appropriate if the individual in question does not have an

interest outside of the Sierra Club's in the race. Jurisdiction about conflicts of interest belongs to the entity, not to the potentially conflicted individual. Although chapters have broad discretion in the way they choose to take positions on state or local ballot measures, conflicts of interest must be treated the same as candidate endorsements as detailed in this section.

2-612. Limitations on Participation. When it is determined that a conflict exists regarding a particular race, the conflicted individual may not participate in any aspect of the formal endorsement process, including but not limited to candidate interviews, deliberations, and voting (except where a waiver is possible and appropriate). A conflicted individual is also barred from participating in any Sierra Club independent program in that race or other offices on the same ballot.

2-613. Other offices on the same ballot: ordinarily a conflict in a particular race also applies to other offices on the same ballot, but this restriction may be waived by the voting entity. For example, a city council member has a conflict with respect to candidates for all city offices, and for all county, state, and federal offices that will be on the ballot in the council member's district. To waive a conflict, the voting entity must conclude that the individual in question does not have an interest outside of the Sierra Club's in the race.

2-614. Documentation. If a Sierra Club member is recused from participation in the endorsement process in any race their recusal must be recorded in the documentation supporting the endorsement recommendation. The individual's name and the nature of the conflict must be listed, and the number of recused individuals subtracted from the total membership of the voting entity for purposes of determining a quorum and the outcome of a vote.

2-615. Conflict of Interest Guidelines. Questions relating to conflicts of interest come up in many different situations in connection with the Sierra Club political program. This section provides basic guidelines for several of the most common:

1. Party Employees. Sierra Club members who are employed by a political party may serve as non-voting members of a chapter or group political committee, but they may not participate in political action (as detailed in section 2-612) as relating to any office for which there would be an appearance of a conflict of interest.
2. Federal Candidates and Officeholders. Sierra Club members who are candidates for or who hold a federal elective office may serve as voting members of a chapter or group political committee or executive committee if they disclose the potential conflict of interest to the entity that selects political committee members, and the entity decides to waive the potential conflict with respect to elections specified by the entity. However, a federal candidate or office holder may not participate

in political action (as detailed in section 2-612) relating to any federal office.

3. **State Candidates and Officeholders.** Sierra Club members who are candidates for or who hold a state elective office may serve as voting members of a chapter or group political committee or executive committee if they disclose the potential conflict of interest to the entity that selects political committee members, and the entity decides to waive the potential conflict with respect to elections specified by the entity. However, they may not participate in political action (as detailed in section 2-612) relating to any state office.
4. **Local Government Candidates and Officeholders.** Sierra Club members who are candidates for a local government office or who hold elective office in a local governmental entity may serve as voting members of a chapter or group political committee or executive committee if they disclose the potential conflict of interest to the entity that selects political committee members, and the entity decides to waive the potential conflict with respect to elections specified by the entity. However, they may not participate in political action (as detailed in section 2-612) regarding candidates for office in the same governmental entity.
5. **Employees of Candidates.** Sierra Club members who are employed directly by a candidate or ballot measure campaign or by a political consulting firm or other private campaign-related business may serve as members of a chapter or group political committee or executive committee if they disclose the potential conflict of interest to the entity that selects political committee members, and the entity decides to waive the potential conflict with respect to elections specified by the entity. However, they may not participate in political action (as detailed in section 2-612) regarding that candidate.
6. **Unpaid Campaign Leaders.** Sierra Club members who have a lead volunteer role in a candidate's campaign or that of a ballot measure, such as campaign manager or primary campaign leader, or primary campaign spokesperson or representative, may serve as members of a chapter or group political committee or executive committee if they disclose the potential conflict of interest to the entity that selects political committee members, and the entity decides to waive the potential conflict with respect to elections specified by the entity. However, they may not participate in political action (as detailed in section 2-612) regarding that candidate or ballot measure campaign.
7. **Lobbyists and Legislative Staff.** Sierra Club members who are employed directly by a legislator or other elected official, or by a political consulting firm or other private campaign-related business, may serve as voting members of a chapter or group political committee

or executive committee if they disclose the potential conflict of interest to the entity that selects political committee members, and the entity decides to waive the potential conflict with respect to elections specified by the entity. However, they may not participate in political action (as detailed in section 2-612) regarding their employer.

8. Unpaid Party Office Holders. An unpaid office holder of a political party organization (such as a county central committee member) may serve on a chapter or group political committee or executive committee, if they disclose the potential conflict of interest to the entity that selects political committee members, and the entity decides to waive the potential conflict with respect to elections specified by the entity. However, they may not participate in political action (as detailed in section 2-612) for any office that is within the jurisdiction of the political party organization.
9. Employees and Leaders of Other Advocacy Organizations. Sierra Club members who are paid staff members or unpaid volunteer leaders of another organization that engages in political action or issue advocacy (such as another environmental organization, a labor union, or a business organization) may serve as members of a chapter or group political committee or executive committee if they disclose the potential conflict of interest to the entity that selects political committee members, and the entity decides to waive the potential conflict with respect to elections specified by the entity. However, if the other organization has made a public endorsement in a race under consideration for Sierra Club endorsement, they may not participate in political action (as detailed in section 2-612) for that race.
10. Personal Supporters of Candidates. A personal endorsement of a candidate, a contribution to a campaign, and casual volunteering with a campaign should be treated as statements of personal preference and not conflicts of interest. They do not disqualify Sierra Club members from voting on political action decisions relating to that candidate. However, these actions should be disclosed to the other members of the entity that is voting on political action relating to the candidate, and the Sierra Club member should maintain an open mind about what action (if any) the Sierra Club should take in the election, regardless of their personal preference for a particular candidate. See 2-525 for guidelines on participation in candidate interviews by members who have already made a personal endorsement in an election. See A-005 for specific guidance pertaining to Presidential endorsements.
11. Personal Relationships with Candidates. It is imperative that the endorsement guidelines are applied consistently across the Sierra Club. Being part of the endorsement voting body requires the ability to apply an objective view of a candidate's record. To the extent that someone is

unable to put their personal relationship or personal views of a candidate aside, they must be recused from that particular endorsement decision.

2-616. Government-Imposed Restrictions. Federal government employees are subject to Hatch Act limitations on their ability to solicit, accept, or receive political contributions. Employees of certain agencies may be subject to more wide-ranging restrictions on their political activity, and some states have analogous laws applicable to participation in state elections. Sierra Club members who are government employees should consult with their designated ethics officers before participating in Sierra Club political activities, in order to ensure that they are in compliance with any relevant restrictions.

2-700. Federal Candidate Approval Procedures

2-701. All decisions about endorsements, activities short of endorsement, opposition to a candidate and other political action for candidates for the U.S. House and Senate must be approved by a two-thirds vote of two Sierra Club entities, ordinarily the chapter executive committee and the national political team. If the chapter executive committee has created a management committee of executive committee members that is responsible for a broad range of chapter management decisions, the chapter executive committee may delegate its endorsement approval authority to the management committee. The delegation must be approved by two-thirds of the entire voting membership of the executive committee. Political action decisions by the management committee must be approved by two-thirds of those voting, provided that the number supporting the action is more than 50% of the membership of the management committee, excluding members who may not vote because of conflict of interest or government-imposed restrictions. Voting by proxy shall not be permitted. See discussion on internal approval procedures at 2-600.

2-702. Chapter executive committees should consult with group leaders about political action decisions regarding congressional representatives whose districts are within the boundaries of the group. However, the Chapter executive committee may not impose any additional mandatory approval entities for federal candidates than the two approval entities specified in section 2-701. See also 2-802.

2-703. The chapter or group political committee should develop a plan and schedule for considering congressional candidates in its area. If the chapter or group covers several congressional districts, the political committee should identify the districts where Sierra Club involvement is particularly important. ***Start early!***

2-704. Expedited Endorsement Procedure for Incumbents. Incumbents who have sound environmental records are likely candidates for endorsement. To promote the goal of maximizing Sierra Club political effectiveness by endorsing early in the election cycle, the national political team, in consultation with national political staff, will prepare a list of incumbent Senators and Members of Congress whose records merit early endorsement, and circulate their names to the Political Chairs of their respective chapters. Candidates on this list qualify for an expedited process: they should not be sent questionnaires and need not be interviewed, nor is there any need to contact their opponents. Since the national political team has pre-approved these endorsements, final approval will ordinarily take place very soon after the submission of Form 1 detailing the chapter executive committee vote. If an incumbent qualifies for a streamlined procedure, and the chapter has not acted on the endorsement by February 15 of the election year, the national political team may initiate the approval process described in section 2-722, unless the chapter has specifically voted to withhold the endorsement by the required two-entity, two-thirds majority vote and has communicated that decision, including at least two valid reasons to withhold, to the national political team. Valid reasons would include a specific policy issue that arose between the time the expedited endorsement list was approved and the vote to withhold. See 2-722, Inaction by Chapter. Nothing in this section is intended to preclude chapters from recommending early endorsements for additional incumbents and other outstanding candidates who have not been pre-approved.

2-705. The timing of endorsing an obviously worthy incumbent is a tactical question. In many instances it makes sense to endorse very early, shortly after the incumbent declares their intent to run for reelection. This early action allows time to deepen our relationship with the candidate and to strengthen our own forces, and it might deter primary opposition. In some cases, however, it might be better to wait until there is more media interest in the race. The endorsement itself might still be made early in order to allow the candidate to communicate with our membership, such as by sending a mailing to Sierra Club members.

2-706. Meetings with Incumbents. The chapter or group should arrange to meet with congressional representatives and their district staff to discuss legislative issues from time to time throughout the congressional term, instead of counting on a single pre-endorsement interview to address the entire range of chapter or group concerns. It is often impossible to schedule a pre-endorsement interview with congressional incumbents in time to complete action on an endorsement by mid-February. For incumbents whose environmental record would qualify them for a Sierra Club endorsement, it is usually more effective to go ahead with the endorsement and schedule a meeting later, instead of delaying the endorsement.

If necessary, the national political staff will help you arrange a meeting, even if the Sierra Club has already endorsed the incumbent. Ongoing meetings also help maintain strong working relationships with incumbent Members of Congress.

2-707. The chapter or group political committee should develop information about the candidates using research tools such as questionnaires, voting records, and interviews. Chapters may receive guidance from national political staff or their national political team liaison. The chapter or group political committee then evaluates the candidates and makes a recommendation to the chapter executive committee, following any special procedures established by the executive committee. The chapter executive committee then votes on the endorsement or other political action.

2-708. If the chapter executive committee approves the action by a two-thirds vote, a chapter representative completes Form 1 (see 7-100) and promptly sends it for action by the SCPT. As noted in section 2-530, you must submit all of the questionnaires and interview summaries that you have, and not just the questionnaire and interview summary for the candidate you would like to endorse. All material should be sent by email to political.desk@sierraclub.org within two weeks of the vote. If the chapter does not hear a response within two weeks, the chapter should contact the national political staff and their SCPT liaison to find out the status of the request.

2-709. Caution: The vote by the chapter executive committee is not a Sierra Club endorsement, and candidates may not use that vote to claim that they have been endorsed by the Sierra Club or by the chapter. An endorsement of a federal candidate is official only when the national political team has completed its action and notified the chapter of its approval. Therefore it is extremely important that all actions regarding endorsements be kept confidential until the endorsement process has been completed by all entities whose approval is required. Chapter activists must not give information about a pending endorsement of a federal candidate to the candidate, the media, or the public, or list an endorsement in any materials before the national political committee has notified the chapter that the endorsement has been approved.

2-710. After receiving the completed Form 1 from the chapter, the national political staff refers the proposed action to the national political team's endorsements subcommittee, which must approve the proposed action by unanimous consent. If there is any disagreement on the endorsements subcommittee, the proposed action is referred to the national political team, which may approve the proposed action by a two-thirds vote. Before approving an endorsement for a challenger or a candidate for an open seat, the national political team, in consultation with national staff, may meet with the candidate.

2-711. The national political team approves most chapter recommendations, but in every election cycle there are occasional instances in which the national political team may disagree with a chapter's recommendation, or in which it may question the process the chapter followed in evaluating candidates or in voting on the recommended action. If the team believes that the chapter did not adequately consider all of the candidates who could qualify for a Sierra Club endorsement, for example, the team may ask the chapter to complete the evaluation process before the team will approve a proposed endorsement. The national political team has the option to approve Activities Short of Endorsement instead of a request for a full endorsement, despite the chapter recommendation of a full endorsement. In such instances, the chapter may ask the team to reconsider, but it must also provide additional justification for the full endorsement. Ultimately, the chapter may appeal the SCPT decision to the Board of Directors (see 2-721)

2-712. There are several components to the national political team's role in the review of proposed endorsements in federal races. The team makes sure that the candidates have been evaluated fairly and accurately, and that a reasonable effort was made to solicit the views of all candidates who have a reasonable prospect of winning the election (where appropriate under the circumstances). It also ensures that the national perspective is included in the process, and that our decisions on federal candidates are reasonably consistent across the country. In addition, it brings a different perspective to the difficult question of the capability of the candidate's campaign and the candidate's prospect of success in the election. Most importantly, it helps to maintain Sierra Club unity, since the national review can serve as a forum for resolving disagreements among chapter leaders.

2-713. After all required entities have approved an endorsement of a federal candidate, the national political staff notifies the Chapter Campaign Liaison as indicated on the Form 1, and a chapter leader may tell the candidate that the Sierra Club has endorsed their candidacy. The national political staff also sends a standard letter affirming the endorsement to the candidate. National staff will also send an email copy of this letter to the Chapter Campaign Liaison and/or Political Chair.

2-714. The candidate and the campaign should be told that the Sierra Club endorsement and its privileges are for the current election only, and expire after the election. Endorsements made before primary elections may apply to the general election as well, or they may be restricted to the primary election only. See 2-355 for potential problems with primary-only endorsements in two or more primaries for the same office.

2-715. The Sierra Club routinely lists its federal candidate endorsements in the Endorsements Section of the Sierra Club Independent Action website, www.sierraclubindependentaction.org. See the guidelines beginning at 6-240 for a more detailed discussion of the guidelines for posting federal candidate endorsements.

2-716. If a chapter has submitted a request to the national political team to approve specific political activities in a federal election, and if the national political team has not acted on that request within 30 days, the chapter should first ascertain the status of the request by contacting political.desk@sierraclub.org and their SCPT liaison. If action is not forthcoming within a reasonable time, and if there are 45 days or fewer remaining before a primary election, or 60 days or fewer before a general election, the chapter may ask the Board of Directors to approve specific political activities by the Sierra Club in the election, including endorsement of a candidate. The chapter must notify the national political team before making its request of the Board. The Board may approve or disapprove the requested activities, or it may remand the issue to the appropriate Sierra Club entity for further review. Approval of a chapter's request requires a two-thirds vote by the Board, as described in the guidelines beginning at 2-600.

2-717. Expedited Procedure for Opposing the Reelection of Anti-Environmental Incumbents. Some incumbents with anti-environmental records may be candidates for the Sierra Club to publicly oppose for reelection. The national political team, in consultation with national political staff, may prepare a list of incumbent Senators and Members of Congress who deserve early opposition, and circulate their names to the political chairs of their respective chapters. Nothing in this section is intended to preclude chapters from recommending opposition to the reelection of anti-environmental incumbents who have not been pre-approved for public opposition. Importantly, action to oppose a particular candidate should not be prioritized over the endorsement of good incumbents or candidates deserving of endorsement under these guidelines. (see 2-391 for additional information)

2-720. Approval Without Chapter Agreement or Recommendation

2-721. In the rare instances when a chapter's recommendation for an endorsement or other action is not approved, the national political team will discuss the situation with chapter leaders and do their best to agree on an action that seems appropriate from the perspective of both the chapter and the national political program. If the national political team and the chapter cannot agree on the political action the Sierra Club should take in a federal race after extensive discussion of the issue, by a two-thirds vote either entity may ask the Board of

Directors to approve specific political activities by the Sierra Club in the district, including endorsement of a candidate. The Board must confer with both entities before deciding unless such consultation has been waived by the chapter. The Board is authorized to approve or disapprove the requested activities, remand the issue to the national political team or the chapter for further review, or decline to hear the appeal. Approval of the request requires a two-thirds vote by the Board, as described in the guidelines beginning at 2-600.

2-722. Inaction by Chapter - Federal. Because early action maximizes political effectiveness, any chapter wishing to make an endorsement recommendation in a primary election is encouraged to do so at least 60 days before the election. Whenever possible, an endorsement recommendation in a general election should be made no later than two weeks after the date of the primary. If the chapter has made no recommendation for action in a federal election within 60 days before the primary election or by two weeks after a primary, the national political team may, by a two-thirds vote, ask the Board of Directors to approve specific political activities, including endorsement of a candidate. The national political team must attempt to ascertain the chapter's reasons for inaction before initiating this process, must notify the chapter before making this request to the Board, and must tell the chapter how to communicate the chapter's views to the Board. The Board may approve or disapprove the requested activities, or it may remand the issue to the national political team for further review. Approval of the national political team's request requires a two-thirds vote by the Board, as described in the Guidelines beginning at 2-600. This special approval process may also be initiated by the national political team as early as February 15 for qualified incumbents, as described in section 2-704.

2-723. Inaction by Chapter - Gubernatorial and Constitutional Offices (Attorneys General, Secretaries of State, etc.). Gubernatorial and other principal state races are increasingly important, and the national political staff may from time to time deem a gubernatorial or other statewide race to be a significant priority where national political resources may be deployed. The national political team will initiate discussions with the chapter regarding such an endorsement as soon as it has been identified. In rare instances, if the chapter has not initiated an endorsement within the window outlined in 2-722 and has not specifically voted against the endorsement by the required two entity, two thirds vote, the national political team may initiate an endorsement by a two-thirds vote of the full national political team. The national political team must attempt to ascertain the chapter's reasons for inaction before initiating this process, must notify the chapter before making this request to the Board, and must advise the chapter how they may communicate its views to the Board. The Board may approve or disapprove the requested activities, or it may remand the issue to the national political team for further review.

2-800. State and Local Candidate Approval Procedures

2-801. Required Approval Entities. All decisions about endorsements and other political action for candidates for state or local office must be approved by a two-thirds vote of two separate Sierra Club entities, as described in the two subdivisions below (2-810 for non-California chapters, and 2-820 for California chapters). One of the entities may be an appointed body. The second entity must be an elected body, usually a chapter or group executive committee. If the chapter executive committee has created a management committee that is responsible for a broad range of chapter management decisions, the chapter executive committee may delegate its endorsement approval authority to the management committee. Each approval entity must have at least three members who are not related to each other, and it must have at least three members who are not also members of the other approval entity. Chapter executive committees are generally responsible for setting up the specific endorsement procedures to be followed within the chapter and they are encouraged to pass standing rules outlining those procedures.

Because of the Sierra Club's unique organizational structure in California, the Sierra Club California Executive Committee has established special procedures applicable to state and local elections in that state. Voting by proxy shall not be permitted. See discussion on internal approval procedures at 2-600.

2-802. Optional Additional Procedures. Chapter executive committees may establish additional procedures based on the specific circumstances that exist within the chapter. For example, a chapter may provide for an advisory vote by a group executive committee for political decisions in state legislative districts within the group's area. Chapters may not impose additional mandatory approval requirements for federal races beyond the two levels of approval required by these guidelines. Additional procedures must be consistent for each type of office, to avoid the appearance that endorsement procedures are arbitrary or capricious.

2-803. Governors, Constitutional Offices, and Mayors. The Sierra Club's success on many of its national environmental priorities depends on action by governors, mayors, other principal state offices and their appointees. The prominence of many of these offices and their implications for national policy and driving action on our priority issues is substantial. The national political team can provide insight and support during endorsement considerations and for political actions in these elections. Chapters must notify the National Political Desk (political.desk@sierraclub.org) and their SCPT liaison when they begin considering action in an election for governors, state constitutional and principal offices, or mayors with significant potential policy implications, and must notify

both the Political Desk and their liaison within one week of the endorsement decision or at least three business days before making such an endorsement public, whichever comes first. Chapters are encouraged to ask for advice and assistance about any national environmental priorities that may be significant in the election.

2-804. Running Mates of Endorsed Gubernatorial Candidates. In states where gubernatorial candidates select their running mates after winning their primaries, (e.g., for Lt. Governor), the Sierra Club extends the courtesy of an endorsement to those individuals, similar to the courtesy extended to endorsed presidential candidates for their vice-presidential choice.

2-810. Approval Procedures in Non-California Chapters

2-811. In all chapters outside California, political decisions in elections for state and local offices must be approved by a two-thirds vote of two entities designated in advance by the chapter executive committee. As noted in section 2-802, chapter executive committees may establish additional approval procedures, but these procedures must be advisory and not mandatory. The following sections list the required approval levels for several common categories of electoral office and suggest within parentheses possible entities that meet these guidelines. Chapter executive committees may designate appropriate approval entities for other offices that do not fit within any of these categories.

2-812. Statewide Offices (Governor, etc.). The chapter executive committee and a second chapter entity designated in advance by the chapter executive committee (such as the chapter political committee).

2-813. State Legislative Offices. Option 1: The chapter legislative or political committee, and the chapter executive committee. Option 2: The executive committee of the group that contains the district, and a chapter-level entity (such as the chapter legislative or political committee).

2-814. City and County Offices within the Boundaries of a Group. Option 1: The executive committee of the group that contains the city or county, and a chapter-level entity (such as the chapter political committee). Option 2: The group political committee and the chapter executive committee. Option 3: two distinct and predetermined chapter committees.

2-815. City and County Offices Extending beyond Group Boundaries. Option 1: The chapter executive committee and a second chapter entity designated in advance by the chapter executive committee (such as the chapter political

committee). Option 2: The executive committee(s) of the group(s) that contain at least 80 percent of the residents of the electoral district, and a chapter entity designated in advance by the chapter executive committee (such as the chapter political committee).

2-816. Capacity of Group to Take Responsibility for Program. The chapter executive committee should not delegate authority to a group without being confident that the group has sufficient personnel with the skills and experience to operate a political program. On endorsement questions, it is the joint responsibility of the chapter and group political chairs to ensure that groups handle endorsements in an appropriate manner. Among other issues, this means: ensuring that candidates are considered in an even handed manner; avoiding conflicts of interest as detailed in section 2-610; and ensuring that the two approving bodies are in fact distinct, without excessive overlap in their memberships.

2-820. Approval Procedures in California Chapters

2-821. Statewide Offices. As prescribed by the Standing Rules of Sierra Club California, political decisions in elections for governor and other California statewide offices must be approved by two entities: (1) the California Executive Committee, and (2) either the California Conservation Committee or the annual Sierra Club California Convention. The California Conservation Committee may delegate its approval authority to its Steering Committee.

2-822. State Legislative Offices. Political decisions in elections for the California state legislature must be approved by the executive committee(s) of the chapter(s) included in the legislative district and by one or more state-level entities designated in advance by the California Executive Committee.

2-823. City, County, and Other Local Offices. Political decisions in elections for city, county, and other local offices in California must be approved by the chapter executive committee and by a state-level entity designated in advance by the California Executive Committee. The California Executive Committee may modify the procedural requirements stated in this section, but only if the modified procedures continue to meet the minimum requirements stated in section 2-801.

2-900. Activities Short of Endorsement

2-901. Endorsement of a candidate allows Sierra Club entities to engage in several different types of political activity in that election. Sierra Club entities may engage in some of the same types of political activities without endorsing

any candidate in the race. These activities are described in the following sections (up to section 2-950) and these activities require the same approval procedures as an endorsement decision, as described beginning at 2-600. It is not ordinarily necessary to have a separate vote for each activity, however. In preparing Form 1 for federal candidates, for example, you may check two or more activities and vote on them as a group. Caution: many activities short of endorsement for federal candidates must be paid for with federal PAC funds, which require prior national political team approval, reporting to the FEC and eventual public disclosure.

2-902. Scenarios when activities short of endorsement would be appropriate are as follows:

- (1) A candidate does not want a public endorsement from the Sierra Club but would like the benefits of an endorsement (see section 2-903). This is common in primaries and districts where a public Sierra Club endorsement may do more harm than good to a candidate's electoral prospects. Note that, in situations like this, activities that require federal PAC funds or other funds for which expenditures must be disclosed may not be advisable.
- (2) A candidate's record has been improving but does not yet warrant a full public endorsement.
- (3) Two or more candidates in a race deserve endorsement. Activities short of endorsement is usually a better choice than a dual endorsement.
- (4) Agreement cannot be reached between two voting bodies, such as a local group and a state chapter. Activities short of endorsement for one or more candidates may serve as a reasonable compromise.
- (5) Instead of endorsing candidates in both a Republican and Democratic primary for the same seat, activities short of endorsement may be invoked so that a full endorsement of a single candidate can be made in the general election.
- (6) One candidate is openly hostile to the environment but the opponent has little or no possibility of winning. Activities short of endorsement permits members to work for the challenger and/or against the hostile candidate. Expenditure of significant financial or in-kind Sierra Club resources on behalf of no-hope candidates is seldom warranted.

2-903. Activities short of endorsement include:

- (1) Candidate rental of members and supporters mailing lists (see section 2-911).

- (2) Candidate purchase of advertisements in Sierra Club publications (see section 2-912).
- (3) Communications with Sierra Club members about candidates (see section 2-913).
- (4) Recruiting Sierra Club members to work as volunteers in a candidate's campaign (see section 2-914).
- (5) Encouraging Sierra Club members to write Letters to the Editor regarding a candidate's environmental credentials (see section 2-915).

2-904. Activities short of endorsement shall not include:

- (1) Permitting a candidate to use the Sierra Club Endorsement Seal.
- (2) Posting support of a candidate on any Sierra Club website or social media site.
- (3) Publishing editorials or articles in a Sierra Club newsletter stating or implying Sierra Club endorsement or support of a candidate.
- (4) Writing letters to the editor stating or implying Sierra Club endorsement or support for a candidate.
- (5) Using Sierra Club letterhead for a letter stating or implying Sierra Club support of a candidate.

2-910. Communications

2-911. Candidate List Rental. The Sierra Club may authorize a candidate to rent the Sierra Club members and supporters list to send a campaign mailing to Sierra Club members and supporters even though the Sierra Club has not endorsed the candidate. This action requires the same approval procedures as an endorsement decision. The candidate must pay the fair market value for the addresses (currently 7.5 cents per name ; see 5-358). The mailing should not state or imply that the Sierra Club supports or endorses the candidate. See division 5 (beginning at 5-000) for additional guidelines on the use of lists for political purposes.

2-912. Newsletter Advertisements. The Sierra Club may authorize a candidate to place an advertisement in Sierra Club newsletters even though the Sierra Club has not endorsed the candidate. This action requires the same approval procedures as an endorsement decision. The candidate must pay the same rate as other advertisers. The advertisement should not state or imply that the Sierra Club supports or endorses the candidate. See 6-115 for additional guidelines for political advertisements in Sierra Club newsletters.

2-913. Letters to the Editor. The Sierra Club may, in limited circumstances and

when appropriate, organize members to write letters to the editor in praise of a candidate's environmental credentials without using their Sierra Club title. The decision to engage in this activity requires the same approval procedures as an endorsement decision. Any letter must be written on behalf of the member or members and not on behalf of the Sierra Club. Furthermore, the letter should not state or imply that Sierra Club supports or has endorsed the candidate. Entities seeking to engage in this activity should consult with their liaison and the national political staff.

2-920. Direct and In-Kind Contributions to Campaigns

2-921. All direct and in-kind contributions by Sierra Club entities to candidates' campaigns must be paid from a PAC account that is separate from other Sierra Club accounts. The national political staff maintains a federal PAC account (Sierra Club Political Committee) that may be used for contributions to federal candidates. Some Sierra Club entities maintain state or local PAC accounts that may be used for state or local elections. State and local PAC accounts may not be used to make direct or in-kind contributions to federal candidates. Before you consider making a direct or in-kind contribution to a campaign, make sure that funds are available in a PAC account that may be used for that campaign, and that the contribution will not exceed any limits that may apply to the election. Under federal and many state laws, PAC funds must be advanced to the Sierra Club to pay for use of Sierra Club resources as an in-kind contribution to one or more candidates.

2-922. Because there are often multiple reasons for Sierra Club volunteers or staff to attend candidates' fundraisers, the special approval procedures for endorsement decisions do not apply to ticket purchases for attendance at fundraisers. However, purchasing a ticket to a candidate fundraiser is a campaign contribution so payment for such a ticket must be made from the federal PAC account if the fundraiser is for a federal candidate, from a state or local PAC account if it is for a state or local candidate, or by an individual from their personal funds (if it is their personal decision to pay for a ticket and not the Sierra Club's). Individuals may not be reimbursed for the cost of purchasing tickets.

2-923. If the national political staff has approved an allocation of federal PAC funds for a federal candidate, Sierra Club entities may submit a Form 4 (section 7-400) to the national political staff to request federal PAC funds to purchase tickets to allow Sierra Club volunteers or staff to attend a federal candidate's fundraiser, even though the Sierra Club has not endorsed the candidate. The persons attending the federal candidate's event should confer with the chapter Political Chair, Conservation Chair, and other appropriate volunteers or staff

before going to the event in order to be sensitive to any pending issues of importance to the Sierra Club's policy agenda.

2-924. Except for rare circumstances such as purchasing tickets to fundraisers, Sierra Club entities may not make a direct contribution to a federal candidate's campaign unless the Sierra Club has endorsed the candidate. A direct contribution to a candidate or committee without an endorsement or approval of Activities Short of Endorsement may be appropriate in exceptional circumstances, but the decision to make such a contribution is at the discretion of the national political staff. Chapters may not make contributions to party committees or other non-Sierra Club PACs without prior national political staff approval (please see 2-305 for more information about chapter political party endorsements).

2-925. In unusual circumstances, it might be appropriate to make an in-kind contribution by using Sierra Club resources (most commonly staff time) in connection with a candidate's campaign even though the Sierra Club has not endorsed the candidate. The cost of the staff member's salary, benefits, and expenses is an in-kind contribution to the campaign, and it must be paid *in advance* from a PAC account that may be used for that campaign. A decision to use Sierra Club resources to make an in-kind contribution to a candidate who has not been endorsed ordinarily requires an activities short of endorsement decision. In limited circumstances after consultation with the office of general counsel, national political staff may approve staff participation in campaign events if there is appropriate cause to do so; any such engagement requires advance approval.

2-930. Sierra Club Members' Use of Sierra Club Name

2-931. "Sierra Club" is a highly valuable trade name, and its use is controlled by the Sierra Club Board of Directors. Sierra Club members, volunteer leaders, and staff are not authorized to use their association with the Sierra Club in connection with their personal endorsement of a political candidate except as expressly permitted pursuant to these Guidelines.

2-932. Endorsed Candidates. If the Sierra Club has endorsed a candidate for public office pursuant to these Guidelines, Sierra Club volunteer leaders and staff may authorize campaigns to include their Sierra Club titles or membership in campaign material in connection with listing their personal endorsement of individual candidates.

2-933. Non-Endorsed Candidates. If the Sierra Club has not endorsed a candidate for public office pursuant to these Guidelines, Sierra Club volunteer

leaders, staff, or members may not include their Sierra Club titles, affiliation, or membership in campaign material or public statements in connection with, or listing their personal endorsement of, individual candidates.

2-936. There are many reasons for prohibiting the Sierra Club's name to be used in connection with a candidate's campaign for state or local office before an endorsement. Obvious potential problems are that the Sierra Club will later decide to endorse a different candidate, or that external political rivalries may lead to sharp internal divisions if Sierra Club supporters of competing candidates use their Sierra Club titles in connection with their personal endorsement of a particular candidate.

2-940. Objective Factual Information about Candidates

2-941. The Sierra Club may publish objective factual information about the environmental records or positions of candidates for an office even though the Sierra Club has not endorsed any candidate for the office. This type of activity does not require the same approval procedures as an endorsement decision. It does involve a variety of legal complexities, however, so chapters and groups may not attempt to engage in this type of activity in federal elections without consulting national political staff. Consult with your Chapter Compliance Officer before you consider engaging in this type of activity in state or local elections.

2-950. Summary Checklist for Making Endorsements

2-951. If the candidate is an incumbent with a good record, consider an early endorsement. If not, identify all candidates who have a reasonable prospect of success in the election, regardless of party affiliation, to send a questionnaire and potentially request an interview.

2-952. Send questionnaires to the potential candidates with a reasonable deadline for return. It is not necessary for an incumbent to fill out a questionnaire or be interviewed, but you should at least let the candidate know that you are considering an endorsement.

2-953. Request interviews with the candidates. It is not imperative to meet personally with candidates, but an interview can help build a relationship with them and educate them about our environmental agenda and concerns.

2-954. Research the candidates' records through information gathered from questionnaires, interviews, voting records, and public statements and positions.

2-955. Vote on the candidate endorsement following the approval procedures described beginning at 2-600.

2-956. If the action involves a federal candidate, complete Form 1, found at <https://community.sierraclub.org/section/program-department/policy-advocacy-and-legal-unit/politics/forms> and send it to the national Political Desk (political.desk@sierraclub.org) for approval by the national political team.

2-957. If the action involves a governor, state constitutional office, or mayor of a major city, notify the national Political Desk (political.desk@sierraclub.org) at least one business day before making an endorsement public, with brief background information about the candidate and the name of the local Sierra Club contact person.

2-958. After the approval process has been completed, inform each candidate who has sought our endorsement whether or not the Sierra Club has decided to endorse their election. In the case of federal candidates, national political staff will mail an official endorsement letter to the campaign shortly after sending an official endorsement approval email from political.desk@sierraclub.org to the chapter. National may delay to give a chapter an opportunity to directly notify a campaign.

2-959. Formulate a campaign plan. Provide a liaison to the campaign to plan effective means of promoting environmental issues in the campaign.

3-000. REGULATION OF POLITICAL ACTIVITY

3-001. The Sierra Club political program operates within a complex framework of federal, state, and local laws, as well as internal Sierra Club policies that affect what we may do and how we may do it. This division contains a brief introduction to this regulatory framework but is by no means exhaustive. The next divisions describe how to carry out the most common types of Sierra Club political activities within the regulatory framework.

3-100. Limits on Political Action in All Elections

3-101. Basic Rule. The organization typically does not spend general Sierra Club funds (also known as “c4” funds) on political contributions or on political communications distributed to the general public. Federal election law prohibits corporate contributions, which (with the partial exception described in section 3-201) precludes the Sierra Club from using c4 funds to make direct or in-kind contributions to federal candidates. Many states have similar prohibitions.

Moreover, even in jurisdictions where corporate contributions are not forbidden by state or local law, c4 political expenditures are subject to a significant federal tax at a rate of approximately 21%. Because of this tax liability, the national political staff and the national office of general counsel staff must approve in advance any use of general Sierra Club funds (c4 funds) to make a direct or in-kind contribution to a state or local candidate, or to communicate beyond the Club’s membership for independent express political advocacy to support or oppose the election or defeat of a candidate for any office. A recent court ruling also means that if the express political advocacy is about a federal candidate, the Sierra Club may be required to publicly disclose the identity of certain donors. Similar disclosure rules apply in state and local jurisdictions. In addition, any independent expenditure campaign must be preceded by the erection of a “firewall” to separate Sierra Club staff or volunteer participants from coordinated activities on behalf of any candidate.

3-102. General Sierra Club Funds: Permitted Uses. In addition to being used for routine, non-political Sierra Club operations, general Sierra Club funds may be used to pay for political program administrative expenses, to raise money for the political program, and to communicate with Sierra Club members about federal candidates and, where state law permits, about state and local candidates. In some states, general Sierra Club funds may also be used for independent communications and certain other political expenditures. However, because this use is subject to a significant tax, it must be approved in advance by the national political and office of general counsel staff. In the context of these guidelines the terms “political” and “electoral” are synonymous; both refer to activities

intended to influence an election (or elections). See the discussion beginning at 3-100 for additional details.

3-103. General Sierra Club Funds: Prohibited Uses. It is illegal to use general Sierra Club funds to make direct or in-kind contributions to candidates for federal office or to most federal PACs. Using general Sierra Club funds to make direct or in-kind contributions to candidates for state office may also negatively impact Sierra Club's ability to raise funds from certain donors due to other legal issues. The use of general Sierra Club funds to independently advocate to the general public the election or defeat of any candidate for federal, state or local office or to make direct or in-kind contributions to candidates for state or local office requires advance approval by the national political and office of general counsel staff (see discussion beginning at 3-100).

3-104. Using General c4 Funds for Ballot Measure Activities . Federal tax law allows the Sierra Club to spend general c4 funds to support or oppose state or local ballot measures. However, state or local laws may regulate this activity. If a chapter or group spends general Sierra Club funds to support or oppose a ballot measure, for example, state or local law will likely require the chapter or group to file a public report of its contributions and expenditures in the ballot-measure election (See 1-160). Confer with your Chapter Compliance Officer for the specific requirements that may apply in your area.

Increasingly, state laws are imposing a donor reporting requirement if cumulative donations on ballot measures exceed a threshold or if an organization raises funds specifically for work on a ballot measure, so approval from the Office of General Counsel staff is imperative before incurring any expenditures.

3-105. Sierra Club Foundation Funds. Tax-deductible contributions to The Sierra Club Foundation must *never* be used to support advocacy activities relating to candidates for federal, state, or local office. As noted in section 6-100 through 6-105, The Sierra Club Foundation will not fully reimburse chapters or groups for expenses relating to a newsletter that contains express political advocacy materials for candidates for any office.

3-106. A chart of Sierra Club funds and how they may be used is available for reference in the Campfire Community at:
<https://community.sierraclub.org/section/program-department/policy-advocacy-and-legal-unit/politics/politics-toolkit>

3-107. Internal Sierra Club Rules. Sierra Club activities in all elections (including ballot measure elections) may also be affected by internal Sierra Club rules relating to use of members and supporters lists (see 5-000), use of the

Sierra Club logo (see 4-120), use of electronic media (see 6-000), and fundraising (see 4-600). Because of these internal Sierra Club rules, there may be some differences between the operation of the Sierra Club political program and the operation of other politically active organizations. To the extent that these rules are based on internal Sierra Club management decisions and not on any statutory requirements, they may be changed by the Board of Directors or an entity that it designates.

3-108. Political Affiliations. Because the Sierra Club engages in political activity in its own name throughout the country, chapters and groups may not enter into formal affiliations with other organizations to engage in political activity as a coalition. Political affiliations may be appropriate in rare circumstances, but the proposed affiliation must be reviewed and approved in accordance with the national Sierra Club rules for all affiliations. Please contact your SCPT liaison or the national political staff for advice if you believe a formal affiliation may be appropriate for your chapter or group. Approval from national political staff is required before entering into any formal affiliation. See Appendix B for guidelines for electoral work with other organizations.

3-200. Limits in Federal Elections

3-201. Basic Rule. Under federal election law, it is unlawful to use general Sierra Club funds (c4 funds) to make a direct or in-kind contribution to a federal candidate or a candidate's campaign. As a result of the United States Supreme Court's 2010 ruling in *Citizens United v. FEC*, there are some circumstances when Sierra Club funds may be used to communicate beyond the membership for political advocacy to support or oppose the election of a candidate for any office. Any such communication may not be coordinated with a candidate, must be done independently (see 4-500) and must include the appropriate disclaimer (see 4-214). Because this expenditure is subject to significant federal tax (at a rate of 21%), any independent expenditure of general Sierra Club funds on behalf of a federal candidate must be approved in advance by both the national political staff and office of general counsel staff by submitting Form 8.1.

3-202. Federal election laws are administered by the Federal Election Commission (FEC), which has established detailed regulations governing such matters as direct and in-kind contribution limits, restrictions on public communications, and reporting requirements. The SCPT Compliance Guidelines are intended to help chapters (and groups when authorized by chapters) engage in political activities in federal elections in compliance with federal election laws; however, you must obtain advance approval from the national political staff before engaging in federal political activity, with the general exception of publishing endorsements in regular members-only newsletters (See section

6-110). You must submit a Form 1A to the national political staff (email: political.desk@sierraclub.org) for approval before engaging in any federal political activity that is not clearly authorized by these guidelines.

3-203. Sierra Club Political Committee (SCPC). Federal tax and election laws allow the Sierra Club to establish a "separate segregated fund"(SSF) containing contributions from members that may be used to pay for political advocacy to support or oppose candidates for elective office. The SSF is more commonly called a "PAC" fund. The Sierra Club has established a federal PAC fund, named Sierra Club Political Committee, which is managed by the national political staff. This fund must be used to pay for campaign contributions, independent expenditure campaigns and public political advocacy to support or oppose candidates for federal office. SCPC fund is the only entity authorized to conduct coordinated federal expenditures. Chapters or groups may not conduct federal expenditures by other means or without advance approval from the national political staff. All expenses paid for by SCPC must be approved in advance by national political and office of general counsel staff. Contributions to SCPC are limited to members only and have a limit of \$5,000.00 per year. Foreign nationals, corporations, labor unions, federal contractors, and banks are not allowed to contribute to SCPC. All donations to SCPC are reported to the FEC. See 4-310 for a more detailed description of the use of the Sierra Club's federal PAC fund.

3-204. Sierra Club Independent Action (SCIA) is a federal "independent expenditure only" PAC, sometimes referred to as a "Super PAC." This fund must be used only for independent expenditure campaigns and never for contributions to federal candidates. SCIA is managed by the national political staff for independent expenditures to support or oppose federal candidates. Chapters or groups may not conduct federal expenditures by other means or without advance Form 1A approval from the national political staff (please reference section 7). All expenses paid by SCIA are approved by national political and office of general counsel staff. Super PACs may accept unlimited contributions from individuals (including nonmembers), corporations, labor unions and other PACs, but it may not accept contributions from foreign nationals, federal contractors, or banks. All donations to Sierra Club Independent Action are reported to the FEC.

3-300. Limits in State and Local Elections

3-301. Basic Rule. The Sierra Club typically does not spend its general corporate funds (c4 funds) on political contributions or on political communications distributed to the general public. This rule is based on the Sierra Club's tax status as a tax-exempt "501(c)(4)" organization under federal

law, on Securities and Exchange Commission regulations on donors, and on its status as a corporation subject to state election law. In some states, chapters (but not groups) may be permitted to use c4 funds to make a direct or in-kind contribution to a state or local candidate or a candidate's campaign, or to make independent communications to support or oppose the election of a candidate. These activities are subject to very strict limits, as described beginning at section 3-350. In some instances, SCPC and SCIA may contribute to state or local committees or conduct independent expenditures to support or defeat state or local candidates depending on the campaign finance regulations in the jurisdiction.

3-302. Ballot Measure Campaigns. Neither federal tax law nor national Sierra Club policy limits the ability of chapters and groups to use general Sierra Club funds to support or oppose state or local ballot measures. However, state or local law may impose registration and reporting requirements, as well as limits on sources of contributions to these campaigns. Each chapter is responsible for ensuring that its contributions and other activities in ballot measure campaigns are in compliance with state and local laws regarding these campaigns and chapters must have Political Committee Standing Rules in place.

3-303. State and local jurisdictions have established their own body of election law governing such matters as direct and in-kind contribution limits, restrictions on public communications and member communications, and public reporting of campaign contributions and expenditures. While many states recognize the same conceptual distinctions as the federal statutes -- such as the difference between member communications and public communications, and the distinction between express advocacy and voter education about issues -- often the specific definitions and standards differ in their details. Moreover, there is wide variation in such procedural elements as registering as a Political Action Committee and periodic reporting of income and expenditures.

3-304. Each chapter is responsible for knowing and complying with its own state and local election laws. These laws can be strict, and they create a risk of personal liability for Sierra Club leaders who carry out political activities that violate them. ***For your own protection, and for the protection of the Sierra Club, no chapter may engage in political activity in state or local elections unless it has obtained the services of a person who is knowledgeable about the campaign finance laws in the state or jurisdiction to serve as the Chapter Compliance Officer.*** The Chapter Compliance Officer, in consultation with the office of general counsel, advises the chapter about how to conduct political activities in compliance with state and local election laws and the SCPT Compliance Guidelines. The Chapter Compliance Officer may consult with the office of general counsel early in the planning stages of their political program

and when issues arise (depending on OGC capacity) but it is the expectation that Chapter Compliance Officers are empowered to make decisions.

3-305. If you are unable to recruit a Sierra Club member who is willing and able to serve as a Chapter Compliance Officer on a voluntary basis, you must retain an attorney or other competent professional to provide these services for you.

3-306. The Sierra Club California Executive Committee may designate a person to be the Compliance Officer for chapters in California.

3-307. Federal tax law allows the Sierra Club to establish PAC funds for use in state and local elections. The Sierra Club's federal PAC funds are ordinarily used only to support or oppose candidates for federal office. See 4-310 for a more detailed description of the use of federal PAC funds. Chapters may establish state or local PAC funds to pay for campaign contributions, independent expenditure campaigns, and public political advocacy to support or oppose candidates for state or local office, *not federal office*. See 4-640 for guidelines about fundraising for state and local PAC funds.

3-308. If a chapter establishes a segregated PAC fund for state or local political activity, it must retain the financial records of the PAC fund for ten years in order to comply with the requirements of federal tax law and Sierra Club record retention policies. It must also comply with any additional record-keeping requirements imposed by state or local law. See section 4-649 for a discussion of the requirement for state and local PAC funds to apply for a separate Employer Identification Number, to register and report to the IRS, and to file an annual tax return.

3-309. All chapter political chairs are required to fill out Form 2 early each year with current information about the leadership of the political program within the chapter. This form should be sent by email to the national political staff (political.desk@sierraclub.org) and to the SCPT liaison. (See Appendix D.)

3-350. Use of General Club c4 Funds for State or Local Political Advocacy

3-351. Where permitted by state or local election law, and subject to advance approval by the Chapter Compliance Officer as well as the national political staff and office of general counsel, chapters (but not groups) may be allowed to use general Sierra Club funds for independent expenditure campaigns (IECs) in state or local elections. Under some states' laws this will not be advisable, as such work could trigger significant repercussions for Sierra Club including registration as a PAC and donor disclosure. Moreover, such political expenditures are subject to a federal tax at a rate of 21%; the tax will be paid

from chapter funds so this additional expense must be anticipated.

3-352. State and Local Independent Expenditure Campaigns. Even where corporate campaign contributions are prohibited, the Supreme Court's 2010 ruling in *Citizens United* allows the Sierra Club to use c4 funds to communicate beyond the membership for political advocacy to support or oppose the election of a candidate. However, these independent communications may not be coordinated with a candidate, they must be done independently (see 4-500), and they must include the appropriate disclaimer (see 4-214). The use of c4 funds for these activities must be approved in advance by the Chapter Compliance Officer as well as the national political staff and office of general counsel. Again, a tax of 21% of the expenditure will apply.

3-353. Chapters must follow a two-step process in order to use general Sierra Club c4 funds for political advocacy in state or local elections. The first step is for the chapter to prepare and submit Form 8.1 to the national "Political Report" staff via email to political.report@sierraclub.org with an estimate of the amount of c4 funds that will be used. Forms must be submitted at least 15 days before the proposed activity and in no case after September 30. Submission of a form does not guarantee approval. If the proposed activity is approved, ***the chapter authorizing the use of Sierra Club funds for any political contribution or expenditure will be obligated to pay the assessed tax.*** The second step is for the chapter to submit Form 8.2 to the Political Report staff before the end of the current year with documentation of the actual amount of c4 expenditures.

3-354. PAC funds must be used for all minor political advocacy expenses. Due to the additional administrative and tax costs incurred in using general Sierra Club c4 funds for public electoral advocacy activities, PAC funds must be used to pay for minor campaign contributions and public advocacy expenditures of \$500 or less, such as web postings, blog posts, and staff time assisting campaigns directly.

3-355. Member Communications. Most states have a "member communications exception" that allows us to use c4 funds to communicate with members for state/local political advocacy without triggering a tax. If a state does not have this express exception, Chapters are required to use PAC funds to communicate with members regarding state/local political advocacy. If a state does not have a member communications exception, but does allow corporate contributions, a Form 8.1 may be submitted to make a c4 taxable and reportable expenditure to communicate with Sierra Club members. Confer with your Chapter Compliance Officer in advance to determine which rules apply to you.

3-400. Joint Federal-State Activities

3-401. Campaign finance laws regulate Sierra Club entities in conducting political activities that jointly benefit federal candidates as well as state and local candidates or ballot measures. One common example is a fundraising event to benefit a federal candidate as well as a state or local PAC fund. The accounting, disclaimer, and reporting requirements for these joint activities are very complicated. It is essential to confer with your Chapter Compliance Officer, the office of general counsel, your SCPT liaison, and the national political staff several weeks before you attempt to engage in this type of activity. Federal disclaimer language must be on all joint federal-state electoral materials, at least some federal PAC funds will be necessary, and prior approval by both the national political staff and the office of general counsel must be received before any joint federal-state campaign activities or communications.

3-500. Key Factors in Determining Which Rules Apply

3-501. When you are considering political action in connection with an election, four factors determine which rules apply to the proposed action. If you are contemplating a political action and need advice or assistance from your SCPT liaison or national office of general counsel staff, you should always be able to describe these four factors in your request for advice or assistance.

3-502. Nature of Election. The first key factor is the question whether the action relates to a candidate for federal office, for state office, for local office, a recall election, or whether the action relates to a ballot measure and not a candidate. Some activities will involve more than one of these categories.

3-503. Nature of Activity. The second key factor is the nature of the activity. If it involves a communication in some form (and most political actions do involve some form of communication), what does the communication say? Is it a print or TV advertisement, mailer, email, website, or some other type of media? Does it expressly advocate the election or defeat of a candidate for elective office by using words such as "vote for," or "vote against," or use other words whose only reasonable interpretation is as an appeal to support or oppose a specific candidate? If the communication relates to an environmental issue without express political advocacy, does it name any candidate for elective office or political party? Will the activity be coordinated with the candidate or his/her campaign, or is it completely independent from the candidate?

3-504. Target Audience. The third key factor is the target audience for the activity. Is it restricted to Sierra Club members, or does it go beyond the Club membership?

3-505. Source of Funds for Activity. The fourth key factor is the question of who will pay for any expenses that are involved in the activity and for any resources that are used in the activity. Are we required to use federal PAC funds or state PAC funds? Are Sierra Club general funds permitted and would we be required to pay a tax on the use of the general funds? Are Sierra Club volunteers planning to cover the cost of the activity? Or will the costs be paid by the candidate's campaign or by some other non-Sierra Club source? Some activities may not be paid for with certain types of funds, so you will need to identify which type of funds will be needed in order to pay for the activity.

3-600. Complaints about Campaign Finance Violations

3-601. Filing a campaign finance complaint against a candidate, PAC or other entity requires expertise in campaign finance law and understanding of the complaint process.

3-602. Chapters are not permitted to file or join any federal election campaign finance complaint without advance approval from the national political staff and national office of general counsel staff.

3-603. Before filing or joining any state or local campaign finance-related complaint in the name of the Sierra Club or a Sierra Club chapter, you must have agreement from the Chapter Chair, Chapter Political Chair, and Chapter Compliance Officer. The SCPT liaison should be notified of the alleged violation.

3-604. If filing a campaign finance complaint seems appropriate and is approved, the Sierra Club's office of general counsel may be able to assist you with this effort. To obtain assistance from Sierra Club's legal department please email political.desk@sierraclub.org.

4-000. GUIDELINES FOR POLITICAL ACTIVITIES

4-050. Use of Sierra Club Resources in Elections

4-051. This division contains guidelines for several common types of political activities. Other divisions contain more detailed guidelines for communicating with Sierra Club members and use of members and supporters lists (see 5-000); use of newsletters (6-100), websites (6-200), and email (6-300); and fundraising for federal, state, and local candidates (Appendix C).

4-052. Basic Rule. The Sierra Club typically does not spend general funds (c4 funds) on political contributions or on political communications distributed to the general public. The use of Sierra Club resources, such as staff and facilities, that are paid for with general Sierra Club funds (c4 funds) to communicate beyond the membership to support or oppose the election of any candidate for any office is subject to a tax and must be approved in advance by the national political staff and the national office of general counsel staff by submitting Form 8.1. In the case of state and local electoral activity approval by the Chapter Compliance Officer is also required. Using corporate funds for political advocacy may also be prohibited by law. See discussion beginning at 3-100.

4-053. General Sierra Club funds may pay for activities and costs associated with deciding whether to make an endorsement, such as developing questionnaires, arranging for pre-endorsement interviews, and participating in interviews, as long as these activities involve members only and do not involve communication with the general public. As noted in section 4-701, in most states general Sierra Club funds may also be used to pay for the internal administration and operation of the Sierra Club's political program, including staff salaries. Your Chapter Compliance Officer should be consulted to confirm whether state law permits these payments.

4-054. National political resources in state and local elections. When national political resources will be used in a state or local election, the national political staff will work with the chapter to develop one political plan and execute an MOU that defines roles and responsibilities. National office of general counsel staff will ensure that these higher visibility state and local programs receive the proper legal guidance.

4-055. Paying for Sierra Club Tools and Resources for your PAC Work. When your PAC uses Sierra Club Tools and Resources, the value of those costs must be paid for in advance prior to use in order to avoid an in-kind contribution from Sierra Club to your PAC.

Tools :

- VAN:
- Hustle

Sierra Club Resources

- member/supporter lists
- Staff Time (ESXXXX)
- Any other thing paid for by Sierra Club that has value

It is important to avoid the in-kind contribution because it may be impermissible for a corporation such as Sierra Club to make the contribution or it may require Sierra Club to register and report as a political committee in the state/local campaign finance jurisdiction. The funds are sent to Sierra Club Oakland Office or via ACH (electronic payment) and are drawn down upon once costs are incurred.

To set up staff time codes, for any questions relating to tools and Sierra Club resources for PAC use, or for advance setup/balance updates/replenishments, please contact compliance.review@sierraclub.org.

4-056. Robocalls, Auto-Dialers, and Predictive dialers. Calls that use an auto-dialer and/or deliver a pre-recorded message can be an effective campaign tactic when used as part of a comprehensive program. However, the regulatory framework governing robocalls is complicated, and therefore prior approval from your Chapter Compliance Officer and national office of general counsel staff (compliance.review@sierraclub.org) is required before engaging in robocalls, calls using auto-dialers, predictive dialers or automated texting

4-057. Peer-to-peer texting. Unlike automated texting or robocalls, peer-to-peer texts are personal messages that come from Sierra Club volunteers who initiate a conversation with potential voters or supporters. Peer-to-peer texting is a helpful tool that is regulated somewhat differently than robocalls or robotexts. Whereas robocalls to cell phones require the express prior consent of the called parties, peer-to-peer texting does not. However, both the law and Sierra Club policy requires us to make it easy for recipients to opt out of future Sierra Club texts and to promptly remove them from the calling/texting list on request. Advance approval from the National Digital team, your Chapter Compliance Officer, and compliance.review@sierraclub.org is necessary before engaging in electoral advocacy via a peer-to-peer texting program. These stakeholders can advise on best practices and costs per outbound messages that will be billed to the appropriate PAC advance after the texting campaign is completed. Please consult Campfire for the most up-to-date guidance on peer-to-peer texting campaigns.

4-058. Membership Meetings with Candidates. Chapters and groups may use Sierra Club general funds to pay the expenses of a meeting where candidates

discuss electoral matters, as long as the audience is limited to Sierra Club members. Confer with your Chapter Compliance Officer to determine whether state or local law imposes any restrictions on meetings with candidates for state or local office. See additional guidelines beginning at 2-540.

4-060. Establishing Firewalls

4-061. Definition. When Sierra Club entities are conducting both coordinated and independent work in the same election, it is imperative to have a legal separation between the two called a “firewall.” This separation is needed because the law in most jurisdictions limits contributions to candidate committees, including in-kind contributions through activities that are coordinated with candidates. Federal and state definitions of “coordination” vary, but the term generally refers to certain contacts with candidates and political parties (and their representatives) about the election. Political spending that is undertaken independently from candidates and parties, however, is not limited by either federal or state campaign finance law but may be subject to campaign finance disclosure. A firewall is a written policy that establishes the rules for maintaining separation between Sierra Club’s coordinated and independent activities, based on the law that applies to the particular elections at stake. For the purpose of this section, a firewall refers to an agreement with an individual, not a limitation on the organization.

4-062. Timing. It is recommended to have internal big picture conversations about general political planning prior to any coordination with candidates, including early endorsements. Please reference 2-544 for information about coordination during the endorsement process. A firewall must be in place prior to coordinating with a candidate, candidate committee, or political party. National programs must work with the office of general counsel to ensure compliance with federal coordination requirements and determine firewall designations; chapter-led programs must confer with the chapter Political Chair and chapter Compliance Officer to ensure compliance with state and municipal coordination requirements and determine firewall designations.

4-063. Firewall Components. The basic purpose of a firewall is to designate individuals as “coordinated”, “independent”, or, in limited circumstances, “neutral”. A firewall establishes the rules for the extent to which an individual may interact with candidates and parties based on their designation and the rules for how they may interact with other Sierra Club personnel assigned to different “sides” of the firewall.

1. Coordinated. Individuals who are “coordinated” may speak freely with candidates, parties, and their representatives, as

well as with others who similarly coordinate with candidates and parties. Coordination may occur during the endorsement process if discussions are held with the candidate or agents of the campaign on topics of political messaging or targeting. Once someone has engaged in coordinated activity, they may not engage in independent activity in the same race. Coordinated personnel must also take care not to convey information from candidates and parties to individuals who are assigned to the independent side of the firewall.

2. Independent. Individuals who are “independent” may not deal with candidates, parties, or their representatives about electoral matters. Generally, independent activities are done without the involvement or even the knowledge of any candidate, candidate’s campaign, or political party, or their agents, and they must not be based on non-public information that is obtained by coordinated personnel.
3. Neutral. The “neutral” designation is strictly reserved for volunteers or staff who are carrying out a limited support role to both the coordinated and independent programs and who are not contributing to political strategy, planning, or content creation. Neutral staff are required to keep confidential all material information, including strategic information, messaging, slogans, campaign plans, and budgets specific to one program team and to not disclose such information to the staff and volunteers of the other program teams. Chapter directors, chapter chairs, and other positions of chapter-wide or political decision-making authority cannot serve in a neutral role.

4-100. Endorsement and Use of Sierra Club Name

4-101. "Sierra Club" is a highly valuable trade name, and the Sierra Club is protective of its use. The following guidelines are intended to help protect the Sierra Club's right to control the use of its trade name, while still allowing it to be used as part of the political program.

4-102. Use by Endorsed Candidates. Endorsement means that the Sierra Club officially supports a candidate. We encourage endorsed candidates to include the Sierra Club in lists of their supporters, but all other uses of the Sierra Club name must be approved in advance by the volunteer or staff member who is responsible for liaison with the candidate's campaign. This requirement is to avoid an inappropriate identification with the Sierra Club. For example, we would not allow a candidate to use the Sierra Club name in a context that

suggests Sierra Club opposition to something that we actually support. Likewise, we would not ordinarily permit a candidate to feature the Sierra Club name in a negative attack on an opponent who has a respectable environmental record.

4-103. Use by Independent Campaigns. For the same reasons listed in 4-102, prior approval is required before individuals and organizations that are acting independently of candidates' campaigns may use the Sierra Club's name.

4-104. Use by Sierra Club Leaders and Members. If the Sierra Club has endorsed a candidate for public office pursuant to these guidelines, Sierra Club members, volunteer leaders, and staff may state their Sierra Club affiliation and leadership titles in conjunction with their personal endorsement of the Sierra Club-endorsed candidate. If the Sierra Club has not endorsed the candidate, members and leaders are not authorized to state their Sierra Club affiliation or title in conjunction with their personal endorsement of the candidate.

4-105. Some candidates who have not been endorsed might nevertheless invoke the Sierra Club name in campaign material without the Sierra Club's permission. One key question in this situation is whether the candidate is using the Sierra Club name to make a false statement (such as, "the Sierra Club has endorsed my election"), or whether the statement is factually accurate (such as, "the Sierra Club gave me an award last year"). The Sierra Club cannot stop a candidate from using the Sierra Club name in a factually accurate manner, even though this use has not been authorized. However, there may be other actions that Sierra Club entities may take in this situation. See the discussion beginning at 4-800. The Sierra Club's right to restrict use of its logo is much greater than its right to restrict use of its name (see section 4-829).

4-120. Use of Sierra Club Logo or Endorsement Seal

4-121. The Sierra Club official logo rather than the endorsement seal may only be used on campaign materials that are designed and used by a Sierra Club entity. These permissible uses include member communications, independent expenditure communications, non-partisan communications, and endorsement announcements. It is impermissible to use the logo as part of a coordinated public communication or allow the candidate or other political committees to use the logo. See 4-451 for guidelines on authorizing non-Sierra Club entities to reprint and distribute materials that were developed as part of the Sierra Club's political program. The Sierra Club logo may also be used on campaign materials that are part of an independent expenditure campaign, but Sierra Club entities may not authorize candidates or other campaigns to reprint or distribute materials that were prepared as part of a Sierra Club independent expenditure campaign (see section 4-452). For a definition of independent expenditures see

section 1-122. If you are unsure about whether you may use the Sierra Club logo, please contact the office of general counsel (compliance.review@sierraclub.org) or your chapter Compliance Officer.

4-122. The Sierra Club permits endorsed candidates' use of the Sierra Club endorsement seal on campaign websites, social media, printed campaign materials and paid media that are designed or developed by an endorsed candidate or an outside party under contract to an endorsed candidate. Endorsed candidates are not permitted to use the official Sierra Club logo. Campaign finance regulations prohibit candidate use of corporate resources, including logos. Chapters, for all state and local races, and the national political team are responsible for ensuring compliance with this requirement.

4-123. The Sierra Club generally permits limited use of the official Sierra Club logo for endorsed ballot initiative campaigns on websites, printed materials and paid media that are designed or developed by an endorsed ballot committee or an outside party under contract to an endorsed ballot committee. However, in certain states, including California, it is advisable to use the endorsement seal instead to avoid legal complications. As such, prior approval from the national office of general counsel (compliance.review@sierraclub.org) is required before using the official Sierra Club logo on ballot initiative materials going beyond members.

4-124. Requests for use of the Sierra Club endorsement seal by an endorsed candidate will be fulfilled by accessing a link to the Sierra Club Candidate Endorsement Seal Agreement which is provided to the candidate in their official endorsement letter. Once the candidate or their agent has accepted the agreement and provided their contact information, they will be directed to a webpage where they can access the version of Sierra Club Endorsement Seal that meets their needs.

4-125. Use by Independent Campaigns. Independent expenditure campaigns may use the endorsement seal, but for the same reasons listed in 4-102, prior approval is required.

4-130. Use of Sierra Club Letterhead and Masthead

4-131. Letter on Sierra Club Letterhead. Endorsed candidates may send a mailing that includes a letter from a Sierra Club leader printed on Sierra Club letterhead containing the Sierra Club logo. The mailing list is not necessarily limited to Sierra Club members; the mailing may also be sent to nonmember residents in the candidate's district. The letter must be printed on Sierra Club letterhead and signed by the Sierra Club leader, and then given to the campaign

for reproduction. The letter must clearly state that it was reproduced by the candidate's campaign with the express permission of the Sierra Club, and that the mailing was paid for by the candidate's campaign. Federal regulations contain detailed requirements about the form and content of the "disclaimer" statement in communications about federal candidates (see section 4-214). State or local law may contain similar requirements for communications about state or local campaigns. Any staff time or Sierra Club resources used in the preparation of the mailing is an in-kind contribution to the candidate subject to the applicable contribution and source limits and prohibitions (see section 2-920).

4-132. Use of Sierra Club Envelopes. A letter on chapter or group letterhead may be mailed in the Sierra Club entity's envelopes if the candidate pays the chapter or group the fair market value of the envelopes. In this context, the "fair market value" may be based on the full cost of printing the quantity of envelopes provided to the candidate. If a Sierra Club entity's envelopes are used for the mailing, the mailing may not include campaign brochures or other campaign literature in addition to the Sierra Club leader's letter.

4-133. Newsletter Articles. If a chapter or group authorizes a candidate or campaign to reprint and distribute an article from the chapter or group newsletter, the chapter or group may authorize the candidate to include the newsletter masthead as part of the reprinted article. See 6-114 for additional guidelines about distribution of newsletter articles by candidates and campaigns.

4-150. Endorsement Announcement

4-151. A joint public announcement of a political endorsement *with* a federal candidate present that involves expenses requires that SCPC or the campaign pay the costs associated with the event in advance. SCIA funds must not be used. Any use of Sierra Club resources such as staff time, lists, or phones must be paid in advance by the candidate's campaign or by SCPC funds. The cost must be reported as an in-kind contribution to the candidate, subject to the applicable contribution limits.

4-152. Federal Endorsement Announcement when no coordination has occurred. General Sierra Club funds may be used to fund a press release or conference announcing the Sierra Club's endorsement of a federal candidate, as long as the list of contacted media is the same list as is used for, and the costs incurred are similar to, routine press releases and press conferences. However, the Sierra Club may not coordinate or consult with the candidate or campaign about the timing or place of the press conference or any other matter related to the endorsement announcement. Neither the candidate nor a campaign representative may be present at the press conference, nor may there be any

reference in materials distributed before or during the press conference to the candidate's or campaign's reaction to our endorsement.

4-153. An alternative means of announcing an endorsement of a federal candidate using general Sierra Club funds is to make the announcement through a members only communication such as a meeting for Sierra Club members only. In this case, the event can be coordinated with the candidate, the candidate may be present, and the press may be invited. However, except for special guests who are being honored at the meeting and people assisting at the event, only Sierra Club members may be present. Invitations for the meeting sent to Sierra Club members may announce the endorsement and state that the candidate will be at the meeting.

4-154. Unless the endorsement event for a federal candidate fits within either of the two exceptions described above (a press release under 4-152 or member-only communication under 4-153), all Sierra Club expenses relating to the announcement or event, including use of Sierra Club resources such as national and/or chapter staff time, lists, or phones, must be approved *in advance* by the Sierra Club Political Committee by submitting a Form 1A to political.desk@sierraclub.org and paid directly by SCPC. SCIA funds must not be used. When posting endorsements on a chapter website, see 6-240.

4-155. State and Local Candidates. If permissible under state and local law, general Sierra Club funds may be used to announce an endorsement of a state or local candidate in the same manner described above for federal candidates. However, some states may require the use of PAC funds to pay in advance any expenses associated with a public announcement of an endorsement of a state or local candidate. You must confer with your chapter Compliance Officer in advance to determine whether you may use general Sierra Club funds to make a public announcement of the endorsement. The chapter Compliance Officer will determine what is required on the plan for payment and fulfilling reporting obligations.

4-156. Governors and Mayors of Major Cities. Chapter endorsement announcements regarding state governors and mayors of major cities are an important and highly visible component of the Sierra Club's overall political program. National media often contact the national political staff for information about Sierra Club endorsements for these offices, so it is helpful if the national political staff is aware of such endorsements before they are announced. In addition to informing the national political team early in the endorsement process (as defined in section 2-803), when you have completed the endorsement approval process for a governor or mayor of a major city, please notify political.desk@sierraclub.org with information about the endorsement

and the local Sierra Club contact person before announcing the endorsement.

4-160. Member Communications Exception

4-161. Federal law permits Sierra Club to use 501(c)(4) funds to communicate with its members regarding federal candidate express advocacy. This is often also true at the state and municipal level and chapters are responsible for determining whether their jurisdiction has a member communications exception. Except for newsletter articles, member communications to support or oppose the election of federal candidates are subject to federal campaign finance reporting requirements. Federal law does not limit the amount that the Sierra Club may spend on member communications in federal elections, but it requires that the direct cost of member communications about federal candidates be reported if the cumulative total direct cost in an election – primary or general - is \$2,000 or more. Communications that have PAC branding and disclaimer cannot be used as a c4 funded membership communication. If your program includes both membership and nonmember communications, be sure that your membership communications are c4 branded and your nonmember communications are PAC branded (including the necessary disclaimer). If your program includes both membership and nonmember communications, be sure that your membership communications are c4 branded and your nonmember communications are PAC branded (including the necessary disclaimer). If you were to send a joint communication to both members and supporters that is PAC branded, the PAC would be required to pay the full cost of the communication, including a list rental for the member names. Please see 5-000, 4-421, 4-411 for more information.

4-200. Public Communications in Elections

The method for paying for a public communication (i.e., a communication that extends beyond the Sierra Club membership) involving express political advocacy depends upon whether the communication has been coordinated with the candidate (see 1-121) or is independent (see 1-122). If coordinated, it must be paid for with federal or state PAC funds (depending upon the office being sought). If independent, it may be paid for with PAC funds or with general Sierra Club funds (see discussion beginning at 3-101). Either method may trigger reporting requirements.

4-201. Public Communications: Pre-Election Broadcast Communications, also sometimes known as “electioneering communications.” Federal law imposes complex disclosure rules on the use of general Sierra Club funds to pay for any broadcast, satellite, or cable communication (including television and radio) that refers to a clearly identified federal candidate within 30 days of a primary or 60

days of a general election. Therefore, no general Sierra Club funds may be used to pay for pre-election broadcasts that refer to a federal candidate without advance approval from Compliance Review and national political staff. Many states have adopted similar provisions, some of which cover additional types of media, that regulate the use of general Sierra Club funds to pay for public communications that refer to identified state candidates shortly before an election. Confer with your Chapter Compliance Officer to determine whether such provisions are in effect in your state. See the guidelines beginning at section 4-200 for additional discussion of public communications about candidates. Guidelines for use of the internet, email, and other electronic media are in division 6 (6-000).

4-202. Public Communications: Objectively Telling the News. Not every public communication that involves an elected official is either express political advocacy or issue advocacy. Sometimes it is just telling the news while promoting the Sierra Club's non-electoral agenda. For example, in a wide-ranging press conference, a reporter might ask a Sierra Club representative for the position of the local congressional delegation on weakening arsenic standards. The Sierra Club representative may say "Congressman Plum is for weakening the standards, Congresswoman Peacock is against it." In a case of this sort, the use of general Sierra Club funds is appropriate, but close to an election the Sierra Club representative should avoid editorial commentary. The line between telling the news and issue advocacy or express political advocacy should be clear, but if in doubt contact your national political team liaison or the national political staff.

4-210. Public Communications about Federal Candidates

4-211. Public communications may be coordinated with a candidate or prepared independently. Whether the communication is coordinated or independent will determine which funds are used to pay for the communication, the reporting requirements, and, for some types of communications, whether any limits apply to the amount that may be spent. If the candidate, campaign staff, or other agents of the candidate have any involvement in a public communication, the communication is coordinated, and all the costs, including any staff time, must be paid from the Sierra Club Political Committee federal PAC fund (SCPC not SCIA) with prior approval of the national political staff. Public communications include a public press conference or public meeting with a candidate to talk about their campaign; printing and distributing brochures to the general public that support or oppose a candidate; listing the Sierra Club's endorsement on a Sierra Club-sponsored web page; using Sierra Club facilities for a phone bank to nonmembers to support or oppose a candidate; printing campaign buttons,

bumper stickers, or yard signs that support or oppose a candidate; running radio, TV, or newspaper ads in support of or opposition to a candidate; and any other political advocacy activity intended to communicate with the public to support or oppose the election of a federal candidate. Communications limited only to Sierra Club members are *not* public communications, and they may be paid for from general c4 funds and may be coordinated with candidates. Note that if a federal endorsement is already listed on the national web page, a chapter may also then list it on a legally appropriate spot on their website as well.

4-212. A public communication is deemed to be authorized by the candidate's campaign unless it is part of an independent expenditure campaign by the Sierra Club (see 4-213). All public communications related to federal elections must be paid for *directly* with Sierra Club Political Committee PAC funds, unless they are independent expenditures (please see 4-520). It is illegal to use general c4 Sierra Club funds for a federal political contribution, and then to reimburse the c4 with PAC funds, even if the reimbursement occurs very soon after the communication. Payment for the use of Sierra Club resources associated with these public communications must be paid in advance by SCPC to avoid incurring an in-kind contribution to the candidate campaign from the c4 organization.

4-213. Independent expenditures. Public communications that are prepared independently of a candidate may be paid for with segregated PAC funds (Sierra Club Political Committee), Super PAC funds (Sierra Club Independent Action) or, under some exceptional circumstances, general Sierra Club funds (subject to a tax). (See section 3-204).

4-214. "Disclaimer" Notice. Federal law requires a "disclaimer" statement to be included in all public communications that are paid for by SCPC or SCIA. The "disclaimer" identifies the entity that paid for the communication, and it states whether the communication was authorized by any candidate. The disclaimer requirement applies to advertisements, mass mailings of more than 500 pieces, email of more than 500 recipients, websites available to the general public, telephone calls to more than 500 recipients, broadcast communications, public websites (see 6-231), and any other form of general public political communication. The disclaimer requirement does not apply to internal Sierra Club communications to Sierra Club members. Guidelines for member communications begin at 5-000. Federal regulations contain detailed requirements about the form and content of disclaimer notices, depending on whether the communication is printed, broadcast, or made by telephone, and whether the communication is authorized by any candidate or candidate's committee. If you are considering making a public communication to support or oppose a federal candidate, you must contact the national political staff

(political.desk@sierraclub.org) well in advance for approval, and national office of general counsel staff (compliance.review@sierraclub.org) for assistance in complying with the disclaimer requirements.

4-215. If a regular chapter newsletter contains advocacy for a federal candidate, the newsletter must not be distributed beyond the Sierra Club's membership and the normal small overrun that is customary with other issues of the newsletter. More general distribution to the public constitutes an in-kind contribution to the federal candidate that must be approved *in advance* by national political staff and paid for *in advance* with federal PAC funds. Such payment counts against the federal limit of \$5,000 per election (primary and general counted separately) for PAC contributions to federal candidates. See 6-100 for more on newsletters. Chapters seeking to include advocacy for a federal candidate in a newsletter to be distributed beyond membership must submit a Form 1A (in section 7) request to the national political team for approval as early as possible and no later than 10 business days prior to when the newsletter is to be submitted for publication.

4-216. A public statement by a Sierra Club volunteer in support of an endorsed candidate does not constitute a contribution by the Sierra Club to the candidate, provided that no Sierra Club funds or resources are used to pay for travel or other costs associated with the statement, such as the use of Sierra Club lists, Chapter offices or phones. See 6-500 for more information on posting to free social media sites.

4-217. Voter Guides. Sierra Club's extensive partisan electoral efforts leave little room to run non-partisan voter guides. Generally, voter guides will need to be PAC-funded or treated as a c4 taxable expense. Because of the complex legal requirements affecting non-partisan voter guides, chapters and groups must not prepare non-partisan voter guides without first conferring with the national political staff (political.desk@sierraclub.org) and national office of general counsel (compliance.review@sierraclub.org). See 4-280 for information on voter engagement and GOTV activities.

4-220. Public Communications about State and Local Candidates

4-221. In addition to the federal tax implications discussed in section 3-100, the categories of public communications listed in section 4-211 are subject to state laws with respect to use of general Sierra Club (501(c)4) funds to support candidates for state or local office. Many states and local jurisdictions model federal law and do not allow such corporate funds to be used for coordinated public communications. Thus the Chapter Compliance Officer must be consulted in advance to determine if general Sierra Club funds can be used for coordinated communications.

4-222. Sierra Club requires that all chapters planning to engage in public electoral advocacy to support or oppose state and local candidates must establish a political action committee (PAC) if not already established. See 4-640 for additional discussion, and confer with your Chapter Compliance Officer for guidance about establishing and maintaining a chapter PAC fund.

4-240. Sierra Club Slate Cards and Endorsement Lists

4-241. Sierra Club entities often consider printing and distributing "slate cards" that list endorsed candidates. On account of the cost and efficacy of this tactic relative to direct voter contact, the national political team generally advises against the distribution of slate cards and requests to distribute cards will be subject to a high level of scrutiny. This type of activity is commonly done by political party organizations. In some states slate cards are distributed as a semi-commercial activity by entities that charge candidates a fee to be listed on their slate cards. The Sierra Club is a different type of entity, and we operate under different rules. It is relatively easy for Sierra Club entities to prepare and distribute slate cards to Sierra Club members (see 4-250). Distribution of slate cards to nonmembers involves much greater restrictions. As noted below (see 4-260), slate cards that list federal, state, and local candidates and that are distributed to nonmembers must comply with federal and state campaign laws, and they are considered in-kind contributions or independent expenditures for each candidate listed on the card. Any slate card that would list a federal candidate must be approved in writing and in advance of design and printing by both the national political staff and the office of general counsel.

4-242. To avoid becoming subject to regulations applicable to slate card organizations that are not political parties, Sierra Club entities may not charge a fee for listing candidates or ballot measures on slate cards. Likewise, they may not solicit or accept contributions that are specifically earmarked to pay for printing and distributing slate cards to Sierra Club members or to nonmembers. Case-by-case exceptions may be made, dependent on state and local law, and require advance approval from your Chapter Compliance Officer and national office of general counsel staff.

4-250. Slate Cards for Distribution to Sierra Club Members

4-251. Sierra Club entities may use general Club funds (c4 funds) to pay for printing and distributing slate cards only to Sierra Club members, unless this activity is restricted by state or local law. Because federal law requires reporting of member communication costs, if the slate card includes one or more federal candidates, the Sierra Club entity must use Form 3 to report each federal

candidate's proportionate share of the printing and distribution costs. Any slate card that would list a federal candidate must be approved in writing in advance of design and printing by both the national political staff and the office of general counsel. If the slate card includes one or more state or local candidates or ballot measures, the Sierra Club entity must confer with its Chapter Compliance Officer in advance, and comply with all relevant campaign finance and reporting requirements under state and local law.

4-252. Chapter and group newsletters may include a list of the Sierra Club's endorsed candidates and ballot measures, so long as only a minimal number of copies of the newsletter go to nonmembers. These newsletter lists are subject to the guidelines relating to newsletters, beginning at section 6-100. It is not necessary to report the cost of newsletter listings of endorsed federal candidates, or to use federal PAC funds, so long as the newsletter goes only to members, and so long as the listing is not the primary purpose of the publication. Confer with your Chapter Compliance Officer to determine whether newsletter listings involve any campaign finance and reporting requirements under state or local law.

4-260. Slate Cards for Distribution to Nonmembers

4-261. State and Local Candidate Slate Cards – Coordinated. Where state laws prohibit corporate contributions, Sierra Club entities may not use general Sierra Club c4 funds to pay for printing or distributing slate cards that list Sierra Club-endorsed state and local candidates to nonmembers, if the content or distribution of the slate card is coordinated with any candidate, candidate's committee or party committee. In states that prohibit corporate contributions, all of the printing and distribution costs for coordinated slate cards must be paid in advance by the Chapter's state or local PAC. The Chapter is responsible for complying with all relevant campaign finance and reporting requirements under state and local law. In states that allow corporate contributions, the use of general Sierra Club c4 funds must be approved in advance by the Chapter Compliance Officer, the national political staff and the office of general counsel by submitting Form 8.1. The chapter will be obligated to pay all associated taxes.

4-262. State and Local Candidate Slate Cards – Independent. Sierra Club entities may use general Sierra Club c4 funds or state or local PAC funds to pay for printing or distributing slate cards to nonmembers, if the content and distribution of the slate card is independent of all candidates, candidates' committees and party committees. The Sierra Club entity is responsible for complying with all relevant campaign finance and reporting requirements under state and local law. If general Club c4 funds are to be used, this must be approved in advance by the

Chapter Compliance Officer, the national political staff and the office of general counsel by submitting Form 8.1 (see discussion beginning at 3-100). The chapter will be obligated to pay all associated taxes.

4-263. Federal Candidate Slate Cards – Coordinated. If one or more federal candidates are included on a slate card that is coordinated with any candidate, candidate’s committee or party committee and distributed to nonmembers, the Sierra Club Political Committee federal PAC fund must pay Sierra Club in advance the proportionate share of the cost of printing and distributing the slate card to nonmembers. For each federal candidate listed on the card, the SCPC must report the federal PAC payment as an in-kind contribution to the candidate, subject to the Sierra Club Political Committee’s \$5,000 per-candidate, per-election contribution limit. The national political staff must approve *in advance and in writing* all proposed uses of Sierra Club Political Committee funds, including the use of federal PAC funds for slate cards. Budgeting for a slate card that includes federal candidates, and consultation with the national political staff must occur well ahead of time. On account of the cost and efficacy of this tactic relative to direct voter contact, the national political team generally advises against the distribution of slate cards and requests to distribute cards will be subject to a high level of scrutiny. SCIA (Sierra Club Independent Action) or c4 funds must not be used for coordinated federal slate cards.

4-264. Federal Candidate Slate Cards – Independent. If one or more federal candidates are included on a slate card that is developed and distributed independently of all candidates, candidates’ committees and party committees, and that are distributed to nonmembers, SCIA or federal PAC funds must pay the cost of printing and distributing the slate card. For each federal candidate listed on the card, the payment must be reported as an independent expenditure in support of the candidate. The national political staff must approve *in advance and in writing* all proposed uses of the Sierra Club's federal PAC funds and general c4 funds for federal political expenditures. Budgeting for a slate card that includes federal candidates, and consultation with the national political staff, should occur well ahead of time.

4-270. Slate Cards Limited to Ballot Measures

4-271. Sierra Club entities must confer with their Chapter Compliance Officer to determine state and local legal requirements for printing and distributing slate cards that list the Sierra Club's position on state or local ballot measures.

4-272. State and local laws govern how Sierra Club entities may use general funds (c4 funds) to communicate with the general public to support or oppose state or local ballot measures. Subject to registration and reporting requirements,

Sierra Club may use c4 funds to print and distribute to the general public slate cards that list the Sierra Club's position on state and local ballot measures, as long as they do not include the Sierra Club's position on any candidate. The chapter or group must comply with all applicable legal requirements for campaign activities to support or oppose ballot measure, including possible registration/reporting requirements as a ballot measure committee (or jurisdictional equivalent).

4-280. Voter Engagement Programs (Voter Registration, Voter Identification, and GOTV Activities)

4-281. Funding for voter engagement programs—voter registration, voter identification, and get-out-the-vote (GOTV) activities—is dependent upon messaging, timing, and targeting (geographic and/or demographic). Sierra Club c4 funds may be used for nonpartisan voter engagement programs. Partisan voter engagement programs typically require federal or chapter PAC funds.

4-282. If a Sierra Club entity engages in nonpartisan voter engagement activity—e.g., voter registration, voter identification, and/or GOTV—that has not been coordinated with any candidate, candidate campaign, or political party and does not indicate support or opposition towards any federal, state, or local candidate or political party, these activities may be paid for with general Sierra Club (c4) funds. Nonpartisanship is determined by messaging, timing, and targeting (geographic and/or demographic). Even if the communications do not mention a candidate or political party, they can be considered “partisan” by virtue of the targeting of the program. For example, if a voter registration effort is targeted in marginal districts or to voters who will likely vote for an environmental candidate, the program would likely not be treated as nonpartisan. A “facts and circumstances test” (based on federal tax law) must be applied when determining if a proposed program is nonpartisan. If a program is ultimately determined to be partisan but is paid for with general c4 funds, a 21% tax on program expenditures must be paid and there may be additional legal consequences depending on applicable election law.

4-283. State and local PAC funds may be used to pay for voter registration, voter identification, and GOTV activities that identify a specific state or local candidate (but no federal candidate). Any such materials must be approved by the Chapter Compliance Officer to ensure compliance with state and local election laws.

4-284. In some states, general Sierra Club c4 funds may be used to pay for voter registration, voter identification, and GOTV activities that identify a specific state or local candidate (but no federal candidates). However, because c4

political expenditures are subject to a tax, these activities must be approved in advance by the national political staff and the national office of general counsel staff by submitting Form 8.1. See discussion beginning at 3-100. Any such materials should be reviewed by the Chapter Compliance Officer to ensure compliance with state and local election laws. National Sierra Club policy allows chapters and groups to use general c4 funds to mail absentee ballot applications to members only. Confer with your Chapter Compliance Officer to determine whether state or local law imposes any restrictions on this activity.

4-285. Federal PAC funds are required for any voter registration, voter identification and GOTV activities that are coordinated with a federal candidate or that expressly advocate for the election or defeat of a federal candidate.

4-286. A voter registration, voter identification, or GOTV activity that includes both federal and state candidates requires both federal and state PAC funds, which shall be allocated in proportion to the time or space devoted to each candidate. The national political staff must approve in advance all proposed uses of the Sierra Club's federal PAC funds.

4-290. Use of Club Postal Permit

4-291. Sierra Club and its separate segregated funds may use its special nonprofit postal permit both for member communications and for Sierra Club mailings that constitute public political advocacy about federal, state, or local candidates. Sierra Club entities must pay all of the costs of the mailing. If a candidate or campaign pays for the postage or other costs, the Sierra Club bulk-rate permit may not be used. It is illegal to allow a candidate or any other outside entity to use a Sierra Club-obtained bulk-rate permit. Nonconnected PACs, such as SCIA and other independent PACs, **may not** use the postal permit. It is also illegal to enclose any material produced by a candidate with Sierra Club materials mailed with the bulk-rate permit. Violation of these rules could result in loss of the permit.

4-300. Contributions to Candidates

4-301. Direct and in-kind contributions are monetary contributions or any "things of value" given directly or indirectly to a candidate's campaign. A common example of a direct contribution is a payment to attend a campaign fundraiser. A common example of an in-kind contribution is paying the salary of a Sierra Club staff person assigned to work for a candidate's campaign.

4-310. Contributions to Federal Candidates

4-311. All direct and in-kind contributions in federal elections must be paid from the Sierra Club Political Committee federal PAC account. Chapters and groups may not, *under any circumstances*, pay a federal political expense from general Sierra Club c4 funds or chapter PAC funds and then seek reimbursement from the federal PAC fund. This action is illegal. Similarly, it is illegal for the Sierra Club to reimburse an individual for a personal political contribution.

4-312. The Sierra Club's endorsement of a federal candidate does not necessarily mean that the Club will make a contribution to the candidate's campaign. We want to spend our limited funds where we have the greatest chance of having an impact, so we allocate most of our PAC funds to close elections. The allocation decisions are also based on the importance of a given election, the campaign activities undertaken by the chapter, and the state of the campaign.

4-313. Under federal campaign contribution limits, the Sierra Club Political Committee PAC may not give any candidate for federal office more than a total of \$5,000 of direct and in-kind contributions per election (primary and general counted separately). Federal law imposes substantial penalties for violation of these limits.

4-314. Contributions to federal candidates are ordinarily made only after the national political team has approved political activities for the candidate. However, the national political team may also approve use of the Sierra Club Political Committee federal PAC funds to allow volunteer leaders or staff to attend fundraising events for incumbents before or after an election period.

4-315. There is a need for good communication between the chapters and the national political team regarding the allocation of Sierra Club Political Committee funds. The chapters want to know how much is likely to be available so that they can draw up an effective campaign plan, and the national political team wants to know what activities the chapters have in mind to help it assess where PAC contributions will do the most good. In addition, communication is necessary to avoid exceeding the federal spending limit of \$5,000 per candidate per election.

4-316. Chapter and group leaders must get advance approval from the national political staff before making any commitment to engage in an activity that must be paid for with federal PAC funds. Because in-kind contributions are subject to the same legal restrictions as direct contributions, they must be paid for from the Sierra Club Political Committee federal PAC fund.

4-317. In rare circumstances, an individual volunteer may use personal funds to pay for political activities and then request reimbursement from the Sierra Club Political Committee federal PAC (SCPC), but the expenditure must be approved in advance by the national political staff. In addition, the expenditure should not exceed \$2,900 per election, which is the limit on individual contributions in federal elections, or the difference between \$2,900 and the amount the individual has previously contributed to the candidate during the course of the current election. Any disclaimer required should be for SCPC. The Sierra Club expects to reimburse individuals for authorized expenses paid for Sierra Club Political Committee work from their *personal* funds, but federal law is controlling. There are significant compliance complexities associated with personal reimbursements and relatively quick deadlines for completing reimbursement processes. If through some unfortunate combination of circumstances the Sierra Club is legally unable to make the reimbursement, the advance will have to be *absorbed by the individual* as a personal campaign contribution, and the individual will have to report the amount to the campaign as an in-kind contribution. In this case it is essential that the individual's total contributions to the candidate not exceed \$2,900 for the current election (primary or general), or else they will be in violation of federal law. In order to meet federal reporting deadlines, the individual should submit the reimbursement request on the applicable Form 5 no more than three days after making the payment. Delay increases the chance for confusion and the possibility that the Sierra Club Political Committee may find itself legally unable to make the reimbursement.

4-318. Sierra Club general funds may be used to pay for a fundraising event for a federal candidate, if attendance is limited to Sierra Club members. See Appendix C for details on raising money for candidates.

4-350. Contributions to State and Local Candidates

4-351. Chapters planning to engage in public political advocacy to support or oppose state and local candidates should establish a political action committee (PAC). This fund is used to support or oppose candidates for state or local office by making direct and in-kind contributions to their campaigns or for independent expenditure campaigns. See 4-640 for guidelines about fundraising for state and local PAC funds.

4-352. Many states do not permit corporate contributions. General Sierra Club c4 funds may be used for direct contributions to candidates where state or local law permits corporate contributions to candidates. However, because c4 political contributions and expenditures are subject to a tax, and also because they may trigger registration, reporting, and donor disclosure requirements, they must be

approved in advance by the Chapter Compliance Officer, the national political staff and the national office of general counsel staff by submitting Form 8.1, and the chapter will be obligated to pay all applicable taxes. See discussion beginning at 3-300.

4-353. As with contributions to candidates, general Sierra Club c4 funds may be used for direct contributions to state PACs where allowed by state law. However, because 501(c)4 political contributions and expenditures are subject to a tax and also because they may trigger registration, reporting, and donor disclosure requirements, they must be approved in advance by the Chapter Compliance Officer, the national political staff and the national office of general counsel staff by submitting Form 8.1, and the chapter will be obligated to pay all applicable taxes. See discussion beginning at 3-300.

4-354. Many states impose restrictions on the use of general c4 funds for member communications, including but not limited to a requirement that the cost of the communications must be reported as in-kind contributions under state or local law if coordinated with a candidate or as an independent expenditure if uncoordinated. Always check with your Chapter Compliance Officer about applicable legal requirements before using general Sierra Club funds for member communications to support or oppose a candidate for state or local office.

4-410. Sierra Club Staff and Facilities in Federal Elections

4-411. Member Communications. Staff time spent on member communications about federal candidates may be paid for with general Sierra Club funds, with approval *in advance* from national political staff. The cost of the communication must be reported to political.report@sierraclub.org on Form 3 within 2 business days (see 5-123). Sierra Club facilities may be used without limitation for member communications.

4-412. For a Sierra Club staff member to spend work time participating in activities that are in-kind contributions to a federal candidate's campaign, the cost of the staff member's salary and overhead expenses must be paid to the Club's c4 account *in advance* from the Sierra Club Political Committee account, and this payment counts toward the federal contribution limit of \$5,000 per candidate per election. All public advocacy activities by national, chapter, or group staff in federal elections must be approved in advance by the national political staff.

4-413. Public Express Advocacy Using Sierra Club Facilities. Federal law prohibits the use of Sierra Club offices and other facilities for political phone

banks, receptions, and any other electoral advocacy activities that are targeted at nonmembers and coordinated with a candidate, unless the Sierra Club Political Committee federal PAC fund pays for the use of the facilities *in advance*, including an accounting for rental and overhead costs. This is a poor use of limited PAC funds, and triggers time-consuming accounting and reporting requirements. Whenever possible, try to work out of private homes or a candidate campaign office. If you must use Sierra Club facilities, consult with your chapter staff or SCPT liaison or the national political staff about the accounting formula to be used in computing the costs. Any costs must be paid *in advance*, so be sure to find out the procedures for making the payment before the in-kind contribution activities occur.

4-414. Distribution of Materials About Federal Candidates. The only materials about federal candidates that Sierra Club staff and volunteers may distribute to Sierra Club members are those produced by the Sierra Club. Distribution of candidate-produced materials at a Sierra Club meeting must be handled by the candidate or his/her representative, even if the meeting is limited to Sierra Club members.

4-420. Sierra Club Staff and Facilities in State and Local Elections

4-421. Member Communications. The chapter or group is responsible for compliance with any applicable member communications reporting requirements under state or local law. State or local law may require reporting the cost of staff time or the use of Sierra Club offices or other Sierra Club resources for political advocacy communications to Sierra Club members about state or local candidates. Most states allow Sierra Club c4 funds to be used for these communications, but there are exceptions where PAC funds must be used. Always obtain advance approval from your Chapter Compliance Officer.

4-422. Public Advocacy by Staff. If permitted by state law and approved in advance by the Chapter Compliance Officer and the national office of general counsel staff via submission of Form 8.1, Sierra Club general c4 funds may be used for public political advocacy to support or oppose a state or local candidate (with the chapter obligated to pay all applicable taxes). If the applicable law prohibits corporate contributions to state or local candidates, then the chapter PAC must pay for all staff time spent on public political advocacy, in advance.

4-423. Chapter Contributions for Staff In-Kind for State or Local Election. If a chapter is planning to assign a staff member to work on public advocacy to support or oppose a candidate for a state or local office, the chapter must determine the number of hours to be committed so that the cost may be calculated. If state law permits a corporation to make an in-kind contribution to

a candidate, the chapter may request to use corporate c4 funds or decide to use chapter PAC money on the project. To use c4 funds, the chapter must have an approved Form 8.1 and the chapter will be obligated to pay all applicable taxes. To use chapter PAC funds, payment must be sent *in advance* to the national Sierra Club for these costs. The chapter staff member may start to work on the campaign only after the national Sierra Club has received payment via electronic ACH (preferred) or deposited the chapter PAC check. If chapter PACs would like to replenish their advance account balance via mailed check, these funds will need to be sent weeks before the activities start, which is why electronic payment is preferred.

4-424. Use of Chapter PAC Advance Funds. Once the chapter PAC funds are deposited in the advance account, they must be spent to cover Sierra Club 501(c)4 resources used on chapter PAC activities. Legal restrictions prevent the national Sierra Club from refunding or returning 501(c)4 funds to the chapter PAC. If the advance funds are not depleted, they may be used in future projects for the PAC. The national staff will calculate how much of the chapter PAC money has been spent and what the balance is. See 4-055.

4-425. Public Advocacy Using Sierra Club Facilities. Because of the Sierra Club's federal tax status, Sierra Club PAC entities may not use Sierra Club offices and other facilities for political phone banks, receptions, and any other political advocacy activities that are targeted at nonmembers, unless a Sierra Club PAC or a third party pays with permissible funds *in advance* for use of the facilities, including an accounting for rental and overhead costs.

4-430. Volunteer Support for Campaigns

4-431. Volunteer Activities. Volunteer time is not considered a contribution for campaign finance reporting purposes. For example, it can be helpful to candidates for Sierra Club members to recruit other Sierra Club members to work as campaign volunteers. See the subdivision beginning at 5-100 for guidelines on the use of membership lists to recruit volunteers for campaign activities; see 1-140 and 5-101.

4-432. Sierra Club volunteers should always check their employers' rules before engaging in any Sierra Club-related political activity at the workplace. Sierra Club volunteers who are employed by a corporation should be careful to avoid causing their corporation to violate any applicable restrictions on corporate contributions to political campaigns.

4-440. Distribution of Sierra Club Political Materials to Non-Club Entities

4-441. A candidate may reprint and then distribute materials created as part of the Sierra Club's coordinated or member communications program at their own cost. See 6-114 for guidelines on reprinting newsletter articles. If the material relates to a federal candidate and it contains a "disclaimer" notice stating that it was paid for by the Sierra Club Political Committee (see 4-214), the disclaimer notice must be modified appropriately to identify the campaign or other entity that paid for preparing and distributing the material.

4-442. Candidates and campaigns may not reprint or distribute campaign materials that are prepared as part of a Sierra Club independent expenditure campaign or a Sierra Club issue advocacy campaign. For more on Sierra Club issue advocacy campaigns see 1-123.

4-450. Sharing Information and Issue Materials with Candidates

4-451. Sierra Club members are encouraged to engage with campaigns and candidates to educate them about the Sierra Club's position on national, state and local issues. Similarly, it is permissible to provide candidates with existing Sierra Club materials on important issues that have been created using c4 funds. If a candidate requests information, it is permissible to provide existing materials to the candidate, provided that requests from all candidates are treated similarly.

4-452. It is generally impermissible to provide any special treatment to a particular candidate or candidates, such as preparing a document or report specifically for and in coordination with said candidate, using c4 funds. These activities in most cases must be paid for using appropriate PAC funds and may need to be reported as an in-kind contribution to the candidate. In states and municipalities where corporate contributions are permissible, c4 funds may be used for this purpose. The c4 expense would be subject to a 21% tax and a Form 8.1 must be submitted and approved in advance. This type of activity is an in-kind contribution to the candidate (see section 1-106). It may require reporting and incur administrative costs (see section 3-354).

4-453. Materials created using c3 Sierra Club Foundation funds may never be provided to a political candidate or campaign.

4-500. Independent Expenditure Campaigns

4-501. An "independent expenditure campaign" (IEC) is a public campaign to advocate the election or defeat of a candidate that is conducted independently of the candidate's campaign and any political party.

4-502. Independent expenditure campaigns are a special category of political activity that the Sierra Club may undertake on a selective basis. For elections that are subject to limits on direct and in-kind contributions to campaigns, an IEC enables the Sierra Club to spend more than the contribution limits applicable to PAC funds allow. However, the IEC must be completely independent of all candidates, their campaigns, and any political party. When the Sierra Club is engaged in an IEC, the volunteer leaders and staff involved in the IEC may not meet or talk with the candidate, their campaign, or the candidate's political party. See 4-505 for an exception. A successful IEC requires careful planning and a thorough understanding of the legal limits on contact with candidates, their campaigns, and the candidate's political party. Careful review by legal counsel is imperative for all activities in IECs. See 4-060 for creation of firewalls to protect the IEC program from becoming coordinated.

4-503. The Sierra Club may be precluded from conducting an IEC if Sierra Club volunteers or staff have communicated with the candidate or the candidate's campaign staff about the candidate's campaign plans, strategies or needs, or about the possibility that the Sierra Club might conduct an IEC in the election. Chapters must use a "firewall" to keep IEC staff and volunteers separate from volunteers and staff engaging in coordination with the candidate. See also 4-060, 4-506, and 4-523. If there is any possibility that an IEC may be conducted, questionnaires should not inquire about the candidate's campaign plans or needs in the election. Nor should a pre-endorsement interview with the candidate include any discussion of campaign plans, strategies or needs, or the possibility of an IEC by the Sierra Club; the discussion should be limited strictly to the candidate's views on environmental issues. Further, the candidate should not be allowed to request or suggest that the Sierra Club engage in any IEC activities. Individual Sierra Club volunteers may participate in such campaign activities as stuffing envelopes or participating in a phone bank without affecting the Sierra Club's ability to conduct an IEC, so long as those individuals are not involved in planning or executing the Sierra Club's IEC. Any more extensive involvement by Sierra Club leaders or staff, such as participating in planning or strategic discussions, providing information of strategic value, or fundraising, may prevent the Club from engaging in an IEC.

4-504. A chapter that may be involved with an IEC should create and maintain a thoroughly documented record of the actions that have been taken to inform staff and volunteers of the communication restrictions that are mandated by an IEC and firewalls.

4-505. If the Sierra Club is engaged in an IEC to support a candidate who is an office holder, chapter and group leaders may continue to communicate with the candidate about environmental issues for lobbying purposes, but the

communications must be limited to issues, and there should be no mention of the IEC or the candidate's campaign plans. Sierra Club staff and volunteers who are centrally involved in planning and executing the IEC may not participate in these meetings.

4-506. Sierra Club may run both an IEC in support of a candidate and a coordinated campaign with the same candidate so long as there is no legal prohibition on doing this. Should this occur, the involved parties must establish a firewall to prevent information sharing between the participants in the IEC and the participants in the coordinated campaign, see 4-060.

4-520. Federal Independent Expenditure Campaigns

4-521. Independent expenditure campaigns (IEC) in federal elections are carefully selected by the national political staff on the basis of the presumed closeness of the election, the difference between the candidates, the importance of the outcome, and the potential impact of Sierra Club activity given the demographics of the district. They may be undertaken to support or oppose either an incumbent or a challenger, or in an open-seat race.

4-522. Chapters may not attempt to engage in an IEC in a federal election without prior approval by the national political staff. The preparation necessary to comply with the legal requirements for an IEC, as well as the resources required to run such a campaign effectively, mandate that the national political staff and national office of general counsel staff be fully involved in all such campaigns.

4-523. Certain types and levels of activity undertaken by chapter or group leaders can make it difficult to subsequently conduct an IEC or issue advocacy campaigns in the region. If you believe that there is any chance that an election might be suitable for an IEC, or an issue advocacy campaign, contact your SCPT liaison or the national political staff before working closely with a candidate or campaign. The simple act of endorsement, without contact with the campaign regarding its plans, needs and strategy, or a direct contribution to the candidate's campaign does not affect future issue advocacy (see 1-123) or IEC opportunities (see 1-122).

4-550. State and Local Independent Expenditure Campaigns

4-551. Chapters are responsible for compliance with state and local legal requirements for IECs in state and local elections. Confer with your Chapter Compliance Officer to determine what these requirements are.

4-552. Funding state and local IEC. A chapter PAC may be used to pay all costs and expenses for IEC express advocacy communications in a state or local election in compliance with state and/or local election law. Alternatively, where permitted by state and local law and approved by the chapter, an IEC-only PAC can be used to fund an IEC. (see Section 1-112) Sierra Club c4 funds may be used for IECs in state and local elections but must be approved in advance by the Chapter Compliance Officer, the national political staff and the national office of general counsel staff using Form 8.1--using general c4 funds in this manner will require the chapter to pay the 21% tax on the total expense.

4-600. Fundraising for Your Political Program

4-601. Raising General Sierra Club Funds. You may raise general Sierra Club funds (c4 funds) for the internal operating costs of your political program just as you would for any other chapter purpose. Fundraising must be for the program generally, and not earmarked to support efforts to elect or defeat particular candidates or any particular political project. Although you may mention federal candidates and discuss upcoming federal elections generally without implying that any contribution would benefit a particular candidate or election, you should always confer with the national office of general counsel staff in advance for guidance on allowable ways to frame the solicitation. You should confer with your Chapter Compliance Officer to find out whether state or local law permits you to identify specific state or local candidates or discuss upcoming elections that involve candidates for state or local office. General c4 Sierra Club funds may be solicited from nonmembers as well as members.

4-602. *Contributions of chapter c4 funds to the Sierra Club Political Committee federal PAC are prohibited, as are contributions to any other federal PAC that contributes to candidates.* General Sierra Club funds (c4 funds) may be used for direct or in-kind contributions to state or local candidates, independent expenditures (IECs), or for contributions to a state PAC, **only if permitted by state or local election law**. Such political contributions or expenditures are subject to a tax, which the chapter will be obligated to pay. See 3-350 for guidelines on use of general Sierra Club funds for state or local political advocacy.

4-610. Raising Federal PAC Funds

4-611. All Sierra Club activities that require federal PAC funds must be paid from a federal PAC account (see the guidelines beginning at 4-310). Chapter PACs may not raise funds for federal candidates. Chapters and groups that wish to assist in these fundraising efforts are subject to very strict legal requirements and require advance approval (at least 10 days before any activity) from national

political staff (political.desk@sierraclub.org).

4-640. Fundraising for State PACs and Ballot-Measure Committees

4-641. State PACs and Ballot-Measure Committees. Chapters are responsible for compliance with state and local rules about political fundraising and reporting requirements, rules which often apply to ballot measures as well as candidate campaigns. Sierra Club rules relating to ballot-measure campaigns are significantly different from those governing candidate campaigns. See Section 1-160, Ballot Measure Elections. In this subdivision, "Sierra Club state PAC" refers to a Sierra Club PAC account that is used to support or oppose candidates, and "ballot-measure committee" refers to a Sierra Club account that is used to support or oppose state or local ballot measures.

4-642. Subject to applicable restrictions under state or local campaign finance laws, and after approval from your Chapter Compliance Officer, fundraising solicitations for state and local PAC funds may name candidates for state or local office. You may mention federal candidates and discuss upcoming elections generally without implying that any contribution would benefit a particular federal candidate. Always confer with the office of general counsel staff in advance for guidance on allowable ways to frame the solicitation.

4-643. Whenever a chapter or group solicits funds for a Sierra Club chapter PAC or ballot-measure committee, federal tax law requires inclusion of the statement, "Contributions to [*name of PAC or committee*] are not tax-deductible." This statement must appear in a separate paragraph or in the first line in a paragraph, and must also be the same type size as the rest of the message.

4-644. Some states and local governments impose restrictions on the use of general Sierra Club funds (c4 funds) to pay for fundraising activities on behalf of Sierra Club chapter PACs and/or ballot-measure committees. Always check with your Chapter Compliance Officer before attempting to use c4 funds to support state PAC or ballot-measure fundraising.

4-645. Any donor (including nonmembers) may make an unrestricted contribution to the Sierra Club's general fund without limitation; and, in places where state and local laws allow, those general funds may be used to raise money for a Sierra Club chapter PAC or ballot-measure committee. However, no donor should be led to believe that any funds raised as a result of their unrestricted contribution will be earmarked for any individual candidate or ballot-measure campaign. Some states and localities do not permit PACs to solicit or accept contributions earmarked for specific candidates or committees, and some other states impose special accounting and reporting requirements.

4-646. If state law permits joint fundraising, a chapter or group may use the March fundraising window to ask members for contributions to a Sierra Club chapter PAC account as well as asking for general-purpose contributions to support the chapter or group, but the fund appeal must tell donors to make their contributions to the Sierra Club state PAC by a separate check. Contributions to Sierra Club state PAC accounts may not be included in checks to support general Club operations and activities. For example, the fund appeal should include the following boxes on the enclosed reply card:

Chapter programs and operations (check payable to chapter)

Political action to elect environmental candidates (separate check to state/local PAC)

Appeals may *not* include requests for c3 donations *and* PAC donations within the same appeal.

4-647. Other fundraising guidelines are discussed at 5-104.

4-660. Who May Contribute to PACs and Ballot-Measure Committees

4-661. Federal election law prohibits the Sierra Club from asking nonmembers to contribute to the Sierra Club Political Committee federal PAC. If state or local laws permit, Sierra Club entities may ask nonmembers to contribute to a chapter PAC fund. Where permissible, mail solicitations for a chapter PAC may be sent to nonmembers, and invitations to fundraising events for chapter PACs may be advertised through public media such as newspapers, radio, or public websites. Requests for contributions to Sierra Club chapter PACs may be included in chapter and group newsletters. However, in states where nonmember solicitation is prohibited, this can only be done if no more than a small number (less than three percent) of the newsletter recipients are not members. Your Chapter Compliance Officer must be consulted before soliciting nonmembers for a chapter PAC. Note that the inclusion of a PAC solicitation will be factored into the calculation of the percentage of electioneering content in a newsletter (see section 6-105).

4-662. Unsolicited Contributions from Nonmembers. If a nonmember sends an unsolicited contribution to a Sierra Club chapter PAC, along with the donor information required by state or local law, the chapter PAC may accept the contribution unless the acceptance would violate state or local law. As always, check with your Chapter Compliance Officer.

4-663. Federal law prohibits all PACs from accepting contributions from foreign nationals; only U.S. citizens and legal permanent residents of the United States (“green card holders”) may contribute. This prohibition applies to all chapter

PACs as well. State and local law may impose additional prohibitions on candidate PAC contributions from certain donors (such as corporations, businesses, and federal or state contractors), or on the maximum amount that individual donors may contribute to a chapter candidate PAC.

4-664. Unless state or local law provides otherwise, chapters and groups may ask nonmembers, corporations, and unions to contribute to Sierra Club ballot-measure committees. Foreign nationals must not be asked to contribute to a ballot-measure committee.

4-670. What Donor Information Is Required

4-671. State or local law usually requires that candidate PACs and ballot-measure committees must collect and report the name, address, occupation, and employer of their donors. Confer with your Chapter Compliance Officer for the specific requirements applicable to your situation. If you do not obtain the necessary information, state or local law might require you to return the contribution to the donor.

4-680. How to Handle Contributions

4-681. Contributions to a Sierra Club chapter PAC must be deposited directly into the chapter PAC account. Contributions to Sierra Club chapter PACs may never be deposited into any chapter, group, or personal bank account.

4-682. Contributions to a ballot-measure committee should always be deposited directly into the account of the ballot-measure committee.

4-683. Contributions to a Sierra Club chapter PAC must be clearly designated for the chapter PAC. If a contributor's check is payable to the Sierra Club without designating the Sierra Club chapter PAC, the check may not be deposited into the chapter PAC account. Depending on the amount of the check, you could ask the contributor to replace the check with one payable to the Sierra Club chapter PAC, or you could deposit it into a general Sierra Club account and use it for internal operating costs of the chapter program.

4-684. Subject to state or local law and unless Chapter Compliance Officer advises otherwise, a contribution check payable to the Sierra Club that is intended for a ballot-measure committee established by the Sierra Club may be deposited into the ballot-measure committee's account even though the contribution does not expressly designate the ballot-measure committee.

4-685. If you hold a fundraising event for Sierra Club members benefiting the

Sierra Club chapter PAC and charge only a small amount for admission (less than \$50), confer with your Compliance Officer to determine whether donors may pay by cash. It may be sufficient if you collect a list of the names and addresses of all donors, and the nature and amount of each donor's contribution. The cash contributions for the Sierra Club chapter PAC must not be deposited into an account with general Club funds or into a personal account. Instead, you should take the cash contributions to a bank and get a cashier's check payable to the Sierra Club chapter PAC for the amount of the cash contributions. You should then forward a description of the event including the date, the list of cash donors, the cashier's check, and the checks from the other donors to the person who handles deposits into the Sierra Club chapter PAC account.

4-686. Unless your Chapter Compliance Officer advises otherwise, a similar procedure to the one laid out on 4-685 should be followed for a fundraising event for a ballot-measure committee where you charge less than \$50 for admission.

4-687. Election laws usually specify time limits for depositing contributions to PACs and ballot-measure committees. These laws are often enforced very strictly by the regulatory agencies, particularly with respect to large contributions. Consult your Chapter Compliance Officer regarding time limits for depositing contributions.

4-700. Political Program Administration and Training

4-701. In many states, chapters may use general Sierra Club funds to pay for activities and costs associated with the internal administration and operation of the chapter political program, including staff salaries (as long as the staff member is not working directly on behalf of a candidate). In other states, however, state law may restrict the ability of nonprofit organizations to use their general funds to pay for administration of their political program. Confer with your Chapter Compliance Officer to determine whether there are any such restrictions in your state.

4-702. Chapters and groups may use general Sierra Club funds to pay for electoral training sessions and workshops for Sierra Club members. The training must focus on teaching general political and electoral skills, and not on assisting specific candidates.

4-800. Unauthorized Use of Club Name and Logo

4-801. There are several possible ways in which an unendorsed candidate might use the Sierra Club name in campaign advertising or literature to suggest that

they are supported by the Sierra Club. Unendorsed candidates sometimes make inaccurate claims that they have been endorsed by the Sierra Club, usually as a result of a misunderstanding about the Sierra Club's endorsement process. Unendorsed candidates who have received a Sierra Club award or letter praising them for past pro-environmental actions might cite the award or quote the letter in their campaign advertising, as evidence of their environmental credentials. An unendorsed candidate who is a Sierra Club member could list their membership in campaign materials in a way that suggests Sierra Club support for the campaign.

4-802. Another possible form of unauthorized use of the Sierra Club name involves individual Sierra Club members who list their membership in connection with their personal endorsement of a candidate. Current Sierra Club leaders should be aware that mention of their Sierra Club roles in connection with a personal endorsement is not permitted unless the candidate has been endorsed by the Sierra Club. See 4-104 for guidelines on use of Sierra Club titles in political campaigns and Appendix A for Presidential campaigns. Individual Sierra Club members, however, are not always aware of restrictions on their right to use the Sierra Club name, and political campaigns might use the endorsement of individual members to suggest that the Sierra Club supports the campaign.

4-803. Another possible form of unauthorized use of the Sierra Club name involves past Sierra Club leaders or staff members who cite their past Sierra Club position or title as a sign of their environmental credentials in connection with their personal support for a candidate.

4-804. As noted in section 2-308, a Sierra Club volunteer who is a candidate may list their past or present Sierra Club offices as part of a general campaign biography. Unless the Sierra Club has endorsed their candidacy, however, neither the campaign biography nor any other campaign materials may imply that the Sierra Club has endorsed their candidacy.

4-805. Candidates are not permitted to use the Sierra Club's official logo in campaign materials or websites. Endorsed candidates will be provided with an endorsement seal for use in materials and on websites. See discussion at 4-120.

4-810. Preventing Unauthorized Use of Sierra Club Name

4-811. Chapters and groups may take two actions to reduce the risk of unauthorized use of the Sierra Club name by candidates. First, the chapter or group leaders who are in touch with the campaign must ensure that the campaign understands the multi-step nature of the Sierra Club's endorsement process. The

campaign should not be told the results of votes in individual steps in the process. However, if the campaign learns that a proposed endorsement has been approved by one of the required decision-making entities, the chapter or group should promptly tell the campaign in writing that the endorsement is still under consideration, but it has not yet been approved.

4-812. A second action to reduce the risk of unauthorized use of the Sierra Club name is to include on the questionnaire a pledge by the candidate to respect the Sierra Club's right to control the use of its name in the political campaign. For example, the pledge could contain the following statements to be signed by the candidate:

- (1) I understand that a Sierra Club endorsement requires a two-thirds vote by two or more volunteer leader committees, and that Sierra Club rules prohibit reporting on individual committee votes to prevent misrepresentations of a Sierra Club endorsement prior to completing the full endorsement process.
- (2) I will not misrepresent a Sierra Club endorsement for my campaign or any other campaign or issue.
- (3) I will not quote the Sierra Club, Sierra Club leaders, or Sierra Club publications, nor will I identify supporters of my campaign by their Sierra Club affiliation, without first obtaining written permission by an authorized Sierra Club representative.
- (4) This pledge covers all employees, campaign consultants, and others representing or retained by my campaign, and I will take all necessary actions to ensure that others acting on my behalf will not violate this pledge.

4-820. Remedies for Unauthorized Use of Name and Logo

4-821. As soon as chapter or group leaders become aware that a candidate or campaign is making unauthorized use of the Sierra Club name, logo, or endorsement seal, a representative of the chapter or group should immediately send the campaign a written protest (which may be via email) against the unauthorized use and demand appropriate corrective action.

4-822. If the campaign does not agree to take corrective action as a result of the initial private contact, the most effective remedy is likely to be a public protest against the unauthorized use of the Sierra Club name, logo or endorsement seal, such as by issuing a press release, contacting reporters who are covering the election, or alerting Sierra Club members to write letters to the editor protesting against the candidate's unauthorized use of the Sierra Club name, logo or endorsement seal.

4-823. Depending on the circumstances of the election, a public protest might not be feasible or advisable. If there is in fact a split in the environmental

community, for example, a public protest could be counterproductive by giving the unendorsed candidate a more visible opportunity to publicize the environmental support for their candidacy.

4-824. The effectiveness of a public protest might also be limited because of restrictions on the use of general Sierra Club funds (c4 funds) for public political advocacy. To the extent that the Sierra Club press release and other public statements are limited to defending the Club's name by correction of the factual record, general Sierra Club funds may be used to pay for the distribution. If the public statements go beyond correction of the factual record to advocate support for or opposition to a candidate, the cost of the distribution may have to be paid for from PAC funds. The distribution could also be paid for by a third party, such as the endorsed candidate's campaign, but in this case the statement may need to include a notice identifying the party who paid for the distribution. See 4-214 for "disclaimer" requirements in federal campaigns.

4-825. For example, general Sierra Club funds could pay for distribution of a statement that "Candidate X claims that they have been endorsed by the Sierra Club. The Sierra Club has not endorsed Candidate X in this election." The statement could explain why the Sierra Club did not endorse Candidate X, as long as it does not expressly advocate that voters should defeat Candidate X. If the Sierra Club has endorsed a different candidate, the statement may say that "The Sierra Club has endorsed Candidate Y," but it may not contain additional advocacy in support of the endorsed candidate. This use of general Sierra Club funds is not subject to the tax described in 3-101. If the statement contains additional advocacy for the Sierra Club-endorsed candidate, or if it advocates the defeat of Candidate X, the cost of the distribution would have to be paid for from a PAC fund. It could also be paid for by a third party, such as the endorsed candidate's campaign, but in this case the statement may need to include a notice identifying the party who paid for the distribution.

4-826. There are rarely any timely judicial remedies to correct an unauthorized use of the Sierra Club name that takes place shortly before an election. The most common situation is one in which a campaign makes a statement that is factually accurate but misleading in its implication of Sierra Club support. The courts are generally reluctant to intervene in political campaigns, and it is highly unlikely that any court would enjoin a political campaign from making a factually accurate statement, regardless of how misleading the statement may be in its implications.

4-827. Some states or localities might have a statute or ordinance that provides a pre-election remedy to prevent false claims of political endorsements. If this remedy exists, it could be invoked to seek a court order to stop a false claim of a

Sierra Club endorsement. Ordinarily, however, there are no laws that require truth in political campaign advertising.

4-828. If a campaign makes a false statement about the Sierra Club that damages the Sierra Club, the Sierra Club might be able to recover damages in a civil suit against the campaign after the election. However, this possibility is not likely to discourage an unscrupulous campaign that is deliberately misusing the Sierra Club name in its campaign literature.

4-829. Remedies under Trademark Laws. The Sierra Club name and both the logo and the endorsement seal are federally registered trademarks, and unauthorized use may infringe the Sierra Club's trademark rights under federal law. As a practical matter, the judicial remedies for unauthorized use of the name are somewhat different from the remedies for unauthorized use of the Sierra Club logo and endorsement seal. The Sierra Club may not require non-Sierra Club entities to get the Sierra Club's permission before using the Sierra Club name in a descriptive sense, such as in a statement that "The Sierra Club supports clean air." However, the Sierra Club may usually prevent non-Sierra Club entities from using the Sierra Club logo or endorsement seal without authorization. If you become aware that a federal, state, or local campaign is using the Sierra Club logo or endorsement seal in any manner that is not authorized in these guidelines, you should notify the national political staff immediately and ask for help from the office of general counsel.

4-900. Activities in Recall Elections

4-901. Because support of, or opposition to, a recall campaign is relatively rare for the Sierra Club and only occurs at the state or local level, Chapter Compliance Officer consent is required before engaging in a recall campaign.

5-000. OUTREACH AND USE OF SIERRA CLUB LISTS; MEMBER, NONMEMBER, AND CANDIDATE COMMUNICATIONS

5-001. Sierra Club lists are a valuable resource for political campaign activity. This division contains guidelines for use of these lists for advocacy regarding candidates for elected office and also applies to ballot measures. (See 1-170 for additional ballot-measure restrictions.) This division describes activities that are permissible under federal law. Many of the provisions described in this division will also apply to most state and local elections, but state and local election laws vary widely: It is the responsibility of the Chapter Compliance Officer to assure that all Sierra Club activities at the state and local level are legally permissible.

The guidelines in this division govern:

1. Sierra Club communications to members, under the member communications exception
2. Sierra Club PAC communications to nonmembers (or to members where there is no member communications exception); requires a PAC to pay in advance for rental of the Sierra Club list
3. “Candidate communications” to Sierra Club members and supporters, paid for by the candidate’s campaign. (see 5-200)

5-002. Chapters and groups may not use Sierra Club lists in connection with state or local elections unless the chapter has a Compliance Officer whose contact information is listed in the national leadership database.

5-003. Sierra Club chapters in states with member communications exceptions—meaning the state campaign finance law generally does not treat political communications by Sierra Club to its members as either contributions or independent expenditures – may use c4 funds to communicate with members through mail, text, email and phone about such things as endorsements, requests for volunteers, and to encourage donations to candidates. Chapters in states **without** a membership communications exception may rent membership lists using their Chapter PAC funds or may use c4 taxable funds for these communications if corporate contributions are allowed in the jurisdiction (see 5-303-4).

5-004. Security of Lists. The chapter or group that requests a list must ensure that the list is not duplicated or retained. A Sierra Club member must maintain possession of the list at all times. It must never be given to a candidate, campaign, or other non-Sierra Club individual or organization.

5-005. Incumbent officials who wish to mail to Sierra Club lists, as part of their official duties, must get approval from the chapter executive committee or other appropriate entity, in accordance with the chapter's rules. This type of mailing is not a political activity, so it does not require a special two-thirds vote or other special requirements under these guidelines. However, it is still necessary for the Sierra Club to charge the rate of 7.5 cents per name to rent the list for one time use only, and the list must be provided by the national Political Desk.

5-006. For purposes of this rule, the "direct" cost of a mailing includes printing, postage, labels, and any other costs that are directly attributable to the mailing. The "direct" cost of a phone bank includes the phone call charges and any other costs that are directly attributable to the phone bank (see section 5-125). Indirect costs are also included, such as the use of Sierra Club office space or staff time. The cost of communications (such as newsletters) that are primarily devoted to subjects, other than express political advocacy for the election or defeat of a federal candidate, do not have to be reported or counted toward the reporting threshold.

5-007. Computing Phone Call Charges. The Sierra Club has established a standard rate of \$3 per hour per phone landline for calls to members to advocate the election or defeat of a federal candidate, using established phone landlines in a Sierra Club office space. For example, if a chapter uses ten phone lines in a Sierra Club office for a two-hour phone bank in a federal election, the reported cost would be \$60 (ten phone lines *times* two hours *times* \$3 per hour).

5-008. Prorating Costs of Member Communications. If a communication refers to elections for two or more candidates for federal, state, or local office, the cost may be prorated among all candidates covered by the communication. The prorating formula depends on the circumstances. For written communications, the formula should be based on the relative amount of space given to each candidate. For phone banks, the formula should be based on the relative amount of time spent on each candidate. Costs for federal member communications must be tracked for FEC reporting purposes; state and local costs may need to be tracked at the direction of the Chapter Compliance Officer.

5-100. Member Communications

5-101. Chapter and group leaders may use Sierra Club membership lists and membership databases to identify and recruit members for certain campaign activities as described in the sections that follow. Sierra Club entities may use membership lists to communicate with Sierra Club members through mail, text, email and phone about such things as endorsements, requests for campaign

volunteers, and to encourage donations to candidates.

5-102. Articles about candidates in a Sierra Club newsletter are not governed by federal campaign finance laws and reporting requirements regulating “member communications.” However, you must check with your Chapter Compliance Officer to see if state or local rules apply to newsletter articles about candidates for state or local office. General guidelines for the use of newsletters in elections begin at 6-100.

5-103. In order for a mailing to qualify as a "member communication," the entire cost of the mailing must be paid for using general Sierra Club (c4) funds. If any of the costs of the mailing are paid for by the candidate's campaign, the mailing is subject to the rules relating to communications by candidates and no Sierra Club funds may be used. See the guidelines beginning at 5-200.

5-104. Sierra Club entities may not accept funds that are earmarked by the donor to pay for member communications to support specified individual candidates, or to support candidates who must meet certain conditions specified by the donor, such as candidates from a certain party or candidates who support a particular issue. Other fundraising guidelines are discussed at 4-600.

5-105. A member communication may also invite Sierra Club members to a members-only fundraising event for a candidate. Member communications may not include any material produced or paid for by the candidate's campaign, and they may not contain an envelope or similar device to make contributions to the candidate. If the mailing includes campaign material or an envelope for contributions, then the mailing becomes an in-kind contribution to the candidate, and it must be paid for from a Sierra Club PAC fund that may make contributions in the election or, where permitted by state law, general c4 funds subject to a 21 percent tax. (see discussion at 3-000).

5-106: A member communication email, mailing or phone bank may urge members to send financial contributions directly to a candidate and tell members where to send the contribution. The Sierra Club may not facilitate member contributions to candidates by forwarding them to the candidate. See Appendix C for additional guidelines about fundraising for candidates.

5-107. Sierra Club member communications may provide information about candidates and the reasons why the Sierra Club supports or opposes them. Member communications may encourage volunteers to work on behalf of a candidate and provide the address, email address, and telephone number of the candidate's campaign, as well as the location of a volunteer activity. Member communications may urge members to vote for the candidate, participate in the

candidate's get-out-the-vote effort on election day, or volunteer for the candidate or campaign anytime during the campaign. Member communications may ask members whether they intend to vote for a candidate.

5-108. Member communications may not encourage members to engage in public advocacy on behalf of any candidate separate from any candidate-directed activity or outside of a candidate's campaign structure. For example, a member communication may not suggest that members forward the communication to nonmembers.

5-109. When you use a membership list to recruit Sierra Club members to work as campaign volunteers, you should tell them where, when, and how to participate in campaign activities, provide a list of possible campaign activities, and instruct them to let the campaign organizers know that they are participating as Sierra Club volunteers. You may let the campaign know generally how many Sierra Club volunteers to expect, but you may not give the campaign the names or contact information of volunteers you have recruited.

5-110. Member communication calls must be made by Sierra Club members or by a firm that is hired to call on behalf of the Sierra Club. Callers must say they are calling on behalf of the Sierra Club. They may urge support only for candidates endorsed by the Sierra Club. They may not mention political party affiliation as a criterion for how to vote. The calls may be made from Sierra Club offices, individual members' residences or cell phones, or phone banks operated by the candidate's campaign. Sierra Club members may not use phones provided by labor unions, corporations, political party organizations, or other non-Sierra Club entities to make member communication calls to support or oppose candidates for federal, state, or local office, unless the Sierra Club pays for the cost of the phones. If member communication calls are made from a candidate's campaign office, the Sierra Club phone list must be used only under the supervision of a responsible staff member or volunteer leader, and the calls may be made only by Sierra Club members and staff.

5-111. National Sierra Club policy does not restrict the use of general funds to communicate with Sierra Club members to support or oppose candidates for state or local office. However, these communications may be subject to state or local restrictions or reporting requirements, particularly if the communications are in the form of special mailings or phone calls to members. Always confer with your Chapter Compliance Officer to determine whether there are any applicable state or local legal restrictions or reporting requirements relating to political advocacy communications to Sierra Club members about candidates for state or local office.

5-112. Nonprofit postal permit.

A Sierra Club entity may use its special nonprofit postal permit for member or nonmember communications about federal, state, or local candidates. Sierra Club entities must pay all of the costs of the mailing. If a candidate or campaign pays for the postage or other costs, the Sierra Club bulk-rate permit may not be used. It is illegal to enclose any material produced by a candidate with Sierra Club materials mailed with the bulk-rate permit. Violation of these rules could result in loss of the permit. It is illegal to allow a candidate or any other outside entity to use a Sierra Club bulk-rate permit. Violation of this rule could result in loss of the permit.

5-120. Member Communications in Federal Elections

5-121. The national political staff must be notified of every proposed use of Sierra Club lists (mailing, phoning, etc) on behalf of any federal candidate, regardless of whether the proposed communication is a member communication or a mailing paid for by a candidate.

5-122. Member Communication Expense Reports. Chapters must keep track of money expended on member communications separately for every federal election. All expenses should be submitted to political.report@sierraclub.org within ten days. A separate Form 3 should be used for each election. After the first Form 3 has been filed for an election, additional member communication expenses should be reported within ten days. These reports enable the national staff to determine when the cumulative expenses reach the threshold for reporting member communications to the Federal Election Commission, and to submit reports to the commission thereafter.

5-200. List Use by Candidates and Campaigns

5-201. The guidelines in this subdivision apply to list use by candidates, campaigns, and ballot measure campaigns. The Sierra Club does not give our membership or supporter lists to candidates, nor are candidates free to buy our lists and use the lists however they wish. Sierra Club chapters, groups, and the national political team may offer endorsed candidates or candidates who have been approved for activities short of endorsement (see section 2-900) an opportunity to rent, for *one-time-use only*, the relevant membership or supporter list for a direct mail campaign piece, including a fundraising appeal. However, this rental is entirely at the discretion of the Sierra Club. No endorsed candidate has a "right" to a Sierra Club mailing list. We do not make member or supporter phone numbers or email addresses available to candidates under any circumstances.

5-202. Candidates who have not been endorsed may also rent for one-time-use-only Sierra Club membership or supporter lists, but only if the use of the list has been approved by the same procedures as other political actions (see guidelines beginning at 2-600).

5-203 Endorsed candidates may pay for a mailing to Sierra Club members or supporters that includes a letter from a Sierra Club leader printed on Sierra Club letterhead. The letter must be given to the campaign for reproduction. If Sierra Club letterhead is used, the letter must include a clear statement that it was reproduced by the candidate with the express permission of the Sierra Club, and that the mailing was paid for by the candidate's committee. Federal regulations contain detailed requirements about the form and content of the disclaimer statement in communications about federal candidates (see section 4-214). State or local law may contain similar requirements for communications about state or local campaigns.

5-204. Candidates approved for activities short of endorsement may pay for a mailing to Sierra Club members or supporters that includes a letter from a Sierra Club leader but it may *not* be printed on Club letterhead (see section 2-913). The use of the mailing list must be approved by the same approval procedures as other political actions (see guidelines beginning at 2-600). The letter must be given to the campaign for reproduction. The letter must clearly state that the mailing was paid for by the candidate's committee. Federal regulations contain detailed requirements about the form and content of the disclaimer statement in communications about federal candidates (see section 4-214). State or local law may contain similar requirements for communications about state or local campaigns.

5-205. A letter on chapter or group letterhead may be mailed in the Sierra Club entity's envelopes if the endorsed candidate pays the chapter or group the fair market value of the envelopes. In this context, the fair market value must be based on the full cost of printing the quantity of envelopes provided to the candidate. If a Sierra Club entity's envelopes are used for the mailing, the mailing may not include campaign brochures or other campaign literature.

5-206. The Sierra Club may allow a candidate or committee to ask for contributions in a mailing to members, but the mailing list will not be broken down into donor and non-donor categories. The Sierra Club does not rent donor lists to anyone.

5-207. Candidates may send a mailing that includes a fund appeal only once for the primary election and once for the general election. The chapter or group may authorize candidates to send additional informational mailings that do not

include a request for contributions.

5-208. Candidates are not usually allowed to solicit contributions from Sierra Club members or supporters outside the boundaries of the district they seek to represent. In exceptional circumstances, the national political staff may allow a candidate for federal office to solicit contributions from Sierra Club members or supporters outside their own state or district. Likewise, in exceptional circumstances, chapter executive committees may allow candidates for federal, state, or local office to solicit contributions from chapter members or supporters who live outside the candidate's district.

5-209. The national political staff must approve *in advance* every proposed use of the membership or supporter list for emailing, calling, or mailing on behalf of any federal candidate (see section 5-121).

5-210. The Chapter Compliance Officer must approve the use of chapter or group membership or supporter lists for mailings by state and local candidates and campaigns.

5-300. List Rentals for nonmember communications

5-301. All list rental requests paid for with PAC funds must be submitted to both the national political staff (political.desk@sierraclub.org) and the office of general counsel (compliance.review@sierraclub.org) on a List Rental Form 9 (section 7-900).

5-302. The national political staff (political.desk@sierraclub.org) must be notified of every proposed use of a Sierra Club list for communicating on behalf of any federal candidate. If the communication does not qualify as a member communication, the use of the list must be affirmatively approved *in advance* by the national political staff. If the communication relates to a state or local candidate, the chapter or group must get written approval from the Chapter Compliance Officer. See also section 5-325.

5-303. Procedure for Lists for Chapter PAC Use.

If a nonmember communication (or a member communication in states without a “member exception”) will be paid with PAC funds, the chapter must submit List Rental Form 9 to compliance.review@sierraclub.org but may generate the list itself from Sierra Club data systems, preferably in our TargetSmart VAN. The data is almost always more accurate and it allows us to track communication more easily than Salesforce or Campfire Constituent Reports. See 4-420 for more information about the Advance accounts. If the communication is done on behalf of and in coordination with a candidate or

several candidates, the costs of the communication are an in-kind contribution to the committee(s) subject to applicable contribution limits. If the communication is conducted independently of the candidate(s), it is an independent expenditure and the law does not limit the amount that may be spent. For several candidates, regardless if it is coordinated or independent, the allocation process is as follows. For written communications, the formula should be based on the relative amount of space given to each candidate. For phone banks, the formula should be based on the relative amount of time spent on each candidate. For nonconnected chapter PACs, such as independent expenditure only committees, or in states where there is no member communications exception, it may be required to rent the entire list regardless of membership status for non-candidate specific recruitment or fundraising solicitations, to name a few examples. In these instances, the list rental is not allocated to a candidate committee, but can be treated as an operating expenditure for the PAC.

5-304. Procedure for Lists for Chapters using c4 Taxable Funds.

In state or local jurisdictions where c4 funds can be used for electoral advocacy, communications can be paid for with c4 funds after approval from the Chapter Compliance Officer and the office of general counsel. The chapter will incur a tax liability of 21 percent of the list rental value and corporate registration and reporting may apply. As indicated in section 3-354, if cumulative c4 taxable costs total are less than \$500 for the calendar year or if use of c4 funds in this manner would require robust c4 donor disclosure, PAC funds must be used. Chapters using c4 taxable funds must submit form 8.1 and 8.2.

5-305. Chapters and groups may contact their members more than once about a candidate, but must submit each communication about a federal candidate to the Political Desk separately for approval or reach out to their Chapter Compliance Officer regarding state and local candidates.

5-306. The charge for mailings paid for by candidates or campaigns is \$75 per 1,000 names (minimum \$20).

5-307: The charge for chapters to rent lists for nonmember communication is .08 cents per name. A separate list rental is required per candidate, per election but if there are communications where several candidates are mentioned identically in all of the communications, the list may be rented together and allocated as outlined in 5-303.

5-308. For more information on list requests, contact political.desk@sierraclub.org.

5-350. Mailing List Orders for Candidate Communications

5-351. Every use of a Sierra Club list by a candidate or campaign must be authorized by the national political staff following submission of List Rental for Candidate-Form 7 by the chapter or group (section 7-700).

5-352. All lists to be used by a candidate or campaign must be provided by the national Political Desk. The only exceptions to this rule are that Sierra Club entities may give candidates and campaigns limited access to contact information regarding their leaders, and that lists may be generated by chapters for mailings by candidates or campaigns if permission is given in accordance with section 5-357. Otherwise, candidates or campaigns must provide a third-party vendor to receive the list. No list will be given to the candidates or campaigns directly.

5-353. If the lists are to be used in connection with a federal election, a copy of the mailing text must be submitted to the national political staff for approval. The national political staff reserves the right to return the mailing for revision before final approval.

5-354. If the lists are to be rented by a candidate or campaign in a state or local election, the Chapter Compliance Officer must certify in writing to the Political Desk that the proposed use is legally permissible under applicable state and local law. If the chapter contemplates a number of essentially identical uses of the Sierra Club's lists by a number of candidates or campaigns, this certification of legality may address the class of proposed uses and need not be repeated for each individual use.

5-355. For candidate mailings, the names and addresses of all members and supporters who have indicated "no exchange" on their member records must be excluded. The Sierra Club may not rent a member or supporter's name and address for use by an outside party (like a campaign committee) when that person has specifically told us not to "exchange" their name with other organizations. This is a matter of law, in addition to being Sierra Club policy. The requirement to remove "no exchange" members or supporters does not apply to list uses that are submitted by a Sierra Club entity and paid for by a Sierra Club PAC fund. Please contact political.desk@sierraclub.org for help in this process. Because the "no exchange" policy may reduce the list size by as much as 40 percent, it is often more strategic to have the Sierra Club send a member communication instead of authorizing a candidate mailing.

5-356. The Political Desk, at its discretion, may permit a chapter to generate its own list from a Sierra Club data system for a mailing by a candidate or campaign if all of the following conditions are met: (1) a Form 7 has been

submitted; (2) the use has been approved by the national political staff (for federal candidates) or by the Chapter Compliance Officer (for state and local candidates); (3) payment has been received by the Political Desk (see sections 5-358 and 5-359); (4) the Political Desk is assured to its satisfaction that the chapter has the technical capability to exclude production of data for all members and supporters who have indicated that they do not allow third party use of their names, and (5) the chapter has given its assurances that the list will be under its control at all times or will be given to a reputable mailing house for a one-time use only.

5-357. Candidates must rent the Sierra Club list at its fair market value, and payment must be made to the Political Desk and received *in advance*. Each separate use of a Sierra Club list by a candidate, campaign, or Sierra Club PAC requires payment to the national Sierra Club of \$75 per 1,000 names, with a minimum charge of \$20 per order. This rule is a strict requirement of federal law for federal candidates, and it is Sierra Club policy for state and local races.

5-358. Upon receipt of Form 7, the Political Desk will send an invoice to the candidate or campaign. The candidate or campaign should not send payment until they have received the invoice. Sending a payment without knowing the final amount often results in overpayment, and the Political Desk will not send refunds. Lists will not be sent until the Political Desk receives payment in full.

5-359. The Political Desk can give an estimated count of an order in advance. These counts are free and do not require prior approval.

5-360. Processing and delivery time can vary. The timeliness of delivery for candidate mailings depends on the speed with which the candidate's campaign sends payment (see section 5-358)

5-361. Chapters and groups may not use general Sierra Club funds to pay for lists for candidate mailings, even if the candidate or campaign promises reimbursement.

5-362. Nonprofit postal permit.

A Sierra Club entity may use its special nonprofit postal permit for member or nonmember communications about federal, state, or local candidates. Sierra Club entities must pay all of the costs of the mailing. If a candidate or campaign pays for the postage or other costs, the Sierra Club bulk-rate permit may not be used. It is illegal to enclose any material produced by a candidate with Sierra Club materials mailed with the bulk-rate permit. Violation of these rules could result in loss of the permit. It is illegal to allow a candidate or any other outside entity to use a Sierra Club bulk-rate permit. Violation of this rule could result in

loss of the permit.

5-363. The U.S. Postal Service has allowed PACs of properly authorized nonprofit organizations to use the nonprofit's bulk-rate permit price. This permission for PACs to use a bulk-rate permit price only extends to PACs that are organized as Separate Segregated Funds ("SSFs"). PACs that are not SSFs (e.g. IE-only PACs also known as SuperPACs) have to pay standard rates. If your local postmaster refuses to allow PAC funded material to be mailed under the nonprofit permit, you may refer them to the Post Office's "Customer Support Ruling PS-128 (E371)," as updated in January 2017.

6-000. USE OF NEWSLETTERS, ELECTRONIC MEDIA/ WEBSITES, AND DIGITAL TOOLS

6-100. Use of Newsletters

6-101. News and Commentary about Public Officials. There are no special approval or reporting requirements for publication of news or commentary about public officials who are not candidates for public office. Newsletters with this type of material may be distributed to the general public.

6-102. Objective Communications about Candidates. Chapters and groups may publish objective communications about candidates in their newsletters without any special approval or reporting requirements. "Objective communications" are factual communications that do not favor or oppose any candidate. Examples might be: "On August 10, Congressperson Green introduced legislation to protect endangered species," or "On August 10, candidate Smith announced that if elected, he would introduce legislation repealing the Endangered Species Act." If the newsletter issue is appearing shortly before an election, do not accompany such an announcement with direct editorial expressions of approval or disapproval. Newsletters with this type of material may be distributed to the general public.

6-103. Express Advocacy Communications about Candidates. Express advocacy is language that unambiguously urges support for or opposition to a candidate. Express advocacy is evidenced by using phrases such as "vote for," "vote against," "support," or "defeat," (e.g., "Vote for Blue" or "The Sierra Club endorses Green") and also words for which there is no reasonable interpretation other than support for or opposition to the election of a candidate. Chapters and groups may publish endorsement articles, commentary about candidates, advertisements for candidates, and other express advocacy materials about candidates in their newsletters to members. This is a political activity that is subject to the special approval procedures described in the guidelines beginning

at 2-600. **Caution: The inclusion of express advocacy communications may affect both the financing and the distribution of the newsletter, as described in the following sections.**

6-104. Funding Restrictions on Newsletters with Express Advocacy or "Electioneering." Express advocacy is just one aspect of what the Sierra Club Foundation considers "electioneering" and which can restrict or eliminate newsletter reimbursement. The Sierra Club Foundation will reimburse 75 percent of the charitable portion of expenses for print publication containing no more than 10 percent "electioneering" material subject to specific formatting criteria that are outlined in guidelines found at <https://community.sierraclub.org/section/capacities/operations/chapter-funding/newsletter-guidelines>. If an electronic newsletter contains "electioneering" material, the Sierra Club Foundation will not fund any portion of the newsletter's cost.

6-105. The Sierra Club Foundation may consider an article to be "electioneering" if it mentions Sierra Club endorsements in a current election, even if the article does not identify specific candidates. For example, an article is "electioneering" if it says "We are wrapping up our endorsement process and will send you a postcard with our selections." However, an article about a past election is not "electioneering" even if it talks about Sierra Club endorsements.

6-106. Funding Restrictions on Newsletters with PAC solicitations. If a newsletter contains a solicitation for a state or local PAC fund, the Sierra Club Foundation includes that content in the calculation of the percentage of "electioneering" material, and that portion of the newsletter is ineligible for reimbursement (see 6-105).

6-107. Although the Foundation will reimburse a portion of the costs of a print newsletter that includes electioneering material, it is most cost-effective to consolidate all electioneering material into one or two issues and maximize Foundation funding for other issues of the newsletter. For additional information about Foundation funding for chapter and group newsletters, a copy of the Sierra Club's Newsletter Reimbursement Guidelines can be found on Campfire Community at:
<https://community.sierraclub.org/section/chapters/chapter-support-network/chapter-funding/newsletter-guidelines>

6-108. Advocacy for or against the passage of a ballot measure does not typically qualify for funding from the Sierra Club Foundation.

6-109. Newsletters with express political advocacy may be distributed beyond

the membership only in the very limited manner described in the following sections. If a newsletter with express political advocacy material is distributed more extensively than these sections describe, the public distribution is considered a PAC expense and if coordinated, an in-kind contribution to the candidates who are supported in the newsletter. Federal law prohibits corporate contributions (including in-kind contributions) to federal candidates, so these communications need to be paid for with federal PAC dollars with strict contribution limits to candidates. Chapters must not distribute a newsletter beyond the Sierra Club membership if the newsletter contains express political advocacy communications about a federal candidate, unless the additional distribution is approved *in advance* by national political staff, appropriate disclaimers are provided by office of general counsel, and the cost of the additional distribution is paid *in advance* by the appropriate Sierra Club federal PAC.

6-110. If a newsletter customarily has a small overrun for press, public officials, and other nonmembers, it is not necessary to remove those recipients from the distribution list when publishing an issue with political content. Similarly, if it is the practice to have a portion of the overrun available to nonmembers at Sierra Club events, retail outlets, or other venues, the practice need not be curtailed in the case of an issue with express political advocacy content. However, no new nonmembers should be added to the distribution list, no new means of supplying the overrun to the public should be undertaken, and the total distribution to nonmembers must not exceed three percent of the total member circulation. If it is not feasible to curtail the distribution to nonmembers to comply with these conditions, the political content may be produced as a newsletter insert that is distributed to members only.

6-111. Similar rules may apply to newsletters with express political advocacy about state or local candidates subject to state law. Consult your Chapter Compliance Officer.

6-112. Newsletters on the Web. See 6-270 for guidelines relating to posting newsletters with political content onto a chapter website.

6-113. Newsletter Article Reprints. If a chapter or group has a general policy of allowing other organizations to reprint and distribute articles in the chapter or group newsletter, then the chapter or group may permit campaigns to reprint and distribute individual newsletter articles. However, because of the general rule against use of Sierra Club resources for express political advocacy beyond the membership, the chapter or group may not give the campaign any special assistance in preparing the reprint, such as by providing the text via email.

6-114. Political Advertising. Although chapter and group newsletters are not

required to sell advertising space in their newsletters to any candidate or third party political advertiser, they may sell advertising space to candidates and ballot measure campaigns that have been endorsed by the Sierra Club, and to other candidates if this activity has been approved by the same approval procedures as an endorsement decision (see 2-912). They must not sell political advertising otherwise. Political advertisers must pay the same rate as commercial advertisers. If a newsletter does not ordinarily sell space to advertisers, and consequently does not have a fixed rate structure, contact the national office of general counsel staff (compliance.review@sierraclub.org) for help in determining fair market value rates. Since political advertising is an electioneering activity, the ad space will be factored into the calculation of the percentage of electioneering content in a newsletter (see 6-105); but since the advertising does not involve a Sierra Club expenditure, its presence alone does not prevent distribution of the newsletter to the general public.

6-200. Use of Websites

6-201. In addition to operating within the constraints of federal, state, and local election laws, Sierra Club websites also have to operate within the framework of the national "Sierra Club Website Compliance Guidelines." The website Guidelines are accessible on the web in Campfire Community at: <https://community.sierraclub.org/page/compliance-quick-links>

6-202. The Sierra Club uses at least three legally distinct funding sources to support its websites:

- (1) general operating funds (c4 funds);
- (2) grants from the Sierra Club Foundation (c3 funds);
- (3) payments from a federal PAC account or a Sierra Club state or local PAC account.

6-203. The SCPT Compliance Guidelines describe the permissible linkages between c4-funded web pages and PAC-funded web pages, from the perspective of the Sierra Club's political activists. The SCPT Compliance Guidelines do not discuss c3-funded web pages, because there cannot be any direct link between the Sierra Club's political web pages and c3-funded pages.

6-204. If you find a conflict between the SCPT Compliance Guidelines and the website Compliance Guidelines, contact the office of general counsel (compliance.review@sierraclub.org) for advice about how to proceed.

6-210. Special Definitions for Web Guidelines

6-211. "National Home Page" refers to the primary index page of the national

Sierra Club website, www.sierraclub.org.

6-212. "Chapter Home Page" refers to the primary index page of a chapter. Guidelines for group websites are the same as for chapter websites.

6-213. "Politics Index Page" refers to a transitional index page that is permitted to link to an Endorsements Page of the website. It may also link to other pages of the website, including issue advocacy pages. The Politics Index Page cannot contain any express political advocacy to support or oppose candidates for office. The National Politics Index Page is called "Political Team," and is found at

<https://community.sierraclub.org/section/program-department/policy-advocacy-and-legal-unit/politics> Chapters must likewise have a transitional index page in the chapter website if the website contains an Endorsements Page. Chapters may use various names for the Politics Index page of their websites, such as "Political Action."

6-214. "Endorsements Page" is used in these guidelines as a general term to refer to a web page or group of pages that contains endorsement lists and other express political advocacy material. Chapters may use various names for the Endorsements Page of their websites, such as "Elections & Endorsements."

6-215. Sierra Club Independent Action. All Sierra Club federal endorsements will be listed on www.sierraclubindependentaction.org. If you have a question about a listing or omission, please email political.desk@sierraclub.org.

6-220. General Rules for Web Use in Political Program

6-221. Political advocacy information and materials must be maintained on a separate page (the "Endorsements Page") and cannot be integrated with any other content on the website. This page may contain endorsement lists. It is essential to avoid links in any direction between political advocacy content and c3 funded educational content.

6-222. The "Two-Click" Rule. To visit the Endorsements Page of the website, users must link from the Home Page through a transitional Politics Index page, i.e., a web page with a link to endorsements and located between the home page and the page actually listing the endorsements. For example, the transitional Politics Index page could just consist of a header such as "Endorsement Home" and a link entitled simply, "Sierra Club election endorsements". There can be no other direct links to the Endorsements Page except from external websites not maintained by the Sierra Club. All Sierra Club entities (chapters, groups and others) that post political advocacy content to a Sierra Club website must use

this design.

6-223. The Endorsements Page of a Sierra Club website should provide a description of the goals of the Sierra Club political program in order to distinguish the content of the Endorsements Page from other parts of the website.

6-224. Permissible Links from Endorsements Page. From an Endorsements Page, direct links may be made to: (1) the national and chapter home pages, (2) the transitional Politics Index page, (3) all other Sierra Club Endorsements Page web pages (national and chapter), and (4) any endorsed candidate campaign websites. The Endorsements Page may also link to non-political pages on the website as long as these pages are not supported by c3 funds. See the guidelines beginning at 6-260 for additional details.

6-225-6-229. Reserved

6-230. Endorsement Lists. Endorsements Page web pages are permitted to list candidates and ballot measures that have been endorsed by the Sierra Club. All candidate endorsements are considered political content and may be posted *only* on the Endorsements Page of the website. Information about ballot measures may be posted in other pages of the website in addition to the Endorsements Page, because federal tax law treats ballot measures as legislative advocacy, and not candidate advocacy. However, state laws may require registration and reporting of costs incurred for posting ballot-related information on a website.

6-231. Disclaimer Notice for Federal Endorsements. Federal law requires the Endorsements Page of the national website to contain a "disclaimer" notice identifying the Sierra Club entity that paid for this page of the website, and stating whether or not the communications in this page were authorized by any federal candidate or federal campaign committee. If the Endorsements Page of any chapter or group website contains express political advocacy about any federal candidate, there must be a similar disclaimer notice in the chapter or group Endorsements Page. Contact the office of general counsel (compliance.review@sierraclub.org) to determine the wording of the disclaimer notice.

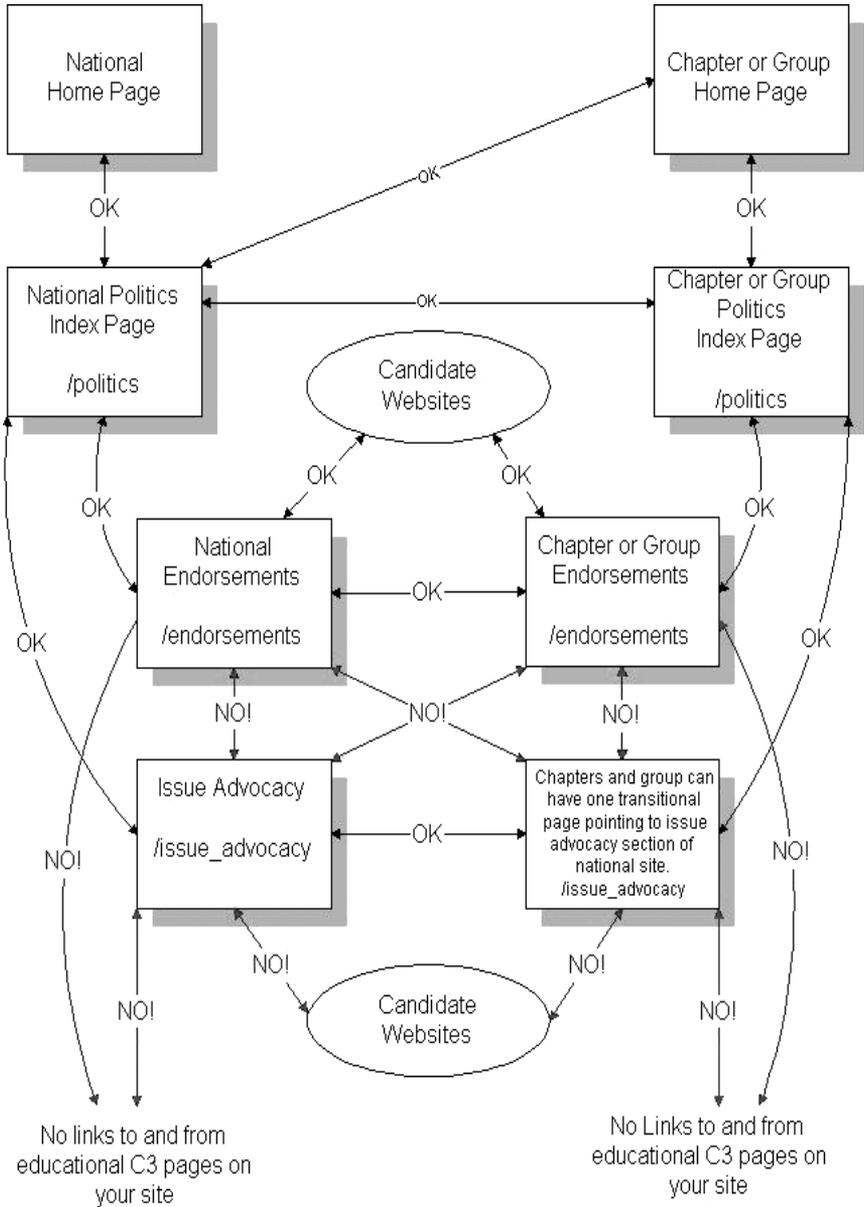
6-232. Disclaimer Notice for State and Local Endorsements. State and local campaign finance laws may require that the Endorsements Page of the chapter website include a disclaimer regarding any communications in the page about state and local candidates. Contact your Chapter Compliance Officer to determine what, if any, disclaimer notice requirements apply.

6-233. Political Advertising Prohibited. Unlike print newsletters, no Sierra Club web page may contain paid or unpaid political advertisements. No Sierra Club entity may make any financial arrangements with any candidate, campaign, or party regarding Sierra Club websites.

6-234. Summary of permitted links:

1. National, chapter, and group Home Pages may link to a transitional Politics Index page. Home Pages cannot link to an Endorsements Page or to candidate websites.
2. Politics Index pages may link to the Endorsements Page and to non-political pages of the website. They may also link to other Sierra Club Politics Index pages and to issue advocacy pages of the national Club website. They cannot link to candidate websites.
3. Endorsement Pages may link to other Sierra Club Endorsements Pages. They may also link back to the Politics Index page and to the entity's Home Page. They may have links to (but not from) other website pages that are supported by Sierra Club funds. They cannot have any links to or from any Sierra Club website content that is supported by c3 funds. In addition, they cannot have any links to or from the issue advocacy pages of the national website. They may include links to the websites of endorsed federal candidates (see section 6-263). They may also include links to the websites of endorsed state and local candidates; provided that this use is in compliance with applicable state and local law (see section 6-264).

6-235. Diagram of permitted links.



6-240. Endorsement Lists of Federal Candidates

6-241. An endorsement listing of a federal candidate on the Endorsements Page of the Sierra Club Independent Action website is an independent expenditure on behalf of the candidate, and it must be reported to the Federal Election Commission.

6-242. Because all web postings about endorsed federal candidates are reported as independent expenditures on behalf of the candidates, Club staff and volunteers may not communicate or coordinate with candidates about any web listing of federal candidates.

6-243. The Sierra Club uses the standard amount of \$10 per election (primary or general) as the value of the independent expenditure made by listing an endorsed federal candidate on a website, regardless of the entity sponsoring the web page or the number of Sierra Club websites on which the listing appears. Although the actual cost of listings may be less than \$10, this sum accounts for the fair market value of server space, equipment, labor, and maintenance, including notices of campaign events as described in section 6-281. In no case may the cost of a web page listing exceed this amount. ***In order to ensure proper reporting of the independent expenditure, the endorsement listing must first appear on the national Sierra Club Independent Action website before appearing on any chapter or group website.***

6-244. In no case may any federal endorsement appear on any chapter or group website before it has been posted to the national Sierra Club website.

6-245. After a federal endorsement has appeared on the national site, chapters and groups are allowed to post it to their own websites ***as long as no expenditures are involved***. In order to ensure that the actual total cost of web page postings for federal candidates does not exceed \$10 per candidate per election (primary or general), all Sierra Club entities must obtain prior approval from the national political staff at political.desk@sierraclub.org ***before incurring any expenses*** for preparing a web page posting with political material about a federal candidate.

6-250. Endorsement Lists of State and Local Candidates

6-251. Chapters that post political advocacy content to a website must use a separate Endorsements Page on the chapter website.

6-252. States may have regulations governing the use of the internet for political activities. These laws will generally be available through state election officials, usually the Secretary of State. Chapters are responsible for compliance with all applicable state and local legal requirements regarding use of websites in connection with state and local candidates. For non-federal candidates, all Endorsements Page web pages and expenditures (including listing of endorsed candidates) must be approved by the Chapter Compliance Officer, and the web pages must be constructed

according to the laws and regulations of the individual state or locality. Posting information about endorsed candidates may be considered an in-kind contribution that requires reporting. Chapters that do not have a Compliance Officer are not authorized to create Endorsements Page web pages with non-federal political content.

6-260. Links with Non-Sierra Club Websites

6-261. Links from Sierra Club Pages to Non-Club Political Websites. With the exception given in section 6-263 below, web pages that are financed by general Sierra Club funds (c4 funds) may not link directly to candidates' campaign websites or to the websites of non-Sierra Club political advocacy organizations, such as federal or state political committees or other organizations that post candidate endorsements on their sites. Likewise, they may not link directly to a specific article in a newspaper, magazine, or other publication that contains express advocacy, or supports or opposes specific candidates, political parties, or PACs. However, they may link to the websites of governmental agencies, news sources, and nonpartisan organizations that provide information about electoral matters without political advocacy to support or oppose any candidate. In addition, they may link to articles in non-Sierra Club publications that support or oppose ballot measures.

6-262. Links from c3 Pages to Non-Sierra Club Electoral Websites. Web pages that are financed by c3 funds may not link directly to candidates' websites or to the websites of electoral advocacy organizations, such as federal or state political committees or other organizations that post endorsements of candidates or ballot measures on their sites. Likewise, they may not link directly to any article in a newspaper, magazine, or other publication that contains express advocacy, or supports or opposes specific candidates, political parties, PACs, or ballot measures. However, they may link to the websites of governmental agencies, news sources and nonpartisan organizations that provide information about electoral matters and issues without endorsement or other advocacy to support or oppose any candidate or ballot measure.

6-263. Links from Endorsements Page to Federal Candidate Websites. Because national pays the cost of listing federal candidate endorsements on national and chapter Endorsements Page web pages, the endorsement listings of federal candidates on these pages may include direct links to the campaign websites of the endorsed federal candidates.

6-264. Links from Endorsements Page to State and Local Candidate Websites. If a Sierra Club chapter PAC makes a payment to the chapter to support the Endorsements Page of the chapter website, and if the Chapter Compliance Officer determines that direct links to candidates' websites are permissible under applicable state and local law, the chapter Endorsements Page may include direct links to the campaign websites of endorsed state or local candidates.

6-265. Sierra Club Endorsement Lists on Non-Sierra Club Websites. Sierra Club websites cannot link to a website that is maintained by a third party (including a Sierra Club volunteer) where users can find a list of Sierra Club-endorsed candidates.

6-266. If the Sierra Club becomes aware that an entity has linked to a Sierra Club website in a manner that is inconsistent with Sierra Club policies, the Sierra Club will request in writing that the entity remove the link. Sierra Club guidelines for *Business Practices for Sierra Club Websites* are located in Campfire Community at <https://community.sierraclub.org/page/compliance-quick-link>.

6-270. Posting Sierra Club Publications Containing Political Content

6-271. There are two ways that Sierra Club publications may be posted to a Sierra Club website, described below.

6-272. Because web postings are often considered a communication to the general public and an in-kind contribution to the campaigns of endorsed candidates, Sierra Club publications such as newsletters that contain political advocacy may be posted **only** if the relevant portion of the publication was originally paid for with PAC funds, in advance. If so they may be placed in their own portion of the website in their entirety. Because chapter and group publications may contain mixed content, including 501(c)(3), 501(c)(4), and political advocacy information, no new links may be added to articles posted in the publications portion of the website.

6-273. Articles or individual columns about candidates may be extracted from Sierra Club publications and posted on the Endorsements Page of the website. For example, endorsement articles appearing in a newsletter may be extracted from the publication and placed on Endorsements Page web pages. When the article is placed on the Endorsements Page of the website, the article cannot have a direct link to the publications portion or to any other non-political web page. If the political material relates to a state or local candidate, you must confer with your Chapter Compliance Officer in advance to find out whether there are special state or local laws that restrict this activity.

6-280. Web Notices of Candidate Appearances

6-281. Federal Candidates. With advance approval by the national political staff in consultation with the office of general counsel, the Endorsements Pages of Sierra Club websites may contain notices of public campaign events, campaign support activities, and campaign fundraisers for federal candidates. The national office of general counsel team will need to determine if the cost of any notice will have to be reported as an operating expenditure or as an in-kind contribution from the Sierra Club's federal PAC to the candidate's campaign. The chapter transitional Politics Index page may include a brief listing of the candidate's appearance at a public

campaign event, with a link to the Endorsements Page for more details. The event or other activity may be listed on a chapter or group "Calendar" or "Events" page but it may not contain a link to the Endorsements Page.

6-282. State and Local Candidates. Unless there are state or local laws that restrict the use of Sierra Club websites for notices of campaign events and activities, the Endorsements Pages of Sierra Club websites may contain notices of public campaign events, campaign support activities, and campaign fundraisers for state and local candidates for the purpose of inviting Sierra Club members to participate in these events and activities. The cost of the notice may have to be reported as an in-kind contribution from the chapter's PAC to the candidate's campaign. The chapter Home Page cannot include express advocacy content and cannot link directly to express advocacy content (including endorsements). The chapter Home Page should include a generic 'State and Local Political Program' link that connects users to a transitional Politics Index page. The transitional Politics Index page would provide direct links to express advocacy content, including endorsements. .

6-283. Informational Candidate Forums. Sierra Club websites may publish notices of public informational forums where two or more candidates for an office are invited to speak. These notices do not need to be in an Endorsements Page unless the notice contains any political advocacy material, such as a statement that the Sierra Club has endorsed one of the candidates for the office. If the forum involves candidates for state or local office, you must confer with your Chapter Compliance Officer to find out whether there are special state or local laws that restrict this use of Sierra Club websites.

6-284. Official Appearances. Sierra Club websites may publish notices of non-political public events where office holders will discuss issues but not electoral matters. These notices should not be in an Endorsements Page. If the public event involves an incumbent who is a candidate for state or local office, you must confer with your Chapter Compliance Officer to find out whether there are special state or local laws that restrict this use of Sierra Club websites.

6-285. "Accountability" Events with Federal Candidates. With advance approval by the national political staff, the Endorsements Pages of Sierra Club websites may publish notices of public appearances by federal candidates for the purpose of accountability events or public education about environmental issues provided that the issue purpose is clear. The chapter Home Page and the Politics Index page may include a brief listing of the candidate's appearance, with a link to the Endorsements Page for more details. However, the candidate's appearance may not be listed on a "Calendar" or "Events" page of the website with a link to the Endorsements Page, because this listing would violate the rule that the Endorsements Page may be reached only through the transitional Politics Index page. The chapter or group must not consult or coordinate with any federal candidate about the publication or contents of the notice.

6-286. "Accountability" Events with State and Local Candidates. Unless there are state or local laws that would prohibit or restrict the use of websites for "accountability" events, the Endorsements Pages of Sierra Club websites may publish notices of public appearances by state and local candidates for the purpose of accountability events or public education about environmental issues. The chapter Home Page and the Politics Index page may include a brief listing of the candidate's appearance, with a link to the Endorsements Page for more details. However, the candidate's appearance may not be listed on a "Calendar" or "Events" page of the website with a link to the Endorsements Page, because this listing would violate the rule that the Endorsements Page may be reached only through the transitional Politics Index page.

6-300. Use of Email and Email Lists

6-301. Internet access accounts that are paid for by the Sierra Club are a Sierra Club resource, and they are subject to the same restrictions on political use as Sierra Club telephone accounts and other resources. Sierra Club internet accounts may be used for internal communications among Sierra Club members about candidates and political activities, but they may not be used to broadcast political advocacy communications about candidates beyond the membership.

6-302. Many Sierra Club entities maintain email lists for a variety of purposes, usually in the form of "listserv" lists or Google groups. If the list is limited to Sierra Club members, the entity that maintains the list may allow it to be used for political advocacy communications. If the list is open to the general public, however, it may not be used to distribute political advocacy communications about candidates.

6-303. Sierra Club members and staff may not forward a candidate's campaign email to any Sierra Club email list. However, this does not mean that it is impossible to share information about candidates and their events. It is permissible to write and send an original email which contains the information detailed in the candidate's email as long as the recipients are limited to Sierra Club members.

6-304. Unlike mailing lists, Sierra Club email lists may not be rented or given to candidates, campaigns, or other parties. Sierra Club members who have access to Sierra Club email lists may not use them to post political advocacy communications unless the entity that maintains the list allows it to be used for this purpose and the recipients are restricted to Sierra Club members.

6-305. The Sierra Club has adopted a statement of "Basic Email Outreach Principles" with general guidelines about sending bulk email communications to members and non-members. These guidelines also apply to the use of Sierra Club-sponsored email lists to communicate about political matters. The current version is accessible on the web at:

<https://community.sierraclub.org/section/capacities/communications/media/media-strategy>

6-306. Most email lists that are restricted to Sierra Club members are developed and maintained using general Sierra Club funds (c4 funds). Internal email lists that are developed and maintained using general Sierra Club funds may be used to distribute announcements recruiting volunteers for political activities. For example, the chapter or group political committee could send a message to an email list of Sierra Club members asking for volunteers for a phone bank to support a Sierra Club-endorsed candidate. However, the chapter or group that requests a list must ensure that the list is not duplicated or retained. A Sierra Club member must maintain possession of the list at all times. It may not be given to a candidate, campaign, or other non-Sierra Club individual or organization.

6-307. An email list may not be used for express political advocacy if it was developed as part of a project funded by the Sierra Club Foundation, even if the list is limited to Sierra Club members.

6-350. Use of Salesforce

6-351. Salesforce is a mass communication tool for interacting with people on the internet. Chapters and national use Salesforce for email outreach, advocacy and events.

6-352. Salesforce is used for electronic outreach to members and activists. Use of Salesforce is subject to restrictions on the political use of email and email lists (see section 6-300). Salesforce may not be used to broadcast political advocacy communications about candidates beyond the Sierra Club membership unless the contact list has been rented using the appropriate PAC fund.

6-360. Use of Third Party Sierra Club Contracted Tools

The Sierra Club contracts with various outside vendors for the use of online tools, some of which are employed by the political programs. Procedures for accessing these tools and the rules pertaining to them vary. For detailed information about available resources, means of accessing them, and applicable compliance restrictions visit Campfire.

6-400. Use of Sierra Club Blogs

6-401. Political advocacy contained in Sierra Club website blogs is subject to the same restrictions as apply to other content. Best practices for operating and maintaining a blog can be found at:

<https://community.sierraclub.org/section/capacities/finance-operations/office-general-counsel-contract-forms/compliance/resources>

6-410. Posting to Outside Blogs

6-411. Any blog posting identified with the Sierra Club, Sierra Club staff or Sierra Club leaders must be conducted in accordance with these guidelines.

6-500. Use of Social Networking Sites and Online Communities

6-501. Free social networking sites (such as *Twitter*, *Facebook*, etc.) and online communities are useful for building local or national networks of people interested in environmental issues and campaigns and have potential for activating and informing volunteers.

6-502. Sierra Club general funds (c4) may be used to create or maintain a profile on a social networking site or online community. Sierra Club Foundation funds (c3) may not be used. In limited circumstances, in connection with an independent expenditure campaign and in consultation with national political staff, federal or state PAC funds may be used.

6-504. To ensure timely and accurate payment and reporting of any costs, all Sierra Club entities must get advance approval from the national political staff and review by the national office of general counsel staff before posting any advocacy material about a federal candidate on a Sierra Club-maintained profile on a social networking site or online community whether maintained by the national Sierra Club, a chapter, or a group.

6-505. States may have regulations governing the use of the internet for political activities. Chapters that do not have a Chapter Compliance Officer are not authorized to create or use an existing profile on a social networking site or online community that includes non-federal political content.

6-506. All guidelines regarding the use of the Sierra Club name apply to political material posted on a social networking site or online community (see section 2-930).

6-507. Volunteers are permitted to post information about Sierra Club endorsed candidates and political content on a ***personal*** profile on a social networking site.

6-508. Political advocacy regarding state and local candidates on chapter social media sites must be limited to support for Sierra Club-endorsed candidates or opposition to their opponents.

6-509. Political advocacy regarding federal candidates on chapter social media sites must be limited to sharing content created by national staff or sharing mainstream news articles about Sierra Club endorsements. No other activity is allowed without advance approval by national political and office of general counsel staff through the

Form 1A process.

6-510. Consult your Chapter Compliance Officer before using social media to promote chapter PAC fundraisers. If a fundraising event is members-only, it must not be announced on a public forum like Facebook or Twitter (even if the site is free) unless it is in a private group open only to members (e.g., private Facebook group).

APPENDIX A: ACTIVITIES IN PRESIDENTIAL ELECTIONS

A-001. Goals and Principles

A-002. The Sierra Club's goals in the presidential race are to:

- (1) Elect a pro-environmental President who embodies Sierra Club values;
- (2) Frame our issues in a winning context;
- (3) Encourage presidential candidates to adopt and advocate strong environmental positions;
- (4) Ensure that presidential candidates fairly represent their records on environmental issues; and
- (5) Encourage Sierra Club volunteers to actively support the presidential candidate who is endorsed by the Sierra Club.

A-003. The following guidelines are intended to facilitate these goals while ensuring that the Sierra Club's activities comply with federal law. Most of the policies and rules described in the Compliance Guidelines apply to the presidential election as well, so they are not repeated here. The presidential guidelines are designed to address issues that are unique to the national presidential election.

A-004. These guidelines shall be followed in approving any Sierra Club activity designed to influence the election of any candidate to the office of President or Vice-President, or which appears to be intended to influence such an election. These guidelines do not apply to the Sierra Club's ordinary legislative or voter education work. Nothing in these guidelines should be construed to prohibit any volunteer or staff member from communicating the Sierra Club position on any issue to any candidate or campaign. ***Activity not conducted in accordance with these guidelines is not authorized Sierra Club activity.***

A-005. Before Endorsement Decision Is Made. Because of their special responsibility for approval of decisions about Sierra Club actions in presidential elections, members of the Sierra Club Board of Directors, senior executive and political staff, and the national political team must refrain from making a public statement of their personal endorsement of any candidate for President or Vice-President until after completion of the Sierra Club approval process described in these guidelines. If a member of the political team or the Board of Directors has made a public personal endorsement of a candidate for President or Vice-President before completion of the Sierra Club approval process, they shall be deemed to have a conflict of interest with respect to votes on a Sierra Club endorsement or other action in the presidential election and will not be permitted to participate.

A-006. The Sierra Club's national conservation staff has a special responsibility for providing impartial information and analysis in the Sierra Club's endorsement approval process. For this reason, the Sierra Club's senior executive staff, managerial

and supervisory staff in the national Conservation Department and political staff must refrain from making a public statement of their personal endorsement of any candidate for President or Vice-President until after completion of the Sierra Club approval process.

A-007. The Sierra Club encourages Sierra Club members to support and work for presidential candidates as private individuals without reference to their Sierra Club affiliation. When the Sierra Club has approved activities short of endorsement and in other very limited circumstances, a Sierra Club volunteer or staff member may state their affiliation with the Sierra Club in connection with a campaign activity on behalf of a candidate for President or Vice-President before the Sierra Club has made an endorsement. These activities shall be cleared, in advance, with national political staff. In these special circumstances, it must be clear to the candidate and the public that the participation of a Sierra Club volunteer or staff member does not convey an endorsement by the Sierra Club. Except for these special circumstances, no Sierra Club volunteer or staff member may publicly state their affiliation with the Sierra Club in any activity designed to elect any candidate for President or Vice-President unless the Sierra Club has endorsed that candidate.

A-008. After Decision to Endorse. After the Sierra Club has approved an endorsement of a candidate for President or Vice-President, Sierra Club members, volunteer leaders, and staff may state their Sierra Club affiliation and leadership titles in conjunction with their personal endorsement of the Sierra Club-endorsed candidate. With respect to non-endorsed candidates, all members of the Sierra Club Board of Directors and the national political team, senior executive and political staff, and managerial and supervisory staff in the national Conservation Department must refrain from making any public personal endorsement of any candidate for President or Vice-President other than the Sierra Club-endorsed candidate, regardless of whether they mention their Sierra Club affiliation in connection with their personal action.

A-100. Approval Process

A-101. A decision to endorse a candidate for President or Vice-President, or to engage in other activities designed to support or oppose the election of a candidate for President or Vice-President, requires the approval of both the Board of Directors and the national political team. The compliance guidelines regarding two-thirds votes apply to the approvals by both the national political team and the Board of Directors.

A-102. As with any endorsement, the mechanics of the endorsement process must be fair, impartial, and follow standard voting procedures. Before recommending an endorsement, the national political team must see to it that fair and equal treatment is given to all candidates who have a reasonably good prospect of winning the election. This does not mean, however, that the national political team must interview or send

questionnaires to all candidates. Candidates who are perceived as having little or no possibility of winning and candidates who have consistently over their political career opposed the Sierra Club's efforts to protect our environment may not warrant consideration.

A-103. The national political team shall take the lead role in recommending whom, if anyone, the Sierra Club should support and in determining what activities the Sierra Club shall conduct on behalf of the candidate. Its recommendations on which candidate to endorse must be presented to the Board of Directors for approval.

A-104. Before recommending an endorsement, the national political team shall solicit the views of a broad cross section of the Sierra Club. Gathering the views of Sierra Club entities and leaders may include, but not be limited to, consultation and communication with:

- (1) Board of Directors;
- (2) Chapters and groups, including their executive and political committees;
- (3) Council of Club Leaders; and
- (4) The Vice President for Conservation, the Conservation Director and the team co-leads of the national campaigns under their purview.

A-105. Prior to a full endorsement of a single candidate for President or Vice-President, the Board of Directors may approve a resolution that would permit the Sierra Club to provide activities short of endorsement (as enumerated in section A-353) to any announced presidential candidate who accepts them and who is involved in an active contest for the nomination of a political party.

A-106. Prior to a full endorsement of a single candidate for President or Vice-President, the Board of Directors may approve opposition to a candidate (as described in section 2-391).

A-200. Criteria

A-201. In considering whether to provide support for a presidential candidate, the Board of Directors and the national political team should consider the criteria described below. The array of factors is likely to be different in each presidential election, and therefore each election needs to be treated differently.

- (1) The candidates' environmental records, recognizing that the human environment and our commitment to equity and justice is part of the environment.
- (2) The political attributes of the race (i.e., incumbency; the competitiveness of the race; the campaign phase (primary or general); public perception of the candidates; anticipated reactions to the endorsements, etc.).
- (3) Whether the Sierra Club can make a difference in the campaign or considerably increase public support for environmental protection.

- (4) The views of Sierra Club leaders, members and activists.
- (5) The views of the national political staff
- (6) Source of fundraising support, i.e., grass-roots vs large donors and/or corporations.

A-210. Environmental Record

A-211. The most important consideration when looking at presidential candidates is their environmental records and stated environmental positions, as seen through a lens of equity and justice. Our goal is to elect a President with a strong environmental program who shares our core values. The evaluation of their environmental record and platform should give great weight to the Sierra Club's national priority issues, and other federal legislative issues that have nationwide significance. An evaluation of a candidate's record should include any legislative votes (committee and floor votes and co-sponsorship of bills), administrative actions, statements, activism and leadership on issues, campaign literature, and responses to the Sierra Club presidential questionnaire and performance in interviews.

A-212. Any endorsement decision must be based on the totality of the candidates' records, including appointments, record in keeping campaign promises, leadership on issues of importance to the Sierra Club, and demonstrated support for core values important to the Sierra Club and our partners.

A-213. No one issue should dictate the decision. For example, a candidate who is excellent on one important environmental issue, but is often against us on other issues, should probably not be endorsed. Similarly, a candidate with an excellent record who is at odds with the Sierra Club on one or more issues may merit endorsement.

A-214. It is important to acknowledge that the candidates are running for national office, and therefore should be judged on that standard rather than on the standard that might apply to candidates for Senate or Congress in the most pro-environment states or cities. It is also valuable to put the candidates' records and positions in recent historical context by comparing them to the records of recent Presidents and Congresses.

A-220. Political Characteristics of the Race

A-221. Incumbency is one political characteristic that must be considered. In general, the Sierra Club gives great weight to continued endorsement of an incumbent with a strong, comprehensive record. A candidate's record must not be based solely on a voting scorecard, but should also include policy platforms, candidate's statements and responsiveness to community concerns. In the past, a President or Vice-President who is clearly pro-environment has been rewarded with

the Sierra Club's endorsement.

A-222. The Sierra Club does not endorse candidates who are acknowledged to have no serious possibility of winning. This is especially true of challengers to candidates who have solid records. The endorsement of a candidate with little prospect of winning will make little or no difference in the outcome of the election. In addition, the endorsement of a candidate with little possibility of victory could reduce the Sierra Club's credibility with the public, media, and other candidates.

A-223. The endorsement of a candidate with little or no chance of winning is rarely advisable, but could occur when the leading candidates are all hostile to the Sierra Club's views and agenda. This candidate should appear on enough state ballots to provide at least a theoretical chance of winning the 270 Electoral College votes required for election. Finally, this candidate should meet the other criteria articulated beginning at section 2-250 of the Compliance Guidelines.

A-230. Making a Difference with an Endorsement or with Activities Short of an Endorsement

A-231. A presidential endorsement should be made when it might make a difference in the issues debated or might provide an opportunity to leverage volunteers or other resources to affect the outcome of the race. This could mean making an endorsement in a primary before there is a clear nominee. The national political team and the Board of Directors should determine that the Sierra Club's endorsement might make such differences before proceeding with an endorsement. Likewise, when there is clearly a presidential candidate worthy of support, the Sierra Club may approve activities short of endorsement. The national political team and the Board of Directors should make sure that its decision on a presidential endorsement and/or activities short of endorsement does not threaten the success of its political program in congressional, state, and local campaigns or the achievement of our policy goals.

A-300. Campaign Finance Restrictions

A-301. For presidential primary contests, the laws and regulations applying to presidential elections are largely the same as those applying to congressional elections. With a few exceptions as detailed in this appendix, the same kinds of activities may be undertaken in a presidential contest as in other federal races in accordance with these guidelines. In order to ensure compliance with strict federal spending limits, all spending decisions in presidential races will be made by the national political staff. Since all direct and in-kind contributions must come from the Sierra Club Political Committee federal PAC, chapters and groups are not permitted to make direct or in-kind contributions.

A-302. If the presidential candidate decides to accept public financing, no PAC or

individual is permitted to contribute to a presidential candidate during the general election.

A-350. Campaign Activities

A-351. The Board of Directors and the national political team may approve some or all of the following activities, which are described in detail in the Compliance Guidelines. The rules governing these activities are the same as those stated elsewhere in the Compliance Guidelines, unless otherwise noted.

A-352. Endorsement and use of the Sierra Club name consistent with the Guidelines for Political Activities detailed in section 4-000.

A-353. Activities short of endorsement must be approved in advance by the national political team, and the Board of Directors; the possible activities listed in 2-903 and prohibitions outlined in 2-904 apply.

A-354. Official Position Against an Anti-Environmental Candidate. The Sierra Club may decide to take an official position opposing a presidential candidate without endorsing their opponent. This requires the same two-thirds majority vote from both the national political team and Board of Directors needed for an endorsement or Activities Short of Endorsement. This action could be appropriate for either an incumbent or a challenger who has an atrocious record on environmental issues, and who is clearly identified by the media and the Sierra Club as someone with notable anti-environmental positions. This action can be effective when the Sierra Club wants to begin to mobilize opposition before the identity of the opposing candidate has been determined.

A-355. Objective Factual Information about Presidential Candidates. With the consent of national leadership, Sierra Club may publish objective factual information about the environmental records or positions of presidential candidates for an office even though the Sierra Club has not endorsed any candidate for the office. This type of activity does not require the same approval procedures as an endorsement decision.

A-400. Decision to Make No Endorsement in Presidential Election

A-401. Under some circumstances, the Sierra Club might decide to make no endorsement in a presidential election. There are several possible reasons for making this decision. For example, it is at least theoretically possible that both major-party candidates in a future election will be equally good on environmental issues. As noted in section 2-415, the Sierra Club often makes no endorsement when there is an open seat with two strong candidates who are equally good on environmental issues. Unfortunately, it is also possible that neither major-party candidate will meet the Sierra Club's criteria for endorsement, and no other candidate will have a reasonable

prospect of winning the election. Yet another possibility might be based on the restraints imposed by federal campaign finance restrictions. The national political team and the Board of Directors could conclude that the Sierra Club will be more effective in raising the public visibility of environmental, equity, justice and inclusion issues if the Sierra Club focuses its national effort on those issues without advocating the election or defeat of a particular presidential candidate.

A-402. A decision to end all consideration and formally opt out of making any endorsement in a presidential election requires the approval of a majority of both the Board of Directors and the national political team. Either entity may initiate a reconsideration of this decision by a majority vote if circumstances change during the course of the presidential election campaign.

A-500. Presidential Campaign Plan

A-501. At the earliest appropriate time no later than July in the year prior to a presidential election, the national political team will develop a presidential campaign plan, which will be approved by the Board of Directors. This plan will interpret and apply these guidelines according to the circumstances of the developing race.

APPENDIX B: ELECTORAL WORK WITH OTHER ORGANIZATIONS

B-001. The Sierra Club encourages cooperation on political activities with other organizations that share our general philosophy and political approach. However, federal law restricts certain types of collaboration between PACs on federal races, except with independent expenditure campaigns. Collaboration between PACs may also be regulated in state and local elections where campaign contributions are limited by state or local law. In addition to campaign finance law considerations, it is important to recognize that other organizations may not operate in the same complex regulatory framework as the Sierra Club and, therefore, may be permitted to engage in political activities that the Sierra Club may not. Contact the national office of general counsel staff (compliance.review@sierraclub.org) for guidelines for working with other organizations and coalitions.

B-100. Basic Guidelines for Joint Action

B-101. Sierra Club entities should communicate with Sierra Club members on political issues in the name of the Sierra Club, and not in the name of other organizations or coalitions. Rules related to the security of lists must be followed (5-006).

B-102. The Sierra Club's political decision-making structures must be kept separate from the decision-making structures of other PACs. If members of a chapter political committee or executive committee are involved with another PAC, they should not make up more than one-third of the members of the other PAC's endorsing committee or governing board.

B-103. Chapters must confer with national political staff before engaging in any activities on behalf of federal candidates that involve joint expenditure of funds, joint fundraising, or donations from one PAC fund to another.

B-104. Chapters must confer with their Chapter Compliance Officer before engaging in any activities on behalf of state or local candidates that involve joint expenditure of funds, joint fundraising, or donations from one PAC fund to another.

B-105. Only chapters or national staff may involve Sierra Club entities in joint actions. Groups must only engage in joint actions through the chapter structure.

B-200. Application of Guidelines for Joint Action

B-201. Under these guidelines, chapters may hold joint training workshops, joint candidate-interview sessions, and joint press conferences (if no general Sierra Club funds are used) with other organizations when the chapter believes that the joint

activity would advance the Sierra Club's interests.

B-202. Chapters may work with other organizations that have PAC funds to produce joint candidate questionnaires, joint communications to print and electronic media, and joint political materials for distribution to the general public. You must confer with the national political staff in advance if you are considering joint activities in a federal election. You will need to exercise particular caution if the Sierra Club is engaged in an independent expenditure campaign or other types of activity that must be independent of candidates and political parties.

B-203. Chapters must ensure that their decision-making process on endorsements is entirely independent of other organizations. While information may be shared regarding a candidate's qualifications or record, the decision on whether to endorse and how to use Sierra Club resources for a particular candidate must be made by Sierra Club entities without control or direction from any outside entity. If members of a chapter or group political committee or executive committee are involved with another PAC, they should not make up more than one-third of the members of the other PAC's endorsing committee or governing board.

B-204. Sponsorship of Events and Activities. If the Sierra Club has endorsed a candidate, Sierra Club entities may be listed as sponsors for a variety of activities, as long as the "sponsorship" is merely a show of non-financial support. For federal candidates, the Sierra Club Political Committee may be listed as a sponsor of the event with notification in advance to national political staff. Individual chapters and groups may not be listed as sponsors of campaign events for federal candidates. In most states, Sierra Club chapters may be listed as sponsors of events for state and local candidates. In some states, however, it may be necessary to list a chapter PAC as the sponsor of campaign-related events. Regardless of which entity is listed as the sponsor, no general Sierra Club c4 funds may be used to pay for any expenses of the event, including staff time (see section 1-106). If the event is part of a federal candidate's campaign and there are Sierra Club costs associated with the event, including staff time, they must be paid directly from the Sierra Club's federal PAC fund, *in advance* of the event. If the event is part of a state or local candidate's campaign, all Sierra Club costs must be paid directly from a chapter PAC fund in advance of the event. If the event is a campaign fundraiser, see the guidelines beginning at C-400.

APPENDIX C: FUNDRAISING FOR CANDIDATES

C-001. Internal Approval Procedures. A Sierra Club entity may raise money for a candidate if the Sierra Club has endorsed the candidate by the procedures described beginning at 2-600. A Sierra Club entity may also raise money for a candidate who has not yet been endorsed, but only if the activity has been approved by the same procedures that would be required for an endorsement (see 2-900). Sierra Club entities may not raise money for political parties.

C-002. Coordination with Other Activities for Federal Candidates. The Sierra Club's sponsorship of a fundraiser for a federal candidate might prevent any member or staff person involved in organizing the event from participating in an Independent Expenditure Campaign (IEC) in that race. Confer with the national political staff well in advance if your chapter or group is considering whether to organize or participate in a fundraising event for a federal candidate.

C-003. Legal Restrictions and Requirements. As described in the following sections, the legal restrictions and requirements that apply to campaign fundraising activities depend on whether those activities are directed only to Sierra Club members and their families, or whether they are directed to nonmembers as well.

C-004. No "Bundling" in Federal Elections. While the Sierra Club may advocate that members (and, in some cases, nonmembers) contribute to candidates, either by mail or at Sierra Club-sponsored events, federal law prohibits a corporation, like the Sierra Club, from "bundling," or acting as a "conduit" for, candidate contributions. If a Sierra Club entity were to collect money and transmit it to the campaign, the Club would be acting as a "conduit," by "bundling" contributions in violation of federal law. All money must be contributed directly to the candidate or the candidate's representative without involving the Sierra Club in the process. Therefore, at a Sierra Club-sponsored fundraiser, the candidate or a representative of the campaign must be present to receive donations.

C-005. State laws on conduits and bundling vary widely, from allowing the activity with minimal reporting requirements to outright criminalization of the practice. Chapters must not bundle contributions to state and local candidates unless the Chapter Compliance Officer determines that conduit activities are allowed.

C-006. Disclaimers. The Internal Revenue Code provides that political organizations must disclose, in any fundraising solicitation, in "an express statement (in a conspicuous and easily recognizable format)" that contributions to the organization are not deductible for federal income tax purposes as charitable contributions ("Contributions to Smith for Congress are not tax-deductible"). In addition, federal campaign finance law, as well as many state regulations, requires that political materials include disclaimers designed to inform recipients about who authorized

and paid for the fundraising solicitation materials. To ensure that these requirements are met, the national office of general counsel staff or the Chapter Compliance Officer must review all fundraising solicitations on behalf of candidates.

C-100. Fundraising for Candidates by Mail, Phone and Email

C-101. Soliciting by Mail from Sierra Club Members Only-Federal Elections. General Sierra Club funds may be used for mailings that encourage members to contribute to individual federal candidates or campaigns. In general, chapters and groups may solicit only within their own geographical area. Contact your national political team liaison or the national political staff if you believe an exception is warranted. No candidate or campaign-provided material may be included in the mailing. Written fundraising appeals sent by the Sierra Club must refer potential donors to a campaign address, phone number, or web address; they must make clear that donations are not to be sent to any Sierra Club address (including home addresses of Sierra Club leaders); and the appeals must not include any materials that would assist in transmitting or delivering contributions, such as stamps or envelopes addressed to the campaign. The Sierra Club mailing should inform members of the legal requirements associated with contributing to a candidate, such as by listing the information that the campaign is required to collect from donors (name, address, occupation, and employer), and specifying the applicable legal restrictions on contributions to the campaign, such as the prohibition on corporate contributions to federal campaigns.

C-102. Soliciting by Mail from Sierra Club Members Only-State and Local Elections. The Chapter Compliance Officer must ascertain the state rules on raising money from members on behalf of state or local candidates. Issues include: Whether the activity is legal; whether it is considered a member communication or an in-kind contribution and what type of funds may be used; whether campaign-generated material or aids to donating money such as stamped and addressed envelopes may be included; and whether bundling contributions by sending them to a Sierra Club address for later transmittal to the campaign is legal or practical. Federal candidates may not be mentioned in any fundraising solicitation for state and local candidates.

C-103. Fundraising for Candidates by Telephone from Sierra Club Members Only-Federal Elections. Sierra Club volunteers may conduct a phone bank to raise money from Sierra Club members for individual federal candidates, using a membership list obtained using the procedures of section 5-000 of these Guidelines. General c4 funds may be used for this purpose, as long as the phone bank is conducted by the Sierra Club, and not the campaign or any other outside organization. Potential donors should be given the candidate's campaign address, telephone number, or website, and they should be instructed to send their contributions directly to the campaign. The Chapter Compliance Officer must determine the rules for using phone banks to raise money from Sierra Club members for state and local candidates. This type of member communication is subject to the

Sierra Club's policy on member communications in federal elections (section 5-120) and may require the submission of a Form 3 (see section 5-123).

C-104. Soliciting by Email from Sierra Club Members Only-Federal Elections. Chapters and groups may not forward a candidate's campaign fundraising or event email to any Sierra Club list. However, it is possible to share information about candidate-sponsored events and candidate fundraising requests by drafting and sending an original email to Sierra Club members only which contains the event or fundraising information detailed in the candidate's email and indicating that donations must be sent directly to the campaign. Sierra Club volunteers and staff may not collect any contributions to a candidate (see C-203).

C-105. Soliciting by Mail from the General Public. The Sierra Club may solicit funds by mail from the general public for a federal candidate, but only if federal PAC funds are used for the mailing, in accordance with the guidelines at 4-210, and the expenses are reported as an in-kind contribution to the candidate, subject to contribution limits. Expenses for fundraising mailings on behalf of state and local candidates must either be paid for by the candidate or another third party, or by a separate state PAC account maintained by the Sierra Club entity. ***General Club funds (c4 funds) may not be used*** (see section 1-106). Applicable rules for fundraising from the general public on behalf of state and local candidates vary from state to state, and it is the responsibility of the Chapter Compliance Officer to determine whether such fundraising is legal, and if so what the applicable procedures are.

C-200. Members-Only Fundraisers for Federal Candidates

C-201. Candidate Participation in Sierra Club-Sponsored Fundraisers. Federal election law allows membership organizations to use their general funds to communicate with their members about candidates for federal office. These internal communications may include requests for contributions to federal candidates. Thus, a Sierra Club entity may invite a federal candidate (or their representative) to participate in a Sierra Club-sponsored fundraising event for the candidate if attendance at the event is limited to members and their families. For this purpose, a "family" includes spouses, parents and children who live in the same household. The Sierra Club entity may use general funds to pay for the expenses of the event. The Sierra Club entity may accept contributions from members to help pay for the expenses of the event, but it may not accept contributions from the candidate's campaign. National political staff must be consulted prior to committing to sponsor a fundraiser for a federal candidate.

C-202. Solicitation by Candidate. The candidate (or their representative) may solicit and accept contributions to the candidate's campaign from Sierra Club members and their families before, during, and after appearing at the Sierra Club-sponsored event. The solicitation may include distribution of campaign-provided mailing envelopes at

the site of the event, as long as the distribution is made by the candidate or representative, and not by the Sierra Club. The candidate or campaign representative may also have a sign-in sheet at the event.

C-203. Solicitation by Sierra Club. The Sierra Club entity may ask members and their families to send contributions directly to the candidate's campaign, and it may provide the address of the campaign, but it may not provide stamps or envelopes addressed to the campaign. Because the contributions must be sent directly to the campaign, Sierra Club volunteer leaders and staff may not collect contributions to the campaign before, during, or after the candidate's appearance at the event. See section C-004 for a discussion on bundling restrictions.

C-204. Invitations to Event. Invitations to the event may be mailed only to Sierra Club members. The mailing may not include any material produced by the candidate's campaign, and it may not contain a return envelope for contributions to the candidate. Because the mailing is an internal communication, the Sierra Club entity must pay all of the costs of the mailing using general c4 funds. Lists for internal communications about federal candidates must be obtained and approved from the national political desk. The cost of the list for internal mailings is \$10 per 1,000 names. The entity may use its bulk-rate permit for the internal communication.

C-205. Telephone Lists. Sierra Club entities may use Sierra Club telephone lists to invite members to attend a members-only fundraising event.

C-206. Reporting Requirements. Federal law requires the Sierra Club to report internal communications on behalf of federal candidates (except communications in newsletters). Chapters and groups should keep track of money expended on member communications separately for every race. If a communication refers to several races, the cost may be prorated for each. Once a cumulative expenditure for each race reaches \$250, a Form 3 listing all expenses must be submitted to political.report@sierraclub.org within two days. Thereafter, additional expenses should be reported using Form 3, within two days after each additional total of \$250 is expended in each race. This enables the national staff to determine when the reporting threshold is reached, and to submit FEC reports thereafter.

C-300. Members-Only Fundraisers for State and Local Candidates

C-301. The guidelines contained in this subdivision describe internal fundraising activities that are permitted or restricted by Sierra Club policy. In every case they are subject to state and local election laws. ***It is entirely possible that some of the activities and procedures described here, while permitted by Sierra Club policy in general, would be limited or even prohibited under state and local law. Moreover, there may be additional reporting requirements that are not specified in this section. Thus, you must confer with your Chapter Compliance Officer well in***

advance if your entity is considering whether to organize a Sierra Club-sponsored fundraising event for a state or local candidate.

C-302. Depending on the provisions of state and local campaign finance laws, Sierra Club entities may be able to use general c4 funds for mailings and other communications with members about candidates for state or local office, including communications encouraging Sierra Club members to contribute to these candidates. However, state or local campaign finance laws may regard such internal communications to members on behalf of a state or local candidate as an in-kind campaign contribution that would be prohibited by Sierra Club policy (see section 1-106). In this case, chapter PAC funds must be used to pay for the mailing. The Chapter Compliance Officer must be consulted prior to making such a member communication. Federal candidates may not be mentioned in any fundraising solicitation for state and local candidates.

C-303. Participation in Sierra Club-Sponsored Events. Unless there are applicable restrictions under state or local campaign finance laws, a Sierra Club entity may invite a candidate for a state or local office to participate in a Sierra Club-sponsored fundraising event for the candidate if attendance at the event is limited to members and their families. For this purpose, a "family" includes parents and children who live in the same household. The Sierra Club entity may use general c4 funds to pay for the expenses of the event, state law permitting. The Sierra Club entity may accept contributions from members to help pay for the expenses of the event, but it may not accept contributions from the candidate's campaign.

C-304. Solicitation by Candidate. Subject to restrictions imposed by state and local campaign finance law, the candidate (or their representative) may solicit and accept contributions to the candidate's campaign from Sierra Club members and their families before, during, and after appearing at the Sierra Club-sponsored event. The solicitation may include distribution of mailing envelopes addressed to the campaign at the site of the event, as long as the distribution is made by the candidate or representative, and not the Sierra Club. The Sierra Club may not facilitate member contributions to candidates by providing an addressed envelope or by collecting contributions on behalf of the candidate. The candidate or campaign representative may also have a sign-in sheet at the event.

C-305. Solicitation by Sierra Club. Rules governing fundraising events for state and local candidates will vary from state to state, and the Chapter Compliance Officer must determine the applicable rules early in the event planning process. Issues include: whether such events are legal; whether they are considered member communications or in-kind contributions and what funds may be used for their costs; whether campaign generated material or aids to donating money such as stamped and addressed envelopes may be provided; and whether bundling contributions by sending them to a Sierra Club address for later transmittal to the campaign is legal or practical.

C-306. Invitations to Event. Invitations to the event may be mailed only to Sierra Club members. The Chapter Compliance Officer must determine the nature of the materials that may or may not be included in the mailing. Unless the Compliance Officer determines otherwise, the Sierra Club entity must pay all of the costs of the mailing. Lists for internal communications about state and local candidates may be generated by using a Sierra Club data systems. The entity may be able to use its bulk-rate permit for the internal communication. See 4-290 for guidelines about the use of the bulk-rate permit.

C-307. Telephone and Email Lists. In states with member exceptions Sierra Club entities may use Sierra Club telephone and email lists to invite members to attend a members-only fundraising event.

C-308. Again, the generalizations in this section on fundraising for state and local candidates might not comply with specific state and local laws and regulations. No fundraising effort for state or local candidates may be undertaken without the advance determination of the Chapter Compliance Officer that all proposed activities are legal.

C-400. Fundraisers Open to Nonmembers

C-401. Federal, state, and local candidates often ask Sierra Club entities to join in sponsoring fundraising events that are open to broad participation, including participation by nonmembers. The Sierra Club entity may permit the campaign to send invitations to members and may use c4 funding to send invitations to members; but it may not use general c4 funds to pay any of the expenses of the fundraising event. ***This restriction on the use of general Sierra Club funds applies regardless of whether the election involves a federal, state, or local office.*** See section B-204 for guidance on which PAC entity may be listed as sponsor. Regardless of which entity is listed as the sponsor, all costs for a federal candidate must be paid directly from the Sierra Club's federal PAC fund, ***in advance*** and all costs for a state or local candidate must be paid directly ***in advance*** from a chapter general PAC.

C-402. Payment of Expenses. For fundraising events that are open to participation by nonmembers, all expenses of the event must be paid ***in advance*** by the candidate's campaign, or by individuals or organizations who are legally permitted to make in-kind contributions to the candidate's campaign. For events on behalf of a federal candidate, federal PAC funds may be used to pay expenses of the event as an in-kind contribution, but only if the procedures specified beginning at section 4-310 are followed: approval must be obtained from the national political staff, and all expenses must be paid directly from the federal PAC fund ***in advance*** with no use whatever of general c4 funds. ***It is not legal to use general Sierra Club funds to pay for fundraising expenses and later seek reimbursement from PAC funds, candidate***

campaign funds or individuals or organizations who are legally permitted to make contributions to the candidate's campaign. If the fundraiser is on behalf of a state or local candidate and the Sierra Club entity has a PAC fund that may be used for the election, then it may use the PAC fund to pay for the expenses of the event as an in-kind contribution to the candidate's campaign.

C-403. Mailing Lists. The Sierra Club entity may authorize the organizers of the event to mail invitations to the fundraiser to Sierra Club members and supporters. Because the fundraising event is a political campaign activity, the Sierra Club must charge \$75 per 1,000 addresses and payment must be made ***in advance*** by the candidate or PAC fund. A PAC payment is considered an in-kind contribution. The lists must be obtained from the national political desk in all federal races, as well as in state and local races unless special permission has been received in accordance with section 5-357. Sierra Club entities may not use their special non-profit bulk rate permit to mail invitations to political fundraising events that are open to participation by nonmembers.

C-404. Use of Sierra Club Facilities. Any use of Sierra Club offices, staff or equipment in connection with general public fundraising for a federal candidate must (1) be paid for ***in advance*** by the campaign or other third party who is legally permitted to make contributions to the campaign, or (2) be paid for as an in-kind contribution by SCPC, also ***in advance*** of the use. In the latter case, for federal races, the cost must first be approved by the national political staff. It is the responsibility of the Chapter Compliance Officer to determine what limitations apply to use of Sierra Club facilities in state and local races. It is generally more prudent to avoid using Sierra Club facilities for any aspect of a fundraising event involving nonmembers so as to avoid the inefficient use of SCPC resources and to maximize the impact of a contribution to a candidate.

APPENDIX D: SIERRA CLUB POLITICAL TEAM 2021-2022

Scott Cooper; cscottcooper@gmail.com; 651-260-9950 (CST) Liaison to IL, MN, TX, ND, SD, WI

Eddie Ehlert; williamedwardehlert@gmail.com.com; 770-402-0087 (EST) Liaison to OK, LA, AR, MS, AL, KY

Bonnie Gail; bonnie.gail@washington.sierraclub.org; 406-546-5853 (PST) Liaison to HI, OR, WA, ID, AK, MT

Daren Garshelis; dsgarshelis@gmail.com; 218301-9099 PST Liaison to CA (SFB,TE, KK), DE, MD, VA

Rich Isaac; risaacx@aol.com; 973-716-0297 (EST) Liaison to NJ, CT, NY, WV, PA

Susan Martin; smartin317@comcast.net; 505-670-3279 (MST) Liaison to NM, CO, AZ, UT, WY, NV

Mark Meadows; m1831@aim.com; 517-282-0306 (EST) Liaison to GA, IA, IN, MI, MO, OH

Roslyn Ogburn; rosmogburn@gmail.com; Liaison to KS, NE, PR

Susana Reyes, Co-Team Leader; susanareyes1218@gmail.com; 818-254-5427 (PST); Liaison to CA (AN, LP, SL), FL, NC, SC, TN

Mark Rodeffer; 202-487-5438 (EST); rodeffer@gmail.com; Liaison to DC, MA, NH, VT, ME, RI

Samuel Sukaton; 909-499-6855 (PST); spsukaton@gmail.com; Liaison to CA (RW, ML, LP, VE, SG, SD)

Political Desk (National Political Staff):

Email: political.desk@sierraclub.org

Mail: Sierra Club Political Staff; 50 F St. NW, 8th Floor, Washington DC 20001

Ariel Hayes, National Political Director
ariel.hayes@sierraclub.org; 202- 548-4583 (EST)

Sarah Burton, Deputy Political Director
sarah.burton@sierraclub.org; 202-495-3056 (EST)

Megan Fitzgerald, Political Project Representative, 202-320-4309 (EST),

megan.fitzgerald@sierraclub.org

Laurel Javors, Acting Associate Director, Political Program
laurel.javors@sierraclub.org; 630-442-9253 (MST)

Alex Cohen, Acting Senior Political Strategist
alex.cohen@sierraclub.org; 301-642-8236 (EST)

Lobby & Advocacy Team:

Melinda Pierce, Senior Lobbying and Advocacy Director
Jen Hensley, State Lobbying and Advocacy Director
Taylor Becker, State Lobbying and Advocacy Associate

National Office of General Counsel Staff:

Susie Higgins, Compliance and Regulatory Reporting Officer
Lori Ridgeway, Staff Counsel
Email: compliance.review@sierraclub.org

APPENDIX E: WEB-BASED POLITICAL RESOURCES

E-100. Accessing the “Campfire” Website

E-101. The “Campfire” website is an important resource for Sierra Club volunteers for a number of different programs and activities, including the Sierra Club’s political program.

E-102. You may access Campfire Community at <https://community.sierraclub.org>. On your first visit to the site you will have to register, using your email address as a username and selecting a password. Once in the Campfire, click on the “Program Department” tab and under “Policy, Advocacy and Legal Unit” you will find the “Politics” tab.

E-103. Any questions regarding access to Campfire Community should be directed to campfire.community@sierraclub.org.

E-200. Political Resources

E-201. The Politics section of Campfire Community has a number of resource documents and materials available to political chairs and committees.

E-202. Some of the types of materials that are available include: How to Use Social Media to Win Elections, Sample Standing Rules for Chapter Political Committees, Chapter PAC Compliance Officer Job Description, Endorsement Scenarios; sample letters and media advisories, and forms that are necessary for using Sierra Club resources, such as offices, phones, and lists.

E-300. Political Training

E-301. The national political team offers a variety of political trainings – both in-person and online.

E-302. Information on upcoming trainings, schedules for online/interactive teleconference sessions as well as links for registering for political trainings are found at the “Trainings” tab at:
<https://community.sierraclub.org/section/program-department/policy-advocacy-and-legal-unit/politics/training>

E-400. Political Compliance

E-401. The “Compliance” tab includes a copy of these guidelines and a FAQ (Frequently Asked Questions) section, as well as updates to Sierra Club policies and Federal Election Commission (FEC) regulations. It is recommended that political

chairs check this site on a regular basis while engaged in campaign activities to ensure that those activities are in full compliance with the law and with Sierra Club policy. It may be accessed at:

<https://community.sierraclub.org/section/capacities/finance-operations/office-general-counsel-contract-forms/compliance/politica%20-compliance>

E-500. Federal Endorsement Listings

E-501. The Sierra Club's federal candidate endorsements may be accessed on the homepage of Sierra Club Independent Action:

www.sierraclubindependentaction.com

E-600. Frequently Asked Questions

E-601. A list of frequently asked questions may be accessed on [campfire](#).

APPENDIX F: INCORPORATING EQUITY, JUSTICE AND INCLUSION VALUES INTO THE POLITICAL PROGRAM

F-000. Introduction. In order to contribute to transformational movement building, Sierra Club policies seek to incorporate equity, justice and inclusion into all aspects of our work, including the political program. Doing this will allow us to stimulate belief in the power of political action to make a difference, expand our appeal to wider segments of the community, strengthen partnerships, and increase political engagement at all levels.

The values that should guide this work and be considered in our endorsements include:

- **Equity:** Equity transcends fairness, creating an environment that ensures equal access and opportunity for everyone, especially those who have suffered the most from pollution, environmental degradation and systematic oppression. Equity means sharing power, information, influence, resources and a commitment to the eradication of all forms of social oppression.
- **Justice:** A just world is one where all people are treated with dignity and respect, have their basic human needs met, and have the freedom and self-determination to make choices for themselves without fear of persecution, discrimination or violence.
- **Democracy:** The right of everyone to participate and have their votes and voices heard in the decisions that impact their lives.
- **Inclusion:** An environment where the full participation of any individual or group is welcomed, respected, supported and valued.

F-100. Redefining “Environmental Record”. In the past the Compliance Guidelines have generally followed a narrow definition of a candidate’s “Environmental Record” based almost exclusively on voting record as tracked by the League of Conservation Voters, but in recent years the Sierra Club has engaged in and taken positions on a broad range of issues that may not meet this definition. By operating within the expanded perspective that the human environment and our commitment to equity and justice plays a role in defining “environmental record” we are better able to evaluate both officeholders and candidates through a lens of equity and justice. Endorsement decisions must not rely exclusively on an LCV score, but instead be based on the totality of the candidates’ records, including appointments, keeping campaign promises, leadership on issues of importance to the Sierra Club, and demonstrated support for core values important to the Club and our partners.

F-200. Flexibility to Ensure Equity. It is important to be aware of cultural differences or other impediments to full participation in the endorsement process that might affect some candidates. For example, a candidate whose cultural background relies exclusively on oral communication might not realize the importance of returning questionnaires promptly. Poor internet connectivity in remote rural areas might also keep some candidates from full participation. In these circumstances the entity conducting the endorsement process should provide alternative means of evaluation, such as conducting personal interviews as a substitute for a questionnaire. Note that section 2-521 requires questionnaires “and/or interviews” in open seats: completion of a questionnaire is not in itself a prerequisite for an endorsement.

F-300. A More Nuanced Approach to Incumbency. In general, the Sierra Club gives great weight to continued endorsement of an incumbent with a strong, comprehensive record. A candidate’s record must not be based solely on a voting scorecard, but should also include policy platforms, public statements and responsiveness to community concerns. Under some circumstances applying a broad definition of “environmental record” may result in withholding an endorsement from an incumbent with an otherwise acceptable voting record, or even in rare cases allow the endorsement of a challenger.

F-400. The Jemez Principles. In 2014 the Sierra Club Board of Directors formally adopted the Jemez Principles of Democratic Organizing for use by all volunteers and staff. Developing a habit of reviewing actions through this lens is an important tool for centering our work on equity, justice, and inclusion.

1. Be inclusive
2. Emphasis On Bottom Up Organizing To Succeed
3. Let People Speak For Themselves
4. Work Together In Solidarity and Mutuality
5. Build Just Relationships Among Ourselves
6. Commitment To Self-Transformation

F-500. Transformational Tactics

F-501. The Sierra Club favors transformational tactics that increase voter turnout. Knocking on the door of targeted voters is effective especially in local campaigns. Sending handwritten postcards to certain voters asking for their support is a lot of work, but it makes the candidate memorable in a dominant social media world.

F-502. The Sierra Club may concentrate its investment of money and personnel in a handful of priority states to build long term political power and make the case for “why” the Sierra Club political program.

F-503. Recognizing that the political landscape varies dramatically in different parts of the country, the national political team will continue its investment in and partnership with chapters on state and local political work throughout the political

cycle.

F-504. Volunteer Training. The national political team will seek to equip volunteers throughout the country with competencies and skills required to compliantly and effectively run political programs and build long-term relationships with elected leaders.

F-505. Doing Things Differently. Sierra Club campaigns and power building have expanded our focus and capacities beyond rallies and mobilizing on advocacy issues. Increasingly we will work to advance transformational campaigns that change the narrative and not just win an election, put forward a political agenda that elevates the concerns of frontline communities, and work to elect true champions to political office.

F-506. Post-Election Accountability and On-Going Engagement: Following elections, the political team will work collaboratively with chapters and organizing staff to hold elected officials accountable and seek to engage volunteers recruited through our political program in issue work.

APPENDIX J: ACTIVITIES IN JUDICIAL ELECTIONS

J-000. General Introduction

J-001. In many states the voters have the power to elect candidates for judicial offices and to confirm or reject judges who are currently in office. These elections generally do not involve as much public attention or campaign activity as elections for legislative and executive offices. The Sierra Club has not ordinarily become involved in elections for judicial offices. Nevertheless, there may be some situations in which Sierra Club involvement may be appropriate. This subdivision provides guidelines for Sierra Club involvement in judicial elections.

J-002. Many judicial elections allow two or more candidates to compete for the office. These elections often become highly competitive if there is no incumbent or a well-known or well-financed candidate challenges an incumbent.

J-003. Some judicial elections are "retention" elections in which the voters are asked to vote "yes" or "no" on whether an incumbent judge should serve for another term. There is usually very little public debate or controversy in retention elections unless the court has recently made a decision on a highly controversial issue.

J-004. Judicial elections may be either partisan or nonpartisan, depending on the laws of the state. In a nonpartisan election, the candidates are not nominated by political parties, and the ballot does not list the candidates' party affiliations.

J-010. Most states have adopted a code of judicial conduct or "canons of judicial ethics" that apply to incumbent judges and to candidates for judicial office. These codes usually contain specific provisions relating to the conduct of judges and candidates in judicial elections. The American Bar Association (ABA) has adopted a Model Code of Judicial Conduct that is widely used as a general guide. However, the states do not necessarily adopt all of the provisions of the model code.

J-011. In partisan judicial elections, the candidates are free to accept and use the endorsement of political parties and civic organizations in their campaign activities. In contrast, candidates in nonpartisan elections and retention elections may be constrained in their ability to accept and use endorsements by politically active organizations. Some states may have adopted a provision in the ABA Model Code that prohibits judicial candidates in nonpartisan elections from seeking or using endorsements from a "partisan political organization." The Sierra Club is not a "partisan political organization" as defined by the ABA Model Code, but nevertheless some candidates in nonpartisan elections might be reluctant or unwilling to seek or use a Sierra Club endorsement.

J-012. The state codes of judicial conduct apply to campaign activity by judges and

by candidates for judicial office. They do not apply to campaign activity by individual voters or organizations. Thus, they do not constrain the ability of the Sierra Club to join with other organizations in a campaign to support or oppose individual candidates for judicial office.

J-100. Criteria For Deciding Whether to Get Involved

J-101. Sierra Club entities often have to make difficult decisions about the best use of their limited volunteer and staff resources in political activities. See the guidelines beginning at section 2-450 for suggestions about priority selection for election campaigns.

J-102. There are three general criteria to be considered in deciding whether to become involved in a judicial election: the significance of the judicial office for the Sierra Club's environmental concerns; the ability of the Club to make an informed decision about the candidates in the election, and the ability of the Club to affect the outcome of the election.

J-110. Nature of the judicial office. Appellate courts are unquestionably significant for the Sierra Club's environmental concerns. They interpret and apply state law, and they may make relatively broad policy decisions when the statutory law is unclear. County and municipal courts have a more limited jurisdiction, but they may be particularly significant in land use decisions affecting local Sierra Club concerns.

J-120. Ability of Club to make an informed decision. Sierra Club volunteers and staff often have direct personal experience with state and local legislative bodies and elected executive officers as a basis for making decisions about candidates for legislative or executive office. They rarely have as much personal experience with judicial proceedings and candidates for judicial office. Thus, the decision to become involved in a judicial election depends in part on whether there are volunteers or staff who are able to identify the environmental concerns that are relevant in the election, and who are also able to do sufficient candidate research to provide a basis for a decision about Sierra Club involvement in the election.

J-130. Ability of Club to affect outcome. Elections for county and municipal court usually receive little public attention. If the Sierra Club is reasonably well known and well regarded in the local community, a Sierra Club endorsement could have a significant effect on the outcome of a contested election. The situation is different in elections for appellate court. When there is a contested judicial election for an appellate court seat, the most visible public issues usually relate to controversies that have very little relationship to the Club's primary concerns. Depending on the circumstances, Sierra Club involvement is likely to have little effect on the outcome of the election, and it could in fact be harmful to draw the Club into controversies that are not related to the Club's core concerns.

J-200. Criteria for Deciding About Individual Candidates

J-201. As with legislative and executive offices, the primary criterion in judicial elections is the candidate's environmental record and platform, but with some modification based on the nature of the judicial role in the American legal system. The Club's endorsement of a judicial candidate is a statement of the Club's opinion that the candidate has a good general understanding of and concern for environmental issues, and that they will give full and fair consideration of the public environmental interests that are affected by the particular cases or rulings in which they are involved.

J-202. For an incumbent who is seeking reelection and who has been involved in cases involving environmental issues while in judicial office, the Club's endorsement is a statement that they deserve to be confirmed based on their record on environmental issues in the cases or rulings in which they have been involved. Conversely, the Club's opposition is a statement that the incumbent should be rejected based on their record on environmental issues in the cases or rulings in which they have been involved.

J-203. In assessing the record of an incumbent, bear in mind that the role of a judge is significantly different from the role of a legislator or executive in cases that are based on statutes. Legislators and executive officers may take action to change statutes to promote environmental goals, but judges must follow the statute as it exists. A judge who is reviewing an agency's action may have no choice but to uphold it if the agency followed the required procedures, even if the agency action may be damaging to the environment. For that reason, evaluation of a judge should not be based solely on whether the outcome of a particular case was good for the environment.

J-204. The environmental issues that are relevant in a judicial election are not as broad as the range of issues that may be relevant in an election for a legislative or executive office. The following section suggests several possible criteria that may be relevant in making decisions about individual candidates for judicial office. Bear in mind that the candidate's judicial record and public statements may provide only a very limited basis for assessing how the candidate will approach these issues if they are elected to or retained in the judicial office.

J-205. This section suggests some possible criteria for assessing judicial candidates. This list is not intended to be exhaustive.

- (1) Is the candidate's construction and understanding of environmental statutes consistent with the underlying environmental goals of the statutes?
- (2) Is the candidate willing to uphold environmental statutes even when it is politically unpopular to do so?
- (3) To what extent is the candidate willing to make a close examination of decisions and actions by governmental agencies that are subject to judicial

- review for compliance with environmental statutes?
- (4) How does the candidate approach conflicts between the rights and interests of individual property owners or businesses as against the broader interests of the general public? As an extreme example, does the candidate believe that virtually all governmental restrictions on actions by property owners are "takings" that require compensation?
 - (5) How does the candidate approach conflicts involving harm to natural resources whose economic value is difficult to quantify, such as endangered species or wildlands?
 - (6) Is the candidate's campaign being supported primarily by individuals or organizations who generally oppose or resist regulation to protect natural resources, the environment, or other public values?
 - (7) To what extent does the candidate recognize a right of citizen access to the courts in cases involving environmental harm?

J- 210. As discussed in the guidelines beginning at section 2-250, the Club does not ordinarily endorse candidates unless they have at least a reasonable prospect of winning their election campaigns. The same general approach also applies to candidates for election to a judicial office.

J-300. Candidate Research

J-301. The canons of judicial ethics preclude judicial candidates from making promises or commitments that are inconsistent with the impartial performance of the judicial office in cases or issues that are likely to come before the court. However, candidates may make general statements of their personal views on legal and other issues, while acknowledging their obligation to apply the law without regard to their personal views. Thus, judicial candidates may be willing to respond to questionnaires and participate in interviews if the questions relate to their background and experience, and their general understanding of environmental issues, but the questions should not ask for commitments on issues that are likely to come before the court.

J-302. These are some sample questions that could be used in a questionnaire or interview for a judicial candidate:

- (1) Why are you running for this judicial office?
- (2) How would you describe the role of a judge in this court?
- (3) What are your qualifications to be a judge in this court?
- (4) Please describe your past experience in dealing with environmental laws and regulations.
- (5) Have you written any articles on environmental topics?
- (6) Have you ever done any litigation pro bono? If so, for which clients?
- (7) Have you represented any public-interest clients as an attorney?
- (8) Do you have any significant financial conflicts that would require you to recuse yourself from certain types of cases, or cases involving certain

parties? If so, what are they?

J-303. Depending on the circumstances of the election and the availability of volunteer or staff resources, there are several other matters in addition to the questionnaire or interview that you could consider in your candidate research, such as:

- (1) The candidate's understanding of environmental issues and their fairness in cases involving environmental values, if the candidate is an incumbent who has been involved in any environmental litigation. Members of the chapter Legal Committee and local environmental attorneys may be helpful in making this assessment.
- (2) The candidate's record and experience in representing or advising clients on environmental issues as an attorney in private practice. Members of the chapter Legal Committee and local environmental attorneys may also be helpful in making this assessment.
- (3) The candidate's record on environmental issues, if they have held a legislative or other non-judicial public office.
- (4) The candidate's public statements and campaign literature.
- (5) The endorsements the candidate has received from other organizations and environmental leaders.
- (6) The financial resources available for the campaign. Will the candidate be able to carry out a visible and credible campaign? Who are the major financial supporters?

J-310. Many state and local bar associations make a public rating of judicial candidates as "well qualified," "qualified," or "not qualified." A rating of "well qualified" or "qualified" would add to the public credibility of the Club's endorsement. A rating of "not qualified" does not necessarily preclude a Sierra Club endorsement, but it certainly calls for additional caution in evaluating the candidate's ability to perform the duties of the office.

J-400. Endorsement Approval Procedures

J-401. The approval procedures for judicial candidates are the same as for other candidates for state and local office. See the guidelines beginning at section 2-800.

J-450. Activities Short of Endorsement for Judicial Candidates

J-451. A Sierra Club endorsement is a public statement that the Sierra Club organization supports the election of the endorsed candidate. In several situations Sierra Club entities may be unable or unwilling to make such a statement as an organization in a judicial election, but they may be willing to approve certain "activities short of endorsement" that allow the candidate and Sierra Club leaders to communicate with Club members about the candidate. These activities do not have the same public visibility as an endorsement, but they provide information to guide

Sierra Club members in making their own decisions about candidates. For more details about "activities short of endorsement," see the guidelines beginning at section 2-900.

J-452. Activities short of endorsement might be particularly appropriate in certain types of judicial elections. For example, a candidate might not accept endorsements from advocacy organizations like the Sierra Club, but they might want to communicate with Sierra Club members to seek their individual support. In another possibility, a candidate who has been a good environmental advocate might be seeking a judicial office that has very little connection with environmental issues. In this situation the Sierra Club entity could decide to allow the candidate or individual Club leaders to communicate with Club members about the candidate's environmental background without getting the Club more deeply involved in the election for the particular office.

J-500. Campaign Activities

J-510. Judicial ethics require judges to recuse (disqualify) themselves in proceedings in which they have a personal bias or prejudice concerning a party. It seems highly unlikely that recusal would be required merely because one or more of the parties to a proceeding has endorsed (or failed to endorse) the judge's candidacy. Nevertheless, you should avoid engaging in any campaign activities in support of a judicial candidate that might cause the candidate to disqualify himself or herself from presiding over a case in which the Sierra Club is a party.

J-520. Financial contributions to support or oppose judicial candidates are subject to the same Sierra Club guidelines as contributions to other candidates for state or local office. See the guidelines beginning at section 4-350. Financial contributions to judicial candidates' campaigns may be limited by state law or by the state code of judicial conduct. You must check to see whether there is such a provision in state law or the state code of judicial conduct before making a contribution to a judicial campaign from a Sierra Club political fund.

Form Deadlines and Turnarounds

Form 1: Request for Endorsement of Federal Candidate

Approver: Sierra Club Political Team- Endorsement Committee

Deadlines: Reviewed as requests come in

Expected turnaround time: Notification of deadlines varies depending on the time in the cycle. Please expect that an endorsement can take as long as two weeks.

Form 1A: Request for approval to engage in federal electoral activities

Approver: PAC Director

Deadline: 10 days before requested activity

Expected turnaround time: up to 10 days

Form 2: State and local electoral program leadership

Deadlines: Due upon any changes to leadership or new PAC information

Form 3: Member communication expense report-Federal Candidates

Approver: PAC Director

Deadline: Within 10 days from making member-only communication involving federal candidates

Form 7: Mailing list request for candidates

Approver: Politics

Deadline: At least 7 business days prior to projected mailing date

Expected turnaround time: Please allow 7 business days to process your request. Your request may be delayed if *a) approval is needed from the Chapter Compliance Officer; (b) advance payment by a candidate is required; and/or (c) a federal candidate mailing or script copy did not accompany this form. (Candidates will be invoiced and files will be released after payment has been received.)*

Form 8.1: Request for use of general club c4 funds for state and local advocacy

Approval: Office of General Counsel and Politics

Deadline: At least 15 days before proposed activity

Expected Turnaround time: Please allow up to 15 days to process the request

Form 8.2: Documentation of use of general Sierra Club c4 funds for state or local political

Approver: Office of General Counsel and Politics

Deadline: No later than December 15th of the same year.

Form 9: List Rental Form

Approver: Office of General Counsel

Deadline: Reviewed as they are received

Expected Turnaround time: The approval of the list rental form is contingent upon there being sufficient funds in the PAC advance. Mailing of PAC advance checks will delay this process significantly



SIERRA CLUB

2101 Webster Street, Suite 1300
Oakland, CA 94612