Master Gardeners and the Creation of Extension Service Districts

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Master Gardener volunteers are active supporters of the OSU Extension mission in communities throughout Oregon, and often play frontline roles during formation of the service districts that now fund many of Extension’s offices. When engaged in these “political” activities, it is critical that volunteers understand what they can and cannot do, as inappropriate activity could put them, their organization, and/or OSU at risk.

The Oregon Master Gardener Program is an officially-recognized educational product and volunteer program of Oregon State University. The name “Oregon Master Gardener” and the orange flower logo are both registered trademarks of Oregon State University.

The Oregon Master Gardener Association (OMGA) is a separate, non-profit organization whose purpose is to enhance and support the Oregon Master Gardener Program. The OMGA is recognized by the Internal Revenue Service (IRS) as a 501(c)(3) tax-exempt organization. As such, donations to the OMGA are tax-deductable – but the organization must exercise caution regarding political activities or it could lose its tax-exempt/tax deductable status.

Neither Oregon State University nor its employees or volunteers serving in their official capacities can lobby for or against a candidate or political issue (including a ballot measure), but employees and volunteers can engage in all the political activity that they desire, as long as they do so as individuals. Non-profit organizations can also generally engage in political activity, but they face limitations.

In order to help Master Gardeners (and others) support Extension district formation efforts while staying out of trouble with the IRS and Oregon Elections Office, we offer the following guidelines for volunteers, OMGA Chapters, and other parties.

What Can Master Gardener Volunteers Do?

Master Gardener volunteers, by their very nature, bring a host of skills to the table during a district formation effort, and they generally want to be involved in its success. They can be invaluable in signature gathering and campaign efforts, but they must carefully separate three categories of activity: what they do as individuals (pretty much anything they want), what they do as representatives of the OMGA and/or their OMGA chapter (what the OMGA and/or their OMGA chapter determines is acceptable), and what they do as OSU volunteers (essentially nothing of a political nature). The single, most-critical factor in their “political” activities must always be the manner in which they represent themselves, i.e., how well they articulate whether they are acting as individuals, OMGA members, or OSU volunteers. With this in mind, Master Gardeners:

- may write letters or speak for or against the creation of an Extension service district as private citizens, within reasonable limits
- may make reference to their affiliation with the Master Gardener Program when lobbying for/against the district, but must not represent themselves as speaking on behalf of the OMGA/chapter or OSU without specific authorization (e.g., ‘I’m a Master Gardener volunteer in this county, and I personally encourage you to vote for Measure X’)
- must be diligent about the information they convey, as they will be responsible for the accuracy of their statements
- can make personal donations to a political action committee or chief petitioners committee working to pass a district formation initiative
- can, as private citizens, host fund raising events to benefit a political action committee or chief petitioners committee
can help collect signatures on a petition to bring a district formation issue to the ballot as individuals or as representatives of the OMGA or an OMGA chapter – but to act as representatives of the OMGA or a chapter they must have the OMGA’s or that chapter’s approval (see below)

What Can the OMGA (and non-profits in general) Do?

Non-profit organizations can be a powerful voice on issues, but members of these organizations often decline to take a position because they fear loss of their group’s tax exempt status. While cautions are in order, there are actually many valuable roles they can play, even within the political spectrum. To this extent, the OMGA, an OMGA chapter (and its members acting on its behalf)...

- can (and should) be actively engaged in community education. This can include general issues being discussed by political candidates or legislative bodies. In the case of Extension district formation, the chapter and its members can play a very valuable role simply by doing lots of community education programs on gardening topics.
- can promote the program and services offered by OSU Extension Service
- can offer objective information on an Extension Office’s budget status, and the activities being undertaken to stabilize or enhance its funding
- can encourage community members to vote, in general (but encouraging a specific outcome is more complex – read on)

These actions (if carried out just as described) are ALWAYS acceptable, are part of the educational mission of a 501(c)(3) non-profit, will not jeopardize the OMGA’s status with the IRS, and can be extremely valuable.

This said, there are some things that would very quickly get the OMGA in trouble...

A 501(c)(3) cannot lobby for or against a person running for political office, or align itself with a political party. It cannot fund-raise for or make donations to a candidate, or for a PAC/organization opposing a candidate.

So far we’ve looked at the clear “yes” and “no” activities, but there are many others that demand further explanation. Voicing a stance on an issue before a legislative body (something they are getting ready to vote upon), or on an initiative or referendum (i.e. ballot measure) is a bit of a grey area for many 501(c)(3) organizations, but it doesn’t need to be. According to the IRS, a 501(c)(3) can lobby, but lobbying cannot be more than an “insubstantial part” of its overall activity.

If you’re wondering what constitutes an “insubstantial part,” so is everyone else – even the IRS! To clear this up, Congress passed a law in 1976 that provided very clear rules for how much lobbying a non-profit organization can do. The law allows a non-profit to “elect” to be covered by the law’s limits, and then it can lobby all it wants on issues, initiatives and referenda, as long as the amount it spends on these activities does not exceed certain limits. The limits change based on the organization’s expenditure budget, but an organization with a budget of $500,000 or less annually can spend up to 5% of its budget on grass roots lobbying and 20% on lobbying in total. (Note that, even under this law, a non-profit is still prohibited from supporting or opposing a candidate or aligning itself with a political party.)

Since in a ballot measure the voters make the decision, lobbying for an Extension district is considered “direct lobbying” and it falls under the 20% limit (rather than the 5% grass roots limit).

To obtain this clear treatment of lobbying, the OMGA (or other non-profit) would need to file Form 5768 with the IRS and elect to be covered under the 1976 non-profit lobbying law. The Association would then need to track its lobbying expenditures and file an annual Form 990 disclosing its lobbying expenditures. If it took these steps, the
OMGA, its chapters and chapter members could play a much more direct role in supporting Extension district formation (or making its position known on other political issues). This could include:

- Writing letters to the editor stating the OMGA/chapter position
- Encouraging OMGA members to vote in a particular manner
- Encouraging community members to vote in a particular manner (as long as it was made clear that this was the OMGA/chapter position, rather than a request from OSU)
- Making donations of OMGA/chapter funds to a PAC or chief petitioners committee
- Purchasing an argument in the voters’ pamphlet
- Purchasing an advertisement in a newspaper
- Purchasing and distributing literature, bumper stickers, signs, etc that promote the OMGA/chapter position (but refraining from distributing them at an Extension office/event if they encourage a specific voting action)
- Engaging in a signature gathering campaign to place an issue on a ballot (again, being clear that this was an OMGA/chapter activity, not an OSU activity)

But… please be careful… As of the date of this publication, the OMGA has not elected to be treated under the 1976 expenditure limits, so it still falls under the very grey “insubstantial part” test, and until it chooses to take the plunge and file Form 5768, we strongly recommend that the OMGA and its chapters avoid direct involvement in political issues (but that it be very active in its educational roles and that its members individually exercise their political rights).

What Can Other Parties Do?

During an Extension district formation campaign, other parties will almost certainly want to use the Master Gardener name and/or logo as they speak about or campaign for (or against) the issue at hand. This will generally include newspaper reporters and persons who write letters to editors, political action committees, and the groups or governmental units actually drafting the language of the district formation ballot measure and other ballot content. While it may be difficult to control what other people or organizations do, some general guidelines apply:

- The name of the service district and ballot measure content can include language referring to the Master Gardener program (or any other program that would be supported by the proposed district). (e.g., it would be acceptable to form a 4-H, Master Gardener and Extension Service District, or to describe the measure as providing funding for Extension programs in X County, including the Master Gardener and Family Food Educator Programs, etc)
- A reporter or letter writer can refer to the Master Gardener (or other) Program, and there might be instances where they would be able to acceptably utilize the Master Gardener logo/emblem to help identify the program
- A political action committee could produce signs or other forms of advertisement that say “Support Master Gardeners and 4-H, Vote YES on Measure X” (or similar), but if doing this they should include a statement to the extent that “this message was paid for by the “Vote Yes on X political action committee.” As in the situation above, the PAC may be able to justifiably use the MG logo on an advertisement of this nature, provided they did so in reference, rather than in a manner that would lead the reader to believe the MG association or OSU was asking them to vote in a particular manner
- No political action committee should be directly chartered or authorized to use the MG (or 4-H or OSU) logo or name – they should only be allowed to use the names and/or logos in reference.

For More Information

Engaging in political activity as a Master Gardener volunteer is a serious endeavor, and we encourage those
undertaking it on behalf of Extension district formation efforts to be as well prepared as possible. We recommend the following resources:

- The OMGA mission statement, http://www.oregonmastergardeners.org/, to refresh you on the organization’s stated purpose.
- The Master Gardener Program web site, http://extension.oregonstate.edu/mg/ to remind you what the program is intended to accomplish
- The publication “Make a Difference for Your Cause”, by the Center for Lobbying in the Public Interest, available at http://clpi.org/press-publications, it has an excellent discussion of non-profit lobbying rules and limits on pages 16-22.
- The OSU Extension Service District Development web site, http://extension.oregonstate.edu/employees/government-relations/extension-service-districts, which has a growing library of publications and fact sheets on district formation issues.