

# 2023 Instructions for Form FTB 3509

## Political or Legislative Activities by Section 23701d Organizations

References in these instructions are to the Internal Revenue Code (IRC) as of January 1, 2015, and to the California Revenue and Taxation Code (R&TC).

### General Information

In general, for taxable years beginning on or after January 1, 2015, California law conforms to the Internal Revenue Code (IRC) as of January 1, 2015. However, there are continuing differences between California and federal law. When California conforms to federal tax law changes, we do not always adopt all the changes made at the federal level. For more information, go to [ftb.ca.gov](http://ftb.ca.gov) and search for **conformity**. Additional information can be found in FTB Pub. 1001, Supplemental Guidelines to California Adjustments, the instructions for California Schedule CA (540), California Adjustments - Residents, or Schedule CA (540NR), California Adjustments - Nonresidents or Part-Year Residents, and the Business Entity tax booklets.

The instructions provided with California tax forms are a summary of California tax law and are only intended to aid taxpayers in preparing their state income tax returns. We include information that is most useful to the greatest number of taxpayers in the limited space available. It is not possible to include all requirements of the California Revenue and Taxation Code (R&TC) in the instructions. Taxpayers should not consider the instructions as authoritative law.

Organizations with R&TC Section 23701d tax-exempt status will lose their tax-exemption and their qualification to receive deductible charitable contributions if a substantial part of its activities consists of carrying on propaganda or otherwise attempting to influence legislation.

### A Purpose

The purpose of form FTB 3509, Political or Legislative Activities by Section 23701d Organizations, is to declare political or legislative activities carried out by R&TC Section 23701d tax-exempt organizations.

### B Who Must File

File form FTB 3509 if, during the taxable year, the organization:

- Participated or intervened in any political campaign on behalf of any elective public office.
- Contributed funds to support or oppose any individual public office candidate or any organizations formed to support or oppose a public office candidate.
- Attempted to influence any national, state, or local legislation or ballot measure.

### C Election

#### Without a federal Form 5768

Organizations that have not filed a federal Form 5768, Election/Revocation of Election by an Eligible Section 501(c)(3) Organization To Make Expenditures To Influence Legislation, must describe their activities in detail to include:

- a. Summary of any published materials relating to the activities.
- b. Advertisements.
- c. Contributions to other organizations for lobbying purposes.
- d. Time devoted – compensated/volunteer workers.
- e. Expenditures devoted to the activities.
- f. Any additional information related to the activities.

#### With a federal Form 5768

Eligible organizations may elect to make limited expenditures to influence legislation.

An eligible organization is permitted to make limited expenditures if it is not a disqualified organization. A disqualified organization is a church, a private foundation, or an affiliated organization. Get federal Form 5768 for more information.

The election is made at the federal level by filing federal Form 5768. Once made, the election is effective for each succeeding taxable year until the election is revoked. Attach a copy of federal Form 5768 to form FTB 3509 in the taxable year the election or revocation is made.

The organization must file form FTB 3509, for each taxable year that political or legislative activities are conducted, until the election is revoked.

### D Definitions

**Candidate for public office** means an individual who offers himself or herself, or is proposed by others, as a contestant for an elective public office, whether the office is national, state, or local.

**Participation or intervention in a political campaign** means the publication or distribution of written or printed statements or the making of oral statements on behalf of or in opposition to such a candidate.

**Influencing legislation** means contacting, or urging the public to contact members of a legislative body for the purpose of proposing, supporting, or opposing legislation or advocating the adoption or rejection of legislation.

**Legislation** means action by the U.S. Congress, by any state legislature, by any local elected or appointed officials or similar governing body, or by the public in a referendum, initiative, constitutional amendment, or similar procedure.

### E Where to File

Attach form FTB 3509 to Form 199, California Exempt Organization Annual Information Return.

If FTB 199N, California e-Postcard, is filed, mail form FTB 3509 to:

EXEMPT ORGANIZATIONS UNIT MS F120  
FRANCHISE TAX BOARD  
PO BOX 1286  
RANCHO CORDOVA CA 95741-1286

If you have questions regarding form FTB 3509 call 916.845.4171 from 7:00 a.m. to 4:30 p.m. weekdays, except state holidays.