

Testimony on Senate Bill 4
Charitable Organizations - Charitable Donation and Tax-Exempt Status - Revocation
(Keeping Charities Nonpartisan Act of 2026)
Senate Education, Energy, and the Environment Committee
February 11, 2026

Position: Favorable

Maryland Nonprofits is a statewide association of almost 2000 nonprofit organizations and institutions. We urge you to support the “Keeping Charities Nonpartisan Act of 2026”.

For more than 70 years, federal law has drawn a clear and intentional line between charitable work and political campaigning. In 1954, Congress clarified that charities and houses of worship may not participate in or intervene in political campaigns for or against candidates for public office. This provision, known as the “Johnson Amendment” has protected the non-partisan credibility of the charitable sector for 70 years, by:

- allowing charities to remain “safe havens” where people with widely differing political viewpoints can come together to serve common community and public interests;
- preventing political divisiveness permeating our society from distracting charities and their governing bodies from their intended services and missions;
- assuring contributors can trust that charitable donations will not be diverted from their intended purposes; and
- precluding charities, including churches, from becoming a new class of largely unregulated political fundraising vehicles.

While this prohibition in Section 501(C)(3) is still the law:

- legislation now pending in Congress would erode all of these protections by establishing a vaguely limited standard for electoral intervention by 501(C)(3) organizations ([H.R.2501](#) & [S.1205](#));
- in litigation pending in the U.S. District Court in Texas, [the IRS has reversed 70 years of enforcement](#) and proposed allowing an exception for churches under poorly defined circumstances; and
- the President [promised during his first term to destroy](#) the Johnson Amendment.

If federal enforcement of this rule is weakened or eliminated, nonprofits could be pushed into political terrain they were never designed to occupy. Charitable organizations could become attractive targets for political operatives seeking platforms, influence, or legitimacy. Board seats could be politicized. Charity-hosted events could morph into campaign stops. And the very institutions people turn to in moments of vulnerability could be pulled into partisan conflict.

Senate Bill 4 a measured, thoughtful response to that risk. SB4 ensures that if federal protections are rolled back, Maryland charities and religious organizations will still be governed by the same nonpartisan standards that have guided them for decades. The bill does not create new restrictions on charities or churches – it simply preserves existing ones.

Specifically, SB4 incorporates the long-standing federal language and its well-established interpretation into Maryland law. They authorize state officials to intervene only if an organization violates those rules—and even then, enforcement is not automatic or punitive by default. The law allows for mediation and the opportunity to cure violations that were unauthorized or inadvertent.

Importantly, this would only take effect if federal action renders the Johnson Amendment unenforceable. In other words, this is a contingency plan, not an expansion of government authority.

At its core, Senate Bill 4 is about protecting the charitable sector from becoming collateral damage in political battles.

We ask that give Senate Bill 4 a favorable report.