



<https://docs.google.com/forms/d/e/1FAIpQLSfU0I1WSdNHoXUz2uYdt4zf-ztmwuTz-rdKJ59WbJstj1Ylw/viewform>

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January 27 2025

## HB 0122 - FAV

State Aid - Nonprofits - Status

Dear Chair [Melissa Wells](#), Vice Chair [Delegate Kenneth Kerr](#), and Members of the Government, Labor, and Elections Committee,

This is not only a common sense bill to require that non-profits meet their legal obligations to qualify for state aid. One of those legal obligations is to file their IRS Form 990 which is made available to the public to review. This public accountability can facilitate enforcement of state and federal non-discrimination laws when government financially supports a non-profit membership organization that discriminates.

As a general matter, the Supreme Court has long recognized that the Establishment Clause's prohibition on laws "respecting an establishment of religion" not only prevents the government from establishing an official religion, such as the Church of England, but also bars other types of support "respecting" an establishment. The Supreme Court has said that "for the men who wrote the Religion Clauses of the First Amendment the 'establishment' of a religion connoted sponsorship, financial support, and active involvement of the sovereign in religious activity." In *Everson*, rather than outlining a general test, the Supreme Court identified specific activities that would violate the Establishment Clause: The "establishment of religion" clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-

attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa.

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