

NONPROFITS, VOTING & ELECTIONS

**A Guide for 501(c)(3) Organizations
on non-partisan voter participation
and education**

WHO THIS GUIDE IS FOR

This guide is primarily for nonprofit organizations or organized as charitable. It is not intended for private foundations or for non-charitable entities. The term “nonprofit” in this guide refers to 501(c)(3) nonprofits. The guide is meant to be used by 501(c)(3)s interested in encouraging voting and voter participation among their staff, board, clients, constituents and communities.

WHAT THIS GUIDE IS NOT

This guide does not address lobbying. It is about voting and elections. Lobbying rules differ from rules about voting and elections. Nonprofits have limits on how much lobbying they can do. There are no similar limits on voter and election activity. A nonprofit can spend as much as it wants on voter education and encouraging people to vote so long as it remains “nonpartisan” and does not support or oppose a candidate for elective office.

There is one exception — ballot measures. Ballot measures are where elections and lobbying meet. The IRS treats ballot measures as a “lobbying activity,” subject to lobbying rules. A nonprofit may advocate for or against a ballot measure up to its normal lobbying limits. This is discussed in the ballot measure section of the guide.

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www.nonprofvtote.org

A national nonpartisan program of the Minnesota Council of Nonprofits

The **Nonprofit Voter Engagement Network (NVEN)** is dedicated to expanding the role of America's nonprofits in voting and elections. NVEN works with state nonprofit VOTE initiatives to provide resources and support for 501(c)(3) nonprofits to help them engage in nonpartisan voter education and registration activities.

**NONPROFIT ORGANIZATIONS:
LEADERS IN CIVIC ENGAGEMENT
AND VOTER PARTICIPATION**

Nonprofits can play an important role in the democratic process. Here's one basic rule: 501(c)(3)s may not support or oppose any candidate for public office. This means 501(c)(3)s may not endorse candidates, rate candidates, contribute to candidates, or do anything else that might seem intended to



WHAT A 501(C)(3) NONPROFIT ORGANIZATION CAN DO ON VOTER REGISTRATION, VOTER EDUCATION AND GETTING OUT THE VOTE

501(c)(3) organizations may participate in a wide variety of electoral activities that do not support or oppose a candidate for public office.

The following are ten common activities your nonprofit organization may do to encourage voting in a nonpartisan manner.

1 VOTER REGISTRATION

Nonprofit organizations can help with voter registration activities for nonpartisan purposes. Nonprofits often include

- providing voter registration forms
- providing voter registration training
- providing information about registration deadlines and other laws governing voter registration in your community.

Your election officials or a local **nonpartisan** organization can help by providing voter registration forms, training, and information about registration deadlines and other laws governing voter registration in your community.

The registration activities may not be partisan. Nonprofit staff or volunteers may not suggest what candidate to support or party to join or whom to vote for. You may, however, explain to voters the difference between joining a party and registering without party affiliation. Nonprofits may target communities or people that they serve, but nonprofits should not target voter registration efforts in an attempt to support or oppose particular candidates or political parties.

Finally, watch out for limits on the use of certain funds for voter registration such as a grant from a private foundation.





**CANDIDATE FORUMS AND
CANDIDATE APPEARANCES**

EDUCATING THE CANDIDATES

Your nonprofit may provide information to educate candidates on your issues so long as you use these resources available to all the candidates in a particular race and all candidates receive the same level of support and information.

Education on our union's position on the proposed rule is not our primary purpose. Our primary purpose is to provide information to all candidates. Our role is to provide information to all candidates.

However, your nonprofit may not provide personalized research or similar candidate-specific efforts for particular candidates. For example, don't help a single candidate develop a new policy paper on an issue of importance to your organization: It could appear to be a partisan effort to help that candidate get elected.

ENCOURAGING VOTING — GETTING OUT THE VOTE

Getting out the vote, encouragement and fact-based information to voters is a primary goal of voter participation work. It is nonpartisan as long as you're not telling or suggesting to someone who to vote for.

501(c)(3)s must leave the partisan work to the parties, candidates, or other more political organizations such as 501(c)(4) advocacy organizations. A 501(c)(3) should generally not work in partnership with these types of organizations unless absolutely certain that the activity will be conducted in a nonpartisan fashion.

Common ways to get out the vote include:

• In-person door-to-door canvassing
• Phone banking
• Text banking

• Email banking
• Social media

• Robocalls
• Text messages
• Direct mail
• Voter registration drives
• Voter information centers
• Voter guides
• Voter ID clinics
• Voter ID assistance
• Voter ID information
• Voter ID assistance
• Voter ID information
• Voter ID assistance

HELPING ON ELECTION DAY

Nonprofits are well-positioned to help on Election Day. The civic mission of nonprofits makes them a good fit not only to encourage their communities to vote, but to provide staff to help at the polls.

Nonprofits say

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BALLOT QUESTION EDUCATION AND ADVOCACY

Many states have ballot questions — initiatives, referenda, or constitutional amendments. How are these different from candidate elections?

In general, there are three things to know about working on ballot measures:

1. The most important thing a 501(c)(3) nonprofit should know is that the IRS considers activity on ballot measures a lobbying activity.

How does your nonprofit opt for the lobbying expenditure test?

- A File a one-page, one-time form with the IRS-Form 5768. Once submitted and approved your nonprofit has higher and defined lobbying limits. It includes annual reporting of expenditures on your Form 990. For more information and the application form, go to the Alliance for Justice website (www.allianceforjustice.org) and look for their "Worry Free Lobbying for Nonprofits" in their resource and publication section.

How should a nonprofit track its lobbying on ballot questions?

- A Whichever of the two lobbying expenditure tests you use, you will need some type of system to keep track of how much lobbying you do.

For more information on reporting your lobbying expenditures on your Form 990, go to the Alliance for Justice website (www.allianceforjustice.org) and look for their "Worry Free Lobbying for Nonprofits" in their resource and publication section.

Also, as mentioned above, any organization spending funds to influence the outcome of a ballot question may have to register and file disclosure reports with a state or local campaign finance office — which you can find by contacting your Secretary of State's office.

If you need additional information, consult an expert like an experienced nonprofit professional in your area or the publications

NONPROFIT STAFF AND ELECTIONS

BEING PARTISAN . . . STAYING NONPARTISAN

Staff members of nonprofits are frequently involved in campaigns or asked to support candidates. Since nonprofit staff are involved in community affairs, they may want to support a candidate who has helped their organization or neighborhood.

What you or another nonprofit staff member does in your personal time is a private choice. However, a staff member cannot be seen as representing the organization on a campaign nor may they use organizational resources for a candidate.

Can staff members be partisan?

A: Nonprofit staff can support the candidate of their choice outside of normal work hours. If staff members want to engage in partisan activities during normal work hours, they should take vacation or personal leave.

Can the organization be mentioned?

A: Your organization cannot support a candidate. As a rule, it's safer if the organization's name is not mentioned if a staff member's name appears on candidate literature in the course of that staff member's personal political work. However, it is permissible to list the organization along with the staff member's name if it is clearly stated that the

organization name may be listed if noted "for identification purposes only." This can be helpful in clarifying that organizational leaders are involved in their individual, not official roles. Always remember that there may be other reasons you may not want your nonprofit's name associated with a campaign. For example, it might be awkward seeking public funds for your organization if a candidate you opposed wins the election!

Overall, as a nonprofit staff member you'll find that there is a great deal you can do for candidates when not representing the organization.

What about board members and volunteers?

A: Board members and volunteers should follow the same rules for staff described above when they are working for your organization. What they do outside of your organization is their choice.

What if a candidate lists your name and the organization without your permission?

A: Over-eager candidates may list your nonprofit on a campaign brochure. If they did this without your permission you are not at fault. Just ask them to remove your organization's name from the list. Save a copy of your e-mail or written request to the candidate in your files.

10 ACTIVITIES 501(C)(3) ORGANIZATIONS CAN DO ON A NONPARTISAN BASIS

- Voter Registration

- Voter Education on the Process of Voting

Where to vote, information on elections and election process

- Voter Guides on Candidates and Ballot Measures

Candidate Forums and Candidate Appearances

Education of Candidates

Encouraging Voter Participation and Voter Registration

ALLIANCE FOR JUSTICE

E-mail: advocacy@allianceforjustice.org

Website: www.allianceforjustice.org

For advocacy/voting questions, call the AFJ hotline at 1-866-NPLOBBY (866-675-6229).

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