NONPROFITS VOTING LECTIONS

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

A publication of the Nonprofit Voter Engagement Network www.nonprofitvote.org

WHO THIS GUIDE IS FOR

s u de s pr ar y for nonprof t or an zat ons or an zed as cartes 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

s u de s not a u de about obby n

It s about vot n and e ect ons 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.

NONPROFITS, VOTING AND ELECTIONS

A GUIDE FOR 501(C)(3) ORGANIZATIONS ON NONPARTISAN VOTER PARTICIPATION AND EDUCATION

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www.nonprof tvote or

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 *ivesnvidenjZinaejnlresourcatives and sZforZroleaejnkejnlZc01(C)(3eaejnkfrpkZnonprygitszáfprolffljets/akkwhglifilflytaejnjfririnding

NONPROFIT ORGANIZATIONS: LEADERS IN CIVIC ENGAGEMENT AND VOTER PARTICIPATION nonprof ts can p ay an portant roe n t e de ocrat c process ere s one bas c ru e 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

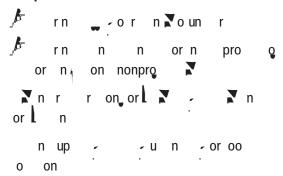
501(c)(3) organizations may participate in a wide variety of electoral activities that do not support or oppose a candidate for public office.

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



VOTER REGISTRATION

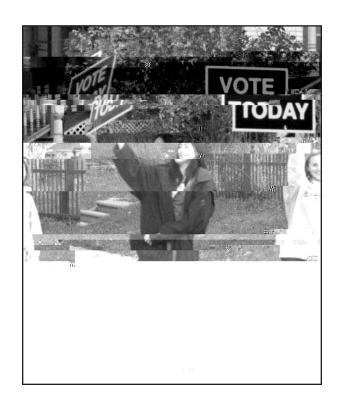
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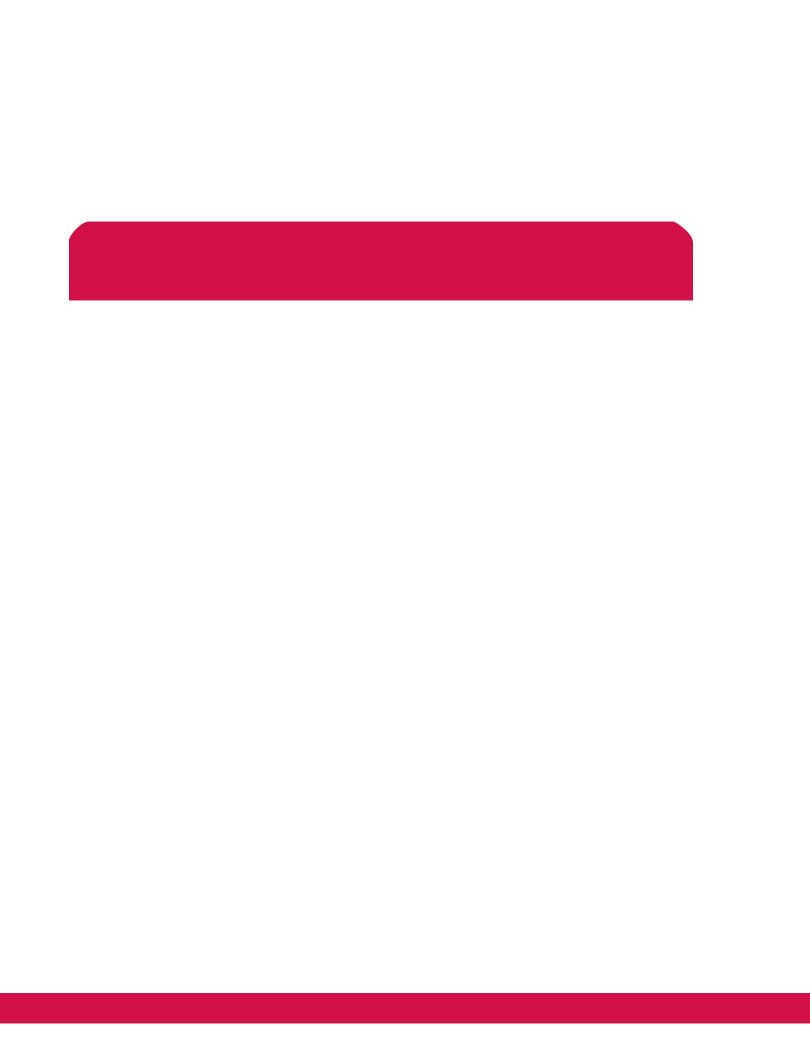


Your election officials or a local **nonpart san** organization can help by providing voter registration forms, training, and information about registration deadlines and other laws governing voter registration in your community.

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 nonprof t ay prov de nfor at on to educate cand date on your ssues so on as you a e t ese resources ava ab e to a t e cand dates n a part cu ar race and a cand dates rece ve t e sa e eve of support and nfor at on

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

Gett n out t e vote encoura n and fac tat n your co un t es to vote s a pr ary oa of voter part c pat on wor It s nonpartisan as on as you re not te n or su est n to so eone w o 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.

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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.

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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 enera t ere are t ree t n s to now about wor n on ba ot easures

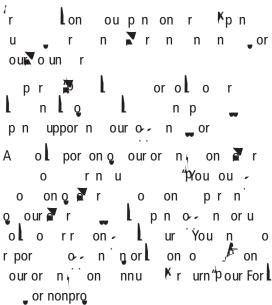
1. The most important thing a 501(c)(3) nonprofit should know is that the IRS considers activity on ballot measures a lobbying activity –fRH75/8N7eujdSWebfYkkReajbbcbiRUSghRiSifYbbteSifgYbrkjg.RshouldSWeAlobbyin

How does y nonprof t opt for t e obby n expend ture 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 s ou d a trac ts obby n on ba ot quest ons

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.



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

taff e bers of s are frequent y nvo ved n ca pa ns or as ed to support cand dates 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 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.

en s t persona t e

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 t e or an zat on be ent oned

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.

at about board e bers and

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.

at f a cand date sts y na e and or an zat on w t out y per ss on

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

- oter e strat on
- oter Educat on on t e Process of ot n Where to vote, information on elections and election process
- oter Gu des on Cand dates and Ba ot Measures

Cand date Foru s and Cand date Appearances

Educat n t e Cand dates

Encoura n ot a art coura a n torbYxA cpp O dc rbGe cpp tas

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).

BIBLIOGRAPHY

evenue u n , June 2007, http://www.irs.gov/pub/irs-drop/rr-07-41.pdf,