UNITED WAY WORLDWIDE

# VOTER ENGAGEMENT TOOLKIT

A Nonpartisan Guide for 501(c)(3) Organizations





A Nonpartisan Guide for 501(c)(3) Organizations

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#### Acknowledgements

We wish to thank Nonprofit VOTE for their assistance with the creation of this toolkit. Nonprofit VOTE is a nonpartisan organization that provides resources and training to 501(c)(3) nonprofit and charitable organizations on how to conduct nonpartisan voter and civic engagement activities. It has been a partner of United Way Worldwide since 2008. Nonprofit VOTE works closely with other state and national nonprofit networks and state election officials, including serving as the partner for the nonprofit sector of the National Association of Secretaries of State.







# The Benefits of Civic and Voter Engagement



# Active Citizens, Healthy Communities and Effective Nonprofits

United Ways and other nonprofits lead and support a host of community services with the goal of increasing opportunity and strengthening our communities. As civic organizations, one service that nonprofits and charities can all provide is helping people become active and engaged citizens. Encouraging people to participate and vote brings an array of benefits to the individuals we serve, our volunteers, and the entire nonprofit community.

#### **Active and Engaged Citizens**

According to census surveys, people who register and vote are more strongly connected with their neighbors and family members. They are more likely to discuss community issues with their family and friends, do favors for their neighbors, contact their elected officials, and stay informed about local affairs. Research connects voter and civic engagement to reduced unemployment, lower recidivism rates, and better health. Compared to non-voters, voters have higher levels of self-reported health and a greater sense of personal efficacy.

#### Stronger Nonprofits

Civic engagement builds stronger nonprofits as well. Nonprofits whose communities participate and vote have more access to elected officials, increased trust on issues, and are better positioned to advance their mission. During elections, candidates naturally seek out and respond to communities with higher voting rates. As voter registration rates increase, candidates are more likely to come to our neighborhoods, attend our events, and listen to our concerns.

"When our local elected officials saw voter registration rates going up, they spent more time in our neighborhoods, listening to our concerns and asking for input on issues."

Gladys Vega, Executive Director, Chelsea Human Service Collaborative

#### **Engaged Volunteers**

Civic engagement activities like voter education and registration are also a great way to engage volunteers. Volunteers enjoy the opportunity to connect with the people nonprofits serve, not just as clients and constituents, but as citizens in the broadest sense of the word. Participating in civic engagement activities is a good skill to add to a resume, a great way to meet new people, and helps individuals feel like they are making a contribution to the civic life of their community.

The purpose of this guide is to equip United Ways and other nonprofits with the tools they need to effectively engage in elections on a nonpartisan basis and leverage volunteers to make a greater impact in their communities.

Join us. Your community needs your help.

Stacey D. Stewart U.S. President United Way Worldwide

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# Staying Nonpartisan: Permissible Election Activities Checklist for 501(c)(3) Nonprofit Organizations

A single sentence in the federal tax code defines the prohibition of partisan political activities by 501(c)(3) charitable organizations. It states 501(c)(3) organizations are "prohibited from directly or indirectly participating in – or intervening in – any political campaign on behalf of or in opposition to any candidate for elective public office." Whether activities are considered partisan political activity depends on the "facts and circumstances" in each situation. While partisan activities are clearly prohibited, it is clear there's much a 501(c)(3) can do on a nonpartisan basis to promote voter and civic engagement as part of its charitable and educational mission during the election season.

#### **Prohibited Partisan Activities**

A 501(c)(3) organization or a staff member speaking or acting on behalf of the nonprofit may not:

- ★ Endorse a candidate.
- Make a campaign contribution or expenditure for or against a candidate.
- Rate or rank candidates on who is most favorable to your issue(s).
- Let candidates use your facilities or resources, unless they are made equally available to all candidates at their fair market value such as a room commonly used for public events.

#### Q: Can we criticize a candidate's statements?

A: There is always some risk of appearing partisan when a 501(c)(3) organization applauds or criticizes candidates or their statements or proposals. The risk is greatest in the months just before an election and when making references to the election or someone's candidacy. It is more likely to be viewed as nonpartisan when the nonprofit's comments are made in the context of a pending legislative vote or are part of the organization's long history of such comments on the issue (even in non-election years). Make sure what you say relates to pending government action on an issue of concern to your organization and not intended to sway the outcome of an election.

#### Q: What does it mean to rank or rate a candidate?

A: Anything that indicates which candidates you think are better or worse on your issues could be seen as a partisan endorsement. This would include things like giving candidates letter grades (A, B, C, etc.), but even commentary that compares candidates' views to yours is a problem. Take, for example, a voter guide you create to publicize where candidates stand on an issue that also includes your organization's position on the issue. This would tell the voter which candidates you believe gave the "correct" answer. When you circulate or publicize a nonpartisan guide giving candidate positions, keep your opinion out of it. Let voters use the information presented to make their own decisions.

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## Q: What about issuing our annual legislative scorecard – is that election related?

A: A Legislative Scorecard that grades incumbents on their voting record is different. A scorecard is public information on how incumbent legislators vote. If you publicize it close to an election, only do so if it's the normal time you do this, and it is not done specifically to influence the outcome of the election.

# Permissible Nonpartisan Activities and Common Examples

The IRS affirmatively states that 501(c)(3) organizations may conduct voter engagement or connect with candidates on a nonpartisan basis. This includes encouraging voter participation, educating voters, and talking to candidates about issues. 501(c)(3) organizations may:

# 1. Conduct or Promote Voter Registration

- Conduct a voter registration drive at your nonprofit or in your community.
- Encourage people to register to vote in your communications, on your website, or at events.

## 2. Educate Voters on the Voting Process

- Provide information on when and where to vote, such as finding their poll location, getting an absentee ballot, or contacting their local election office for help.
- Remind people of registration deadlines or election dates.

#### 3. Host a Candidate Forum

- \$\frac{1}{2}\$ Sponsor a candidate forum with other community partners for all the candidates.
- Encourage your community to attend your forum or another candidate forum sponsored by a trusted partner.

#### 4. Create a Candidate Questionnaire

- Submit questions to all the candidates in a race on issues of interest to your nonprofit.
- Publish the candidate's full answers on your website or in a nonpartisan voter guide.

## 5. Distribute Sample Ballots or Nonpartisan Voter Guides

- Display or provide an official sample ballot that highlights state elections common to all voters in your state.
- Distribute a nonpartisan voter guide from a trusted partner about what is on the ballot.

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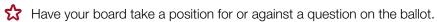
#### 6. Continue Issue Advocacy During an Election

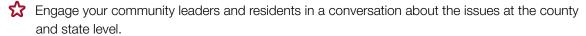
Continue your regular advocacy or lobbying activities during the election period, as long it is related to pending legislation on issues you have a history of working on and is not timed or otherwise structured to influence how people vote.

## 7. Support or Oppose a Ballot Measure or Host a Community Conversation

Unlike candidates for office, nonprofits may take sides on a ballot measure. IRS rules treat this as a lobbying activity, not electioneering.





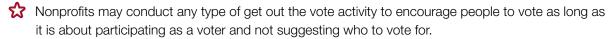


\* Note: If you plan to make a significant investment of staffing and funds on ballot measure advocacy, you must track spending to report on your 990 as lobbying expenses. Also review your state's campaign spending disclosure laws regarding ballot measures.

#### 8. Encourage People to Vote



🔀 Send reminders to your staff, clients and constituents about voting in the next election and why voting is important.



The main principle for being nonpartisan is to conduct voter engagement and education in the context of your educational and civic mission and not in a way intended to support or oppose a specific candidate. So if you hold a candidate forum or offer to brief the candidates on issues of importance to your organization, make sure you treat the candidates equally. When you do voter registration or remind people to vote, do it in the context of the importance of voting - encouraging active citizenship and giving voice to the communities you serve.

## Resources

If you have a question, contact Nonprofit VOTE at info@nonprofitvote.org or Bolder Advocacy at advocacy@afj.org. Or visit them online:

Nonprofit VOTE – <u>www.nonprofitvote.org</u>

Bolder Advocacy - <u>www.bolderadvocacy.org</u>

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# Nonprofits and Voter Registration

Voter registration is the most common election activity promoted by nonprofits. Nonprofits can take two approaches: 1) Use your communications to provide information about registering to vote and / or 2) Use your staff and volunteers to do voter registration in the communities you serve. Below are eight simple steps on how to conduct voter registration at your nonprofit.

# 1. Get Started

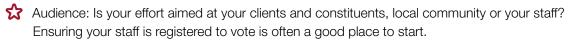
A successful voter registration drive depends on how well it is staffed and supported by the organization. It takes:



Support from the CEO or senior staff that sets goals and expectations.

#### 2. Make a Plan

The first step is to choose your audience and then to plan the type, location, and timing of your activities.



Activities: The most common and effective voter registration activity is tabling at your nonprofit or in the community. Voter registration can also be offered as part of one of your services or activities. Be sure to consider the language needs of the audience you seek to register; recruit volunteers who are able to communicate in that language and have the forms in that language.

## **Sample Activities**

- Set up a table in your lobby for a week or on certain days and times each week in the month before the registration deadline.
- Table at an event sponsored by your nonprofit or a partner.
- Table a highly trafficked area like a shopping center or transit stop in a neighborhood you serve.
- Register voters when people sign up for benefits. Certain federal programs like Medicaid or WIC offer voter registration as part of enrollment.

Timing: A typical voter registration drive should be at least one to two weeks. If you can, offer voter registration throughout the month of September or during the four weeks before your state's registration deadline. It's also a good one-day activity any time of year and can be led, for example, by a youth group, held at public event, or can tie into National Voter Registration Day (the fourth Tuesday of September).

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# 3. Learn About Voter Registration in Your State

Review your state's voter registration procedures, such as the rules for filling out and returning voter registration forms. Some states require training for voter registration volunteers. To learn more:

Review Nonprofit VOTE's Voting-in-Your-State tool: It links you to the most up to date information on your state election website about how, when, and where to register to vote.

Contact your local election office or a nonprofit partner experienced with voter registration.

# 4. Conduct a Training

Provide training to staff or volunteers. Make sure volunteers ask people who are already registered if they've moved recently. An updated registration is just as important as new one. A sample training agenda would include:

- Why it's important
   Staying nonpartisan
   Filling out a form
   Using a script to do a role play
   Knowing how to answer common questions
   Getting motivated

# 5. Return Completed Forms

It's better to return forms to the appropriate local election office on behalf of the voter. Have a place to store and plan to deliver or send in the completed forms on a timely basis<sup>1</sup>. Several states have set turnaround times between when the form is signed and when it must be turned in. Check your state's rules.

## 6. Have a "Second Ask" and Other Materials at Your Table

Many people are already registered or are not eligible. You may want to also have a "second ask" such as providing information on an upcoming event or new service or asking them to fill out a "pledge to vote" card. Using the activity to do something in addition to voter registration is also a more fulfilling experience for staff and volunteers.

# 7. Promote Your Activity

Make sure to advertise your voter registration activity and create visibility for the drive. For example, use regular communications or posters in high traffic areas. Ask staff to let people know about the opportunity to register or update their registration.

# 8. Stay Nonpartisan

When doing voter registration, there is one basic rule: Nonprofit staff or volunteers may not suggest a candidate to support, what party to join, or how to vote. Volunteers and staff may not wear a candidate's button or apparel. However, they may explain the difference between joining a party and registering without party affiliation.

<sup>1.</sup> In general, you will return forms to your local or county election office in person. You may also mail in the forms. The federal Election Assistance Commission states it is permissible to supply postage for mailing in forms or other incidental expenses to facilitate voter registration.

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#### Q: What if I'm asked about the candidates?

A: You can say what offices or ballot measures will appear on the ballot. Overall, a good response is to remind them this is a nonpartisan effort. You can provide information on obtaining a nonpartisan voter guide or encourage them to discuss the election with friends or family.

Α	Voter Registration Checklist
GE	T STARTED
	Choose your audience. Is it people using your services, your staff, and/or your community?
	Make a plan. Will you table in the lobby, at an event, or integrate it into services/outreach?
	Set times and locations.
TR	AIN AND PREPARE
	Recruit and train the staff and volunteers needed. Consider the community's language needs.
	Review how to conduct voter registration in your state.
	Contact your local election office with question and for advice. Find your local office at – <a href="https://www.nonprofitvote.org/voting-in-your-state">www.nonprofitvote.org/voting-in-your-state</a>
	Have a process to store and return forms.
SU	PPLIES
	Obtain or download state registration forms.
	Create a sample script.
П	Display "Register to Vote" posters.

#### **SET UP**

pens, etc.).

☐ Set up a table and chairs. Use decorations such as banners, balloons or displays. ☐ Prepare handouts like an event flyer, service information, or information on the election.

☐ Have giveaways to use when tabling (stickers, sweets,

#### **PROMOTION**

Advertise your voter registration activity.

Print stickers to identify volunteers.

Ask staff to direct people to your voter registration table.



In 2012, United Way of Asheville and Buncombe County held a voter registration drive on Day of Caring. They engaged their Advocacy Committee and staff in this opportunity to encourage civic participation.

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## Resources

## Nonprofit VOTE's Resource Library, www.nonprofitvote.org/all-resources

A Voter Registration Toolkit – English/Spanish

Federal Funds and Voter Registration factsheet – English/Spanish

National Voter Registration Act factsheet – English/Spanish

Seven Reasons to do Voter Registration – English/Spanish

Training video of registering a voter – English/Spanish

#### Registering Staff to Vote Toolkit, www.nonprofitvotescount.org/voter-registration-toolkit

Sample Emails from your CEO or Executive Director

☆ Sample Voter Registration Script and Common Responses

Active Tabling at your Nonprofit factsheet - English/Spanish

Reasons to Register to Vote

## Voting in Your State: 50 State Guide, www.nonprofitvote.org/voting-in-your-state

Use Nonprofit VOTE's 50 state tool to link to official information on voter registration on your state election website. It is prepared in cooperation with the National Association of Secretaries of State.

#### **Voter Registration Forms and Online Voter Registration**

Voter registration forms are available at your local election office or state election website. Paper forms are generally preferred and easier to use for tabling or voter registration drives. The majority of states now offer online voter registration. It is convenient. It does however require having a current driver's license or state ID and a computer or tablet handy.

(Use the federal voter registration form for people who live out-of-state.)

## **National Voter Registration Day**

National Voter Registration Day (NVRD) takes place each year on the fourth Tuesday of September. It's sponsored by the bipartisan National Association of Secretaries of State. Falling two weeks before the first state registration deadlines for the November election, NVRD is a great day to register new voters and celebrate democracy.

Starting in July you can sign up as an NVRD partner and receive free materials. For more information visit <a href="https://www.nationalvoterregistrationday.org">www.nationalvoterregistrationday.org</a>



# Voter Education On the Voting Process and What Will Be on the Ballot

Nonprofits may conduct a range of voter education activities as long as they are nonpartisan and do not endorse or oppose candidates running for office. There are two basic types of voter education: what's on the ballot and the when, where, and how of voting.

# The When, Where, and How of Voting

One of the most helpful things nonprofits can do is to provide clients and the community information on when and how to register and vote.

#### **Sample Activities**

Use your communications, events, video displays, classes, or forums to:

- Announce the dates of elections and early voting period.
- Remind people of voter registration deadlines or how to register online.
- Include lessons about voting in adult or youth education classes. For example:
  - What different office holders do.
  - The difference between national, state, and local elections.
  - A discussion of the history of voting as a right and a responsibility.
- A Partner with a local high school to provide voter education and registration.
- Help people find their polling place or get information on early voting in-person or by mail.
- Make and circulate a short video with clips from clients and staff on why they think voting is important it is both a citizenship activity and a way to have their voices heard.
- Have your local election department set up a voting machine in your lobby.

#### Why is voter education important?

People often say they don't vote because "they don't like the candidates" or they're "too busy". Often times this really means that voters aren't familiar with their choices or what will happen when they arrive at their polling station. Basic information from a trusted messenger like a nonprofit organization about where, when, and how to vote helps new voters participate. And an educated voter is a likely voter.

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#### What's on the Ballot

It helps to know what will appear on the ballot. This can help voters understand in advance the offices they will be voting for and preview any ballot measures that may be confusing or need a second reading to fully understand. A good nonpartisan activity is distributing sample ballots from your state election office or providing a nonpartisan voter guide from a trusted partner. However, if your activity involves candidates such as a candidate forum, candidate questionnaire, or a communication referencing the candidates running - make sure to treat all candidates neutrally and equally. Follow guidelines for staying nonpartisan discussed in the resources listed in the end of "Connecting with Candidates Running for Office".

#### Sample Activities



Display or give out a sample ballot. Use it in an educational setting like at a class or community forum.



Hold a mock election for young people ages 6-17. (If using actual candidates, don't show any preferences and keep it civil!)



Collaborate with others on a forum on a ballot measure. Remember, nonprofits can take a position or stay neutral on ballot measures.

#### Resources

Voting in Your State, 50 State Guide, NonprofitVOTE, www.nonprofitvote.org/voting-in-your-state

Find information from your state election website on registering to vote, voting early or absentee, finding your poll, what ID to bring to the polls, and more. Updated by Nonprofit VOTE in cooperation with the National Association of Secretaries of State.

Ballotpedia, www.ballotpedia.org

The online encyclopedia of American politics and elections informs people about politics by providing accurate and objective information about politics at all levels of government.

iCivics, www.icivics.org

Curriculum, resources, and games to reinvigorate civic learning through interactive and engaging learning resources.

The United Way of Greater Los Angeles Student Leadership Program organized voter education and outreach to encourage participation in the 2015 election for the Los Angeles Unified School District elections. They conducted candidate forums and voter registration at schools with a theme was increasing graduation rates and promoting college readiness for all students.



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# **Connecting with Candidates Running for Office Candidates Forums, Questionnaires and Events**

Nonprofits may wish to engage with candidates in order to get their issues in front of candidates, build relationships with future elected officials, and inform candidates about the important work they do for the community. This is permissible as long as any candidate engagement is done on a nonpartisan basis. Below are five common ways nonprofits can connect with candidates, along with resources to ensure that your activities follow best practices and guidelines for being nonpartisan.

# Sponsoring a Candidate Forum

Hosting a candidate forum can raise the profile of your nonprofit and highlight your issues during an election. Candidate forums involve candidates for a specific race, like state representative or mayor. They are time-intensive, require advance planning, and are generally done in collaboration with other community partners. All (viable) candidates must be invited. Everyone attending must receive equal time to answer a range of questions of concern to the sponsoring organizations and community. Sponsoring organizations typically use an experienced neutral moderator such as a community leader, educator or someone from the media.

# What if a candidate pulls out at the last minute and only one candidate shows up?

You have two choices. The first is to cancel the forum. You need two or more candidates to have a "forum". The one exception is if it's being held at a conference where other activities are planned at the same time, you can introduce the candidate and allow them to make a short statement, but make it clear that it's done as a courtesy and not an endorsement.

#### What if it's a crowded field – can we invite only the leading contenders?

Yes. You only have to invite all viable candidates. You and your partners may set a reasonable threshold for viability based on polling, fundraising, what your state lists as political parties for voter registration purposes, or other factors.

# Inviting Candidates to Attend an Event

During an election you may invite candidates running locally to visit your nonprofit or attend an event like an open house or ribbon cutting. This is a way to let them know about your services and meet your supporters and the people you serve. Send invitations to all the candidates in the relevant race or races. They don't all have to come. You should invite them as guests and not to be part of the program or do any campaigning.

Separately, you can also invite a current officeholder running for re-election to attend an event in a non-candidate capacity based on their expertise or history of working with your nonprofit. The factsheets listed in "Resources" at the end of this section help you understand how to do so in a nonpartisan manner.

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#### Q: Can a candidate give out literature at one of your events?

A: No. Candidates attend as guests. You can welcome them as guests but no speeches or campaign materials are allowed.

# Creating a Candidate Questionnaire

Candidate questionnaires can be a good way to let candidates know what issues you care about and to educate your audience on their positions. Be sure to ask all of the candidates in a particular race to respond to a set of questions and do personal follow up with each one. Many candidates are often short on time and are fielding many requests, so consider collaborating with a partner or coalition to consolidate your efforts and increase the likelihood that the candidates will reply.

## Q: What if one or more candidates don't respond?

A: If you made a concerted effort to get all candidates to answer your questionnaire and all or the majority of candidates respond you can publish the results. Review the factsheets under "Resources" for more in-depth information and guidance on how to develop a questionnaire and stay nonpartisan.

# Sharing Information about Your Nonprofit and Policy Ideas

While elected officials can benefit from your ideas and research year-round, elections provide a focused opportunity to share your organization's accomplishments and policy ideas. When you do so, make sure you make your ideas and existing research available to all candidates running for the same office.

#### Q: Can we answer specific questions from candidates where we have expertise?

A: You can respond to inquiries. But don't condust special research for just one candidate as that would amount to an in-kind contribution.



The Providers' Council of Massachusetts holds a gubernatorial candidate forum at Boston's Faneuil Hall to discuss human service issues.



# Asking a Question at a Candidate Event

Some organizations may wish to have someone attend a candidate event to ask questions related to their issues or concerns. Nonprofit staff may always attend in their personal capacity. However, if you are representing your organization, your approach must be strictly nonpartisan. You must ask the same question at events for all candidates in the same race.

Q: Can I ask a question on an issue where candidates are likely to have different opinions?

A: According to the IRS, you are able to raise controversial issues. However, the question must not be phrased in a way or use language which indicates a correct answer.

#### Resources

Nonprofit VOTE resources for staying nonpartisan on candidate questionnaires and forums, <u>www.nonprofitvote.org/candidate-engagement-2</u>

- A Nonprofit's Guide to Hosting a Candidate Forum
- Candidate Questionnaires and Voter Guides
- Candidate Appearances at an Event: A Factsheet, Nonprofit VOTE
- Hosting Candidates at Charitable Events: Ensuring Candidate Appearances Remain Nonpartisan, (Bolder Advocacy)
- Candidate Questionnaires and Voter Guides

# Nonprofits and Ballot Measures

Ballot measures ask voters to vote on laws, bonding issues, or constitutional amendments. About half of all states allow ballot questions or propositions to be put before the voters either by voter petition or legislative action.

# Q. Can Nonprofits Take a Position For or Against Ballot Measures?

A. Yes. Activity on ballot measures is lobbying – not electioneering. Ballot measure advocacy is an attempt to influence the passage or defeat of a law or constitutional amendment – not the election or defeat of a candidate. 501(c)(3) organizations are free to takes sides as a lobbying activity, subject to normal limits. Ballot measure advocacy is more a first amendment right to advocate on issues, rather than a matter of tax law. Any organization or individual is free to express their opinion for or against a proposed law or constitutional amendment.

# Q. What Are Common Activities for Nonprofits on Ballot Measures?

A. Your organization can engage in a range of activities related to ballot measures such as – making an endorsement, communicating your position to the public, organizing volunteers to work on passage or defeat of an initiative, or hosting a community conversation or an educational forum. You can also distribute neutral educational materials designed to inform the public about both sides of the question.

# Q. What Are the Lobbying Limits for Ballot Measures for 501(c)(3) Organizations?

#### A. Your lobbying limits depend on which test your nonprofit chooses to measure lobbying.

- 1. If your nonprofit has elected to measure its lobbying under the 501(h) expenditure test, you will have clearer guidance and can do more advocacy. Under this test, you can spend as much as 20% of your annual budget (depending on its size) on lobbying, including influencing ballot questions or legislation. Filing the 501(h) form is generally recommended for nonprofits that do any significant amount of lobbying and advocacy.<sup>2</sup>
- 2. If your 501(c)(3) has not filed the 501(h) form, your lobbying falls under the "insubstantial part test." In this case, you may only spend an "insubstantial" amount of money on lobbying efforts. "Insubstantial" is generally assumed to be 3-5% of annual spending.<sup>3</sup>

 $<sup>2. \</sup> Taking \ the \ 501 (h) \ Election, \ National \ Council \ of \ Nonprofits, \\ \underline{https://www.councilofnonprofits.org/taking-the-501h-election}$ 

<sup>3.</sup> Lobbying Under the Insubstantial Part Test, Bolder Advocacy, <a href="www.bolderadvocacy.org/wp-content/uploads/2012/11/Lobbying-under-the-insubstantial-part-test.pdf">www.bolderadvocacy.org/wp-content/uploads/2012/11/Lobbying-under-the-insubstantial-part-test.pdf</a>



# Q. Are There Any Spending Limits for Ballot Measure Advocacy?

A. There are no limits on spending on ballot measures. Some states require you to file an expenditure report if you devote substantial funds to ballot measure advocacy as, for example, a primary sponsor of a ballot measure or an active partner. Contact your state's campaign finance office for more information.

#### Resources

501(c)(3) Public Charities and Ballot Measures: An online toolkit, Bolder Advocacy, <u>www.bolderadvocacy.org/tools-for-effective-advocacy/toolkits/ballot-measures/501c3-public-charities-and-ballot-measures</u>

A Guide to taking the 501h-election, National Council of Nonprofits, <u>www.councilofnonprofits.org/taking-the-501h-election</u>

The Benefits-of-filing-the-501h-election, National Council of Nonprofits, <u>www.councilofnonprofits.org/benefits-of-filing-the-501h-election</u>

Lobbying Under the Insubstantial Part Test, Bolder Advocacy, <u>www.bolderadvocacy.org/wp-content/uploads/2012/11/Lobbying under the insubstantial part test.pdf</u>



A 2015 ballot measure approved by voters in King County, Washington to fund the "Best Starts for Kids" initiative investing in prevention and early intervention for children, youth, families, and communities.

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# What Nonprofit Staff Can Do At Work or in Personal Time

Nonprofit staff members often have questions about their personal involvement in political campaigns or work with candidates. Outside of work, nonprofit employees are free to exercise their first amendment privilege to volunteer for candidate campaigns or to engage in other partisan political activities. However, it is important to make clear distinctions between personal and professional efforts, as all voter engagement activities on behalf of your nonprofit must remain completely nonpartisan.

#### Q. When Is It Personal Time?

A: Outside of normal work hours, nonprofit staff may engage in partisan campaign activities, like supporting a candidate for office. Staff may also take vacation or personal time for the purpose of engaging in political activity.

# Q. Can Staff Be Identified with Their Nonprofit Organization When Working for a Candidate?

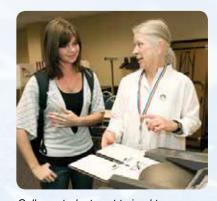
A: Nonprofit staff members may identify their place of employment at a political event. However, staff members who are spokespeople for their organization or are otherwise visibly associated with it should emphasize that they are in participating as a private citizen and not on behalf of the organization they work for.

# Q. Can Nonprofit Staff be Listed as a Supporter of a Candidate with the Name of the Organization?

A: As a rule, it is safer to leave the name of the organization off of any partisan political materials. However, it is permissible to list the organization along with the staff member's name if it is clearly noted that the organization is listed "for identification purposes only."

#### Q. What About Board Members and Volunteers?

A: While representing the nonprofit organization, board members and volunteers should follow the same protocol outlined for staff.



College students get trained to serve as poll workers.

A Nonpartisan Guide for 501(c)(3) Organizations

# Q: What If a Candidate Lists the Name of the Executive Director or Another Employee Without Their Permission?

A: If a candidate lists the Executive Director of a nonprofit or any staff member along with the organization's name on campaign material without the appropriate disclaimer (e.g. "for identification purposes only") the organization is not at fault. Ask the campaign to remove your organization's name from the list, and be sure to save a copy of your email or written request for your files.

# Q: What About the Use of Personal Social Media Accounts by Nonprofit Staff?

A: If your personal media accounts are used primarily for work, you must remain nonpartisan. If it is primarily a personal account, you are free to post your political views or tag partisan organizations. For more, see the section on social media guidelines to promote voting.

## Separate Your Personal Political Participation from Your Nonprofit Work

- Provide political campaigns or candidates a personal email address. Ask them to call you on your mobile or personal phone outside of work hours.
- Don't use any of your organization's resources to support or oppose a candidate like organizational vehicles, copy machines, or supplies.

#### Resources

Bolder Advocacy, "Election Activities of Individuals Associated with 501(c)(3) Organizations", <a href="https://www.bolderadvocacy.org">www.bolderadvocacy.org</a>

Nonprofit Votes Count, Resources for nonprofit staff to register and vote, <a href="https://www.nonprofitvotescount.org">www.nonprofitvotescount.org</a>



A Michigan nonprofit registers voters on National Voter Registration Day.



# Using Social Media to Promote Voting Guidance for 501(c)(3) Organizations

Nonprofits increasingly use social media to communicate with supporters and the public, attract new members, mobilize public opinion, and promote civic engagement. The prohibition on partisan political activities is the same as it is for any other type of communication. You may encourage people to register and vote on a nonpartisan basis, but you may not use social media to indicate support for, or opposition to, candidates for public office.

# Q. Can I Use My Personal Account to Support Candidates?

A: Individuals have a right to express preferences for or against candidates. This applies to their personal social media accounts. The exception would be if that account is primarily used by the individual or others as a communication vehicle for the nonprofit.

## Q. What About the Executive Director or CEO?

A: The chief executive officer of the nonprofit has the same rights of free expression as any other staff member, when not officially representing the organization. However, to the extent they are seen by stakeholders and constituents as representing the nonprofit, a CEO should exercise more restraint in what they say on the internet both to avoid any appearance of partisanship and how it could impact their nonprofit.

# Q. What Are Guidelines for Tagging, Sharing or Retweeting?

A: Don't use organizational accounts to tag, re-tweet, share posts, or engage with political campaigns or partisan organizations that have endorsed candidates.

# Q. How About Sharing Content Posted by a 501(c)(3) Advocacy Organization or Other Non-Campaign Organization Whose Primary Purpose is Other than Electing Candidates?

A: You may share content if the content shared is educational in nature and clearly nonpartisan. If you're not sure, it is always safer to share content, for example, from a 501(c)(3) nonprofit, educational source or public media outlet not affiliated with a partisan political campaign.

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# Q. Is My Nonprofit Responsible for How Our Posts are Shared?

A: No. You cannot be responsible for who a person or organization shares your post with.

# Q. What About Content Posted by Other Users to our Social Media Platforms?

A: While you can't control what other people post to your Facebook wall or tweet at you, you can make a general disclaimer on your social media site that you're not responsible for opinions posted by people not under your employ. Create a policy for deleting partisan content or other types of posts (like unauthorized commercial activity).

#### Resources

Legal Tips on Using Social Media for Advocacy, Bolder Advocacy, www.bolderadvocacy.org/resource/tips-on-using-social-media-for-advocacy

Friends, Tweets, and Links: IRS Treatment of Social Media Activities by Section 501(c)(3) Organizations, Allen Mattison, The Exempt Organization Tax Review May 2011

http://tristerross.com/documents/mattison\_000.pdf



# Helping People Vote

Personal contact from a peer or organization helps increase all kinds of civic action from volunteering to voting. As nonpartisan, trusted messengers based in local communities, nonprofits can play a vital role in promoting voter and civic participation.

# Staying Nonpartisan

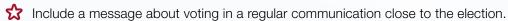
IRS rules allow 501(c)(3) organizations to conduct "get out the vote" activities and help people vote on a nonpartisan basis. To be nonpartisan, you cannot suggest who to vote for - or against. Staff and volunteers should not wear candidate buttons or apparel when working for or representing their organization. Follow the guidelines for staff political activity referenced in the previous sections.

# Sample Activities

Messages about voting are most effective in the final two weeks before the election through Election Day itself.

#### **Use Your Communications**





Display signage including posters, handouts and /or digital signage.

#### **Recommended content for your communications**

- 1. Begin with a reminder to vote in the upcoming election.
- 2. Give a reason to vote such as "We urge everyone to have their voices heard and vote November 8th".
- 3. End with information about the voting process such as how to find your polling location or use an absentee ballot.

#### **Integrate into Your Community Services**

Talk about voting at a class or community meeting.

Hand out cards or information with the election date and where to get information about voting by mail.

If your state has Election Day registration or votes by mail, remind people they can register and vote on Election Day or where to drop off or return their completed vote-by-mail ballot.

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#### **Help New Voters**



Youth, new citizens and other first time voters particularly benefit from information about the voting process and encouragement to vote.

## **Celebrate Election Day**



🙀 Invite staff to celebrate Election Day with their attire. As part of their commitment to active citizenship, the national staff at Big Brothers Big Sisters made Election Day "Red, White and Blue" day. Staff wore blue jeans and election colors.



Encourage staff and volunteers to vote and wear "I Voted" stickers.



Have front office and other staff ask people if they voted.

#### Finding Out What's on Your Ballot

- State election websites include a voter's sample ballot as part of an online "Voter Information / Voter Registration" look-up tool.
- Local election offices offer sample ballots. Find more information at: www.usvotefoundation.org/vote/eoddomestic.htm
- Find a personalized ballot that lists the offices that you are voting in and find a list of candidates at the League of Women Voters' "Your Voter Guide" at www.vote411.org



#### Resources

- Nonprofit VOTE "Get Out the Vote" resources www.nonprofitvote.org/getting-out-the-vote-2/
  - Reasons to Register and Vote factsheet
  - Seven Tips to Getting Out the Vote on what motivates people to vote
  - Sample email from the CEO to staff and more
- Voting in Your State: 50 State Guide <u>www.nonprofitvote.org/voting-in-your-state/</u>



# **Additional Resources**

# Nonprofit VOTE

Voter Engagement Resource Library - <u>www.nonprofitvote.org/all-resources</u>

An online library of factsheets, checklists, guides and training presentations sorted by topic, including voter registration, engaging candidates and all topics covered in this toolkit.

The Benefits of Voting - www.nonprofitvote.org/benefits-voting

Information on the benefits of voting for the individuals, communities and nonprofits.

Voting In Your State: 50 State Tool - www.nonprofitvote.org/voting-in-your-state

Link to official information on your state election website on: registering to vote, voter registration look-up tool, vote by mail, early in-person voting, finding your polling location, ID to bring when voting and contacting your local or state election office.

Updated by Nonprofit VOTE in cooperation with the National Association of Secretaries of State.

Nonprofit Votes Count: Engaging staff and volunteers - www.nonprofitvotescount.org

Resources designed to help staff register and vote, created in cooperation with United Way, Independent Sector and the National Council of Nonprofits.

# **United Way Worldwide**

United Way Public Policy and Advocacy Web page - www.unitedway.org/our-impact/work/public-policy

An overview of United Way's recent successes in public policy and advocacy and policy work across education, income and health issues.

Advancing the Common Good: United Way Policy Agenda for the 114th Congress -

http://s3.amazonaws.com/uww.assets/site/policy/2015/Public Policy Agenda 114th.pdf

Information on United Way's approach to public policy and priority policy issues in 2015-2016.

Take Action with United Way - www.unitedway.org/get-involved/take-action

A list of ways to take action on United Way's policy issues and stay in the loop on calls to action.



