

Voter Registration & Community Action: Rules, Regulations and Effective Strategies for Voter Engagement



Featuring:

Allison Ma'luf & Caroline Kelley, CAPLAW

Deborah Weinstein, Coalition on Human
Needs

#MyVoiceMatters

#CommunityActionCounts

#CountMeIn



Agenda

1. Introductions

2. CAPLAW

- Organization Vs. Individual
- 501(c)(3) Rules
- Rules on Political Activity by Federal Grantees
- CSBG, Head Start, and Hatch Acts

3. Coalition on Human Needs

- What Your Agency Can Do
- The COVID-19 Impact
- Voter Registration
- Voter Mobilization

4. NCAP

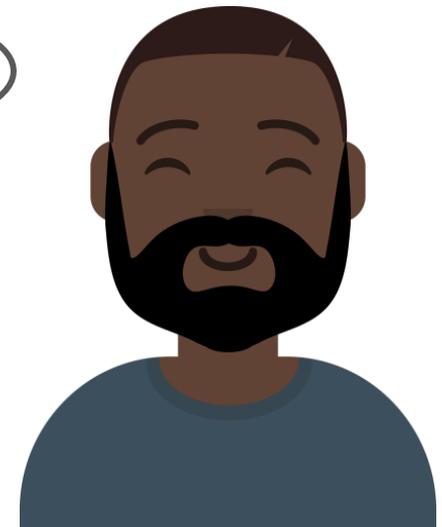
- C3 and CSBG Dos

5. Next Steps and Questions

Legal Considerations for Voter Registration and Civic Engagement

Organization vs. Individual Employee

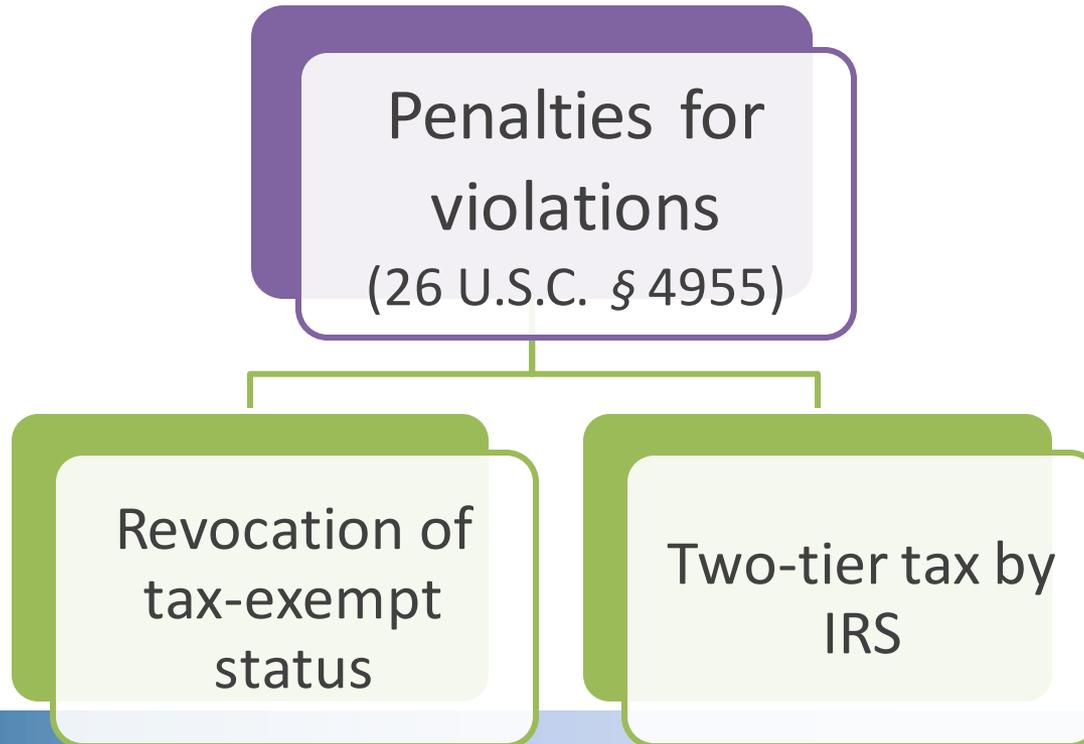
Organizations (CAAs and other 501(c)(3)s) often face strict requirements as to their political campaign activities



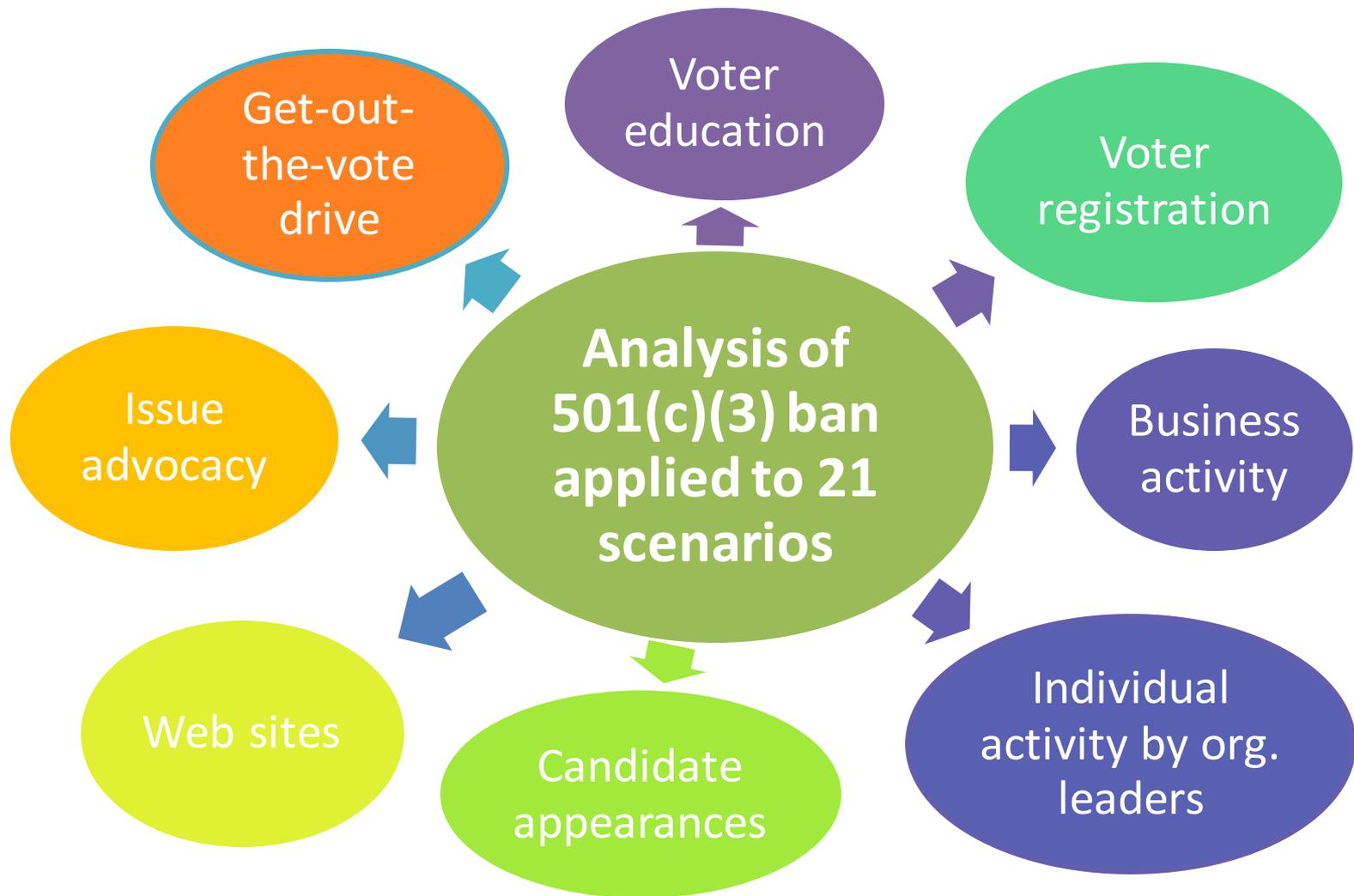
Employees, on their own time and outside of work, may participate freely in many political campaign activities

501(c)(3) Rules

Prohibited by tax code from engaging in political campaign activity in support of or in opposition to candidates for public office (26 U.S.C. § 501(c)(3))



IRS Revenue Ruling 2007-41



Rules on Political Activity by Federal Grantees

Under OMB Uniform Guidance (Cost Principles) federal funds may NOT be used to:

Influence the outcome of elections, referenda or initiatives

Give to political campaigns

Donate to PACs

Contribute to political parties

CSBG Act

- CAA programs receiving **CSBG funds** may not be carried on in a manner involving use of program funds, provision of services, or employment or assignment of personnel,
- In a manner supporting or resulting in **identification** of such programs with:

CSBG Act

- Any **partisan** or **nonpartisan political activity** or any political activity associated with a candidate, or contending faction or group, in an election for public or party office
- Any activity to provide voters with **transportation to the polls** or similar assistance
- Any **voter registration** activity

(42 USC § 9918(b))

CSBG Act – Voter Registration

IM 81

(Aug. 2004)

Guidance from HHS Office of
Community Services

CSBG funded program/services
can not be identified with voter
registration

<http://www.acf.hhs.gov/programs/ocs/resource/im-no-81-updated-guidance-on-voter-registration-activities>

Head Start Act

- Head Start-funded program and any individual employed by, or assigned to or in, such program (during time individual works for Head Start program), **may not engage** in:
 - Any **partisan** or **nonpartisan political activity** or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office; or
 - Any activity to provide voters or prospective voters with **transportation to polls** or similar assistance

Head Start Act – Voter Registration

Head Start funds may **NOT** be used to conduct voter registration activities

BUT,
(42 U.S.C.
§ 9851)

Any nonpartisan organization

may use Head Start facilities

to register voters

in federal elections.

Hatch Act – How Does It Apply?

- Hatch Act is not imposed generally on nonprofits, even if they are federally-funded
- **BUT** both the **CSBG** and **Head Start Acts** impose Hatch Act restrictions on certain employees (but not unpaid board members) of CAAs and other organizations receiving CSBG and/or Head Start funds

(42 USC § 9918(b)(1) and 42 USC § 9851(a))

Hatch Act: Nonprofit CAAs

FIRST TYPE OF EMPLOYEE

If > ½ of work time employed by CAA/Head Start org. or > ½ salary paid by org.

Works in connection with activities financed by **ANY** federal grants or loans

Works in connection with **CSBG or Head Start** activities

HATCH ACT RESTRICTIONS

Can't run as candidate for public office in **partisan** election

Can't use official authority to **influence election results**

Can't coerce Hatched employee to make **political contributions**

SECOND TYPE OF EMPLOYEE

If 100% of salary paid out of **CSBG and/or Head Start funds** (directly or indirectly)

Scope of Hatch Act Restrictions

- If employee is covered by Hatch Act, restrictions **apply** regardless of whether activity is conducted **inside** or **outside** the **workplace** or work time
- Hatch Act restrictions apply even when employee is on **unpaid leave** of absence or **paid terminal leave**

What Political Activities Can Employees Do on Own time?

(Note: Hatch Act not prohibit these activities)

Be a candidate for public office in a nonpartisan election

Be a candidate for public office in partisan election if not paid 100% from CSBG and/or Head Start

Vote as one chooses

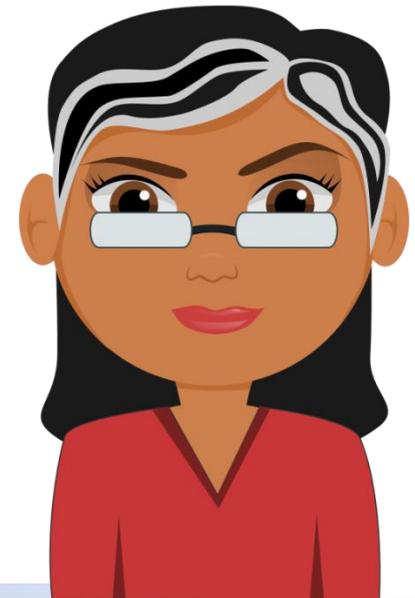
Express opinions on political subjects

Participate in political campaigns and parties

Polly Politico

Community Action Agency (CAA) is a nonprofit that runs a number of programs, including WAP and Head Start. CAA uses CSBG funds for case management services, community needs assessment and planning, and a portion of indirect costs for central management, including the Executive Director.

Polly Politico, longtime chairperson of CAA's board, is passionate about her community and in particular about raising the voice of those individuals and families served by CAA. She has served CAA well and was responsible for hiring the current ED, Eddie Dare.



Raising Voices?

Polly strongly believes CAA should take steps to ensure its clients are educated on the poverty and racial equity issues that impact them. **Polly asks Dare if CAA would consider engaging in the following activities in furtherance of these efforts:**

1. Could CAA run a telephone bank reaching out to clients to discuss poverty and racial equity issues and giving them information about candidates who address these issues?

Yes or **No** or **Maybe**

2. Could CAA invite candidates who address these issues to speak at CAA's monthly community meetings?

Yes or **No** or **Maybe**

Party Favors?

After much thoughtful consideration, Polly decides to run on the American Party ticket for State Senator. **Polly is looking for support from CAA and asks Dare for a few favors:**

3. As part of his program update at the weekly staff meeting, could Dare briefly mention Polly's campaign and encourage staff to register to vote?

Yes or **No** or **Maybe**

4. Would Dare invite the League of Women Voters to conduct a voter registration drive at one of CAA's different sites in the weeks leading up to the election?

Yes or **No** or **Maybe**

Additional Resources

- CAPLAW articles, model policies on political activity: www.caplaws.org
- Bolder Advocacy, The Rules of the Game: A Guide to Election-Related Activities for 501(c)(3) Organizations: <https://bolderadvocacy.org/resource/the-rules-of-the-game-a-guide-to-election-related-activities-for-501c3-organizations/>



COALITION ON HUMAN NEEDS

Voter Engagement

Simple ways organizations can get involved and have a big impact.

Deborah Weinstein
dweinstein@chn.org

What your Community Action Agency can do.

The most important things Community Action Agencies can do are:

1. Voter Registration / update Voter Registration:
 - a. Many people either aren't registered or need to update their information. They need to also make sure they haven't been taken off the voter rolls.
2. Inform / Educate:
 - a. Educate staff, customers and community on the where, when, what, why and how of voting.
 - b. Educate on the issues that are at stake when you vote.
3. Motivate / Mobilize / Protection:
 - a. Help insure that your message doesn't stop with the customer your talking to. Enable them to take that message to their family, neighbors, friends, etc.
 - b. Help people prepare to vote, make a plan.
 - c. Protecting the right to vote and what to do if that right is threatened.

To do this there are a lot of useful tools (and a lot more on the way)!



Resource Centers

[Non-Profit Vote](#)

- Nonprofit VOTE partners with America's nonprofits to help the people they serve participate and vote.
- Has a lot of resources designed for non-profits to help them get involved in the election in a non-partisan way.

[Vote411](#)

- Launched by the League of Women Voters Education Fund (LWVEF) in October of 2006, VOTE411.org is a "one-stop-shop" for election related information. It provides nonpartisan information to the public with both general and state-specific information

[Vote.org](#)

- Vote.org uses technology to simplify political engagement, increase voter turnout, and strengthen American democracy.

[USA.gov/voting](#)

- Your state's election authority.



The COVID Factor



COVID-19 and Voting

Voting this year will be complicated by the COVID-19 global pandemic. It is important that we all take precautions to ensure that while we vote we also stay healthy.

While this situation is continuing to unfold you can keep your staff and customers up to date with the following resources:

- When you're operating remotely, outreach about voting has to be done remotely too - not so easy.
- State by State: Voting and COVID from [vote.org](https://www.vote.org):
 - [Voting & COVID-19](#)
- Legislative efforts and executive actions in various states about voting and COVID from the NCSL:
 - [COVID-19 and Elections](#)
- CDC guidance for the election:
 - [Considerations for Election Polling Locations and Voters](#)

More will be added as it becomes available.



Voter Registration



Voter Registration

- Registering (or updating a voter's registration) is required to vote but it's easy to do....most of the time.
- In some states you can register on election day and vote. In other states you must register prior to the election.
- In some states registering is done automatically. In others you can register quickly and online, even from a phone. In still other states registration may only be done in person or via mailing forms in.
- Regardless of what is required, it's important to register and check that it is up to date.



Voter Registration - Resources

Everyone, including CAA staff and customers, should check to see if they are registered and if that registration is up to date.

- You can check your voter registration [here](#).
- You can register to vote [here](#).
 - Depending on state requirements it will either connect you with online registration form or help you get the form/requirements



Voter Education



Voter Education



It's not enough to be registered to vote, you also have to know:

- Why should you vote?
- Where is your polling place?
- When can you vote?
- What is going to be on your ballot?
- How can you vote?



Voter Education - Why vote?

Help your staff and those served understand why voting is so important. To keep this conversation non-partisan don't focus on the politics, focus on our democracy and the issues at stake.

- “Our country is a democracy and every voice should be heard.”
- “Our elected leaders make decisions in office that impact our communities.”
- “If we don't vote then issues that matter to us won't be taken seriously.”

As part of non-profit (c)3, **never** tell anyone who they should vote for.



Voter Education - Where and How You Can Vote

Depending on area, voters are usually assigned a polling place. Educating voters ahead of time where they can vote will make them more likely to vote.

In Person: You vote at your assigned polling place.

By Mail: Many states allow you to vote by mail, although some with restrictions. (This is both called absentee voting and mail-in voting.)

Looking up your polling station is easy:

- You can look up your polling place [here](#).
- You can request an absentee/mail-in ballot [here](#).

Depending on state/requirements it will either connect you with online registration form or help you get the form/requirements



Voter Education - When you can vote

Election Day: Voters show up at the polls.

Extended voting periods: Some states allow you to vote at a polling place for multiple days. This is sometimes called “early voting”. Voting by mail also allows people to vote before Election Day.

- Lookup polling places by state: [Polling Place Locator](#)
- State by state early voting access: [Early Voting by State](#)



Voter Education - What's on the ballot

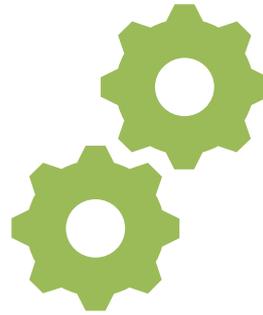
Help your community members understand who and what they will see on their ballots and thus what they should know about before vote:

- Local, State, and National candidates for office
 - This will be everyone from local school boards to the President of the United States
- Ballot questions
 - These can be everything from changes to your state constitution to local ordinances.

Understanding who and what will be on the ballot ahead of time helps voters make informed decisions. Sample ballots for your area will come out in the next few months.



Voter Mobilization



Voter Mobilization

Getting your staff/customers to plan out how they will vote.

Help insure that your message doesn't stop with the person you're talking to. Enable them to take that message to their family, neighbors, friends, etc.

Help people prepare to vote, make a plan. Protecting the right to vote and what to do if that right is threatened.



Spread the Word

Enable your staff / customers to take what they do with you and repeat it with their communities.

- Send home staff/community members with suggestions:
 - Making sure everyone on your block is registered to vote.
 - Help register x number of people to vote.
- Put up flyers
- Make social media part of your outreach plan
 - Toolkits will be coming from NCAP



GOTV - Make A Plan

A verbal commitment to vote or a pledge is not enough. Life gets in the way when you don't plan stuff out. What makes it a plan:

- What time of day are you going to vote?
- How will you get to the polling place?
- Do you need a ride?



GOTV - Election Protection

You, your staff, and your community members have the RIGHT to participate in our democracy. If someone tries to impinge on that right you have options:

- Call the voter protection hotline: **1-866-OUR-VOTE**
- Learn more about your rights:
 - [Know Your Rights | Voting Rights](#)



This is what democracy looks like!

Thanks for telling people about how and
why to vote -
and how to do it safely.

Debbie Weinstein, dweinstein@chn.org



Next Steps

- Identify non-CSBG programs that can participate
- Engage your staff:
 - How they can help: Dos and Don'ts
 - To Register & Vote, too!
- Download/Order materials to hand out:
 - Civic Engagement 3-Step Fact Sheet
 - Voting Rights Palm Cards
 - Community Action Vote Buttons



[Download](#)

Sources:

https://www.capl原因.org/resources/articlesbytopic/Lobbying/CAPLAW_VoterRegistrationDosandDonts_2016.pdf, https://www.advocacyandcommunication.org/wp-content/themes/acs/docs/resources/eadvocacy/ACS_Voter_Registration_Guide3.pdf

Prohibited Activities

Things your Agency **CANNOT** do:

- ✗ Selectively encourage people to register to vote
- ✗ Promote any one candidate over another
- ✗ Tell voters which party to register under or who to vote for
- ✗ Plan partisan activities with a candidate, campaign, or political party
- ✗ Give money or volunteer time to a candidate
- ✗ Allow a candidate to hand out campaign/platform materials
- ✗ Use CSBG funds or staff for voter registration activities
- ✗ Use Head Start funds/staff during work hours for voter registration
- ✗ Conduct CSBG-funded programs or provide CSBG-funded services in manner that could result in identification of such programs or services with voter registration and other prohibited activities

Sources:

https://www.capl原因.org/resources/articlesbytopic/Lobbying/CAPLAW_VoterRegistrationDosandDonts_2016.pdf, https://www.advocacyandcommunication.org/wp-content/themes/acs/docs/resources/eadvocacy/ACS_Voter_Registration_Guide3.pdf

Encouraged Activities

Things your Agency **CAN** do:

- ✓ Encourage people to participate and register to vote
- ✓ Encourage people to vote on Election Day, Early or via Mail
- ✓ Provide voters with election info (ID reqs, locations/hours, mail ballots)
- ✓ Encourage voters to research candidates & ballot issues before voting
- ✓ Refer customers to nonpartisan groups/govt offices to register to vote
- ✓ Allow a nonpartisan org to register voters at Head Start facilities during work hours

Sources:

https://www.capl原因.org/resources/articlesbytopic/Lobbying/CAPLAW_VoterRegistrationDosandDonts_2016.pdf, https://www.advocacyandcommunication.org/wp-content/themes/acs/docs/resources/eadvocacy/ACS_Voter_Registration_Guide3.pdf

Webinar Series Schedule



Advocating for your Community: Effective Strategies for Public Policy Engagement

August 13th | [Register](#)

Census & Redistricting

September 24th | [Register](#)

The Right to Vote: A Short History & Issues for 2020

October 22nd | [Register](#)

Community Action Team

Census Staff

Lindsay Marsh, LMarsh@CommunityActionPartnership.com

Lauren Martin, LMartin@CommunityActionPartnership.com

Public Policy Staff

Ryan Gelman, RGelman@CommunityActionPartnership.com

Center for Community Futures

Subject Matter Experts

Jim Masters, JMasters@cencomfut.com

Allen Stansbury, Allen@Stansbury.net



Questions?

