



## Do's and Don'ts of Voter Registration

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As election time nears, it's common for CAPLAW to receive questions about what role CAAs may play in voter registration activities. This article is intended to provide some guidance around what CAAs may and may not do when it comes to voter registration.

Generally, 501(c)(3) tax-exempt organizations and local government entities are permitted to conduct nonpartisan voter registration activities. However, some government programs restrict or ban the use of their grant funds for or in connection with such activities. The Community Service Block Grant Act (CSBG), for example, prohibits the use of CSBG funds for any voter registration activities and also prohibits a CSBG grantee from providing CSBG-funded services in a manner that could result in identification of such programs or services with voter registration. On the other hand, the Head Start Act, as well as the rules governing the Corporation for National and Community Service (CNCS) programs (Foster Grandparents, for example) allow for some flexibility in supporting voter registration activities. Head Start facilities may be used by a **nonpartisan** organization for voter registration. CNCS grantees may use CNCS funds to make available to the public voter registration applications and **nonpartisan** voter registration information.

For more details on permitted voter registration activities, see the charts below along with the statutes related to each chart.

### 501(c)(3) Tax-Exempt Organizations

(26 U.S.C. § 501(c)(3); IRS Fact Sheet 2006-17)

#### DO

- ✓ Encourage people to participate in the electoral process through voter registration and get-out-the-vote drives, conducted in a nonpartisan manner

#### DON'T

- ✗ Selectively encourage people to register to vote based on the likelihood they will vote for a particular candidate or party

#### Tax Exempt Organization "Do" Example 1:

B, a section 501(c)(3) organization that promotes community involvement, sets up a booth at the state fair where citizens can register to vote. The signs and banners in and around the booth give only the name of the organization, the date of the next upcoming statewide

election, and notice of the opportunity to register. No reference to any candidate or political party is made by the volunteers staffing the booth or in the materials available at the booth, other than the official voter registration forms which allow registrants to select a party affiliation. B is not engaged in political campaign intervention when it operates this voter registration booth.

### **Tax Exempt Organization “Don’t” Example 2:**

C is a section 501(c)(3) organization that educates the public on environmental issues. Candidate G is running for the state legislature and an important element of her platform is challenging the environmental policies of the incumbent. Shortly before the election, C sets up a telephone bank to call registered voters in the district in which Candidate G is seeking election. In the phone conversations, C’s representative tells the voter about the importance of environmental issues and asks questions about the voter’s views on these issues. If the voter appears to agree with the incumbent’s position, C’s representative thanks the voter and ends the call. If the voter appears to agree with Candidate G’s position, C’s representative reminds the voter about the upcoming election, stresses the importance of voting in the election and offers to provide transportation to the polls. C is engaged in political campaign intervention when it conducts this get-out-the-vote drive.

### **Community Services Block Grant Act**

*(42 U.S.C. § 9918(b))*

#### **DO**

- ✓ Use non-CSBG-funded programs in your CAA to conduct voter registration activities, so long as it does not result in the identification of the activities with CSBG-funded programs
  
- ✓ Refer clients to other nonpartisan groups or government offices to register to vote, but if CSBG-funded resources are used, do so only as part of general referral information provided to clients and not as affirmative effort to provide voter registration information (e.g., don’t ask clients at intake whether they are registered to vote and give them information if they are not)

#### **DON’T**

- ✗ Use CSBG funds or staff paid with CSBG funds for voter registration activities, including but not limited to completing voter registration cards or assisting with online 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

## Head Start Act

(42 U.S.C. § 9851)

### DO

- ✓ Use Head Start facilities during hours of operation by any **nonpartisan** organization for voter registration

### DON'T

- ✗ Use Head Start funds, or staff during work hours, to conduct voting registration activities

## Corporation for National and Community Service Programs (CNCS)

(42 U.S.C. § 5043(b))

CNCS is an independent federal agency that administers the programs authorized by the Domestic Volunteer Service Act (DVSA). The DVSA includes restrictions related to political activities that apply to Foster Grandparents, Retired Senior Volunteer Program (RSVP), Senior Companion Program, VISTA, and National Civilian Community Corps.

### DO

- ✓ Make available to the public on CNCS program premises voter registration applications and non-partisan voter registration information

### DON'T

- ✗ In making voter registration information available to individuals affiliated with or employed by such programs, indicate a preference with respect to any candidate, political party, or election issue or seek to influence the political or party affiliation, or voting decision, of any individual

- ✗ **Same as CSBG don'ts**