
How Nonprofits Helped America Vote: 2006



Acknowledgements

This report is the result of our ongoing effort to maximize civic participation. We believe nonprofit organizations play a key role in the democratic system by giving citizens a vehicle for participation and providing tools and information that help people get involved. During the 2006 election, our website – NPAction.org – provided information to help nonprofits be good citizens by registering and educating voters and helping to protect their rights. This report is the result of nonprofit efforts we observed. We hope it will provide inspiration to groups that want to be good nonprofit citizens for their communities.

The report was written by Kathryn Clabby, assisted with research by Fabrice Coles. Kay Guinane, OMB Watch Director of Nonprofit Speech Rights, directed the project. Brian Gumm designed the report.

The Bauman Foundation, the Rockefeller Brothers Fund, and the Surdna Foundation provided funding for this report.

OMB WATCH
1742 Connecticut Ave., NW
Washington, DC 20009
202-234-8494
www.ombwatch.org

August 2007

Introduction

Since the debacle of the 2000 presidential election, nonprofits are valiantly fighting for our democracy on three fronts:

1. Defending voters' rights, especially those of low-income, disabled and minority voters, against unscrupulous attempts to disenfranchise them
2. Protecting the integrity of our elections
3. Proactively working to expand and educate the electorate

Nonprofits dedicated to this work recognize the importance of civic participation to their missions of improving the lives of individual Americans and fostering vibrant communities.

In recent years, voters' rights have come under attack across the country. These attacks have come most often in the form of election administration legislation and rule changes that make it more difficult – especially for low-income people and minorities – to cast a vote. In response, nonprofits have provided a strong defense for voters. During the 2006 election, nonprofits successfully defended the votes of thousands of Americans and opposed activities clearly meant to suppress and intimidate voters. The battle over voters' rights, however, is far from over, and the stakes will be even higher in 2008.

Charitable organizations are allowed to conduct nonpartisan voter education and mobilization activities.

In addition to defending voters' rights, nonprofits have also worked to safeguard the integrity of our electoral system. They have done so by advocating for reliable electronic voting machines in light of real concerns that these machines failed to count thousands of votes in previous elections. Nonprofits also served as watchdogs – calling attention to disgraceful Election Day tactics that deceived and intimidated voters. Other groups responded to the national shortage of skilled poll workers by recruiting and training capable citizens to serve on Election Day.

Charitable organizations – although not permitted to participate in partisan political activity – are allowed to conduct nonpartisan voter education and mobilization activities, including voter registration, voter guide distribution, and get-out-the-vote campaigns. Charities across the U.S. have done just that for many years – playing a critical role in our democracy. When nonprofits mobilize and educate voters, they fortify our democracy by expanding the electorate and ensuring our democracy is truly representative of the people. Nonprofits are particularly well-positioned to improve voter turnout in disadvantaged and low-income communities – where turnout is often the lowest – because of the personal relationship these nonprofits have with community members.

The goal of this report is to educate and to motivate nonprofits to join the fight to protect our democracy as we approach the 2007 and 2008 election cycles. To achieve

this objective, the report describes nonprofits' electoral engagement during the 2006 election and their preparation for upcoming elections. First, the report highlights how nonprofits are defending voters' rights against attacks, including tactics meant to suppress and intimidate voters, new voter ID requirements, and limitations on voter registration drives. Next, the report describes how nonprofits are working to protect the integrity of our elections. The report then surveys the activities that may be viewed as more traditional voter engagement and mobilization efforts. The report closes by urging nonprofits to help America vote in 2007 and 2008 and includes a list of resources for nonprofits who want more information on how they can do so.

The Battle over Voter Rights

During the 2006 election, a nasty battle played out not only between Democrats and Republicans, but also between those who tried to prevent Americans from voting and those who fought back against these anti-democratic efforts. The groups and individuals who waged campaigns to restrict the vote justified their actions with bogus claims of voter fraud. Because allegations of voter fraud are used to justify efforts to repress and intimidate voters, the issue is briefly addressed below.

Voter fraud

Voter fraud is generally defined as purposeful corruption of the voting process by a voter. It surfaced as an issue after the debacle of the 2000 presidential election in Florida. During the recount in that state, conservatives insisted voter fraud had been

There is little to no data supporting claims of voter fraud.

extensive, arguing that thousands of fake votes had been cast. After President George W. Bush entered the White House, John Ashcroft, the new attorney general, announced that tracking and prosecuting voter fraud would be a priority for the new administration.¹

Congressional Republicans followed suit. In 2005, the Senate Republican Policy Committee claimed "voter fraud continues to plague our nation's federal elections, diluting and canceling out the lawful votes of the *vast majority of Americans*." (emphasis added) The report did not reference any supporting statistics or evidence.²

There is little to no data, however, supporting these claims of voter fraud. Rather, the available evidence suggests voter fraud is rare. According to a recent report by Columbia University professor Lorraine Minnite, the federal government has prioritized the prosecution of voter fraud since 2002 with the Justice Department's Ballot Access and

¹ Eric Lipton and Ian Urbina, "In 5-Year Effort, Scant Evidence of Voter Fraud," *The New York Times*, April 12, 2007.

² U.S. Senate Republican Policy Committee as cited in Lorraine Minnite, "The Politics of Voter Fraud," March 2007, http://projectvote.org/fileadmin/ProjectVote/Publications/Politics_of_Voter_Fraud_Final.pdf.

Voting Integrity Initiative (BAaVII). The program, however, resulted in the conviction of only 24 people on charges of voter fraud between 2002 and 2005. Of those convicted, the majority appear to have mistakenly filled out registration forms incorrectly or misunderstood eligibility rules.³ Voter fraud, even in the face of the Justice Department's best efforts to track down offenders, appears to have amounted to only a few cases of human error.⁴

Claims of voter fraud have been used to justify a range of legislative proposals aimed at restricting voters' rights and access, particularly those of minority and low-income citizens. Fortunately, nonprofits across the country have stepped up to lead the fight to protect voters' rights.

Restrictive voter ID laws

States have different requirements for the types of identification voters need to show before casting their ballots. In recent years, there has been a movement among states to demand more documentation. Six states and one city – Albuquerque, New Mexico – have enacted new laws requiring voters to present photo ID, as cited by Project Vote.⁵ Ohio, Arizona, Georgia, New Mexico, Missouri, Indiana and Washington all passed laws aimed at decreasing voter fraud by requiring more pieces of identification. Bills requiring more identification to vote have also been introduced in Mississippi, Texas, California, New Hampshire, West Virginia and Oklahoma.⁶

The impact of these stricter identification requirements is significant. According to the Brennan Center for Justice, ten percent of Americans eligible to vote do not have driver's licenses or state-issued non-driver's photo ID. People without these types of documents are most likely to be elderly, students, people with disabilities, low-income individuals and minorities. According to a recent survey, only 22 percent of African-American men ages 18 to 24 had a valid driver's license.⁷

Stricter voter ID requirements have a significant and depressing effect on voter turnout.

Not surprisingly, stricter voter ID requirements have a significant and depressing effect on voter turnout. According to a 2006 study commissioned by the Election Assistance Commission (EAC), voter turnout in states where identification was required was 2.7

³ Eric Lipton and Ian Urbina, "In 5-Year Effort, Scant Evidence of Voter Fraud," *The New York Times*, April 12, 2007.

⁴ See the full report, *The Politics of Voter Fraud*, at http://projectvote.org/fileadmin/ProjectVote/Publications/Politics_of_Voter_Fraud_Final.pdf.

⁵ Project Vote, "Restrictive Voter ID Requirements," see report at http://projectvote.org/fileadmin/ProjectVote/Policy_Briefs/Project_Vote_Policy_Brief_8_Voter_ID.pdf.

⁶ Sean Greene, "State Legislators, Election Officials Tackle Voting Issues," *electiononline weekly*, 21 January 2007, reposted by The Center for Civic Participation at <http://www.centerforcivicparticipation.org/resources/articles/statelegislatorselectionofficialstacklevotingissues.html>

⁷ Brennan Center for Justice, "Policy Brief on Voter Identification," Last updated September 2006, http://www.brennancenter.org/stack_detail.asp?key=97&subkey=10059.

percent lower on average than in states where voters were only required to give their names.⁸

Nonprofit organizations have stepped up to challenge these new voter ID requirements as unnecessary burdens on voters. A group of Arizona nonprofits, including Arizona Hispanic Community Forum, Chicanos Por La Causa, the Southwest Voter Registration Education Project, the League of Women Voters of Arizona, and the Inter Tribal Council of Arizona, mounted a legal challenge against a new requirement of proof of citizenship to vote. Proposition 200 passed in 2004, and its main objective was to limit the services accessible to immigrants.⁹ In *Purcell v. Gonzales*, the coalition of nonprofit plaintiffs successfully obtained an injunction against state officials in a lower federal court, preventing Arizona from enforcing the citizenship requirement. The case was then appealed to the U.S. Supreme Court. The Supreme Court chose to sidestep the decision entirely, voiding the lower court's decision and allowing the state to continue to enforce the legislation. The Court commented, "Given the imminence of the election and the inadequate time to resolve the factual disputes, our action today shall of necessity allow the election to proceed."¹⁰

The nonprofits in Arizona have not given up, however. In May 2007, a group of nonprofits filed another action against Arizona's Secretary of State. The group includes the American Civil Liberties Union (ACLU), the Lawyers' Committee for Civil Rights Under the Law, People For the American Way, The League of United Latin American Citizens, the American Association of Retired Persons (AARP), and the Inter Tribal Council of Arizona. The Mexican American Legal Defense Educational Fund also filed a separate motion.¹¹

Nonprofits – including the Brennan Center for Justice, Common Cause, the Association of Black Elected Officials, the ACLU, the League of Women Voters, and local community organizations – have brought suits challenging voter ID requirements in Georgia, New Mexico, Ohio, Indiana and Michigan, and those cases are now pending.¹²

Fighting efforts to restrict voter registration drives

In recent years, nonprofit organizations have been active in conducting voter registration drives to ensure more Americans have the opportunity to vote. Many immigrants

⁸ See the full report, *Report to the U. S. Election Assistance Commission On Best Practices to Improve Voter Identification Requirements Pursuant to the HELP AMERICA VOTE ACT OF 2002*, at <http://www.eac.gov/docs/VoterIDReport%20062806.pdf>.

⁹ Andrea Tova Wang, "Rumble in the Desert," <http://www.tcf.org/list.asp?type=NC&pubid=1323>

¹⁰ Read the opinion at <http://www.lawyerscommittee.org/2005website/publications/press/pdf/prop%20200.pdf>.

¹¹ For more information on this case, see the websites of The Lawyers' Committee for Civil Rights Under the Law <http://www.lawyerscommittee.org/2005website/publications/press/pdf/prop%20200.pdf>. and the Mexican American Legal Defense Educational Fund <http://www.maldef.org/news/press.cfm?ID=312&FromIndex=yes>.

¹² Brennan Center for Justice, "Voter Identification and Proof of Citizenship," http://www.brennancenter.org/subpage.asp?key=38&init_key=9153.

and elderly citizens have taken advantage of these third parties to help them complete registrations and vote by absentee ballot.

Lawmakers in several states, however, have sought to limit the voter registration activities of nonprofit groups. Florida, Texas, New Mexico, Ohio, Colorado, Maryland, Washington and Missouri have all passed laws intended to keep third party registrants on the sidelines, enforcing these new regulations with heavy fines and criminal penalties. These laws require voter registration groups to go through complicated procedures before conducting registration drives. Consequently, many nonprofits have been forced to discontinue their registration campaigns.¹³

Nonprofits have responded by fighting these laws. Across the country, nonprofits have called attention to the fact that these laws are meant to curb the ability of Americans to vote. In Florida, the state legislature passed a law instituting new penalties and steep fines on groups conducting voter registration drives. The League of Women Voters – which has been registering citizens to vote in Florida since 1939 – led the fight against the new law, which effectively forced the League to stop all registration activities across its 27 local chapters in Florida.¹⁴ In May 2006, the League joined with other civic groups and voters’ rights activists to file suit to stop the new law from being enforced.

In August 2006, a federal judge in Miami issued an injunction to stop enforcement of the law on grounds that it was a violation of freedom of speech guaranteed by the First Amendment.¹⁵ The judge sided with the nonprofits, acknowledging at once the importance of nonprofit participation in the voter registration process and the unreasonable exclusion of political parties from the law’s mandates. Judge Patricia A. Seitz wrote, “The Court finds that there is no appreciable difference in the timeliness of voter registration applications submitted by political parties, as compared to those submitted by non-partisan voter registration groups.”¹⁶ In October 2006, the State of Florida appealed the federal district court’s decision, and the case is still pending.

In Ohio, Secretary of State Kenneth Blackwell instituted new voter registration rules in 2006 requiring workers collecting voter registration forms to return the forms directly to registrars’ offices, instead of to civic groups or churches. If a voter registration worker violated this rule, they could have faced felony charges. A coalition of civic groups – including the Brennan Center for Justice, ACORN, People for the American Way, and Project Vote – filed suit in order to block the implementation of the regulations. In September 2006, a federal judge agreed with their arguments and issued a preliminary

¹³ For more information, see The Brennan Center for Justice’s report *The New Crackdown on Voter Registration Drives*, available at http://www.brennancenter.org/dynamic/subpages/download_file_47864.pdf, as well as the Center’s fact sheet on voter registration at http://www.brennancenter.org/subpage.asp?key=38&init_key=9795.

¹⁴ “League of Women Voters, Others File Suit to Stop Fla. Law’s ‘Chilling’ Effect on Voter Registration,” *U.S. Newswire*, May 18, 2006.

¹⁵ Emily Heller, “Voting Case Smashed Barriers,” *The National Law Journal*, January 1, 2007.

¹⁶ Read the decision at http://projectvote.org/fileadmin/ProjectVote/Legal_Documents/LWV_v_Cobb_Decision_Granteeing_PI.pdf.

injunction to stop enforcement.¹⁷

In New Jersey, a proposed rule would have accomplished similar ends as the Ohio and Florida laws by restricting third party voter registration carried out by nonprofits. The proposal called for registrations to be turned in no later than five days after their collection. The Brennan Center for Justice submitted comments to New Jersey officials encouraging them not to enforce the rule.¹⁸ The Brennan Center attorneys made their point in succinct, pointed language: “Restricting third party voter registration will ultimately have a detrimental effect on New Jersey’s citizens, who will have fewer opportunities to register to vote. We recommend that you withdraw the proposed rule.” As a result of the protest from the Brennan Center and others, the proposed regulation requiring registrations be turned in within five days was removed from the proposed rule.

Protecting Election Integrity

Intimidation and deceptive practices

Since 2000, civil rights groups have documented dozens of efforts to mislead and intimidate voters in predominantly minority neighborhoods. Voters have received phone calls and flyers with the wrong information about an election time or the location of their polling place. Others have been warned that voting could lead to the arrest of immigrants.¹⁹ These practices taint the integrity of our democratic process. Fortunately, nonprofits have called attention to these low tactics and fought to protect voters across the country.

Since 2000, civil rights groups have documented dozens of efforts to mislead and intimidate voters.

Misleading flyers

In 2006, Maryland voters decided heated contests for both a Senate seat and the governorship. Unfortunately, the race became dirty. Misleading fliers that displayed a “Democratic Sample Ballot” with two top Republicans listed – incumbent Governor Robert Ehrlich and Senate candidate Michael Steele – were distributed in predominantly African-American neighborhoods on Election Day.²⁰

The vigilant efforts of Election Protection 365 – a nonpartisan coalition of nonprofits – made the public aware of these dishonest flyers. Callers to Election Protection

¹⁷ *Project Vote v. Blackwell*, see ruling online at http://www.brennancenter.org/dynamic/subpages/download_file_46983.pdf; Brennan Center for Justice, brief on *Project Vote v. Blackwell*, available at http://www.brennancenter.org/stack_detail.asp?key=102&subkey=36743&init_key=9795

¹⁸ See the comments the Brennan Center for Justice submitted at http://www.brennancenter.org/dynamic/subpages/download_file_38288.pdf

¹⁹ Seth Stern, “Obama-Schumer Bill Proposal Would Criminalize Voter Intimidation,” *CQPolitics.com*, January 31, 2007.

²⁰ Election Protection 365, “Incidents of Deceptive Practices and Voter Intimidation in the 2006 Elections,” http://lccr.3cdn.net/d6af26cb31ff5ee166_vdm6bx6x5.pdf

365's hotline in Prince George's County reported the flyers. Although the party who distributed the flyers remains unknown, Congress is now considering legislation to make this type of activity a crime.

The Deceptive Practices and Voter Intimidation Act of 2007 – should it become law – would make it illegal to purposefully misinform or confuse voters about an upcoming election.²¹

Robo-calling

Investigators are currently exploring allegations of illegal campaign tactics related to a series of robo-calls voters received prior to Election Day. Many citizens reported being annoyed after receiving calls with the recorded voices of Democratic candidates at all hours – even early in the morning and late at night. Media stories documenting these calls revealed that Democratic candidates did not in fact make the calls. Rather, the calls were traced to groups affiliated with the GOP, including lobbying firms and the Republican National Committee (RNC).²²

Members of Congress, including Reps. John Conyers (D-MI) and John Dingell (D-MI), called for investigations into the incidents in a letter sent to Attorney General Alberto Gonzales, Federal Communications Commission chairman Kevin Martin, and Michael Toner, chairman of the Federal Election Commission. In part, the letter read, “These misleading calls are made late in the evening, or during the night, in an effort to generate anger at the Democratic candidate, who is in no way associated with this harassment. In fact, the calls are being funded by the National Republican Campaign Committee, which has reportedly provided \$600,000 to fund this deception...”²³ The attention these incidents generated prompted the GOP to retreat from this strategy. In New Hampshire, for example, the National Republican Congressional Committee decided to stop its robo-calling program just prior to the election.

Recruiting informed poll workers

State and local jurisdictions often have problems recruiting enough skilled, informed and diverse poll workers. According to the Associated Press, there is currently a shortage of 500,000 poll workers in the U.S. The average age of American poll workers is 72. Because of their relationship with the community, charities are very effective recruiters of poll workers.²⁴

To address the poll worker crisis, several nonprofits – Mainstream Moms, Working

²¹ See Election Protection 365's fact sheet on “Incidents of Deceptive Practices and Voter Intimidation in the 2006 Elections” for more information: <http://thomas.loc.gov/cgi-bin/bdquery/z?d110:s453>.

²² See the report on the incident by *The Washington Post*: <http://www.washingtonpost.com/wp-dyn/content/article/2006/11/06/AR2006110601103.html>

²³ Jason Leopold, “Democrats Call for Federal Probe Over GOP ‘Robocalling,’” *Truth Out Report*, November 7, 2006, <http://www.truthout.org/cgi-bin/artman/exec/view.cgi/66/23670>.

²⁴ Pollworkers for Democracy, “Is There A Poll Worker Crisis in America?” http://pollworkersfordemocracy.org/pollworkers_faq.html#Anchor-Is-35882

Assets and VoteTrustUSA – joined together in 2006 to form Pollworkers for Democracy. Their objective was to recruit poll workers for the 2006 election. They achieved their goal – recruiting nearly 4,000 people to serve as poll workers on Election Day. The coalition asked those who volunteered to be poll workers to report on their Election

There is currently a shortage of 500,000 poll workers in the U.S.

Day experiences and on problems they observed in their precincts.²⁵

Pollworkers for Democracy translated the observations of the volunteer poll workers into a report chronicling Election Day problems.²⁶

Among the most commonly reported issues were polling places opening late due to problems with new electronic voting machines, problems encountered with closing out machines at the end of the day, and “vote-flipping” – which occurs when the candidate highlighted by an electronic voting machine does not accurately reflect the voter’s choice.

New electronic voting technology wreaks havoc

Nonprofit groups and election officials across the country are on heightened alert about potential voting problems stemming from the transition many precincts are making to new electronic voting methods. In the wake of the Florida election fiasco of 2000, Congress passed a bill to overhaul election administration nationwide. Under the Help America Vote Act of 2002 (HAVA), Congress ordered districts to upgrade their voting equipment and provided nearly \$4 billion to jurisdictions to subsidize replacement of punch card and lever voting systems with electronic voting machines.²⁷

Although electronic voting methods have the potential to improve administration of our elections, the most commonly purchased electronic voting systems all have serious reliability and security flaws that put voters at risk. Countermeasures can be implemented to minimize the risks. Few jurisdictions, however, have implemented these countermeasures.²⁸

Under HAVA, states were also ordered to create new statewide computerized databases of registered voters. Although statewide registries could ultimately improve election

²⁵ See the article by June Kronholz on their efforts in *The Wall Street Journal*, “A New Breed of Watchdog for Election Day,” November 6, 2006, http://online.wsj.com/public/article/SB116278270779014105-EL_7qDgxWR4iHx2U_RvzJQ5stq0_20080510.html

²⁶ “E-Voting Failures in the 2006 Mid-Term Elections: A Sampling of Problems Across the Nation,” a report prepared by VotersUnite.Org, VoteTrustUSA, Voter Action, and Pollworkers for Democracy. January 2007. http://pollworkersfordemocracy.org/E-VotingIn2006Mid-Term.pdf?option=com_content&task=view&id=2156&Itemid=26

²⁷ June Kronholz, “A New Breed of Watchdog for Election Day,” *The Wall Street Journal*, November 6, 2006, p. B1. http://online.wsj.com/public/article/SB116278270779014105-EL_7qDgxWR4iHx2U_RvzJQ5stq0_20080510.html

²⁸ “The Machinery of Democracy: Voting System Security, Accessibility, Usability, and Cost.” The Brennan Center For Justice Voting Technology Assessment Project, Lawrence Norden, Project Director http://www.brennancenter.org/dynamic/subpages/download_file_38150.pdf

administration, they have the potential to disenfranchise voters when officials rely on “matching” information from other government sources, which can often be unreliable. Consequently, voters can be incorrectly purged from registration lists without their knowledge. These electronic matching systems are particularly risky when states condition a citizen’s right to vote on being a successful “match” in the system.²⁹

In 2006, the Brennan Center for Justice filed suit to stop the implementation of a Washington law that required a voter’s information to “match” across databases before he or she could vote. In March 2007, the Center prevailed. A federal judge ordered that enforcement of the law be blocked. Had enforcement moved forward, the law would have prevented citizens from voting unless the secretary of state first succeeded in matching their names, driver’s license or Social Security numbers, and birth dates from their voter registration forms with records kept in other government databases.³⁰

Nonprofits Proactively Engage Voters

Nonprofit organizations participate in a range of activities aimed at mobilizing and preparing voters for Election Day. The Minnesota Participation Project – an alliance of Minnesota nonprofits working to increase the involvement of 501(c)(3) organizations in elections – argues that nonprofits are the “sleeping giants” of the democratic process. “These community organizations have credibility, trust, and access to potential voters who are often disengaged from the electoral process.”³¹ Nonprofits could indeed be a channel for a much-needed increase in voter engagement. Nonprofits across the U.S. did just that in the 2006 elections. Some of their activities are described below.

Registration drives

In recent years, nonprofit organizations have been very active in conducting voter registration drives to ensure more citizens have the opportunity to vote. These campaigns are legal for 501(c)(3) organizations, as long as they are conducted in a nonpartisan manner. In 2004, four million more people registered to vote than did in 2000, and a large portion of this increase can be attributed to the work of nonprofits. Up to 10 million registrations (3 percent of the U.S. population) were completed with the help of larger nonprofits that participated in registration drives. In addition, many smaller nonprofits registered voters, indicating that the total impact of nonprofit voter registration was even greater. Elderly and disabled Americans are particularly likely to take advantage of nonprofit help with registration and absentee voting needs because

²⁹ Brennan Center for Justice, “Policy Brief on Using Databases to Keep Eligible Voters Off the Rolls,” Last updated September 2006, http://www.brennancenter.org/stack_detail.asp?key=97&subkey=38413&init_key=9160

³⁰ Brennan Center for Justice, “Washington Association of Churches vs. Reed,” http://www.brennancenter.org/stack_detail.asp?key=102&subkey=36414&init_key=9160

³¹ Quoted from the The Minnesota Participation Project website at <http://www.mncn.org/mpp/doc/dosanddents.pdf>.

they may be unable to drive or complete online registration forms.³²

At a national level, *ACORN* ran the largest-ever midterm election campaign to register Americans during the 2006 elections – registering 540,000 voters.³³ Also in 2006, the National Council of La Raza successfully asked its local affiliates to incorporate voter registration into their portfolio of services they offer to community members.³⁴

The *Vote for Homes! Coalition* is an example of how a community-based group can conduct an effective voter registration campaign. The Coalition – which has been active in Philadelphia since 1999 – focuses on improving housing and advocating for a living wage. The Coalition has registered over 8,500 voters and helped homeless individuals overcome voting barriers. *Vote for Homes!* educates homeless people about their voting rights and provides tools to overcome social barriers. Most people do not know that the homeless in Pennsylvania can fulfill the residency requirement for voter registration by using the address of a shelter or facility as a temporary address. To offset confusion, *Vote for Homes!* hosts education events at shelters, soup kitchens and health centers, where it registers voters and distributes voter guides and information. The Coalition has found these educational events to be very effective.

Prepare voters for Election Day

Nonprofits also have a role to play in educating citizens about the voting process and their rights as voters. Many voters may be unaware of new policies that have been implemented since the last time they voted, what documents are needed at the polls, and their rights when they get there. It is also important voters know the type of machine they will be using to vote.

Many voters may be unaware of new policies that have been implemented since the last time they voted.

Nonprofits can take a leading role in providing voters with information. For example, in 2004, the *ACLU* provided nonprofits with “Voter Empowerment Cards.” These small brochures contained information on registration, finding polling places, avoiding Election Day problems and contact information in case there was a problem.³⁵

The *Virginia Organizing Project* (VOP) provides its members with voter information sheets, which include detailed instructions on registration and voting as well as the

³² Brennan Center for Justice, “Policy Brief on Restrictions on Voter Registration Drives,” Last updated September 2006, http://www.brennancenter.org/stack_detail.asp?key=97&subkey=38283&init_key=9795

³³ See *ACORN*’s 2006 Annual Report at http://acorn.org/fileadmin/ACORN_Reports/annualreport2006/2006_email_annual_report.pdf.

³⁴ Josh Richman, “Parties, Nonprofits Turn to Young Voters,” *Oakland Tribune*, July 25, 2006.

³⁵ Check out the cards at <http://www.aclu.org/votingrights/gen/13074prs20041004.html>.

positions of the presidential candidates on some key issues.³⁶

Kentuckians For The Commonwealth – a statewide organization working to promote social justice – publishes a voter guide for each election. Included in the guide are candidate questionnaires, a list of voter’s rights, and a section on “Things to Know When You Go to the Polls.”

Educate voters on candidates & ballot measures

While a 501(c)(3) group cannot work on behalf of or against candidates, there are a number of voter education activities that charities can legally conduct to inform voters about the candidates and referendums on the ballot. Charities should consider the following legal voter education activities:³⁷

- *Questionnaires*: The questions must cover a broad range of subjects, be framed without bias, and be given to all candidates for office. Charities with a broad range of concerns can most safely disseminate the responses of candidates to questionnaires.
- *Voting Records*: Many charities follow the useful practice of telling their members how each member of a legislature has voted on a key issue.
- *Public Forums*: Charities may invite candidates to meetings or to public forums sponsored by the organizations. The invitation must be extended to “all serious candidates.” It is best to write to them all simultaneously and to use identical language in the invitations. It is not necessary, however, that all candidates attend.
- *Issue Briefings and Candidates’ Statements*: Issue briefings for candidates must be extended to all the candidates running for a particular office. A candidate may publish a position paper or statement on the issue, but a charity may not circulate the candidate’s statement to the media, the general public or the charity’s members until after the election.

Get-out-the-vote

American charities have a stake in ensuring voters make it to the polls on Election Day. Beyond helping our democracy work, increased voter turnout helps guarantee that the people nonprofits care about have a say in who will represent them. It also gives nonprofits a chance to continue to talk with community members about the issues they care most deeply about. Hopefully, these types of discussions lead to a greater sense of individual empowerment in the communities charities serve.

According to a recent report by the Nonprofit Voter Engagement Network, during the 2006 election, nonprofit efforts to get out the vote helped set new records for turnout in

³⁶ Learn more about the Virginia Organizing Project’s efforts to register and mobilize voters by reading their annual report, available at http://www.virginia-organizing.org/annual_reports/annual_report_2006.pdf, or by visiting their website at <http://www.virginia-organizing.org>.

³⁷ Minnesota Participation Project, “Election Cycle Dos and Don’ts for 501(c)(3) Organizations,” <http://www.npaction.org/article/articleview/679/1/276>.

12 states.³⁸ In four states – New Mexico, Ohio, Michigan and Pennsylvania – first-time voters came out at unprecedented rates. Nonprofits assisted in this turnout through deep organizing at the community level.

The Minnesota Participation Project (MPP) provides assistance to organizations that want to participate in get-out-the-vote efforts and helps the groups find methods that fit their distinctive capabilities and goals. MPP offers a Get-Out-the-Vote toolbox on

During the 2006 election, nonprofit efforts to get out the vote helped set new records for turnout.

its website, which includes a planning template and information on same-day registration and absentee balloting.³⁹

In 2006, MPP redoubled its efforts to get out the vote. It recruited multilingual trainers who were able to communicate to thousands of new citizens. MPP also intensified its support to individual charities by offering personalized coaching to nonprofits new to voter mobilization, helping nonprofits coordinate among themselves, and providing voter list enhancement services in which MPP matches an organization's list to the Minnesota voter file.

MPP's efforts paid off. Minnesota led the nation in voter turnout that year with 60 percent of eligible voters casting a ballot. Although turnout was down in some areas as compared to 2002, there was less of a decline in low-income and ethnic communities where MPP focused its efforts.⁴⁰

In California, the Irvine Foundation has convened ten nonprofit organizations as part of its California Votes Initiative.⁴¹ The goal is for these nonprofits to work together to increase voter participation rates among infrequent voters – particularly those in low-income and ethnic communities in California. To achieve their objective, the nonprofits are using a range of outreach approaches, including congregation-based outreach, neighborhood-based outreach, live phone calls, voter forums, multilingual materials, and information provided via ethnic and mainstream media.⁴²

Conclusions and Recommendations for Nonprofits

Nonprofits have an important role to play in elections – to defend the rights of the electorate, to protect the integrity of our elections, and to expand and educate the electorate. As an impartial voice, nonprofits can ensure that every citizen has an

³⁸ Nonprofit Voter Engagement Project, "America Goes to the Polls: A Report on Voter Turnout in the 2006 Election," <http://www.nonprofitvote.org/wp-content/uploads/AGtTP.pdf>

³⁹ You can find the Get-Out-the-Vote toolbox at <http://www.mncn.org/mpp/doc/gotvtoolbox.pdf>.

⁴⁰ Nonprofit Voter Engagement Project, "America Goes to the Polls: A Report on Voter Turnout in the 2006 Election," <http://www.nonprofitvote.org/wp-content/uploads/AGtTP.pdf>

⁴¹ See The Irvine Foundation's evaluation of the project at <http://www.irvine.org/evaluation/program/cvi.shtml>

⁴² *Ibid.*

equal opportunity to vote. The upcoming 2007 and 2008 election cycles will be no less combative than recent elections, and nonprofits should start preparing now to ensure they are ready to stand their ground.

In summary, nonprofits can ensure the integrity of our elections by:

1. Registering voters

Voter registration is a common non-partisan activity for nonprofits than can make a big difference on Election Day.

2. Prepare voters for election day

Getting voters prepared for Election Day will minimize confusion and disenfranchisement at the polls.

3. Get-out-the-vote (GOTV)

Nonprofits can legally engage in get-out-the-vote activities that can have a real impact on voter turnout on Election Day because of the special relationship nonprofits have with many disengaged voters

4. Educate voters on candidates and ballot measures

While nonprofits cannot work on behalf of or against candidates, there are a number of voter education activities they can legally engage in to ensure voters are fully informed when they cast their ballots.

5. Recruit poll workers and election day observers

Skilled poll workers are in demand and nonprofits can help the democratic process by being a part of poll worker recruitment.

6. Debunk the myth of voter fraud

Voter fraud – purposeful corruption of the election process by voters – is rare. Claims of voter fraud are used to promote laws that restrict voting. Nonprofits can raise awareness that voter fraud is a myth.

7. Fight voter suppression

Nonprofits are leading the charge to protect voters' rights and the integrity of the electoral process. State and local groups have partnered with national organizations to challenge new laws and regulations that inhibit peoples' ability to register and vote.

8. Protect the integrity of elections

Ensure the vote of every citizen is counted by advocating for reliable voting technologies that produce paper records and can easily be audited, as well as lobbying state and local governments to comply with all of the regulations in the Help America Vote Act.

Justin Levitt, the Brennan Center’s Counsel for election administration and voting concerns, has advice for nonprofits in a crucial area: government relations. “I encourage nonprofits to stay actively engaged with government officials at the state and local level,” says Levitt. He stresses the need for nonprofits to remain friendly with government officials and to keep them aware of their needs and problems. This can include the local election commissioner, secretary of state and state legislators.

Levitt’s advice makes sense given that the restrictions placed on voting rights come from legislatures and agencies at the state level. These laws are a result of input from many individuals and groups, including local elected and appointed officials. If officials are made aware of the potentially pernicious impact of voter restriction rules ahead of time, costly litigation could be avoided. This process may sound daunting to groups that are already busy with their primary mission, but Levitt pointed out a simple start: “Step one, turn to the local election official. They are receptive to the needs of voters.”

Additionally, charities should support legislation currently pending in Congress that would criminalize election activities or tactics designed to mislead or intimidate voters. In June, the Senate Judiciary Committee held a hearing on The Deceptive Practices and Voter Intimidation Act of 2007 (S. 453), which is cosponsored by Sens. Barack Obama (D-IL) and Charles Schumer (D-NY).⁴³ The legislation would make it illegal to purposefully misinform or confuse voters about an upcoming election. The House Judiciary Committee already approved a companion bill (H.R. 1281) in March 2007.⁴⁴ The bill would give nonprofit organizations that monitor elections new tools to combat voter suppression and intimidation.

⁴³ See the text of the legislation at <http://thomas.loc.gov/cgi-bin/bdquery/z?d110:s453>.

⁴⁴ See the text of the legislation at <http://thomas.loc.gov/cgi-bin/bdquery/z?d110:hr1281>.

Electoral Resources for Nonprofits

NPAction.org

- Online resource that provides tools and information for nonprofit advocacy. Provides a constantly updated mix of information and tools, drawn from the expertise of organizations and seasoned advocates across a wide range of advocacy activities and policy disciplines, in order to encourage greater participation by nonprofits in the policy arena. Developed by OMB Watch.
- <http://www.npaction.org/>

The Advancement Project

- The Advancement Project is a policy, communications, and legal action group committed to racial justice. It partners with community organizations, bringing them the tools of legal advocacy and strategic communications to dismantle structural exclusion.
- <http://www.advancementproject.org>

Be A Poll Worker from EAC

- Link allows users to find state-specific information on serving as a poll worker
- http://www.eac.gov/poll_worker.asp

The Century Foundation

- Foundation's website provides valuable information on election reform policy
 - featuring resource guides, policy developments and the latest research from the election reform community
- <http://www.reformelections.org/about.asp>

Common Cause

- [GETTING IT STRAIGHT: A Preliminary Look at Data Collected from Voters During the Elections of 2006](#)

Election Law Blog

- <http://electionlawblog.org/>

Election Protection 365

- Nonpartisan program committed to protecting the right to vote and ensuring fair elections
- <http://www.ep365.org>

Electionline.org

- Produced by the Election Reform Information Project, the nonpartisan, non-advocacy website provides up-to-the-minute news and analysis on election reform
- <http://www.electionline.org/Home/tabid/109/Default.aspx>

League of Women Voters

- Nonpartisan political organization with chapters in every state. Conducts voter registration drives.
- <http://www.lwv.org/AM/Template.cfm?Section=Home>

Minnesota Participation Project (MPP)

- Alliance of nonprofits working to support and to expand the capacity of Minnesota nonprofit 501(c)(3) organizations to effectively engage in permissible nonpartisan voter engagement efforts – registration, voter education, and get-out-the-vote (GOTV) activities – in 2006 and beyond.
- Website includes get-out-the-vote and voter education toolboxes as well as a guide on Nonprofits, Voting, and Elections, with tips and details on permissible voter education and mobilization activities
- <http://www.mncn.org/mpp/index.htm>

Nonprofit Voter Engagement Network

- Nonpartisan, nonprofit organization dedicated to expanding the role 501(c)(3) nonprofits play in voting and elections by providing nonprofits with free voter engagement training and materials and ongoing support.
- <http://www.nonprofitvote.org/>

Poll Workers for Democracy

- A campaign by Mainstreet Moms, VoteTrustUSA, and Working to Assets to recruit poll workers and shed light on flaws with our current the voting process
- <http://pollworkersfordemocracy.org/>

Project Vote

- Provides updates on election administration litigation currently pending
- <http://projectvote.org>

United States Election Assistance Commission (EAC)

- Established by the Help America Vote Act of 2002 (HAVA), the EAC serves as a national clearinghouse and resource for information and review of procedures with respect to the administration of federal elections
- <http://www.eac.gov>

Virginia Organizing Project

- Community-based organization that conducts voter registration and get-out-the-vote campaigns and provides voter guides
- <http://www.virginia-organizing.org/index.php>



1742 Connecticut Ave., NW
Washington, DC 20009
202-234-8494
www.ombwatch.org