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VOTER EDUCATION TOOLBOX

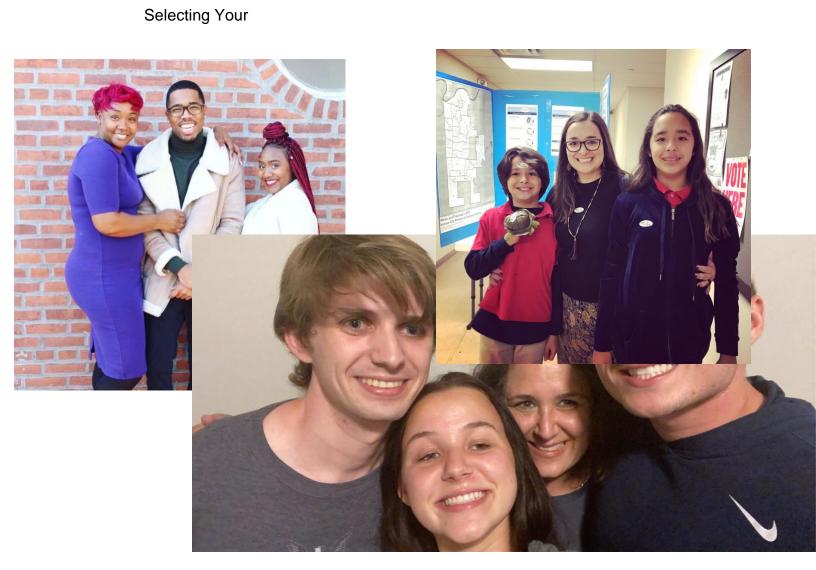**A GUIDE TO NONPARTISAN VOTER EDUCATION ACTIVITIES FOR**

501(C)(3) NONPROFITS – Adapted from Minnesota Voice

Voter education offers a huge opportunity to prepare your community to cast an informed ballot in November. Your education efforts will include addressing questions about the mechanics of voting (hours of voting, options to vote, finding your polling

place, etc.) as well as providing ways for your community to learn more about the candidates and where they stand on the issues. The voter registration and GOTV toolboxes provide the mechanics information you need. This toolkit is focused on providing you with options for voter education to your community about the candidates, where they stand on the issues, and ways to educate candidates about those critical issues.

Your organization has trust and credibility with your community. Because of this, your voter education efforts are much more likely to resonate and have their intended impact. And, you will be providing a critical, and often overlooked, service to your community by helping them understand their choices at the ballot box. By working with other organizations with similar or complimentary missions to host a voter education event or publish information on the candidates, you can expand the reach and impact of your

voter education work. This will also make participation by candidates in your voter education work more likely, thereby increasing its value to the community you serve.

Voter education is the second step in any voter engagement effort. It serves to connect your voter registration efforts to your get out the vote work on or near Election Day. And it gives you another opportunity to engage and connect with your community about the issues impacting their lives. So dive in, do some planning, and figure out the how your organization can build in some of these voter education tactics into your overall voter engagement plan!

What do I need to get started? This voter education toolbox provides planning resources, guidance, and voter education options for you to consider.
Your voter engagement effort needs to remain rigorously nonpartisan. What does this mean? It means that you can't endorse, either explicitly or implicitly, a political candidate or political party for elected office. You also can't target your registration efforts based on how you think people will vote on candidates or issues. Instead, your goal is to involve underrepresented communities in the political process that are already engaged in your organization's programming. This should always be done without regard to ideology or political affiliation. All staff and volunteers will need to be reminded to keep any personal political beliefs out of your voter engagement activities. Here are some dos and don'ts for 501(c)(3)s who want to do voter engagement work:

DO Voter

Registration

▪ Drives must be designed to educate the public about the importance of voting and civic participation.

▪ Make sure your activities are not biased for or against any candidate or party.

▪ Register everyone, not just those who you think agree with your own views on candidates or issues.

Voter Education

▪ Educate the public on voter registration issues and encourage participation in the political process.

▪ Tell people it's important to vote, no matter what their views on issues or who they plan to vote for.

▪ If discussing the important issues of the day, make sure you mention a range of issues and don't just focus on one issue or on issues that divide the parties or candidates.

Get Out the Vote (GOTV)

▪ As with voter registration, your GOTV drives must be designed to educate the public about the importance of voting, cannot be biased for or against any candidate or party, and may be targeted to underrepresented communities or those the nonprofit serves

DON'T Voter

▪ Endorse or oppose a candidate—implicitly or explicitly.

▪ Contribute money, time, or facilities to a candidate.

▪ Coordinate activities with a candidate.

▪ Urge people to vote based on the importance of affecting one particular issue area—especially where that issue area is one that divides the candidates or parties.

There are many different options for nonpartisan voter education that your nonprofit can utilize. This toolbox is focused primarily on candidate events, candidate questionnaires and voter guides. The last three options: legislative scorecards and voting records, issue advocacy, and candidate education, are discussed here with key points for organizations interested in pursuing them.

Public Education. You may educate the general public, or the community your serve, about the issues that are important to your organization. You may else educate them about how different political offices work and can impact the issue you care about.

Candidate Education. You may educate candidates on the key issues that affect your community or your nonprofit. Typically, this involves a meeting between your organization and the candidate so that you can convey your position.

Candidate Events. Debates, forums, meetings or fairs are designed to connect candidates with their constituents and communicate their positions on key issues. The nonpartisan nature of a nonprofit- sponsored event ensures an unbiased presentation, which attracts candidates, while also connecting the community to an excellent opportunity to become better acquainted with the candidates for public office.

Candidate Questionnaires and Voter Guides. As a part of your voter education efforts, you may consider putting together a voter guide to educate the public on each candidate's positions. There are two steps to creating a voter guide: 1) creating and sending out your questionnaires, also called surveys, to the candidates and 2) compiling and publishing the responses. Alternatively, you may distribute voter guides from other organizations if they are done abiding by 501(c)(3) rules.

Legislative Scorecards and Voting Records. Both of these are used to report how incumbents voted on important issues. For legal reasons, neither of these voter education options may be timed to coincide with an election. There are also key differences between them. Voting records must be made available to the general public and legislators; they must cover a broad range of issues, and no commentary is allowed. Legislative scorecards, on the other hand, may only be distributed to members of your organization and legislators, can cover only those issues that are important to your nonprofit, and allow for scoring and commentary. For the purposes of 501(c)(3)s, both are allowable forms of voter education, but care should be exercised by any organization that desires to issue a legislative scorecard, since scoring incumbents can indicate a bias for a particular candidate. See the section on legislative scorecards and voting records in this toolbox for more specific dos and don'ts.

Issue Advocacy. Many organizations create fact sheets and information on the key issues that affect their organization or the people they serve. During an election year, these may be included as a part of your voter education efforts. However, it is especially important during election years that your issue advocacy is done in a nonpartisan way and that there is no "ramping up" of your activities. You should not create new fact sheets especially for the election. Rather, you should continue to use materials that were put together prior to the election season or develop your materials well in advance of the election so as to avoid the appearance of electioneering.

To figure out what voter education options might be best for your organization, you should undertake an assessment of your organizational assets/capacity and your audience.

Organizational assets include staff time, volunteer base, money, access to free space, collaborations with other organizations, and more. Your strength in one or more of these areas will determine your ability to successfully execute one of the voter education options.

Your audience will determine what voter education option is likely to be most effective in reaching them with the information they need to be informed voters. Is your audience active in politics or disinterested? Are there major issues impacting your community that they want to see addressed? Are the candidates talking about those issues? If you host a community candidate forum, do you have the capacity to turn your audience out to the event? Answering these questions will help you decide the right option to best serve your community. Take the time below to list out your organizational assets and needs of your audience. Your organization may visit, call, or send materials to candidates addressing issues that you are concerned about. **However, you must attempt to provide this information to all candidates in the race**. If the candidate is an incumbent, your communication may be considered direct lobbying if it mentions support, opposition, or otherwise reflects a view on a specific legislative proposal. This activity is permitted, but must fall within your organization's legal limits. **You may attempt to persuade the candidates to agree with your position on the issue, but you MAY NOT ask them to sign a pledge or endorse your organization's agenda.**

If you are doing an issue briefing for the candidate, here some general guidelines to follow in order to have a successful meeting:

▪ Attempt to schedule a meeting with every candidate in the race. Even if some decline or are unresponsive, you can still proceed with those candidate agree to the meeting. Document your efforts to engage the other candidates in the race and their responses
  ▪ Provide the agenda in advance and information on the issue you will be discussing
      o Sample

Agenda
- Introductions
    - Candidate introduction (and their staff if applicable)
    - You and your team introductions
    - Organizational or coalition overview
- Issue Briefing
- Questions and Answers

- Ideally, you should plan for one hour for the issue briefing. However, these can be done in 30 mins if the candidate's time is limited.

- Best practices:
    - Thank the legislator for taking the time to meet with you.
    - Identify your organization if you are working for a nonprofit or coalition. Tell a little about your mission and the people served (keep it brief).
    - When bringing multiple people, have each introduce themselves (like above), but identify a lead spokesperson
    - State your purpose. Be clear about what you want to have happen on the issue you are discussing.
    - Let the legislator and her/his staff members know that you and your organization have information and expertise. Let them know you can be a resource to them.
    - Give them a chance to talk about their perspective on your issue.
    - Give them an opportunity to raise questions or concerns so that you can address them!
    - Let them know you plan to stay in touch.

A great way to engage voters and acquaint them with the candidates and their issues is to organize a candidate event. There are many different formats to choose from – from a traditional debate style forum to something less formal, such as a candidate fair, with the opportunity for voters to speak directly with their prospective elected officials.

General Rules for Candidate Events: Federal Tax and Election Laws permit 501(c)(3)

and (c)(4) organizations that do not endorse, support, or oppose candidates or parties to stage candidate events in which:

▪ the sponsoring organization invited all qualified candidates,

▪ an independent panel prepared the questions,

▪ the topics cover a broad range of issues, including those of particular importance to the sponsor's members,

▪ each candidate has an equal opportunity to present his or her views, and

▪ the moderator is neutral and acts in an unbiased manner, including making a statement at the beginning and end of the program that the views expressed are not that of the sponsoring organization.

FEC rules, which the IRS is likely to follow, provide that at least two candidates must participate for the event to be nonpartisan; minor party candidates do not always have to be included. These rules apply to any candidate event, no matter the format.

Debates Forums - Equal time for each candidate - Candidates attend event at same time - Prepared and spontaneous debate* - Discourse debate*

- Equal time for each candidate - Candidates attend event individually - Town Hall* - Q and A*

Fairs Meetings - Equal time and visibility - Candidates table and speak with public

- Equal time with each candidate - Representatives from organization meet with candidates privately * See page 2 of *A Nonprofit's Guide to Hosting Candidate Forums* for details on these formats

Information in this document is courtesy of the Alliance for Justice, *The Rules of the Game: An Election Year Legal Guide for Nonprofit Organizations*. 1996. www.afj.org.

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Forums are opportunities for building knowledge of issues and the election process; therefore, planning is essential. These easy steps should prepare you for hosting a successful forum.

Before the forum:

 • Allow plenty of time for proper planning.

 • Decide on forum format.

 • Begin volunteer recruitment.

 • Collaborate with other local nonprofits.

• Make media contact/get coverage.

• Know the legal limitations.

Select a Format *(for more, see the next section)***:**

• **Equal time Q&A**: An impartial moderator and panelists question candidates. Candidates have equal amounts of time to respond. Candidates do not need to be asked the same questions, only given the same amount of time.

• **Prepared and Spontaneous Debate**: Candidates receive questions prior to debate that elicit specific responses. Candidates will answer these questions and those that arise from audience and moderator during debate.

• **Follow-up Q&A**: The moderator and panelists ask questions of the candidates. Follow- up questions are permitted (to avoid evasive answers). Follow-up questions by opponents force candidates to give exact answers.

• **Discourse Debate**: Moderator asks questions, and candidates discuss the issue. It is very important to have moderator control dominating candidates. A strong nonpartisan moderator is a must for this type of forum.

• **Town Meeting Q&A**: Members of audience ask questions. People asking questions will educate the candidate to the concerns of constituency.

• **Feedback/Hearings**: The focus of this forum deals with issues specific to your organization. An expert presents concerns and solutions. The candidates respond to the concerns presented and make closing remarks.

• **Adding an informal Q&A**: With any format, consider adding an informal Q&A session at the end of the formal forum.

What not to do in planning a forum:

• Do not start planning late.

• Do not assume people will attend. Remind constantly.

• Do not underestimate the power of media; be sure to follow up.

• Do not forget to instruct people on what will happen at the forum.

• Do not ignore special publications (La Prensa, Hmong Times, etc).

**Tips for Inviting
Candidates:**

• Send out personal letter inviting candidate three months prior to holding forum.

• Emphasize that the event is legally required to be nonpartisan.

• Emphasize the impact nonprofit organizations have in the district.

• Follow up with candidates each month using different methods of contact (phone, face- to-face).

**Getting the Media to Cover Your
Event:**

• Get information to the media early. Be aware of media's deadlines.

• Schedule your forum early; the media will be "fresh" and interested.

• Show the media that your forum will cover a large public appeal. It helps to get a forum's story to be told as part of a larger, regional story.

**Selecting a
Moderator:**

• Find someone that lives outside of the voting district and can be nonpartisan.

• Find someone that is well respected within your community (example: journalist).

• Prepare this person in advance (questions, review with them, do practice runs).

**Selecting a
Timekeeper:**

• Designate a staff person with the main objective to keep the forum on schedule.

• This person should be able to interrupt people in order to keep time.

• Provide color-coded cards for timing (green = start, yellow = 30 seconds, red = stop).

Helpful Hints:

• Candidates want neutrality.

• Partner with a well-known and well-respected nonprofit. The candidates are more likely to attend a forum if a nonprofit has had a successful forum in the past.

• Cover a broad range of issues, including those of importance to the sponsor's members.

• Invite all major candidates in the district where forum is held.

• Generate a large audience.

• Collaborate with other organizations. Combine efforts and increase chances that candidates will attend (incumbents can be more challenging to confirm participation).

Timeline To-Do List

• **6 weeks until forum:** Collaborate with other nonprofits to choose date, time and place for forum. Decide format, and develop budget. Initiate contact with candidates and media.

• **5 weeks until forum**: recruit volunteers and follow up with invited candidates.

• **4 weeks until forum**: assign tasks to volunteers; confirm candidates; hold mock forum with staff; reconfirm staff arrangements; distribute promotional materials; contact media to confirm coverage.

• **Less than three weeks until forum**: select moderator; finish recruiting volunteers; recruit attendees; contact volunteers and confirm forum duties; confirm with media; write op/ed piece, select timekeeper.

• **Day of forum**: set-up; greet audience and candidates; provide head table for candidates/moderator; welcome; review rules of forum; hold Q & A after forum.

As a part of your voter education efforts, you may consider putting together a voter guide to educate the public on each candidate's positions. As always, nonprofits can and should do this type of work, but should do it in a way that is nonpartisan and does not favor a particular candidate. There are two steps to creating a voter guide: 1) sending out your questionnaires, also called surveys, and 2) compiling and publishing the responses.

Key points for developing your questionnaire:

- Select questions that cover a wide variety of issues.
- Select questions that matter to the entire electorate.
- Questions that focus on issues of importance to your organization may be included so long as they are not biased, i.e., not worded so as to indicate the "right" response or otherwise reflect your organization's agenda.
- Consider whether you want the candidates' responses to be yes/no, support/oppose, multiple choice, or in an open-ended, written format.
- Give all candidates for the office an equal opportunity to participate.
- Wait until after the filing deadline for candidacy before sending out your questionnaire.
- In general, if you think the question is biased or will elicit a response that will clearly indicate your preference for or against a particular candidate, you probably shouldn't ask it.

After you have determined the questions to be included in the candidate survey, you can send them out and wait for responses. Candidates are becoming more and more reluctant to participate in questionnaires, so a good tip is to talk to the candidate or campaign manager before you send it out, and get their confirmation that they will fill it out and return it. Once you have received the responses to your questionnaire, you're ready to put together the voter guide.

Key points in developing your voter guide:

- If you choose to ask questions in an open-ended, written format you should:
    - Limit the number of words.

     ○ Print the candidate's answers in full – do not paraphrase or summarize!

▪ Design a voter guide that doesn't highlight or accentuate one candidate over another.

▪ Your guide should not suggest how people should vote.

▪ Do not score or rate the candidates' responses.

▪ Make your guide available to the general public.

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Helpful Hints from Bolder Advocacy*: In evaluating all such questionnaires, the IRS mainly tries to decide if the overall impression given to the reader by the selection and presentation of issues "evidences a bias or preference with respect to the views of any candidate or group of candidates." Consider these examples:

▪ The Friends of the Parks asks the candidates for mayor one question: "What are your views on the operation of our city parks?" The answers, limited to 100 words, are printed in full and distributed to the public

    Arguably, this is a nonpartisan public service, particularly since voters are unlikely to learn the candidates' views on the parks any other way. The question contains no bias and does not reflect any organizational agenda. Hopefully, the IRS would agree, even though the issue is narrow.

    If the Friends instead asked, "What will you do to increase funding for the city parks?" then the questionnaire would be biased, because it would suggest what answer the organization would prefer to hear.

▪ The Progressive Forum poses a broad range of questions to candidates for U.S. Senator, asking for a single-word answer: "Support" or "Oppose"

    ○ "Do you support a woman's right to choose to have an abortion?"

    ○ "Will you oppose repeal of the Endangered Species Act?"

    ○ "Do you favor cutting school lunch funds?"

Such questions reflect a particular agenda, and the answers are likely to indicate to the voter who the organization thinks is a better, more progressive candidate. The IRS would not approve.

On the other hand, if the Forum stated the same questions more neutrally ("What is your position on abortion?") and mixed them in with questions about sending troops to Bosnia, repealing the gasoline tax, raising the minimum wage and increasing jail terms for child molesters, the nonpartisan informational value of the questionnaire could overcome any suggestion that it was designed to favor certain candidates over others.

*Examples are courtesy of Bolder Advocacy, formely known as the Alliance for Justice, *The Rules of the Game: An Election Year Legal Guide for Nonprofit Organizations*. 1996. www.bolderadvocacy.org.

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Legislative scorecards and voting records are an important tool in not only keeping elected officials accountable but also educating your members and community as to how elected officials are voting. It is important to understand the distinctions and limitations of these two forms of voter education, as failure to follow these rules could compromise your tax-exempt status.

As a 501(c)(3) organization, you can publish and distribute voting records and legislative scorecards[1], though there are certain rules and restrictions you must follow. As a 501(c)(4), you may do all that 501(c)(3)s can do – and more! These records and scorecards are most useful with state legislators and US senators and representatives. According to the Independent Sector and the Alliance for Justice, here are a few things you should keep in mind in order to maintain the nonpartisan character of legislative reporting:

1. The voting history of *all* incumbent members of the legislative body who represent the region (e.g. Minnesota or Minneapolis) you're working in should be represented. You may NOT limit your voting record or scorecard to a particular swing district. 2. The report should NOT identify legislators as candidates for reelection[2]. 3. The voting record or legislative scorecard should not be linked to any election campaign. 4. Voting records should cover a broad range of issues. 5. Legislative scorecards can focus on specific issues of interest to the organization. 6. Voting records that include any evaluation of the votes cast become legislative scorecards.

a. **For 501(c)(4)s:** Legislative scorecards may be distributed to the general public as long as

they do not contain any "express advocacy" language. Express Advocacy is defined as saying "support," "oppose," "defeat," "elect," etc. as well as words that "could

only be interpreted by a reasonable person as advocacy for or against the election of [a] clearly identified candidate". If the scorecard contains express advocacy, then it should be distributed to MEMBERS ONLY. b. **For 501(c)(3)s:** Legislative scorecards MAY NOT be distributed to the general public. If

you choose to go this route, it is highly advised that your legislative scorecard be distributed to MEMBERS ONLY[3].

IMPORTANT NOTE: In order to remain compliant with federal law, it is important to begin your voting record activities well before an election (prior to the few months leading up to an election). Also, it is highly recommended that you DO NOT begin creating voting records or legislative scorecards in a major election year. You should be developing and distributing a voting record or scorecard in an off-election year to set a precedent for next major election.

[1] If you are a 501(c)(3) organization and want to put together a legislative scorecard, it is highly recommended that you obtain legal advice and counsel in putting this together. If your 501(c)(3) has a (c)(4) sister organization, then it is highly advised that you do the legislative scorecard through the (c)(4) entity. [2] This is true for 501(c)(3)s, but 501(c)(4)s may produce legislative scorecards that include "express advocacy" language that supports the election or defeat of an incumbent – see bullet 6 for more on this topic.

[3] A member is defined as anyone who contributes more than a nominal amount of time or money. Because many 501(c)(3) nonprofits do not have a membership list, legislative scorecards are generally not a viable option.