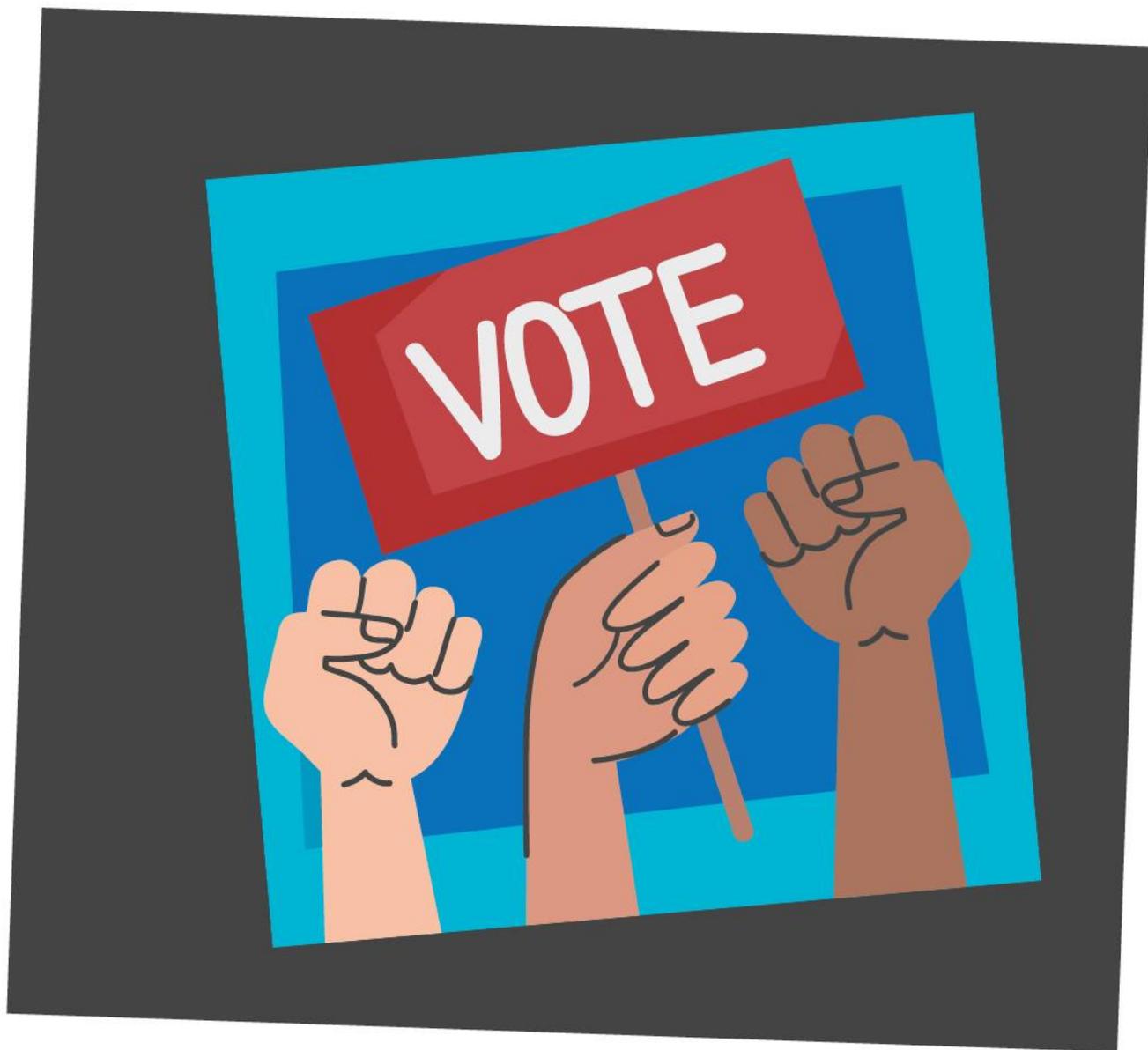


PRACTICAL GUIDANCE

Nonprofit Voter Assistance

MAINE



Democracy  **Capacity**


 **BOLDERADVOCACY**
A program of Alliance for Justice

Q: How should we think about using this Practical Guidance resource?

This Practical Guidance – Nonprofit Voter Assistance resource is designed to help your organization determine how state or local regulations might apply (or not!) to your existing or proposed voter engagement and Get Out the Vote (GOTV) work in your state.

For each FAQ in this Practical Guidance, we have provided links where you can find additional information to familiarize yourself with the applicable rules.

We've also provided links to some helpful fact sheets and best practices toolkits that other organizations have created, to help you save time and avoid repeating work.



Practical Tip

- Where appropriate, we make practical suggestions about how you might make the operational task of complying with these state rules easier.



Watch Out

- Some voter engagement activities involve some measure of risk for nonprofit organizations doing the work. There are certain actions you will need to avoid, but as long as you read up on the rules before you begin, you should be able to successfully navigate these voter engagement and GOTV activities in your state.



Danger Zone

- Some activities are much more dangerous for nonprofits because the relevant rules are vague, in rapid flux, unpredictably enforced, or all of the above. It may be best to avoid including these activities in your programming, unless you have a good lawyer on speed dial to help you!
- There are also some activities that are prohibited under current law. We highlight where nonprofits are advised to steer clear.

In giving you concise and accessible information about relevant laws in your state we hope that this Practical Guidance will help you choose activities that make the most sense for your civic engagement and GOTV programming. Knowing about the details of the rules can also help you make your programs bolder, more effective, and operationally easier to carry out.

We wish you every success in your work!



Q: What federal rules do we need to remember to think about?

In addition to any state and local rules that might apply to your organization's civic engagement and GOTV work, you also always need to keep in mind the federal tax law that applies to nonprofit organizations, federal election laws that are applicable when federal candidates are on the ballot, and federal telecom rules relating to calling or texting.

IRS regulations for 501(c)(3) public charities: If you are a 501(c)(3) organization, you must always remain nonpartisan and never do or fund work that could be deemed to support or oppose candidates for public office (electioneering activities).

IRS regulations for 501(c)(4) social welfare organizations: You can support or oppose candidates for public office, but this work cannot be your primary purpose. This generally means that more than half of your work must be nonpartisan and be designed exclusively to promote social welfare.

Federal elections and voting laws: In elections where there is a federal contest on the ballot, it is a crime to knowingly or willfully pay, offer to pay, or accept payment for registering to vote or for voting. Any type of incentive can be considered a "payment" (e.g., something as seemingly innocent as giving out cupcakes) if they are tied to registering or voting. Federal law also prohibits making or offering to make an expenditure to any person, either to vote or withhold their vote, or to vote for or against any candidate. For more details see: <https://bolderadvocacy.org/resource/can-a-nonprofit-provide-incentives-to-encourage-citizens-to-register-to-vote-or-vote/>

Federal communications laws: There are many federal laws relating to how you may communicate via landline or mobile phones. We give some practical tips on how to deal with these laws in the FAQ on other GOTV activities in this Practical Guidance.



Practical Tip: Read up on how 501(c)(3)s stay nonpartisan

- **Comparison of 501(c)(3) and 501(c)(4) permissible activities:** <https://bolderadvocacy.org/resource/comparison-of-501c3-and-501c4-permissible-activities/>
- **Keeping nonpartisan during election season:** <https://bolderadvocacy.org/resource/keeping-nonpartisan-during-election-season/>
- **How to stay nonpartisan while conducting a voter registration drive:** <https://bolderadvocacy.org/resource/want-to-conduct-or-fund-a-voter-registration-drive/>
- **Social media:** It is sometimes particularly hard to recognize when social media postings might cross the line into supporting or opposing a candidate for public office. This is especially true if you are a 501(c)(3) organization affiliated with, or working in a coalition with, a 501(c)(4) organization. See: <https://bolderadvocacy.org/resource/influencing-public-policy-in-the-digital-age>

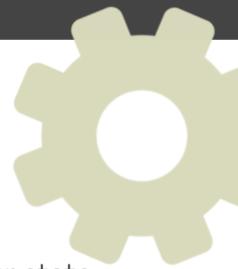


Watch Out

- **No exceptions for 501(c)(3)s:** There are no exceptions and no minimum amount of electioneering that you can do without jeopardizing your tax-exempt status if you are a 501(c)(3) public charity or private foundation!



Q: Can we put out information about how to register and vote?



Sure! Just be careful how you do it.

Practical Tip: Use official sources

- Generally, it's best to link to either the official voting authority sources in your state or city, or to a trusted aggregator of voting-related information with dedicated legal staff working to confirm the information is always current and accurate.
- It's just too easy to include a typo or an accidental miscommunication if you try to reproduce the information yourself.

Elections Division: Maine's elections are overseen by the Maine Elections Division of the Secretary of State's Bureau of Corporations, Elections & Commissions. Their voter-facing information page is here:

https://www.maine.gov/portal/government/edemocracy/elections_voting.html

The Elections Division also has a useful webpage for Upcoming Elections at:

<https://www.maine.gov/sos/cec/elec/upcoming/index.html>

A good educational page on the State's ranked choice voting system is here:

<https://www.maine.gov/sos/cec/elec/upcoming/rankedchoicefaq.html>

Municipal Clerks: Elections in Maine are run by municipalities, not counties. You can find contact information and links to each Municipal Clerk's website here:

<https://www.maine.gov/sos/cec/elec/munic.html>

Election Protection: Election Protection's website <https://866ourvote.org/states/> is regularly updated and reviewed by lawyers, and lawyers staff the Election Protection Hotline available by both phone and text at 1-800-OUR VOTE (1-866-687-8683). There are also multiple assistance hotlines for non-English speakers. See the additional options available here: <https://866ourvote.org/about/>



Watch Out

- **TYPOS! TYPOS! TYPOS!** Do you really want your group to be the one that accidentally tells voters that the polls close an hour later than they do? Don't try to reproduce the information yourself. Use links to official information and established websites instead!
- **Municipal Clerks sometimes apply laws differently:** In Maine each Municipal Clerk's office may have its own way of doing things. It is worth taking the time to check the websites of the Clerks in the jurisdictions where you will be doing your work.

Q: What rules do we need to follow to run a voter registration drive?

Maine laws give considerable leeway in designing a voter registration drive program.

Nonprofit organizations may use the website linked below to request up to 1,000 voter registration card request forms per week (up to a maximum total of 5,000 per election). If you need even more cards, you may print additional cards using an up-to-date electronic version from the website. The Voter Registration Card Distribution Policy is here:

<https://www.maine.gov/sos/cec/elec/data/distribution-policy.doc>

Nonprofits are permitted to collect and return registration cards on behalf of voters, but they must be returned at least 21 days before Election Day if you return them to the appropriate municipality (30 days before Election Day if you send them to the Secretary of State's office, who will then forward them to the correct municipalities). The Secretary of State requests that organizations bundle cards together, clearly indicate that the cards were collected as part of a voter registration drive and provide contact information for the organization conducting the drive.

New Maine voters registering by mail must include a photocopy of one document from a list of identifying documents, including a Maine driver's license, other valid photo ID, or certain other documents that show the voter's name and address.

You should be sure to read carefully the information available in the links below before starting your voter registration drive programming in Maine.

Voter registration information from the Maine Secretary of State:

<https://www.maine.gov/sos/cec/elec/data/index.html>

Fair Elections fact sheet: The Fair Elections Center has a good summary fact sheet called Conducting a Voter Registration Drive in Maine that you can access here:

<https://www.fairelectionscenter.org/voter-registration-drive-guides>



Practical Tip

- If you have constituents who wanted to register but missed the mail registration deadline, they can still register in person right up to the time the polls close on Election Day.



Watch Out

- **Incomplete applications:** Do not fill in any missing information on a voter registration application unless you have permission to do so from the applicant.
- **Don't pay your drive workers by the piece:** It's generally best practice not to pay your staff by the number of registrations they collect. Pay by the shift or by the hour instead.
- **Potential funder restrictions:** Some funders do not allow the use of their funds for voter registration drives. You will need to check your grant paperwork to make sure that you are using funds that are available for this work.



Q: How can our organization help people vote by mail?

Maine is a no-excuse absentee ballot state, which means that all registered voters may cast an absentee ballot without a reason. (Maine uses the term “absentee ballot” to refer to voting by mail).

Voters may request an absentee ballot **for themselves only** via a telephone call to their local Clerk’s office or via an online portal at:

<https://www.maine.gov/cgi-bin/online/AbsenteeBallot/index.pl>

Assistance with absentee ballot applications:

- Nonprofits are only allowed to help voters apply using the paper application, which can be submitted via fax, mail, or in person. Download the application form here:
<https://apps.web.maine.gov/cgi-bin/online/AbsenteeBallot/index.pl>
- Nonprofits may collect and return absentee ballot applications. Knowingly delaying the return of an application is a crime, so you should establish strong processes and controls to ensure that your staff return the applications promptly.
- You may not help voters fill out the applications.
- The law is unclear as to whether a nonprofit (or any third party) can pre-fill part of the applications or provide postage – you should consult with counsel if you are interested in doing either.

Assistance with voting or returning an absentee ballot: Nonprofits may not assist voters with filling out their absentee ballots and may not collect or return the completed ballots.

✓ **Practical Tip: Focus on applications and information**

- Given the limitations on helping voters with absentee ballot voting and return, it may be easier and more efficient to focus on getting your constituents absentee ballot applications, and trustworthy official information about the absentee ballot process.
- Maine’s absentee voting guide is here:
<https://www.maine.gov/sos/cec/elec/voter-info/absenteeguide.html>
- The absentee voting page at the Maine Elections Division is here:
<https://www.maine.gov/sos/cec/elec/voter-info/absent.html>



Watch Out

- **Collecting and submitting absentee ballot applications:** Voters may apply online or by phone for their own absentee ballot only. Organizations may only assist with paper applications.



Danger Zone

- **Collecting and submitting absentee ballots is prohibited:** You are not allowed to assist voters with completing their absentee ballots or collecting or returning the ballots once completed.



Q: Can we help voters fix problems with their absentee ballots?

Maine has made it difficult for nonprofit organizations to effectively assist voters in voting an absentee ballot or returning the completed ballots – other than by getting voters the information they need to do it themselves, as discussed in our Practical Tips in the prior FAQ.

Running a full absentee ballot “cure program” (where organizations help track down voters whose ballots have been rejected and help them “cure” the ballots) can be complicated and is usually beyond the capacity of smaller organizations. That said, it can be enormously helpful for you to educate your constituents about how to track their own ballots, and how to contact their Municipal Clerk’s office if they need to cure their ballot.

Election officials will notify voters if there is a problem with their ballots that can be cured. Voters can do so in person or over the phone.

✓ **Practical Tip: Use official sources of information!**

- In Maine, voters can check the status of their absentee ballot here: https://apps.web.maine.gov/cgi-bin/online/AbsenteeBallot/ballot_status.pl
- The contact information for the Clerk’s office for each municipality if additional information is required can be found here: <https://www.maine.gov/sos/cec/elec/munic.html>



Q: Can we help with a rides to the polls program?

It is currently legal to give voters rides to the polls in Maine.

✓ **Practical Tip: Consider partnering with existing programs**

- You don't necessarily need to organize a rides to the polls program on your own. You might consider partnering with another organization that is already doing this work. Many of the major rideshare companies offer free or discounted ride codes to help facilitate voting. Other organizations also help coordinate carpools to the polls. Bangor provides free rides on the city's Community Connector bus.

👁️ **Watch Out**

- **Staying nonpartisan:** If your organization is a 501(c)(3) public charity, all of your work must remain strictly nonpartisan. In the context of a rides to the polls program, this means you must offer rides in a nonpartisan way. You should not turn away voters because you think they are likely to vote for a particular political party or candidate. You should also avoid targeting your services to local communities based on partisan criteria.
- **Auto insurance and driver's licenses:** If you do decide to put together your own rides to the polls program you should contact your organization's insurance broker to make sure that your insurance program covers the use of staff cars or volunteers' cars for this purpose! You should of course also ensure that all of your drivers (both employees and volunteers) are themselves licensed and insured in accordance with the rules of your state before they participate in your program.



Q: How can we help voters who are already at the polls?

Many nonprofit organizations put on programming designed to provide support and encouragement for voters who may face long lines or tough weather conditions, and to make voting a fun and festive occasion. These activities are often referred to as “**line warming.**” Nonprofits participating in line warming activities need to carefully think through which state and local laws may apply to them. In today’s environment, these rules are also constantly changing, so it’s worth checking on the current status of the law before you begin planning any line warming program.

Maine prohibits certain kinds of activity within a polling place and within 250 feet of the entrance to a polling place. The state prohibits influencing, or attempting to influence, “another person’s decision regarding a candidate for an office or question that is on the ballot for the election that day.” It further prohibits advertising, including the use of “sound amplification” devices or displays with the intent to influence voters.

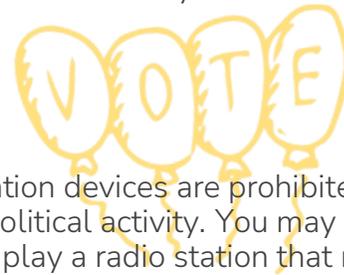
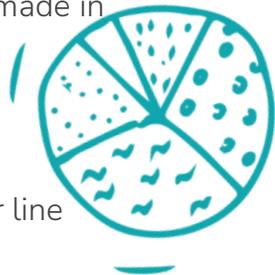
Maine does **not** prohibit line warming activities such as providing food, water, and entertainment to voters waiting in line to vote. The relevant statute, however gives the election official in charge of the polling place (the “Warden”) the discretion to either allow or prohibit nonpolitical or charitable activities, unless arrangements have been made in advance.

✓ Practical Tips

- Stay well outside the 250-foot non-solicitation perimeter with all of your line warming activities!
- It would be prudent to discuss your plans in advance with local election officials, in light of their discretion to prohibit your activities.
- Allow both voters and nonvoters to participate.
- You can call Election Protection if you need assistance with what is happening at your polling place: 1-866-OUR-VOTE (1-866-687-8683). Election Protection also tries to staff volunteer lawyers on the ground on election day who can assist in person if needed.

👁 Watch Out

- **Sound amplification devices:** Sound amplification devices are prohibited if they are used to influence voting via advertising or political activity. You may use such devices for entertainment, but be careful not to play a radio station that might carry political advertising.
- **Remember IRS rules still apply:** IRS rules for nonprofit organizations always apply - even to your state level work. 501(c)(3) organizations must remain strictly nonpartisan in all of their line warming activities.
- **Federal election and bribery rules may also apply:** In any election where federal candidates are also on the ballot, federal election rules also apply. See: <https://bolderadvocacy.org/resource/can-a-nonprofit-provide-incentives-to-encourage-citizens-to-register-to-vote-or-vote/>



Q: What other state rules might apply to our GOTV work?

Observers inside the polling area: Maine requires local election officials to ensure enough room in a polling place to accommodate one observer from each political party, but permitting other observers, including nonpartisan observers, is optional (and dependent on space). Nonprofit organizations usually find that running an observer program is complicated, and it may be more effective to focus on other civic engagement and GOTV work in their communities.

State rules about lawn signs and road signs: Generally, Maine restricts placement of any road sign along state or county roads without a permit. “Temporary signs” are an exception, however, and can be placed for up to 12 weeks per year (but no more than 6 weeks during either the first half of the year (January through June) or the second half of the year (July to December)). Temporary signs cannot be any larger than 8 feet by 4 feet and must be marked with the name and address of who put up the sign and the date it was placed there. Lawn signs on private property are regulated by municipalities in Maine. See also the FAQ on campaign finance rules below.

Partisan or nonpartisan GOTV clothing and buttons: Although political advertising is generally prohibited within the 250-foot perimeter, campaign buttons are specifically allowed as long as the wearer is within the perimeter only to vote, and the widest point of the button is not more than three inches. Other than buttons, clothing with political messages is probably best avoided.

Selfies in or near the polling place: Although voters are not allowed to use mobile phones to talk while in the polling place, there are no rules about photography. However, given the prohibition on attempting to influence voters, it is probably wise to refrain from encouraging people to share selfies of their ballots. Instead, suggest posting selfies with the “I Voted” sticker.

Phone and text banking: As we discussed earlier in this Practical Guidance, you will need to comply with federal telecom rules applicable to phone and text banking programs in all states. In general, these rules cover how you are allowed to reach out to landline or mobile phones depending on whether or not you have consent from the phone owner, and what rules apply if the communication is automated (e.g., robocalls, autotexting, etc.). In addition, partisan communications will likely have additional disclaimer requirements.



Practical Tips

- If a nonprofit organization is doing text or phone banking, it is often simplest from a practical perspective to have volunteers use a call list, or text banking interface, that is only partially (not fully) automated, so that federal robocall rules are not implicated.
- If your program is nonpartisan, so long as it is not fully automated, it is unlikely that you will implicate state-based telecom robocall rules.

Watch Out

- **Don't use the phone or text banking program to do something you can't do in person!**

Q: When might our work also trigger state campaign finance laws?

State-level campaign finance laws can apply not only to giving cash or in-kind contributions to candidates, but to other activities as well. For example, they also often apply to political-related advertising, political speech on signs and billboards, and to partisan phone or text banking programs.

Nonprofits that are allowed to do partisan electioneering work need to be particularly aware that their support or opposition of candidates will likely trigger campaign finance related reporting to the state.

Maine Revised Statutes, Title 21-A, Ch. 13 outlines the state-level campaign finance regulations that might apply to your work:

<https://legislature.maine.gov/statutes/21-A/title21-Ach13sec0.html>



✓ Practical Tip

- **Bolder Advocacy's Technical Assistance Hotline:** Bolder Advocacy's free Technical Assistance Hotline team can help lead you to some current state law resources on campaign finance for your state. You can e-mail advocacy@afj.org or call 866-NP-LOBBY (866-675-6229) during standard business hours.

👁 Watch Out

- **Partisan GOTV work:** In Maine, these state campaign finance rules may cover, among other things, how disclaimers must be added to political ads, rules relating to when physical political advertisements must be taken down after an election, and text and phone banking rules. If you are doing partisan GOTV work, you will need to carefully examine the Maine campaign finance statute and consider seeking additional legal advice.
- **Working on ballot measure initiatives:** Ballot measure initiative work can also trigger state campaign finance rules, even for nonpartisan groups. 501(c)(3) organizations are allowed to work on ballot measure initiatives because the IRS considers such work legislative lobbying (as opposed to prohibited electioneering), but state law usually regulates this activity under campaign finance laws.



Q: How can we help recruit poll workers?

Poll worker recruitment is handled in Maine by each Municipal Clerk.

Each poll worker must be registered to vote (or conditionally registered if 16 or 17) in the municipality or county in which they are applying to be a poll worker, and not be a candidate or a member of a candidate's immediate family.

You can find your Municipal Clerk's website here:

<https://www.maine.gov/sos/cec/elec/munic.html>

Maine's poll worker information site is here:

<https://www.maineelectionworkers.org>



Practical Tip

- While more poll workers are often urgently needed, it can sometimes be frustratingly slow to get through to the county offices to get started. You may need to start this process early and have some patience with your poll worker recruitment plan.
- If your organization is considering doing a poll worker recruitment drive and has trouble reaching the right person at your Municipal Clerk's office, it may be worth considering partnering with an organization that can help manage the initial intake and encourage your potential recruits to be persistent.
- We like the work of **Power the Polls**: <https://www.powerthepolls.org/faq> and you can e-mail them to discuss potential partnering opportunities here: partners@powerthepolls.org



Watch Out

- **Managing volunteer expectations:** This kind of programming doesn't have too many legal compliance issues to deal with – but you'll need to manage the expectations of your volunteers.
 - It may take a bit of persistence to get set up as a poll worker with the county.
 - In particularly contested election districts, there is a possibility of tension at the polls and potential confrontation with members of the public that could make your recruits uncomfortable.



Q: How can we advocate for a new polling place?

Asking for a new polling place is often a multi-step process, but some great materials exist that explain best practices for this kind of program!

✓ Practical Tip

- **+1 The Polls Toolkit:** We like the +1 The Polls Toolkit, created by a collaboration between MTV, the SLSV Coalition, Campus Vote Project, and the Alliance for Youth Organizing. It's geared towards student organizers, but its best practices are relevant even if your work is not on campus. <https://slsvcoalition.org/resource/1-the-polls-toolkit-bringing-a-voting-site-to-your-campus/>

👁 Watch Out

- **It's possible this work can trigger lobbyist registration requirements:** In some cases, your advocacy for a new polling place might count as lobbying under state or local lobbyist registration rules. Maine does have some local lobbyist registration ordinances, so you'll need to check your program plan against both state-level lobbying rules, and the rules of any local jurisdictions you'll be working in. Our Practical Guidance – What Nonprofits Need to Know About Lobbying in Maine is also coming soon! Watch here for its publication: <https://www.democracypolicy.org/about-practical-guidance-lobbying-series>



Q: Where can we get additional help?

Bolder Advocacy's Technical Assistance Hotline: Bolder Advocacy's free Technical Assistance Hotline team can help nonprofits and attorneys with questions about the content covered by this Practical Guidance. You can contact Bolder Advocacy's team of experts by e-mailing Bolder Advocacy at advocacy@afj.org or calling 866-NP-LOBBY (866-675-6229) during standard business hours.

Your state or local nonprofit coordinating group: Most states have several nonprofit coordinating groups that you can seek advice from. Some of these groups coordinate programming with their members and offer free or reduced price access to canvassing tools, voter lists, and more. If you are having trouble locating such a group in your area, please reach out to the Democracy Capacity Project at info@democracycapacity.org for referrals.

Links to Some Key Maine Laws:

- **Third Party Voter Registration:** M.R.S Title 21-A, Ch.3 § 130
<https://legislature.maine.gov/statutes/21-A/title21-Asec130-1.html>
- **Assistance with Absentee Ballots:** M.R.S. Title 21-A, Ch. 9 §§ 751 *et seq.*
<https://legislature.maine.gov/statutes/21-A/title21-Asec751.html>
- **Line Warming and Clothing in Polling Places:** M.R.S. Title 21-A, Ch. 9 §§ 682(2) & (3)
<https://legislature.maine.gov/statutes/21-A/title21-Asec682.html>
- **State Rules About Lawn and Road Signs:** M.R.S. Title 23, Ch. 21 § 1913-A
<https://www.legislature.maine.gov/statutes/23/title23sec1913-A.html>
- **Campaign Finance:** M.R.S. Title 21-A, Ch. 13
<https://legislature.maine.gov/statutes/21-A/title21-Ach13sec0.html>

While this Practical Guidance is designed to give you information about certain laws and rules, it is not legal advice, and does not create an attorney-client relationship. If you need additional advice about your specific situation, you should seek your own legal counsel.

We do our best to keep these Practical Guidance resources up to date, but new laws are put forward every day in this space, as are new lawsuits challenging those laws! Please refer to the "Last Updated" date for this Practical Guidance and seek further assistance if you believe you may need updated guidance.

We reference and link other organizations and other resources in this Practical Guidance because we believe they may be helpful to your work. These resources are publicly accessible to all users, and to the best of our knowledge the original host of the resources has all rights required to make them publicly accessible and usable by you. Your use of such resources is subject to any terms and conditions noted on those resources or in the terms of use or other policies of the host website. The Democracy Capacity Project, a special project of NEO Philanthropy, Inc., makes no representation or warranty regarding the accuracy or applicability of the substantive content of any such linked resources, their fitness for use in your situation, or the intellectual property rights of the works presented.

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The Democracy Capacity Project and Alliance for Justice are strictly nonpartisan, and nothing in this Practical Guidance or any of the resources linked herein is intended as a partisan or electioneering communication.

You can contact the Democracy Capacity Project at info@democracycapacity.org.



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