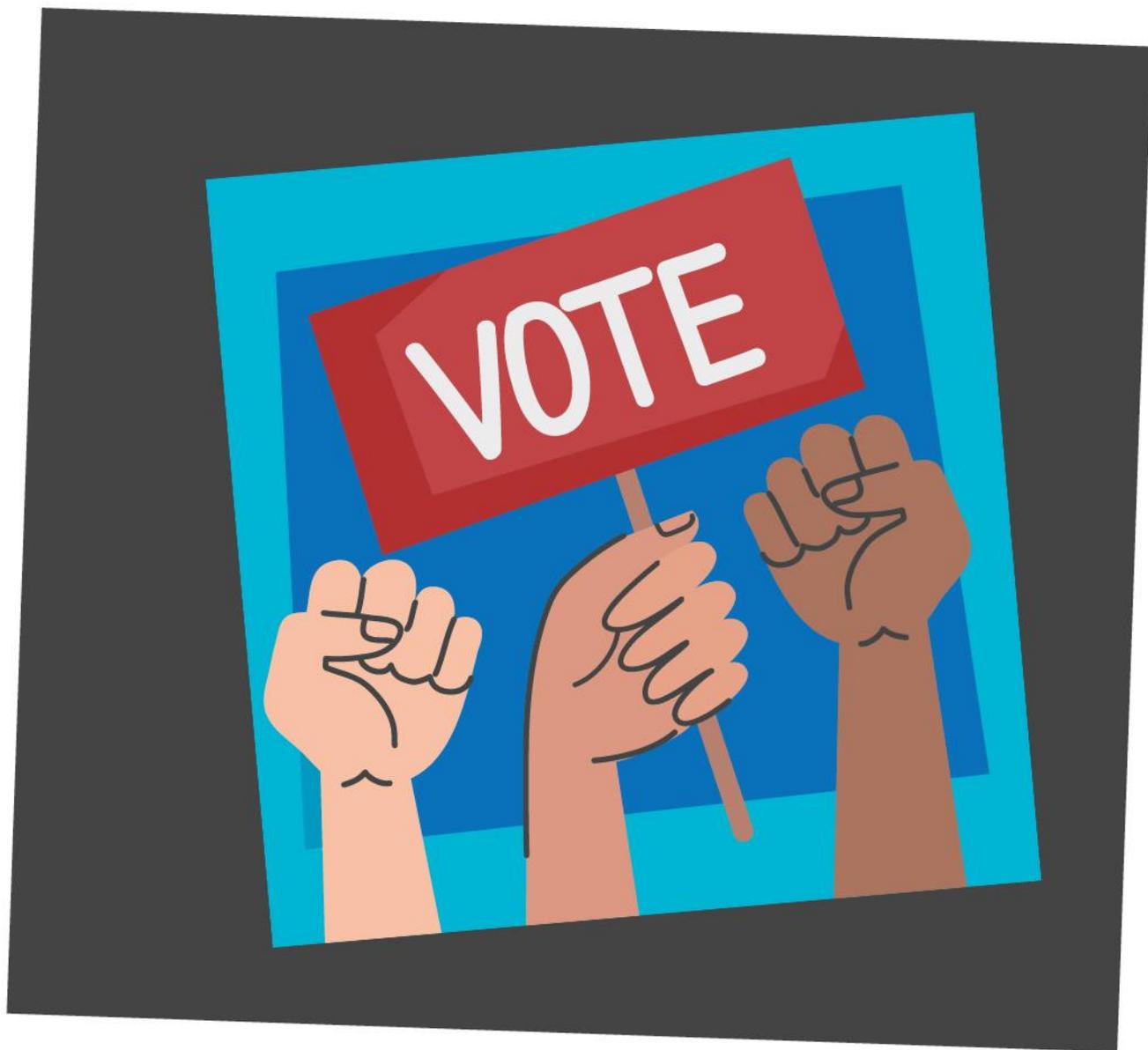


PRACTICAL GUIDANCE

Nonprofit Voter Assistance

MINNESOTA



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.

Secretary of State: Minnesota's elections are overseen by the Secretary of State. Their voter-facing information page is here: <https://www.sos.state.mn.us/elections-voting/>

The Secretary of State has a very helpful webpage of Voter Outreach Materials, which includes voter registration applications, absentee ballot applications, factsheets, social media graphics, and an outreach toolkit. You can find the site here:

<https://www.sos.state.mn.us/elections-voting/get-involved/voter-outreach-materials/>

County Election Offices: Each county has its own Election Office, which typically sits within the County Auditor office. Some state materials refer to the County Auditor and some to the Election Office. Contact information and links to Election Office websites are here: <https://www.sos.state.mn.us/elections-voting/find-county-election-office/>

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!
- **County Election Offices sometimes apply laws differently:** In Minnesota the county Election Offices sometimes have their own way of doing things. It is worth taking the time to check the websites of the county Election Offices where you will be doing your work.

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

Minnesota laws give considerable leeway in designing a voter registration drive program. Of course, you should still use common sense about protecting registrants' private information and have good processes in place for safekeeping and properly returning the registration applications!

Voters can register electronically at mnvotes.org, but they will need a Minnesota driver's license, Minnesota identification card number, **or** the last four numbers of their social security number. Without at least one of these numbers, they will need to submit a paper registration application. Third parties may not electronically submit a voter registration application on a voter's behalf, but may help the voter submit the application, with the voter's consent and in the voter's presence.

You can download paper applications in English and twelve other languages at mnvotes.org. Organizations are permitted to return paper registration applications on behalf of voters. Completed applications must be submitted to the Secretary of State's office in St. Paul (or to the local Election Office) within 10 days of when the application was signed and dated by the voter, or the registration deadline, whichever is sooner.

Note that Minnesota has election day registration, and voters can also register at the same time that they request an absentee mail ballot.

The Minnesota Secretary of State has a helpful webpage that aggregates information on voter registration drives: <https://www.sos.state.mn.us/elections-voting/get-involved/voter-registration-drives/>

A short and easily printable fact sheet is available here: <https://www.sos.state.mn.us/media/4690/voter-registration-reference-guide-2022.pdf>

Fair Elections fact sheet: The Fair Elections Center also has a good summary fact sheet called Conducting a Voter Registration Drive in Minnesota that you can access here: <https://www.fairelectionscenter.org/voter-registration-drive-guides>

Practical Tip

- **Submitting applications:** Because completed applications must be submitted within 10 days (or by the registration deadline, if sooner), if you do a paper application drive make sure your organization creates strong processes and controls to ensure compliance.

Watch Out

- **Don't pay your drive workers by the piece:** It's illegal in Minnesota to pay someone to solicit registrations based on the number of registrations obtained. 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.

CHECK YOUR REGISTRATION!



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

Minnesota allows any voter to vote by absentee ballot without a reason. The State also allows voters to submit a registration application and request an absentee ballot at the same time.

Voters may apply online for an absentee ballot at <https://mnvotes.sos.state.mn.us/ABRegistration/ABRegistrationStep1.aspx>, but must provide a Minnesota driver's license, Minnesota identification card number, **or** the last four numbers of their social security number. Without at least one of these numbers, voters will need to submit a paper absentee ballot application.

Third-party organizations may download absentee ballot applications from mnvotes.org, photocopy blank applications, or request a reasonable number from local Election Offices.

Nonprofits may help voters return their absentee ballot applications, but must either put the application in the mail, send by e-mail or fax, or return it in person to the voter's county Election Office within 10 days of the application being signed and dated by the voter, and no later than six days before the applicable election. 

Minnesota provides much less opportunity for organizations to help voters actually vote their absentee ballot. Postage for ballots is pre-paid by the state. Absentee ballots require a witness, who must be a registered voter in Minnesota, a notary public, or a person with the authority to administer oaths. Only voters with disabilities may receive direct assistance with completing their ballots. Although third parties are permitted to return ballots on a voter's behalf, any individual is permitted to help only three voters per election, which generally makes this kind of programming impractical for a nonprofit to organize.

The Minnesota Secretary of State has a helpful webpage that aggregates information on voting by absentee ballot:

<https://www.sos.state.mn.us/elections-voting/other-ways-to-vote/vote-early-by-mail/>

A short and easily printable fact sheet is available here:

<https://www.sos.state.mn.us/media/4702/vote-early-by-absentee-ballot.pdf>



Practical Tip: Help voters apply for an absentee ballot

- It is likely a more efficient use of time and resources to focus on helping voters apply for an absentee ballot, rather than actually voting or returning those ballots, given that the scope of assistance with completing and returning ballots that organizations may provide is limited.



Watch Out

- **Electioneering:** It is a felony in Minnesota to “solicit the vote of an absentee voter” while the voter is filling out the ballot. In any event, if your organization is a 501(c)(3), you must not engage in electioneering at any time. 

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

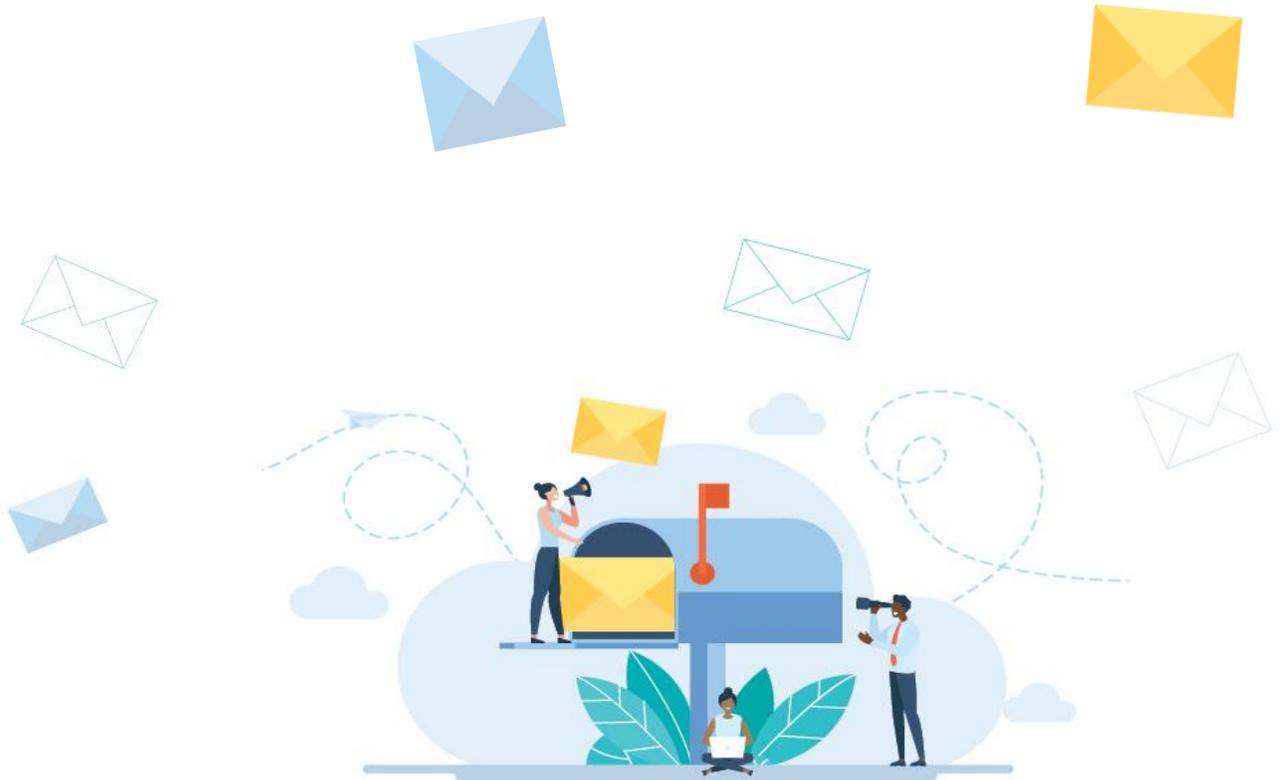
Unlike many other states, Minnesota does not offer a “cure program” (where voters whose ballots have been rejected can “cure” the ballots so their vote counts). Instead, the only option for a voter whose ballot is rejected is to vote using a new replacement ballot. Accordingly, it can be enormously helpful for you to educate your constituents about how to track their own ballots, and how to contact their official county Election Office if they need to cure their ballot by voting a replacement ballot.

Minnesota generally uses the voter’s driver’s license, state identification card, or the last four digits of the voter’s social security number to verify the voter’s identity. If the ballot is complete and the numbers provided match the ballot application, the ballot will be counted. If the information does not match, an election judge will compare the signature on the envelope with the one on file.

If an absentee ballot is rejected for missing information at least five days before the election, the Election Office will mail the voter a replacement absentee ballot. If it is less than five days before the election, the local election official is required to attempt to contact the voter by phone or e-mail.

✓ **Practical Tip: Help provide official information**

- In Minnesota, voters can check the status of their absentee mail ballot here: <https://mnvotes.sos.state.mn.us/AbsenteeBallotStatus.aspx>
- The contact information for the Election Office for each county can be found here: <https://www.sos.state.mn.us/elections-voting/find-county-election-office/>



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

It is currently legal to give voters a ride to the polls in Minnesota. Several local jurisdictions also have free transit options on election day.

✓ **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.

👁️ **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?

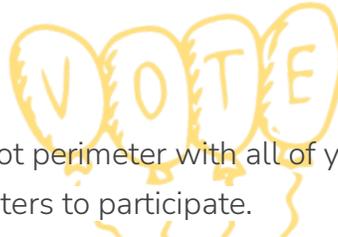
Many nonprofit organizations put on programming designed to provide support and encouragement for voters who may face long lines or tough weather conditions, and to make voting a fun and festive occasion. These activities are often referred to as “**line warming.**” Nonprofits participating in line warming 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.

Minnesota permits line warming activities such as providing food, water, or entertainment. It also, however, prohibits anyone from being within 100 feet of a polling place unless they are waiting to vote, exiting the polling place, or fall into certain specific exceptions (assisting a voter, a child accompanying a parent, a poll worker, etc.). Therefore, keep your line warming activities **outside** of the 100-foot perimeter.



Practical Tips

- Stay well outside the 100-foot perimeter with all of your line warming 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

- **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: Minnesota does not recognize nonpartisan election observers. It only recognizes “Challengers,” who are appointed by political parties or candidates, and “Observers,” who are credentialed representatives of Election Offices or the Secretary of State.

State rules about lawn signs and road signs: Minnesota prohibits the placement of signs (both political and commercial) in highway rights of way. Signs on private property must have the property owner’s consent. State law also establishes a window beginning 46 days before the state primary in a state general election year and ending 10 days following the state general election, during which restrictions on political signs established by counties and municipalities cannot be enforced. See also the FAQ on campaign finance rules below.

Partisan or nonpartisan GOTV clothing and buttons: The Secretary of State’s polling place rules prohibit voters from wearing clothing, buttons, etc. that have a political message related to a candidate or issue on that day’s ballot. Other political messages, not connected to that day’s ballot, are acceptable (a category that would include nonpartisan messages about voting).

Selfies in or near the polling place: There is no statutory prohibition on pictures in the polling place or of ballots in Minnesota, although Minnesota law **prohibits voters from showing marked ballots to others**. The Secretary of State discourages photography because it poses a risk to voters’ rights to privacy and it can contribute to increased wait times. Consider instead suggesting that constituents take and post selfies with their “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.

In Minnesota, MN Stat. §§ 10A.01 *et seq.* outlines the state-level campaign finance regulations that might apply to your work: <https://www.revisor.mn.gov/statutes/cite/10A>

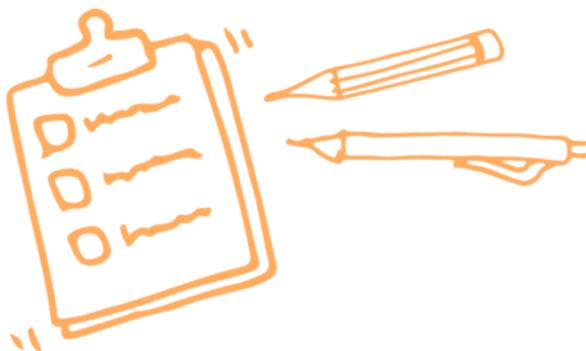
✓ Practical Tip

- **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 Minnesota, state campaign finance rules cover, among other things, what kind of disclaimers and disability assistive captioning 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 Minnesota campaign finance statute and consider seeking additional legal advice.
- **Working on ballot measure initiatives:** Ballot measure initiative work – called a “Ballot Question” in Minnesota – 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 you should seek advice about whether your activity also implicates Minnesota campaign finance laws.



Q: How can we help recruit poll workers?

Poll worker recruitment is handled in Minnesota by each county's Election Office.

Each poll worker – called election judges in Minnesota – must be eligible to vote in Minnesota, able to read, write and speak English, and complete a two-hour training. Students 16 and 17 years old can sign up to be election judge trainees.

The Minnesota Secretary of State has a good overview of the process here:

<https://www.sos.state.mn.us/elections-voting/get-involved/become-an-election-judge/>

You can find your county Election Office website here:

<https://www.myMinnesotaelections.com/Contact-your-SOE>



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 county's Election 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 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 registration rules (which in Minnesota also apply to certain local jurisdictions). See our Practical Guidance – What Nonprofits Need to Know About Lobbying in Minnesota for further information: <https://www.democracycapacity.org/mn-lobbying>



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 Minnesota Laws:

- **MN Voter Registration Drive Reference Guide:** Voter registration drives <https://www.sos.state.mn.us/media/4690/voter-registration-reference-guide-2022.pdf>
- **Assistance with Absentee Mail Ballots:** MN Stat. §§ 203B.001 et seq. <https://www.revisor.mn.gov/statutes/cite/203B>
- **Line Warming:** MN Stat. § 204C.06 <https://www.revisor.mn.gov/statutes/cite/204C.06>
- **State Rules About Lawn and Road Signs:** MN Stat. § 211B.045 <https://www.revisor.mn.gov/statutes/cite/211B.045>
- **MN Polling Place Rules:** Rules about photos, political clothing, in polling places <https://www.sos.state.mn.us/elections-voting/election-day-voting/polling-place-rules/>
- **Campaign Finance:** MN Stat. §§ 10A.01 et seq. <https://www.revisor.mn.gov/statutes/cite/10A>

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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