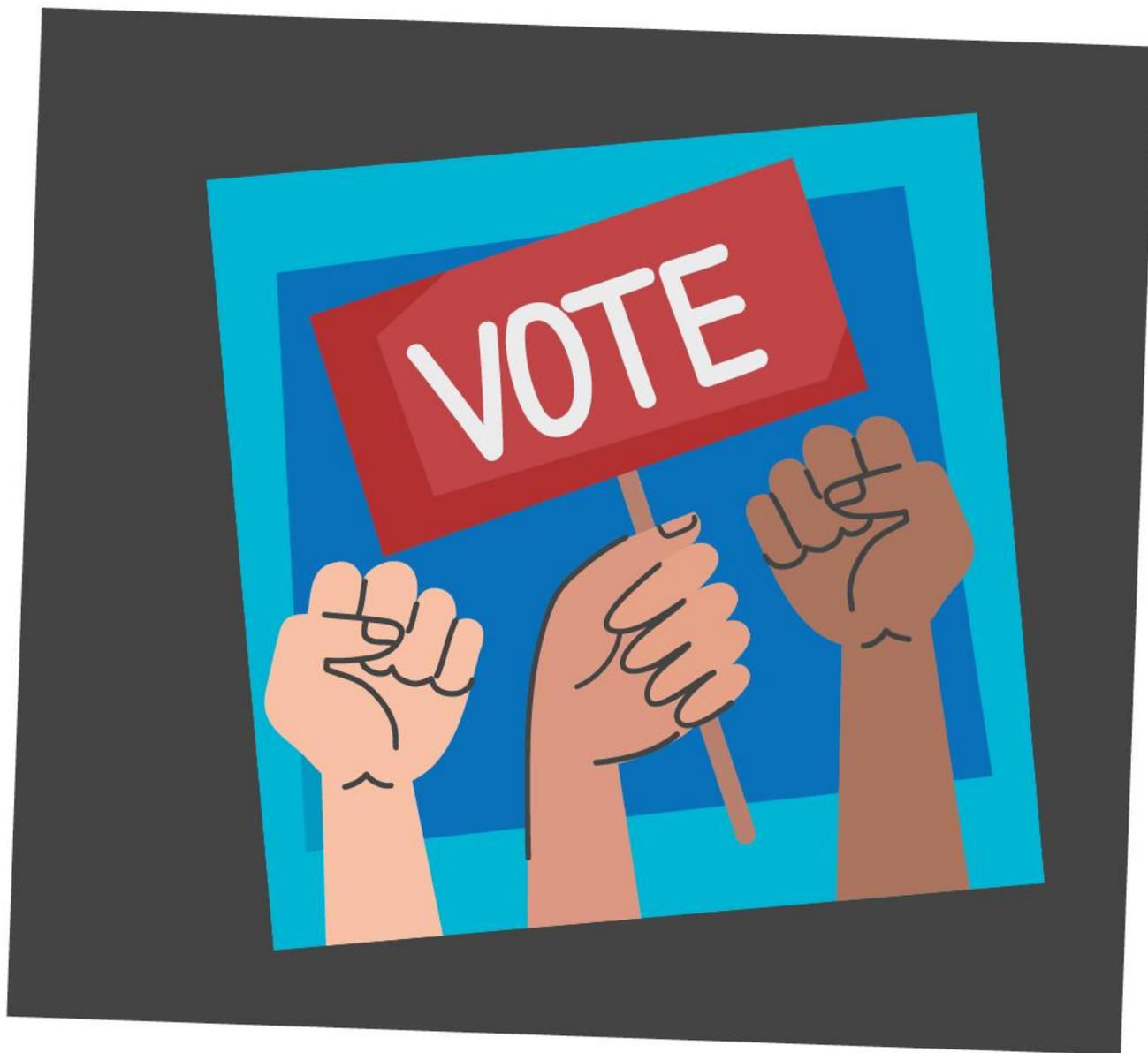


# PRACTICAL GUIDANCE

Nonprofit Voter Assistance

NORTH CAROLINA



**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

501(c)3

## 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.

**State Board of Elections:** North Carolina's elections are overseen by the North Carolina State Board of Elections (NCSBE). Their voter-facing information page is here: <https://www.ncsbe.gov/voting>

**County Boards of Elections:** Each county has its own Board of Elections. You can find their contact information and links to their websites here: <https://vt.ncsbe.gov/BOEInfo/>

Some counties have great information on their sites and may include well-produced voter guides or posters that you can link to. For example, Durham County has a very helpful website that includes easy-to-find voter information and elections data dashboards: <https://www.dcovotes.com/>

**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 Boards of Election Offices sometimes apply laws differently:** In North Carolina each county Board of Elections office may have its own way of doing things. It is worth taking the time to check the websites of the county Boards of Elections in the county or counties where you will be working.

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

North Carolina's 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 for safekeeping and properly returning the registration applications!

Voters with a North Carolina driver's license or DMV-issued ID can register online via the DMV's website: <https://www.ncdot.gov/dmv/offices-services/online/Pages/voter-registration-application.aspx>

More information about the online DMV registration option can be found via the State guidance link below.

All other voters must use paper applications, which you may request in bulk via the State guidance link below. (In North Carolina, you should request paper applications from the State or your local county rather than print copies of the application on your own.) Your staff can assist voters with filling out the applications, but only in the voter's presence and at the voter's request. You may not offer voters pre-marked applications or complete or alter a registration application once a voter has signed it. Incomplete applications must be returned to the county Board of Elections.

You are allowed to return registration applications on voters' behalf. Applications (both complete and partial) must be returned (by mail or in person) to the voter's county Board of Elections within 5 business days (but no later than the 25th day before an election). The Secretary of State advises organizations to maintain a log showing who collected and submitted each registration application. For voters who miss the deadline to return a registration application, North Carolina offers same-day, in-person registration at the voter's county Board of Elections.



### Practical Tip:

- **State guidance:** The state has a very helpful webpage for voter registration drives, with links to lots of resources: <https://www.ncsbe.gov/registering/hosting-voter-registration-drives>
- **Fair Elections fact sheet:** The Fair Elections Center also has a good summary fact sheet that you can access here: <https://www.fairelectionscenter.org/voter-registration-drive-guides>



### Watch Out

- **Incomplete applications:** Do not fill in any missing information or change any information on a registration form. North Carolina requires voter registration forms to be submitted unaltered.
- **Voter privacy:** Do not keep, retain or store completed or partially completed voter registration forms, including photocopies of applications – it is illegal to retain a voter's Personal Identifiable Information (birthday, social security number, etc.).
- **Don't pay your drive workers by the piece:** It's illegal in North Carolina 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.

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

Clear and easy access to voting by mail and early voting empower more voters to exercise their right to vote, and many nonprofit organizations are eager to help voters understand and exercise their right to vote through these mechanisms.

Many states have rules and regulations about what third parties – whether individuals or organizations – can or cannot do to assist voters with this task. These rules are constantly changing and come up in many different activities related to voting by mail.

North Carolina is a no-excuse absentee ballot state, which means that any voter can vote absentee without a reason. Absentee voting is the mail voting process for North Carolina. The NCSBE's useful voter-facing absentee ballot page is here:

<https://www.ncsbe.gov/voting/vote-mail>

Organizations, including nonprofits, may obtain absentee ballot request forms from the NCSBE website, linked below, and may distribute them in person or via e-mail. Any distribution should include the request form instructions. Third party organizations are **not** allowed, however, to help voters complete the request form. Organizations are also **strictly prohibited** from collecting and submitting completed absentee ballot request forms **and** absentee ballots.

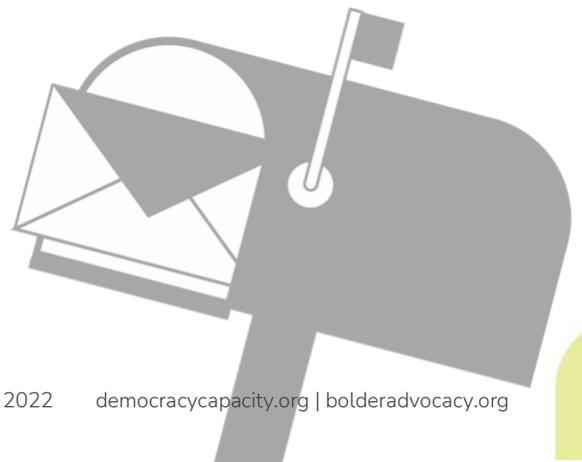


### ✓ **Practical Tip: Focus on information instead of action**

- North Carolina limits how you can assist voters with absentee voting, so it may be wiser to focus on getting your constituents trustworthy official information about the absentee voting process, and providing them with absentee ballot applications.

### ✗ **Danger Zone**

- **Do not handle any completed absentee ballot request forms or absentee ballots:** North Carolina prohibits organizations from collecting or submitting absentee ballot request forms or completed ballots. You can distribute the request forms to voters, but you cannot handle them once completed.
- **Do not pre-fill any portion of the absentee ballot request form:** Any request form that is completed in part or in full by someone other than the voter or certain persons (e.g., close relatives or someone trained by a county board of elections) is invalid.
- **Do not retain originals or copies of any request form:** It is a felony in North Carolina for anyone other than the voter or certain people (e.g., family) to retain a completed request form.



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

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 election official’s office if they need to cure their ballot.

### ✓ **Practical Tip: Encourage voters to track their ballots**

- In North Carolina, voters can check the status of their absentee ballots here: <https://northcarolina.ballottrax.net/voter/>
- The contact information for the Board of Elections office for each county can be found here: <https://vt.ncsbe.gov/BOEInfo/>



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

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

Some jurisdictions, such as the Greensboro Transit Agency and the Winston-Salem Transit Authority have their own “ride to the polls” programs.

### ✓ **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.

North Carolina requires counties to adopt a buffer zone between 25 and 50 feet from the door of a polling place. In that buffer zone, the following activities are prohibited: distributing campaign literature; placing political advertising; soliciting votes; and engaging in election-related activity.

North Carolina does not prohibit line warming activities such as providing food and water or entertainment to voters waiting in line to vote.

### Practical Tips

- Stay well outside the no solicitation buffer zone 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

- **In some situations, electioneering may be prohibited outside of the buffer zone:** If a polling place is in a privately-owned building, the county Board of Elections may enter into an agreement with the owner to prohibit electioneering on property that is adjacent to the buffer zone.
- **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:** Most states have fairly strict rules for what kind of observers are allowed into the polling area while people are voting, and what they are allowed to do while inside. Nonpartisan observers are **not** permitted inside a polling place in North Carolina.

**State rules about lawn signs and road signs:** “Political signs” – signs that advocate for political action – are permitted on private property (with the owner’s consent) and in the “right-of-way of the State highway system,” subject to certain size and location restrictions, beginning on the 30<sup>th</sup> day before early voting commences until the 10<sup>th</sup> day after the election. Local jurisdictions are permitted to enact further regulations of the placement of signs, but must follow state law. If you intend to put up any political signs, you should check the local ordinances of any jurisdiction where you will be working. See the FAQ on campaign finance rules below for more information.

**Partisan or nonpartisan GOTV clothing and buttons:** Partisan and nonpartisan clothing and materials (e.g., hats, buttons, T-shirts, etc.) are allowed within the buffer zone, so long as they aren’t disruptive, or used to solicit votes.

**Selfies in or near the polling place:** North Carolina prohibits photographing ballots and voters in the polling place. Consider posting selfies with the “I Voted” sticker instead!

**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 North Carolina, NC General Stat. Ch. 163, Art. 22A outlines the state-level campaign finance regulations that might apply to your work.

[https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByArticle/Chapter\\_163/Article\\_22A.pdf](https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_163/Article_22A.pdf)



### ✓ 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](mailto:advocacy@afj.org) or call 866-NP-LOBBY (866-675-6229) during standard business hours.

### 👁 Watch Out

- **Partisan GOTV work:** In North Carolina, state campaign finance rules cover, among other things, rules about political advertising, as well as prohibited conduct for corporations (most nonprofits are corporations!) in the State. If you are doing partisan GOTV work, you should carefully examine the North Carolina 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 North Carolina by each county's Board of Elections, although the NCSBE has an online tool for applications that are forwarded to the appropriate counties: <https://www.ncsbe.gov/democracy-heroes-form>

Each poll worker (called an "election worker" in North Carolina) must be registered to vote or a high school student who is at least 17 years old and in good academic standing.

You can find your county Board of Elections website here: <https://vt.ncsbe.gov/BOEInfo/>



### 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 Board of Elections 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](mailto: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 lobbyist registration rules. See our Practical Guidance – What Nonprofits Need to Know About Lobbying in North Carolina for further information: <https://www.democracycapacity.org/nc-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](mailto: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](mailto:info@democracycapacity.org) for referrals.

### Links to Some Key North Carolina Laws

- **Assistance with Absentee Ballots:** NC General Stat. § 163-231  
[https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_163/GS\\_163-231.pdf](https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_163/GS_163-231.pdf)
- **Line Warning:** NC General Stat. § 163-166.4  
[https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_163/GS\\_163-166.4.pdf](https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_163/GS_163-166.4.pdf)
- **State Rules About Lawn and Road Signs:** NC General Stat. § 136-32  
[https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_136/GS\\_136-32.pdf](https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_136/GS_136-32.pdf)
- **Ballot Selfies:** NC General Stat. § 163-166.3  
[https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_163/GS\\_163-166.3.pdf](https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_163/GS_163-166.3.pdf)
- **Campaign Finance:** NC General Stat. §§ 163-278.5 et seq.  
[https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByArticle/Chapter\\_163/Article\\_22A.pdf](https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_163/Article_22A.pdf)

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](mailto:info@democracycapacity.org).

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