

Can a Nonprofit Provide Incentives to Encourage Citizens to Register to Vote or Vote?

Nonprofit organizations are permitted to conduct voter registration drives or get-out-the-vote (GOTV) efforts. 501(c)(3) organizations can conduct nonpartisan voter registration and GOTV activities that encourage voting by all those eligible, while 501(c)(4)s, labor unions, and trade associations can sponsor voter registration and GOTV drives that can advocate the election or defeat of particular candidates.

This factsheet answers a frequently asked question about voter registration and GOTV drives, whether conducted by a c3, c4, or any other entity.

Can Nonprofits Provide Incentives to Individuals to Register to Vote, to Vote, or to Reward Them for Doing so?

NO. In any election in which a federal candidate is on the ballot, federal law prohibits any individual or entity, including 501(c)(3) nonprofits, social welfare organizations, and unions, from knowingly and willfully paying, offering to pay, or accepting payment either for registering to vote or voting¹.

Penalties include up to \$10,000 in fines and/or imprisonment up to five years.² This prohibition applies only when the act is knowing and willful and does not require that the payment actually be made or that any individuals actually register to vote or vote.

A payment includes anything having monetary value (e.g. cash, lottery chances, the promise of government benefits such as supplemental nutrition assistance, or even a glass of beer or slice of pizza).³ Therefore, in elections in which federal candidates are on the ballot, it would be illegal for a nonprofit organization to raffle off prizes in exchange for an individual's promise to vote or for registering to vote during a voter registration drive. Similarly, handing out free cupcakes to individuals to register to vote or offering a service at a discounted rate to individuals who provide proof that they voted would be prohibited.

¹ This fact sheet covers federal law prohibitions when a federal candidate is on the ballot, but nonprofit organizations involved in voter registration or voter engagement activities must also abide by any relevant [state and local rules and regulations](#). Bolder Advocacy's [State Law Resources](#) offer helpful information on state rules and regulations related to campaign finance and ballot measures, lobbying disclosure, and voter registration.

² 52 U.S.C. § 10307(c).

³ See CRAIG C. DONSANTO & NANCY L. SIMMONS, U.S. DEP'T OF JUSTICE, FEDERAL PROSECUTION OF ELECTION OFFENSES 47 (7th ed. rev. 2007), available at <https://www.justice.gov/sites/default/files/criminal/legacy/2013/09/30/electbook-rvs0807.pdf>; see also *United States v. Garcia*, 719 F.2d 99, 102 (5th Cir. 1983).

Permissible Activities

However, offering free rides to the polls or providing employees paid leave to vote are not prohibited activities.⁴ This is because such benefits make it easier for people to vote and does not induce them to vote or reward them for voting. If in compliance with state law, payments may be made to individuals who gather signatures for voter registrations as long as those payments are not shared with the person being registered to vote.⁵

Expenditures for Voting or Withholding a Vote for a Federal Candidate

Federal law also prohibits making, or offering to make, an expenditure to any person to vote or to withhold a vote for a federal candidate.⁶ The term expenditure includes “any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value.”⁷ Nonwillful violations of this prohibition are punishable by fines and/or imprisonment for up to one year, and willful violations are punishable by fines and/or imprisonment for up to two years.⁸

The information contained in this fact sheet and any attachments is being provided for informational purposes only and not as part of an attorney-client relationship. The information is not a substitute for expert legal, tax, or other professional advice tailored to your specific circumstances, and may not be relied upon for the purposes of avoiding any penalties that may be imposed under the Internal Revenue Code. Alliance for Justice publishes plain-language guides on nonprofit advocacy topics, offers educational workshops on the laws governing the advocacy of nonprofits, and provides technical assistance for nonprofits engaging in advocacy. For additional information, please feel free to contact Alliance for Justice at 866-NPLOBBY.

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⁴ DONSANTO & SIMMONS, *supra* note 3, at 47-48; *see also United States v. Lewin*, 467 F.2d 1132 (7th Cir. 1972).

⁵ DONSANTO & SIMMONS, *supra* note 3, at 48.

⁶ 18 U.S.C. § 597.

⁷ 52 U.S.C. § 30101(9)(A).

⁸ DONSANTO & SIMMONS, *supra* note 3, at 47.