

Nonprofits Urged to Join Voter-Protection Efforts

10.19.22 | Linda J. Rosenthal, JD



“As we see it,” the National Council of Nonprofits (NCN) wrote this summer, “keeping our republic is a fundamental function of what nonprofits do – working in the center of public service, promoting civic engagement, and solving community problems.” *Keeping Our Republic: The Roles of Charitable Nonprofits* (July 24, 2022) National Council of Nonprofits.

It was an urgent call-to-action that NCN made yet again this week in its *Nonprofit Advocacy Updates* (October 17, 2022). Readers were urged to “celebrate Vote Early Day 2022 on October 28” and to “... not stop there – know how to be [#VoteReady](#), join the movement to [provide paid time off for your employees](#) to serve as nonpartisan poll workers, give nonpartisan [state-by-state voter assistance](#), and recognize how voting affects everything from [veterans](#) to [mental health](#).”

Perhaps the [most confusing and intentionally alarming](#) provision of Section 501(c)(3) is the [100% prohibition against electioneering/campaigning](#) by tax-exempt public charities. But there’s a [safe harbor](#) of allowable conduct; namely, nonpartisan voter registration, get-out-the-vote, and election-protection activities.

With Election Day less than three weeks away – and considering urgent warnings by the FBI and others about schemes to interfere with and suppress the vote – the nonprofit community must step up and participate. See, for example, *FBI Warns Voters on Election Crimes Ahead of the November 2022 Midterm Election* (October 12, 2022) [fbi.gov](#).

Vote Early Day

“[Vote Early Day](#) is a civic celebration to encourage people to get out and vote early by knowing how, where, and when you can vote early. Join nonprofits, businesses, and election administrators by encouraging your employees, partners, board members, and communities to get out and vote

before Election Day.”

Sponsored by voteearlyday.org, its website “provides resources to know [where you can register](#) and [how to vote early](#) in your area. Nonprofits are encouraged to [join as a community partner](#) and use the [Vote Early Day Toolkit](#) with social media graphics and the [Voter Tool](#) for how to get started, build activation, and help get the word out.”

See also [NonprofitVote](#), the “largest source of nonpartisan resources to help nonprofits integrate voter engagement into their ongoing activities and service.” Its 17-page online guide, [Engaging New Voters, If Nonprofits Don't, Who Will?](#) explains that “[t]he job of candidates and political campaigns is not to promote equity in voting and democratic participation. It is to win elections. It is up to us, as nonprofits, to promote equity in our democracy. It is up to us to ensure the communities we serve are actively participating and voting. This report is dedicated to that journey.”

Bolder Advocacy’s website [section on nonprofit voter-assistance activities](#) is also an excellent resource.

Election-Day Leave

[Nonprofit Staff Vote](#) is a “joint campaign that aims to encourage nonprofit employers to offer employees paid time off to vote on or before Election Day. Almost 3/5 of states require employers to provide some form of time off for their staff to vote...” Similarly, see National Council of Nonprofits’s [Civic Engagement Leave Policy](#).

Poll Workers

[Power the Polls](#) is “a campaign uniting nonprofits and businesses to help recruit and support poll workers through education, promotion, and activation of employers to give workers Election Day off so they can serve their community as poll workers.”

The project was launched in June 2020 when “America was in the midst of a nationwide poll worker shortage.” That problem has grown exponentially worse this year with ongoing credible threats to election workers; in many localities, a large portion of these workers have already quit. Election-day poll workers and watchers are also in dangerously short supply.

Conclusion

In its [July 2022 appeal](#) to nonprofits to get active this election season in permitted ways, the National Council of Nonprofits reminded us that “... every day hundreds of thousands of charitable nonprofits work in nonpartisan ways to keep our republic and protect our democracy so everyone has a voice in their own future.”

And, of course, NCN included Benjamin Franklin’s famous response to a question of what kind of government the constitutional convention had created: “A republic, if you can keep it,” adding: “It is fitting that America’s charitable nonprofits show respect for the vision of one of our earliest charitable leaders – Benjamin Franklin – by working every day to serve the public and keep our republic alive, vibrant, and free.”

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