

Quick Guide:

Voter Engagement Messaging and Activities for Private Foundations

This is a time of immense change and political upheaval, but it's also a great time for foundations to use their voices to encourage full and active voter engagement in the election. Election years provide a significant window of opportunity for nonprofits and foundations: When campaigning, officeholders are more likely to focus attention on the issues, programs, and policies that affect people's lives. While voter engagement activities happen every election year, they are particularly important this year to ensure the integrity and fairness of our democracy.

This short guide discusses the rules private foundations must follow in an election year, while still being bold advocates and ensuring increased participation in the election.

Through grantmaking and messaging, private foundations can—and should—play a role in encouraging people to vote. Foundations strengthen our democracy by broadening the civic dialogue and giving a voice to underrepresented communities. Although the IRS restricts private foundations from engaging in some activities, these restrictions only apply to [lobbying](#), partisan activity such as campaign intervention, and earmarking funds for [voter registration drives](#). So there's still plenty private foundations can do, and this guide focuses on ways private foundations can encourage fair and robust participation before and on Election Day.

Ensuring Your Activities and Communications are Nonpartisan

Private foundations can both fund and engage in voter education efforts and get-out-the-vote (GOTV) efforts, including helping voters find the information they need to exercise their right to vote. As long as their activities and communications remain nonpartisan, private foundations can educate the public about candidates and the voting process, engage with elected officials and candidates, and promote civic engagement. Ways private foundations can do this include:

- Nonpartisan public education and training sessions about participation in the political process
- Educating all of the candidates on public-interest issues
- [Hosting a candidate debate or forum](#)
- Publishing a voting record or legislative scorecards
- Preparing candidate questionnaires and creating voter guides
- Canvassing the public on issues

- Renting, at fair market value, mailing lists and facilities to other organizations, legislators, and candidates
- Participating in GOTV and other civic engagement activities
- Making grants to support all of the above

What do we mean by being “nonpartisan”? It’s any communication or activity that does not support or oppose a political party or candidate for public office. Private foundations, as with all 501(c)(3) organizations, can’t endorse candidates or suggest who voters should support. Other communications that are likely to be considered partisan are those that signal to voters that someone is a good or bad candidate. Examples of these are candidate pledges (“If elected I pledge to do X”) or statements that align a candidate’s views with the foundation’s (a statement by a foundation in the Midwest working on environmental issues that reads, “Candidate X just released a statement pledging to clean up the Great Lakes”).

The IRS doesn’t provide specific guidance about whether an activity or communication is partisan or nonpartisan; instead they look at all of the “facts and circumstances.” Here’s how to think about this: Picture a spectrum of risk. To determine whether a communication looks partisan, the foundation should consider how likely it is that the communication will be viewed as trying to help or hurt a candidate’s election or defeat. If the communication could be interpreted as helping or hurting a candidate, it is more likely to be high risk. Foundations should consider factors including:

- Does the communication talk about a candidate?
- How close to the election is the communication? Is the communication timed to coincide with a non-electoral event, such as passage of a bill?
- Is the communication emphasizing a wedge issue that’s prominent in the election and/or candidates have clearly contrasting positions about?
- Does the communication talk about voting, or the upcoming election, in a way that could be seen as an effort to help or hurt a candidate?

Here’s an example of how a blog post criticizing a sitting governor can be written so it’s less risky:

- The blog post is written the day after the governor vetoed a bill on affordable housing supported by the organization
- It does not refer to the upcoming election or the governor as a candidate
- Affordable housing has not been discussed by either candidate on the election campaign

GOTV and Civic Engagement Activities

One of the easiest and lowest-risk forms of election year engagement for private foundations is conducting or funding nonpartisan get-out-the-vote activities. GOTV activities include motivating voters to vote, helping them find resources on voting,

informing voters about vote-by-mail or absentee voting, or helping registered voters get to the polls.

GOTV activities are an effective way for foundations to leverage their resources and elevate their voices. They can engage in a range of GOTV activities, from those requiring little cost or effort, such as using social media, to those that require higher costs and effort, like funding a GOTV canvass. Examples of social media messages private foundations can use include:

- Are you a military voter? Click here for more information on how you can vote this year: <https://www.eac.gov/voters/overseas-military-voters>
- If you encounter any problems voting call the voter protection hotline at 1-866-OUR-VOTE (1-866-687-8683) #GOTV
- Politicians work for us. Who do you want on your payroll? #Vote2020
- Why scream into the void when you can be heard at the voting booth? #2020Election
- There are so many reasons to vote: your neighbors, your town, your state, your country, your world. Vote. #VotingTuesday
- Your voice matters. Your vote is your voice. Don't let it go to waste. #GOTV

Note that some tweets, such as “If you want representatives who don't dismiss women, you need to vote. Today is the day. Vote.” may be higher risk, depending on the facts surrounding the candidates in a particular location. For example, if Candidate X has made public statements dismissing women who are survivors of sexual assault and is running for office in the same city as the private foundation sending this tweet, it will be higher risk.

In addition to GOTV, other civic engagement activities private foundations can safely engage in to help and encourage voters to cast their ballot include:

- Providing information on who is eligible to vote
- Providing information on whether ID is needed to vote and, if so, how people can obtain the proper ID
- Providing links to help voters get an absentee ballot
- Encouraging voters to mail or drop off their ballot
- Helping voters find their polling place
- Providing information on how voters with a disability can find resources so they can vote
- Sharing information about the checks and balances established to protect against fraud
- Combatting misinformation about the election or voting process
- Informing voters that a major increase in absentee or mail-in votes is likely to result in a delay in final results

What about [voter registration drives](#)? As you probably know, the law imposes added restrictions on private foundations engaging in and earmarking grants for voter registration activities. However, these additional rules **do not** apply to the GOTV and other civic engagement activities discussed above. So as long as your foundation sticks to those activities, you'll be legally and boldly advocating to increase election involvement.

Grantmaking

Although this guide focuses on how private foundations can engage directly in GOTV and civic engagement, it's important to remember that foundations can also make grants that help and encourage people to vote.

Private foundations have a great deal of flexibility in election-year grantmaking. They can make general support or specific project grants to support nonpartisan election-related activities. This year, with voters and voting districts facing unprecedented challenges because of COVID-19, expanded opportunities to vote by mail, and consolidated polling locations, private foundations have even more opportunities to make grants that have a real impact on increasing election engagement.

Individual Partisan Work

As mentioned above, private foundations are prohibited from engaging in or funding any partisan political activity. But this restriction does not apply to the activities of officers, directors, or employees of foundations who are [taking action as individuals](#). However, it's essential that they do not use facilities, equipment, personnel, or other foundation resources to support or oppose a candidate. Foundation staff may work on political campaigns outside of work hours or while using their available leave time.

For more information, see the [Philanthropy Advocacy Playbook](#) and [Investing in Change: A Funder's Guide to Supporting Advocacy](#).



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