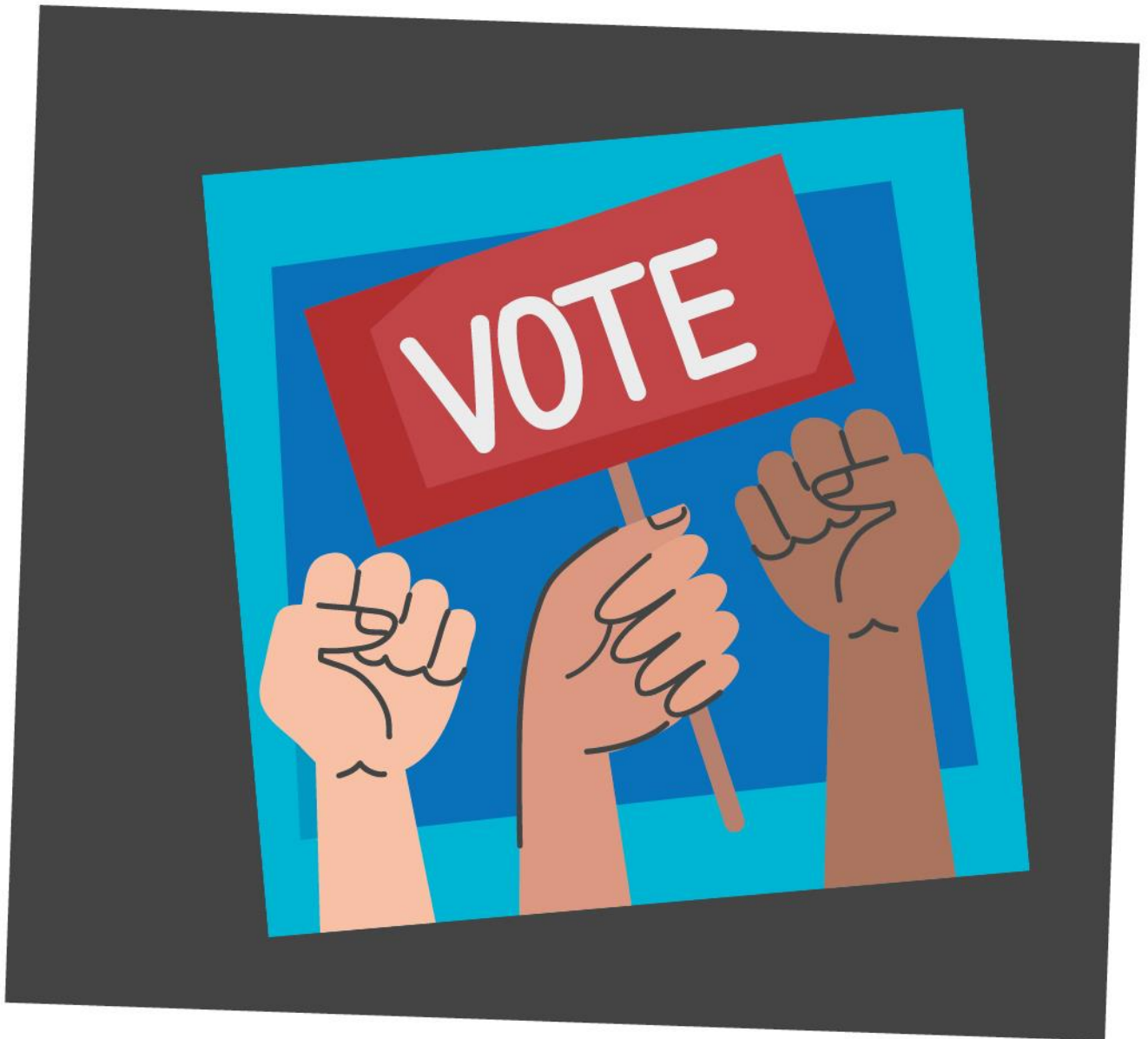


PRACTICAL GUIDANCE

Nonprofit Voter Assistance

ARIZONA



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.

Elections Division: Arizona's elections are overseen by the Elections Division of the Department of State. Their voter-facing information page is here:

<https://azsos.gov/elections>

There is additional information for voting in the 2022 Election Cycle here:

<https://azsos.gov/elections/voting-election>

County Elections Officials: Each county has its own County Recorder that administers elections in that county.

- You can find contact information and links to each county official's website here: <https://azsos.gov/county-election-info>
- Some counties have great information on their sites and may include things like well-produced voter guides or posters that you can link to. For example, Graham County's Election website has this Voter Information graphic. <https://www.graham.az.gov/DocumentCenter/View/3824/2022-Voter-Guide-PDF>

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 Recorder offices sometimes apply laws differently:** In Arizona the County Recorder offices sometimes have their own way of doing things. It is worth taking the time to check the websites of the County Recorder offices in the county or counties where you will be focusing your work.

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

Compared with other states, Arizona law has fewer specific rules regulating third parties that provide assistance with registering to vote, but they are trying to push registering using their online systems, and some of the requirements placed on voters, particularly around the documentation of citizenship, are quite specific.

ServiceArizona online registration system:

- Arizona's online registration system can be accessed here: <https://servicearizona.com/VoterRegistration/selectLanguage>
- Instructions for how to navigate the system can be found in the ServiceArizona Guide here: <https://azsos.gov/block/voting-election-forms-resources-block>

Paper-based registration drives:

- Printed forms can be downloaded here: https://azsos.gov/sites/default/files/2022_Voter_Registration_Form.pdf
- Print voter registration forms need to be returned to the correct County Recorder's office. <https://azsos.gov/county-election-info>

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



Practical Tips

- **Consider online or hybrid registration drives:** If your drive can be effective using tablets or computers to have registrants complete the process, you can use the ServiceArizona online registration system. Applicants do not need to provide additional proof of citizenship if they have an Arizona driver's license or State ID issued after October 1, 1996. It is best practice to allow the registrant to fill in the online information themselves.
- **Arizona Online Voter Registration Unique URL Program:** Arizona also runs a system for large-scale online registration drives (over 1,000 registrations) that you may wish to consider for future cycles if your programming is at scale: <https://azsos.gov/elections/online-voter-registration-unique-url-program>



Watch Out

- **Citizenship documentation requirements are very specific:** Arizona requires voters to provide documentary proof of citizenship and these rules are quite specific. You may want to seek extra assistance for this kind of work.
- **Don't pay your drive workers by the piece:** Do not pay your registration drive participants based on how many registrations they complete. 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.

In Arizona, voters can sign up for the **“Active Early Voting List (AEVL)”** to receive a “ballot-by-mail” for every upcoming election. They may also make a one-time ballot-by-mail application. Organizations are permitted to distribute and collect ballot-by-mail request forms but if you do run such a program, you must carefully follow specific rules or risk civil and criminal penalties. The law is currently clear in Arizona that groups should **not** run a completed ballot-by-mail **collection** program.



Practical Tip: Focus on information instead of action

- With the potential civil and criminal penalties involved for missteps, it may be wiser to focus on providing your constituents trustworthy official information about the AEVL and ballot-by-mail processes instead of running a full assistance program.
- The voter-facing page at the Arizona Elections Division is here: <https://azsos.gov/votebymail>



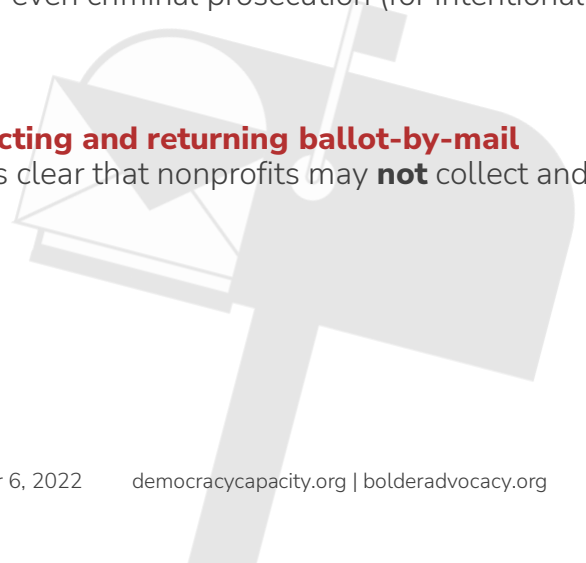
Watch Out

- **Applications must have the correct return addresses:** If the ballot-by-mail application form you distribute has a pre-printed address for voters to return the application, it **must** be the address for “the political subdivision that will conduct the election” (e.g., the county where the voter will be voting) – failure to include the correct address could lead to a civil fine. A list of the relevant county election officials is here: <https://azsos.gov/elections/voting-election/contact-information-county-election-officials>
- **Applications must be returned on time:** Arizona law mandates that any ballot-by-mail applications collected by your organization must be submitted to the appropriate county officials within a specified time period – six business days of receipt, or eleven calendar days before Election Day, whichever is earlier. Failure to comply can subject you to a civil fine, or even criminal prosecution (for intentional failure to submit).



Danger Zone

- **Nonprofits are prohibited from collecting and returning ballot-by-mail ballots:** The law as currently enacted is clear that nonprofits may **not** collect and return actual ballots.



Q: Can we help voters fix problems with their vote-by-mail ballots?

Running a full ballot-by-mail “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 official County Recorder’s office if they need to cure their ballot.



Practical Tip: Use official sources of information!

- Voters can check the status of a ballot-by-mail ballot on the “Your Voter Info” tab here: <https://arizona.vote/>
- The contact information for the County Recorder’s office for each county if additional assistance is required can be found here: <https://azsos.gov/county-election-info>



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

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



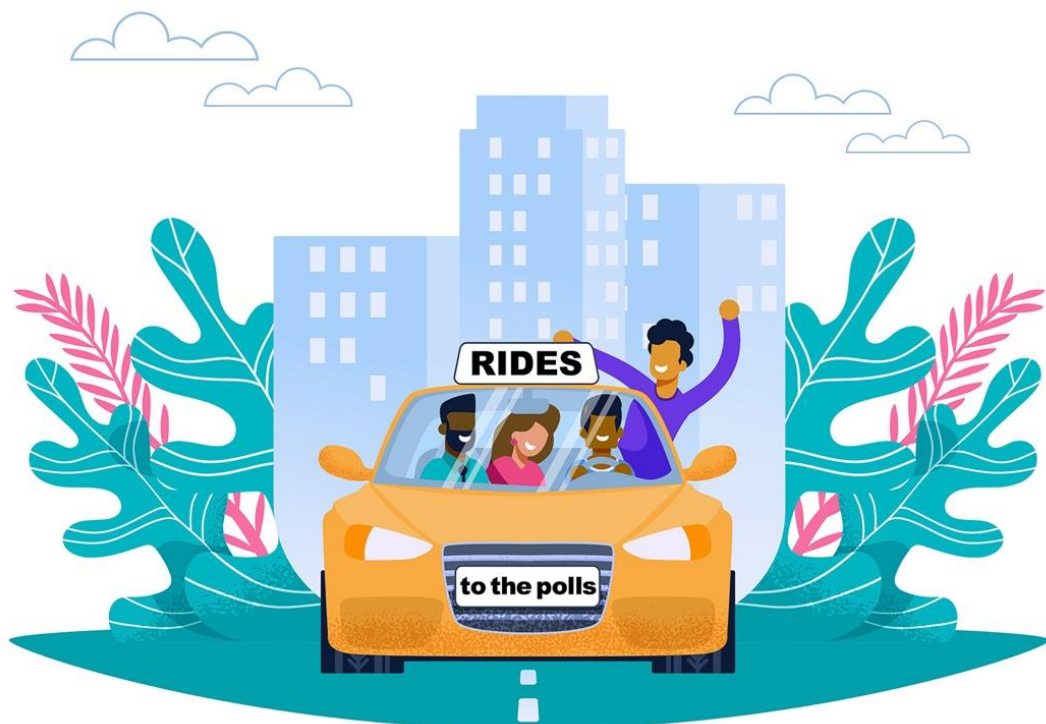
Practical Tip: Consider partnering with existing programs

- 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.

In Arizona, individuals and organizations are prohibited from engaging in certain activities within 75 feet of an entrance to a polling place or early voting location, including knowingly electioneering, carrying a firearm or other weapon, and taking photos or videos. The Secretary of State has further noted that taking photographs from outside the perimeter may intimidate voters and is “inappropriate.” See <https://azsos.gov/elections/guidance-voting-location-conduct>



Practical Tips

- Stay well outside of the 75-foot no solicitation 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-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. In general, nonprofit organizations usually find that running an observer program is complicated, and it may be more effective to focus on other civic engagement and GOTV work in their communities.

State rules about lawn signs and road signs: Generally, Arizona law protects the placement of partisan road signs in public rights of way, or on private property with the permission of the owner, so long as certain conditions are met. See AZ Stat § 16-1019 for further detail: <https://www.azleg.gov/ars/16/01019.htm>
See also the FAQ on campaign finance rules below.

Partisan or nonpartisan GOTV clothing and buttons: Voters may wear partisan or nonpartisan election-related clothing and materials (e.g., hats, buttons, T-shirts, etc.) within the 75 foot no solicitation perimeter around the entrance to polling place or early voting location. Only polling place officials and watchers are prohibited from wearing partisan materials inside the perimeter.

Selfies in or near the polling place: As noted above, Arizona law does not permit photos or videos to be taken within the 75-foot perimeter and discourages photos and videos from being taken near a voting location even outside the perimeter. If your staff or constituents really want to communicate about their voting on social media, consider instead advising them to post 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

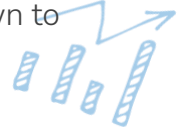
- **Don't use the phone or text banking program to do something you can't do in person!** For example, don't use a text banking system to coordinate the collection of early ballots.

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 Arizona, Title 16 Chapter 6 of the Arizona Statute outlines the state-level campaign finance regulations that might apply to your work. You'll need to navigate down to Chapter 6 in the statute: <https://www.azleg.gov/arsDetail/?title=16>



✓ 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 Arizona, these state campaign finance rules cover, among other things, whether and how disclaimers must be added to political ads. If you are doing partisan GOTV work, you will need to carefully examine the Arizona campaign finance rules 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 by each County Recorder's office in Arizona.

Each poll worker must be registered to vote (or pre-registered if under 18) in the county in which they are applying to be a poll worker and complete a training for their position at least once each election cycle.

You can find a list of each County Recorder's website here:
<https://azsos.gov/elections/pollworker2022>



Practical Tip

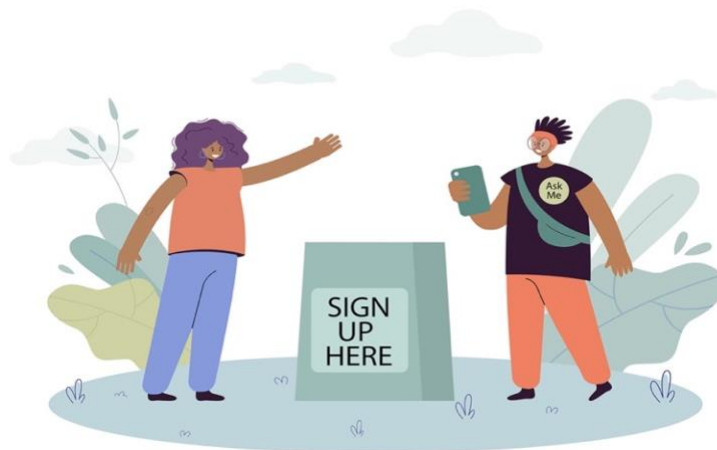
- While more poll workers are often urgently needed, it can sometimes be frustratingly slow to get through to the county offices to get started. You may need to start this process early and have some patience with your poll worker recruitment plan.
- If your organization is considering doing a poll worker recruitment drive and has trouble reaching the right person at your County Recorder's 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 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 or local lobbyist registration rules. Arizona has some local lobbyist registration ordinances in place at the county and city levels, so you'll need to check your program plan against both state-level lobbying rules, and the rules of any local jurisdictions you'll be working in. See our Practical Guidance – What Nonprofits Need to Know About Lobbying in Arizona for further information: <https://www.democracycapacity.org/az-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 Arizona Laws: You can access the specific statutes referenced below here: <https://www.azleg.gov/arsDetail/?title=16>

- **Voter Registration:** A.R.S. § 16 – Qualification and Registration of Electors.
- **Assistance with Ballot-by-Mail Ballots:** A.R.S. § 16-1005 – Returning vote-by-mail ballots and violations.
- **Line Warning:** See <https://azsos.gov/elections/guidance-voting-location-conduct> – Guidance on conduct at the polls and activities prohibited within 75-foot perimeter.
- **State Rules for Lawn and Road Signs:** A.R.S. § 16-1019 – Size and location restrictions of political signs.
- **Ballot Selfies:** A.R.S. § 16-515 – No photos or videos allowed within 75-foot perimeter.
- **GOTV Clothing/Hats/Buttons in Polling Places:** A.R.S. § 16-515 – Voters’ clothing not regulated, only official election workers and observers.
- **Campaign Finance:** A.R.S. Title 16 Chapter 6 - Campaign Finance.

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 and 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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