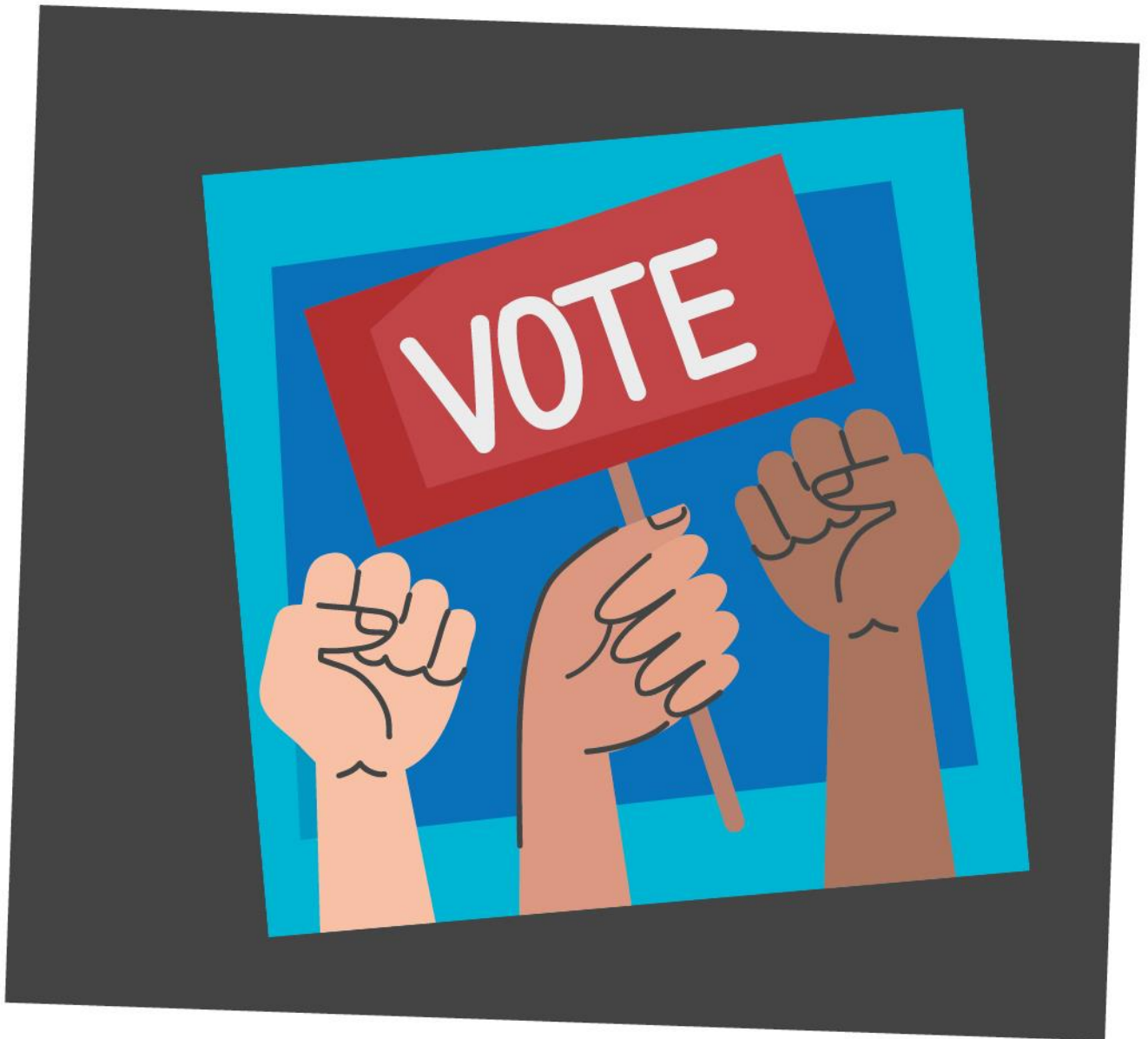


PRACTICAL GUIDANCE

Nonprofit Voter Assistance

GEORGIA



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

<https://sos.ga.gov/elections-division-georgia-secretary-states-office>

The Elections Division has a useful online tool – My Voter Page – for voters to find information about their registration status, the status of their absentee ballot application and ballot, and more: <https://mvp.sos.ga.gov/s/>

County Election Offices: Each county has its own Election Office. You can find their contact information here: <https://sos.ga.gov/county-elections-offices>

Some counties also have their own websites (although you may need to search for them as they are not listed in the county Election Office list above). Fulton County's website, for example, is here: <https://www.fultoncountyga.gov/inside-fulton-county/fulton-county-departments/registration-and-elections>

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 Election Offices sometimes apply laws differently:** In Georgia each county Election Office may have its own way of doing things. It is worth taking the time to try to check the websites of the Election Offices where you are planning to do your work.

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

There are some quite specific rules applicable to voter registration drives in Georgia. You should assume that the applicable portions of the rules apply to all of your voter registration related activities, even if you are not running a full paper voter registration program. You will need to create strong processes and controls to ensure that your organization can comply with all of the obligations Georgia law imposes, especially for voter registration drives where you are collecting and returning paper application forms for voters. It is important that you carefully read the State materials below before starting any voter registration drive programming in Georgia.

Some key State voter registration drive rules and related links:

The State has a helpful webpage targeted to organizations doing registration drives here: <https://sos.ga.gov/page/voter-registration-drive>

The State's voter registration rules and procedures manual is here: https://sos.ga.gov/sites/default/files/2022-02/voter_registration_rules_and_procedures_manual_-_2020_1.pdf.

You can get bulk registration applications from the Secretary of State or local Election Offices, or applications can also be downloaded and printed in bulk here: https://sos.ga.gov/sites/default/files/forms/GA_VR_APP_2019.pdf

You generally may not assist voters in filling out the applications, which voters should do in blue or black ink, not in pencil. In order to avoid being in possession of confidential voter applicant information, the State advises that you direct voters to seal applications in their envelopes before they return them to you. You must postmark or deliver completed applications within 10 days of receipt (unless you're within 14 days of the registration deadline, in which case you must return applications within 72 hours, or by midnight on the deadline day, whichever is earlier).

There are also specific rules about what you can or cannot say to applicants. You may not tell voters who have a Georgia driver's license or ID that they don't need to supply that information. You must also give voters a set of specific notices. Handing the document linked below to each voter that you assist will satisfy this notice requirement: https://sos.ga.gov/sites/default/files/2022-02/required_voter_registration_notices_handout.pdf

All application submissions must be accompanied by a completed transmittal form: https://sos.ga.gov/sites/default/files/2022-02/voter_registration_transmittal_summary_sheet_io.pdf

Fair Elections fact sheet: The Fair Elections Center also has a good fact sheet here: <https://www.fairelectionscenter.org/voter-registration-drive-guides>



Watch Out

- **No registration drives where alcohol is served:** You may not hold a registration drive any place where alcohol is sold and consumed.
- **Don't pay your drive workers by the piece:** It's a crime in Georgia to pay 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?

Georgia is a no-excuse absentee ballot state, which allows any voter to vote in person prior to Election Day – called “Advance Voting” or “Early Voting” in Georgia – or vote by mail using an “Absentee Ballot.” This FAQ focuses on Absentee Ballot mail voting.

In 2021, Georgia enacted S.B. 202, which amended its laws to (among other things) make it much more difficult and riskier for nonprofits to help voters vote by absentee ballot. Litigation challenging those amendments is pending, but the law currently remains in effect. If you are interested in doing work in this area, you should consult with expert counsel. You will also need to create strong processes and controls to ensure that you can comply with all of the obligations.

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

- Given the restrictions on helping your constituents apply for or vote by absentee ballot, it may be more efficient to focus on getting them trustworthy official information about the absentee voting process, instead of running a full assistance program.
- The voter-facing absentee voting page at the Georgia Elections Division is here: <https://sos.ga.gov/how-to-guide/how-guide-voting>
- Georgia also has strict voter identification rules, which you can read about here: <https://sos.ga.gov/page/georgia-voter-identification-requirements>

👁️ **Watch Out**

If you do decide to proceed with an absentee ballot request program:

- Nonprofits seeking to help voters apply for an absentee ballot must use absentee ballot application form APP-21_V2, which can be downloaded here (be sure to fill in your organization’s name and address in the space at the bottom of each page): https://sos.ga.gov/sites/default/files/2022-03/CCD-Georgia-Application-for-Absentee-Ballot-int-APP-21_V2.pdf **Voters must sign the form in ink for it to be accepted.**
- Before you give this form to any voter, you must first check whether that voter has already requested an absentee ballot – **failure to do so is punishable by fines up to \$100 per application.** You can look the voters up here: <https://elections.sos.ga.gov/Elections/voterabsenteefile.do>
- You may not pre-fill any voter information on the absentee ballot application.

⚠️ **Danger Zone**

- **Absentee ballot applications collection and return is prohibited:** You may not collect or return absentee ballot applications for voters.
- **No assistance with absentee ballots:** You may not assist voters with completing their absentee ballots, and you also may not collect or return the absentee ballots.

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

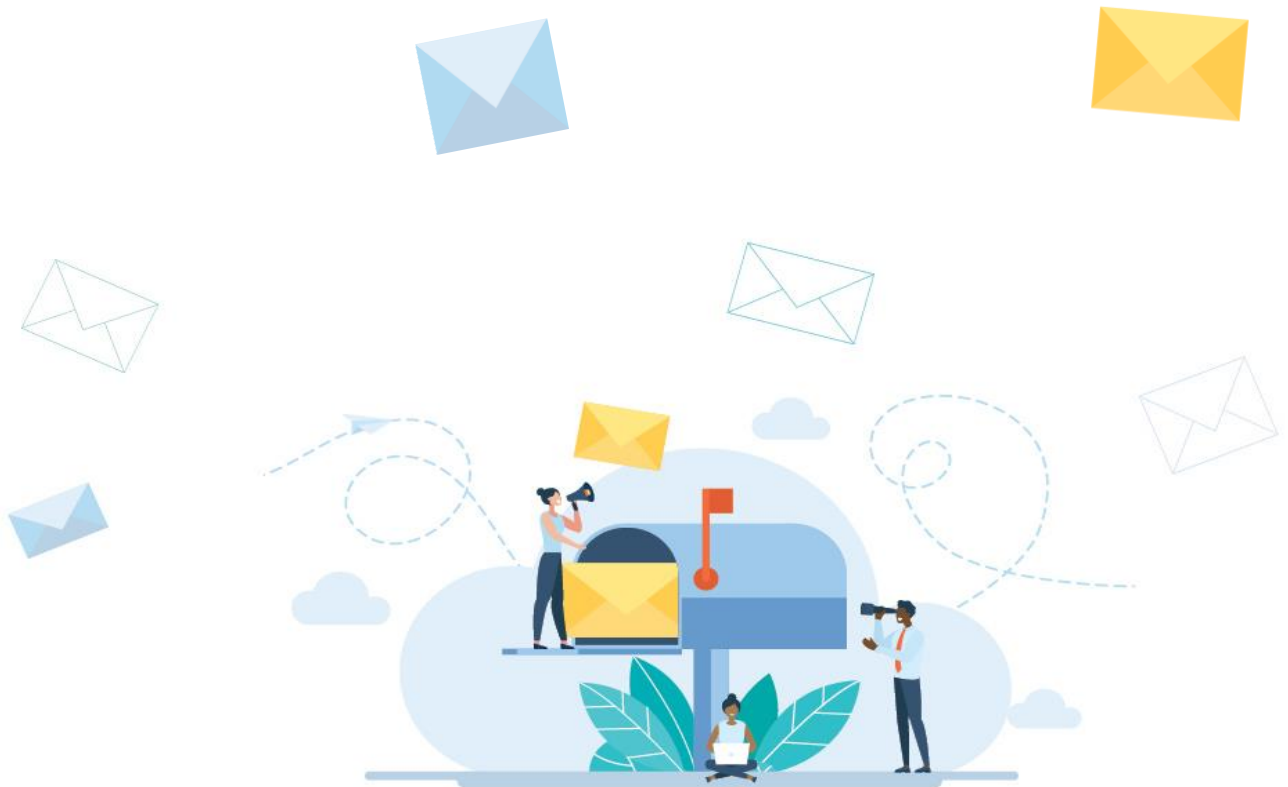
Running a full absentee ballot “cure program” (where organizations help track down voters whose ballots have been rejected and help them “cure” the ballots) can be complicated and is usually beyond the capacity of smaller organizations.

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 county Election Office if they need to cure their ballot. County officials will inform voters whose ballot has been rejected, in which case the voter can fix the problem up to three days after the election.



Practical Tip: Use official sources of information!

- In Georgia, voters can check the status of their absentee ballot here: <https://mvp.sos.ga.gov/s/>
- The contact information for the Election Office for each county if additional information is required can be found here: <https://sos.ga.gov/county-elections-offices>



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

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



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

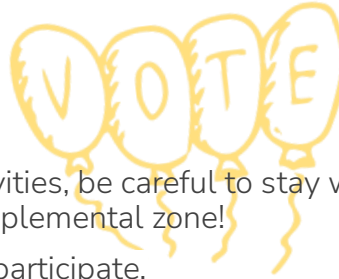
- **Staying nonpartisan:** If your organization is a 501(c)(3) public charity, all of your work must remain strictly nonpartisan. In the context of a rides to the polls program, this means you must offer rides in a nonpartisan way. You should not turn away voters because you think they are likely to 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 2021, Georgia amended its electioneering law to make certain forms of line warming a misdemeanor if conducted inside the polling place, within 150 feet of the outer edge of the building in which the polling place is located, or within 25 feet of any voter waiting in line outside the 150-foot zone. For example, no person or group other than “election officials” may set up a table or booth within this buffer zone. It is a crime for “any person” to give “money or gifts” within the buffer zone, and the law explicitly identifies giving “food or drink” to voters as a prohibited gift. If you intend to conduct line warming programming outside of the 150-foot buffer zone and the 25-foot supplemental zone, you should consult with knowledgeable counsel about how local officials intend to implement and enforce the new law.



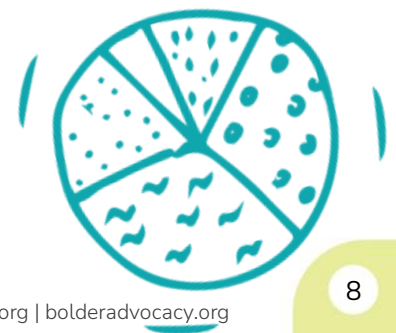
Practical Tips

- If you conduct any line warming activities, be careful to stay well outside the 150-foot buffer zone **and** the 25-foot supplemental zone!
- 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

- **The law is not settled:** Litigation challenging the current line warming provisions is pending, but for the moment the law remains in effect. It is unclear how state and local election officials and law enforcement officials will interpret and enforce it.
- **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: Georgia only allows partisan election observers, who are nominated by candidates or political parties.

State rules about lawn signs and road signs: Georgia law prohibits the placement of political signs in the right of way along state or county roads. Signs are permitted on private property with the consent of the owner, subject to local zoning laws. Local governments may not, however, limit the length of time a political campaign sign may be displayed or the number of signs which may be displayed. See also the FAQ on campaign finance rules below.

Partisan or nonpartisan GOTV clothing and buttons: Voters are not allowed to wear clothing or materials, such as hats, T-shirts, or buttons, etc., into the buffer and supplemental zones if the clothing displays the name of a candidate, political party, ballot measure, or a slogan related to any of the above.

Selfies in or near the polling place: Georgia law prohibits the use of cameras, electronic recording devices, and cell phones in a polling place while voting is occurring. Photographing a ballot while someone is voting is strictly forbidden. For this reason, you shouldn't run a program asking your constituents to post their ballot selfies. 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.

Georgia Code, Title 21, Chapter 5 outlines the state level campaign finance regulations that might apply to your work. You can find an easy to navigate database for the Georgia Code here: <http://www.lexisnexis.com/hottopics/gacode>



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 Georgia, these state campaign finance rules may cover, among other things, whether and how disclaimers must be added to political ads, rules relating to when physical political advertisements must be taken down after an election, and text and phone banking rules. If you are doing partisan GOTV work, you will need to carefully examine the Georgia 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 Georgia by each county's Election Office.

To be a poll worker in Georgia you must be a U.S. citizen, at least 16 years old, a resident or employee of the county in which you are applying. You must also be able to read, write, and speak English. You cannot hold public office, be a candidate for public office, or be an immediate relative of a candidate.

You can find your county Election Office website here: <https://sos.ga.gov/county-elections-offices>



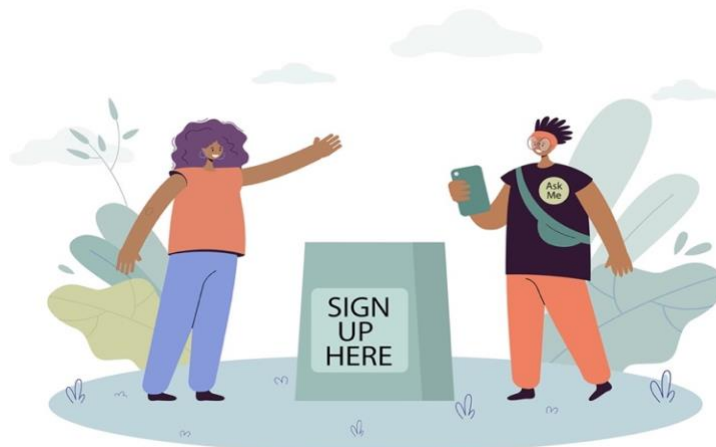
Practical Tip

- 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 Election 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 lobbyist registration rules. You'll need to check the details of your program plan against the state-level lobbying rules, which in Georgia also apply at the county and local level. See our Practical Guidance – What Nonprofits Need to Know About Lobbying in Georgia for further information: <https://www.democracypolicy.org/ga-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 Georgia laws: You can find the sections of the Georgia Code cited below here: <http://www.lexisnexis.com/hottopics/gacode>

- **Third Party Voter Registration:** GA Code §§ 21-2-210 *et seq.* and associated State Election Board regulations: <https://rules.sos.ga.gov/GAC/183-1-6-.02>
See also the Georgia Voter Registration Guide, at pp 4-9: https://sos.ga.gov/sites/default/files/2022-02/voter_registration_rules_and_procedures_manual_-_2020_1.pdf
- **Assistance with Absentee Ballots:** GA Code §§ 21-2-381(a)(1)(C) & 21-2-384(b)
- **Line Warming, Clothing in Polling Place, and Ballot Selfies:** GA Code § 21-2-414
See also the Georgia Poll Workers Manual, at pp 40-42: <https://georgiapollworkers.sos.ga.gov/Shared Documents/Georgia Poll Worker Manual 2021.pdf>
- **State Rules About Lawn and Road Signs:** GA Code §§ 16-7-58, 32-6-51
- **Campaign Finance:** GA Code §§ 21-5-1 *et seq.*

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.

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 **BOLDERADVOCACY**
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