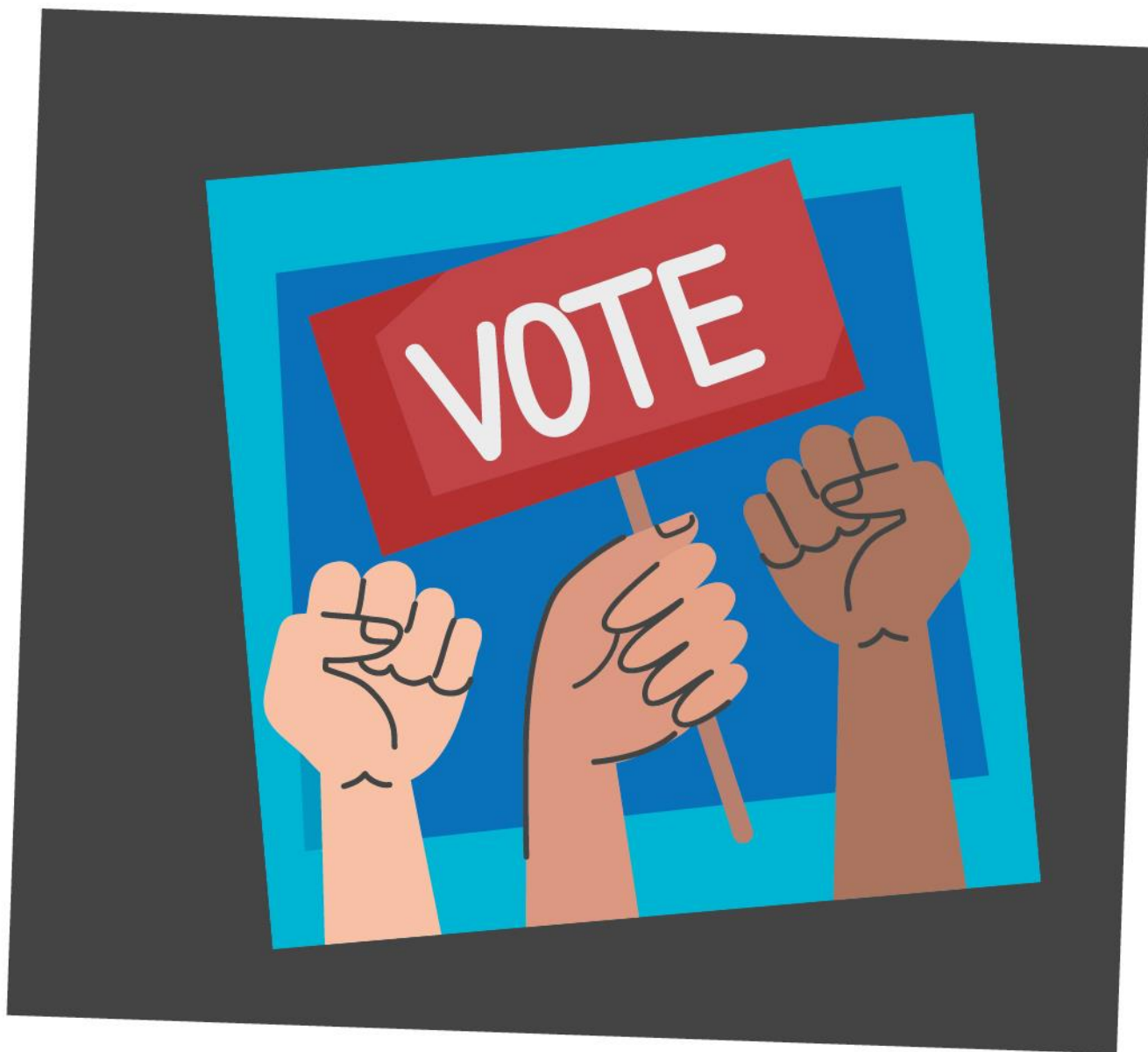


PRACTICAL GUIDANCE

Nonprofit Voter Assistance

ILLINOIS



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.

State Board of Elections: Elections in Illinois are overseen by the Illinois State Board of Elections. Their voter-facing information page is here: <https://www.elections.il.gov/>

Local Election Authorities: Each county and six municipalities have their own Election Authority, which are most commonly the county Clerk. You can find their contact information and links to their websites here: <https://elections.il.gov/electionoperations/electionauthorities.aspx>

Some counties have great information on their sites and may include well-produced voter guides, posters, or other information that you can link to. For example, the Cook County Clerk's Office has a useful voter information interactive tool which you can find here: <https://www.cookcountyclerkil.gov/elections/your-voter-information>

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!
- **Local Election Authority offices sometimes apply laws differently:** In Illinois, each local Election Authority's office may have its own way of doing things. It is worth taking the time to check the websites of the local Election Authorities in each of the jurisdictions where you will be doing your work.

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

There are two ways to run voter registration drive programs in Illinois – one where the State certifies your organization as a “Civic Organization” entitled to have staff or volunteers named “Deputy Registrars,” and the other where you proceed without such status. We outline some of the key differences between the two systems below.

Registration drives as a Civic Organization with Deputy Registrars: All programs run under this method must be nonpartisan. Well before the election, you’ll need to get approved by the State in two separate steps. The primary benefit of this method is that you can verify the voter’s ID number at the time of registration, removing risk that a first-time voter would need to show ID in person to complete their registration the first time they vote at the polls.

- **Civic Organization certification:** Civic Organization certification closes 90 days before the election in which you want to run registration drives. See: <https://www.elections.il.gov/DocDisplay.aspx?Doc=/Downloads/ElectionOperations/PDF/CivicOrgApplication.pdf&MID=331>
- **Deputy Registrar appointments:** Once your organization is certified, you can request that your staff or volunteers be appointed as Deputy Registrars. More information about the Deputy Registrar process is available in the “Information for Voters” drop down menu at: <https://www.elections.il.gov/>. Cook County also has a good deputy registrar manual available here: <https://www.cookcountyclerkil.gov/publications/deputy-registrar-manual>

Regular voter registration drive: You can also run a registration drive in which you hand out, collect, and return voter registration applications without going through the Civic Organization and Deputy Registrar process. In this method, first-time voters may need to show ID the first time they vote at the polls if officials are unable to match the ID number provided on the application with an ID number already in the State system.

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

✓ Practical Tip:

- Voter registration deadlines vary according to the method used to register but voters who miss the deadline can register and vote in person at their Election Authority’s office during the “Grace Period,” which runs between the end of voter registration and the day before election day. They can also register at their home polling place on election day, if they bring sufficient identification.



Watch Out

- **No voter registration drives where alcohol is being served:** Illinois law prohibits registering people to vote where alcohol is being served.
- **Don’t pay your drive workers by the piece:** Do not pay someone to solicit registrations 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?

Illinois allows any registered voter to vote by mail, with a narrow exception for certain first-time voters who did not provide the required proof of identity when they registered to vote, and therefore will need to vote in person so that they can present that proof.

The general vote by mail page for voters at the Illinois Division of Elections is here: <https://elections.il.gov/ElectionOperations/VotingByMail.aspx>

Assisting with vote by mail ballot applications:

- Nonprofit organizations are permitted to distribute applications for vote by mail ballots. Applications can be downloaded from the following website, and photocopied as needed: <https://elections.il.gov/ElectionOperations/VotingByMailAgreement.aspx?T=637864196326811274>
- Nonprofit organizations are allowed to collect and return applications for a vote by mail ballot, but you must deliver the applications to the relevant Election Authority within seven days (or if within two weeks of an election, you must do it within two days). Failure to comply can subject you to fines.
- The law is silent as to whether a nonprofit (or any third party) can pre-fill part of the applications or provide postage – you should consult with counsel if you are interested in doing either.

Assisting with vote by mail ballots:

- You may not assist voters in completing their ballots, other than a narrow exception for physically incapacitated voters. If voters with disabilities make up a significant share of your constituents, consult with counsel about how to best serve them.
- Your staff or volunteers may collect and return a ballot on a voter's behalf (by mail or in person) if the voter authorizes them to do so, but that authorization must be demonstrated by both the voter and the authorized person signing the specified form on the ballot return envelope.



Practical Tip

- Illinois has strict rules about the timing for returning vote by mail applications and mail ballots, so if you plan to collect and return materials as part of your programming, you should have strong processes and controls in place to ensure compliance with your obligations.



Watch Out

- **Collecting and submitting vote by mail applications:** You must submit vote by mail applications within seven days of receipt (or two days if within two weeks of an election). **Failure to do so can result in a fine of \$100 per application.**
- **Collecting and submitting mail ballots:** If you return a mail ballot for a voter, both the voter and the staffer **must** sign the authorization on the ballot envelope.

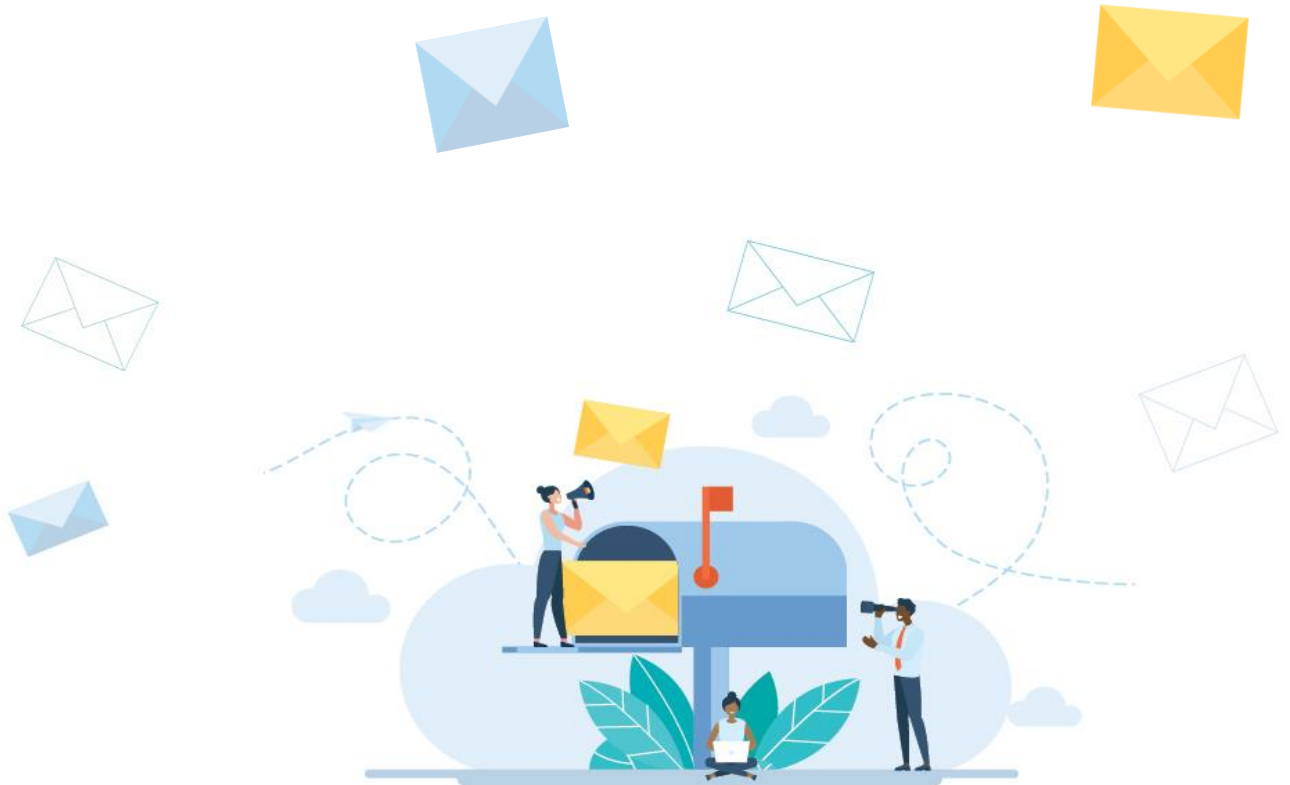
Q: Can we help voters fix problems with their vote by mail ballots?

Running a full vote by mail “cure program” (where organizations help track down voters whose vote by mail 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 election official’s office if they need to cure their ballot.

In Illinois, voters who have had a ballot rejected will be notified within two days of the rejection and given the cause for the rejection. In order to cure the ballot, the voter must present evidence to the election authority to show why the ballot should not be rejected (for example, that the signature on the ballot is their own).

✓ **Practical Tip: Use official sources of information!**

- Illinois does not have a state-wide online ballot tracking system, but many of the local Election Authority’s offices do have a way to check the status of a vote by mail application and ballot.
- The contact information for the Election Authority office for each jurisdiction if additional information is required can be found here: <https://elections.il.gov/ElectionOperations/ElectionAuthorities.aspx>



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

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



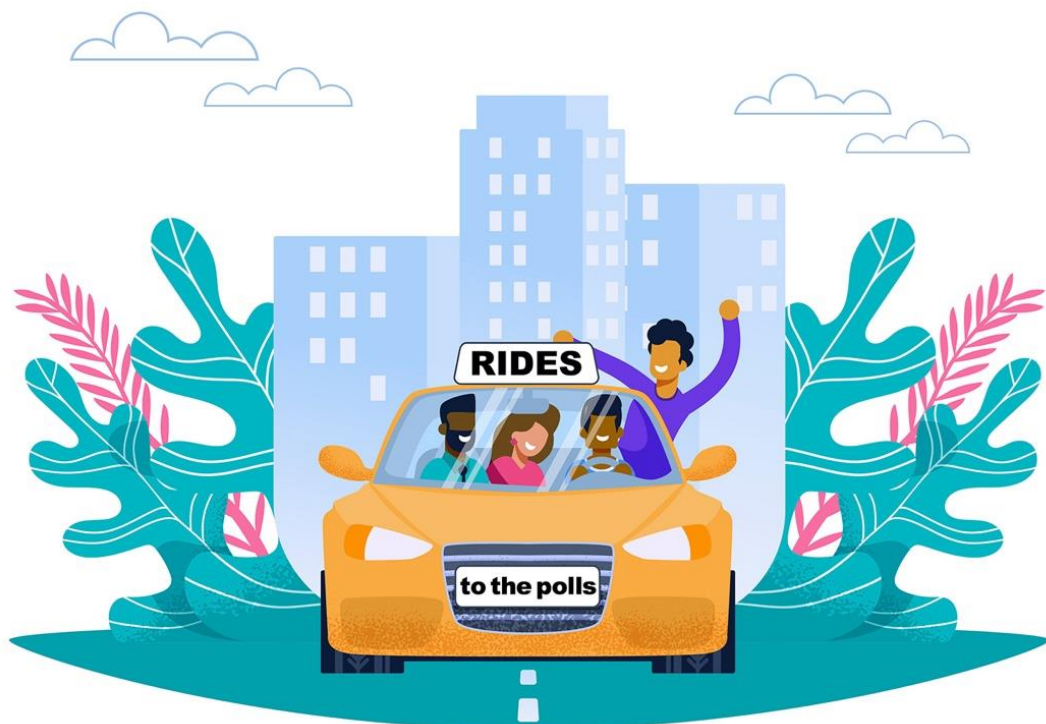
Practical Tip: Consider partnering with existing programs

- 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

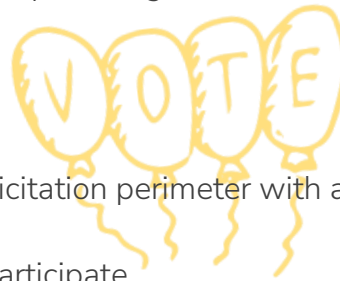
- **Staying nonpartisan:** If your organization is a 501(c)(3) public charity, all of your work must remain strictly nonpartisan. In the context of a rides to the polls program, this means you must offer rides in a nonpartisan way. You should not turn away voters because you think they are likely to 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.

Illinois prohibits electioneering, solicitation of votes, and engagement in any political discussion within 100 feet of the entrance of a polling place. There are no specific prohibitions on line warming activities such as providing food, water, and entertainment to voters waiting in line.



✓ Practical Tips

- Stay well outside the 100-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-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. Illinois does have a process whereby a “state nonpartisan civic organization” can get representatives appointed as observers for early and election day voting. 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 – if you wish to pursue having observers appointed, consult with legal counsel.

State rules about lawn signs and road signs: Generally, Illinois law restricts placement of any road signs along or above the right of way on state and Interstate roads. Local governments have various regulations about signs, but state law forbids municipalities from prohibiting political signs on residential property at any time of the year (although “reasonable restrictions as to size” are permitted). If you intend to put up any political signs, you should check the local ordinances for any jurisdiction where you will be working. Also see the FAQ on campaign finance rules below.

Partisan or nonpartisan GOTV clothing and buttons: Local regulation varies by county. Some counties prohibit partisan and nonpartisan clothing and materials (hats, buttons, T-shirts, etc.) within the 100-foot no solicitation perimeter. You should check the rules of the Election Authorities for the jurisdictions in which you’ll be working.

Selfies in or near the polling place: Illinois election authorities have provided guidance in the press that ballot selfies are a disturbance of the voting process, and potentially implicate a state statute prohibiting vote buying. 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.

Illinois Compiled Statutes, Chapter 10, Sec. 5, Art. 9 contain the state-level campaign finance rules that might apply to your work. A compiled set of these laws and the related regulations is available here:

<https://www.elections.il.gov/DocDisplay.aspx?Doc=/Downloads/CampaignDisclosure/PDF/CampDiscAct.pdf&MID=158>



✓ 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 Illinois, these state campaign finance rules may cover, among other things, 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 Illinois 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 Illinois by each local Election Authority.

Each poll worker must be registered to vote in the county in which they are applying to work (certain high school and college applicants do not need to be registered). The local Election Authority may have other requirements.

You can find your Election Authority's website here:

<https://elections.il.gov/ElectionOperations/ElectionAuthorities.aspx>



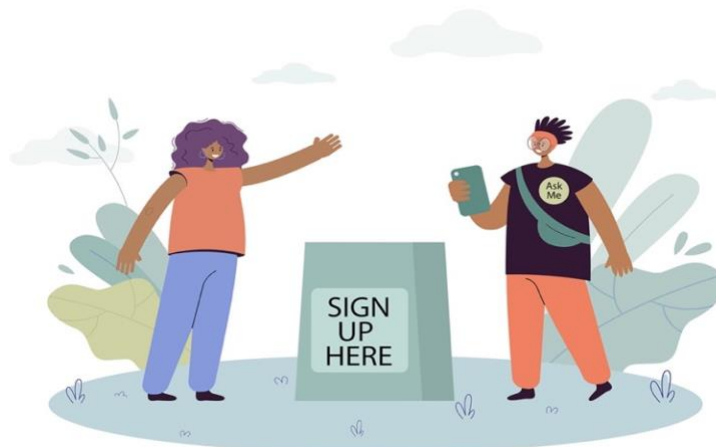
Practical Tip

- 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 local Election Authority'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. For the most part state lobbying laws cover both state and local jurisdictions, but Chicago, and potentially some other large local jurisdictions have their own ordinances, and 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 Illinois for further information: <https://www.democracycapacity.org/il-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 Illinois laws: Illinois statutes generally can be accessed here: <https://www.ilga.gov/legislation/ilcs/ilcs.asp>

- **Assistance with Vote By Mail Ballots:** 10 ILCS § 5, art. 19: <https://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=001000050HArt%2E+19&ActID=170&ChapterID=3&SeqStart=69800000&SeqEnd=72400000>
- **Line Warning:** 10 ILCS § 5, art. 17, ¶ 17-29: <https://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=001000050HArt%2E+17&ActID=170&ChapterID=3&SeqStart=62400000&SeqEnd=66400000>
- **State Rules About Lawn and Road Signs:** IL Administrative Code § 522.30: <https://www.ilga.gov/commission/jcar/admincode/092/092005220B00300R.html>
- **Campaign Finance:** A compilation of campaign finance law in Illinois is here: <https://www.elections.il.gov/DocDisplay.aspx?Doc=/Downloads/CampaignDisclosure/PDF/CampDiscAct.pdf&MID=158>

See also:

<https://www.elections.il.gov/downloads/campaigndisclosure/pdf/campdiscguide.pdf>

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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