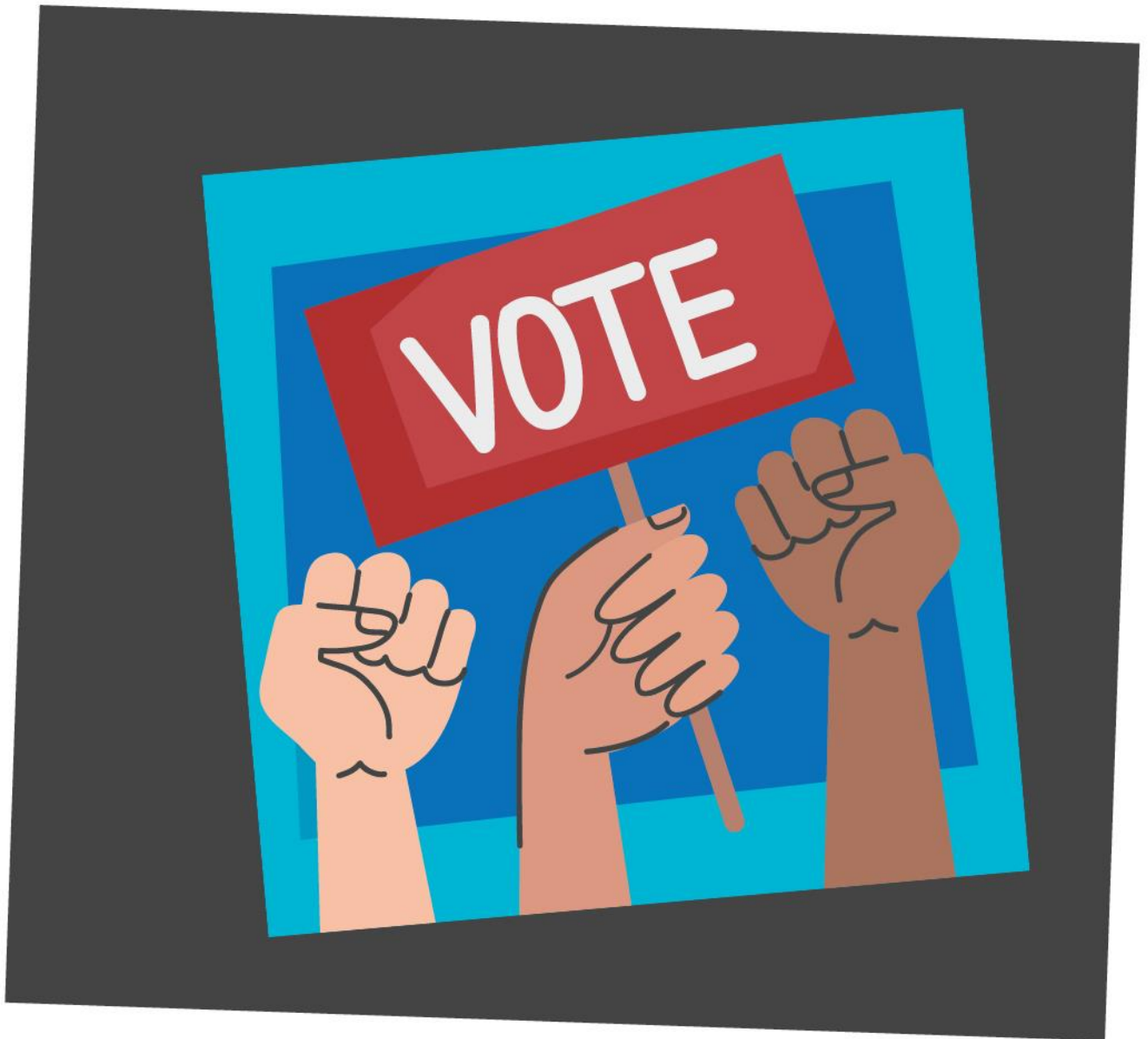


PRACTICAL GUIDANCE

Nonprofit Voter Assistance

MICHIGAN



Democracy **Capacity**

 **BOLDERADVOCACY**
A program of Alliance for Justice



ELECTION

ELECTION

ELECTION

I Voted

I Voted

Vote

VOTE

I Voted

VOTE

VOTE

Vote to Win!

Vote to Win!

Vote Results

Vote Results

Vote Now

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.

Bureau of Elections: Michigan's elections are overseen by the Bureau of Elections at the Michigan Department of State. The Bureau maintains two useful voter-facing information pages:

- <https://mVIC.sos.state.mi.us/>
- <https://www.michigan.gov/sos/elections/upcoming-election-information>

Local Election Officials: Elections are highly decentralized in Michigan. Not only are there county commissioners and boards of canvassers, but there are local equivalents as well. Most election functions, such as voter registration, are processed through the city or township clerk's office. You can search for the local clerks' offices here: <https://mVIC.sos.state.mi.us/Voter/Index/#yourclerk>

Some counties aggregate useful voter information on their sites. For example, Kent County provides specific information by city or township all on one page and explains how a voter can verify and track their vote: https://www.accesskent.com/Departments/Elections/polling_locations.htm

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 clerks sometimes apply laws differently:** In Michigan, county and local elections clerks may have their own ways of doing things. It is worth taking the time to check with the county and local clerks where you are doing your work.

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

Michigan laws give considerable leeway in designing a voter registration drive program. Of course, you should still use common sense about protecting registrants' private information and put in place good processes for safekeeping and returning the registration applications to the right place and on time!

You should also be sure to read the information available in the links below carefully before starting your voter registration drive programming in Michigan.

Registration drives using printed applications: Groups can obtain mail-in registration applications in English, large print format English, Arabic, Bengali, Burmese, Dari Farsi, Hindi, Korean, Mandarin and Spanish by going to [Michigan.gov/Vote](https://michigan.gov/Vote) and selecting "Voter Forms and Publications" from the side menu. Voters registering by mail must supply **either** a Michigan driver's license or ID number, **or** the last 4 digits of their social security number. Voters without such ID numbers can also include a copy of a name and address identifying document (see instructions on the forms).

Registration drives using the online system: Online voter registrations require a Michigan driver's license or ID number **and** the last four digits of a social security number. You can access the online system here: <https://mvic.sos.state.mi.us/RegisterVoter/Index>. You can help people check if they are already registered using the lookup tool here: <https://mvic.sos.state.mi.us/Voter/Index>

Summary of the voter registration process: A good summary of the steps involved in registering to vote in Michigan is outlined here: <https://mvic.sos.state.mi.us/Home/RegisterToVote>

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



Practical Tips

- It's a relatively operationally laborious process to return all of the registration applications to the right local city or township clerk's office. You also risk accidentally sending applications to the wrong office which might result in a voter not being registered on time! You should put in place strong process checks if you do a paper application drive and plan to collect and return the applications.
- You may want to consider doing an online voter registration drive using tablets or computers, or a hybrid drive using the online system where possible, to minimize the operational risks of returning the applications.



Watch Out

- **You need to return the applications to the right city or township clerk's office!** <https://mvic.sos.state.mi.us/Voter/Index/#yourclerk>
- **Don't pay your drive workers by the piece:** It's illegal in Michigan to 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?

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.

Michigan, which refers to voting by mail as “absentee voting,” is a no-excuse absentee voting state, which means that all voters may request an absentee ballot without needing a reason. Nonprofit organizations are permitted to print and distribute absentee ballot applications with no restrictions on the number of forms they distribute. However, it is illegal to run a program where you **both** distribute the absentee ballot application forms **and** collect them to return to the clerks’ offices.



Practical Tip

- **Information about absentee voting process:** The Michigan Bureau of Elections has a good guide to the absentee voting process here: <https://mvic.sos.state.mi.us/Home/VoteAtHome>



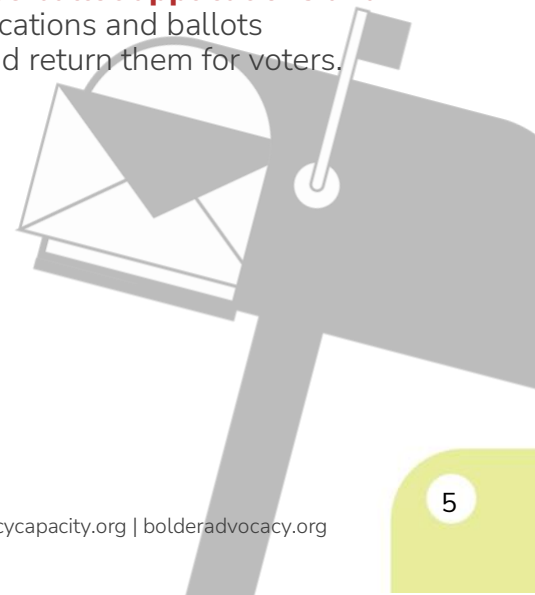
Watch Out

- **Don't pre-fill applications:** It is safest not to run a program where you pre-fill applications, because making a false statement on an absentee ballot application is a misdemeanor.
- **Don't provide postage for absentee ballot applications or ballots:** Michigan election law doesn't address specifically whether nonprofits can pay for postage to return either absentee ballot applications or the ballots themselves, but the safer course is not to pay postage for either, as the election law anti-bribery statute criminalizes the giving of any “inducement” to vote or to influence how a person votes.



Danger Zone

- **It is illegal to collect and return completed absentee ballot applications and absentee ballots for voters:** Voters must return applications and ballots themselves. Your organization cannot legally collect and return them for voters.



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

Michigan has made it difficult for nonprofit organizations to effectively assist voters in returning completed absentee ballots – other than by getting voters the information they need to do it themselves. Voters will be notified if there are missing or mismatched signatures, but voters need to go to the local elections office to fix any issues. If they cannot do that, they can ask for the clerk to destroy the ballot and issue them a new one. The request for a new ballot must be in writing.

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 local clerk’s office if they need to cure their ballot.

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

- In Michigan, voters can check the status of their absentee ballot here: <https://mvic.sos.state.mi.us/Voter/Index>
- Voters can search for their local clerk’s office here: <https://mvic.sos.state.mi.us/Voter/Index/#yourclerk>



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

Michigan's "Voter Transportation Law" – Mich. Comp. Laws § 168.931(1)(b)(f) – criminalizes "hir[ing] a motor vehicle" to transport voters to a polling place unless those voters are "physically unable to walk."

This law is the subject of pending litigation, so if you are interested in doing some kind of rides to the polls programming, you should seek legal counsel to better understand the current state of the law, where the latest interpretation of the law by authorities stands, and how this fits with your risk tolerance as an organization.

It may possibly be the case that if volunteers give voters rides to the polls in their own vehicles it would not violate the Voter Transportation Law. It is less clear whether an organization may permissibly use vehicles hired to do other things to bring voters to the polls, or use workers who are paid, but not specifically to carry out a rides to the polls program.

If you decide to do a rides to the polls program despite the legal ambiguity, you should also consider the points below.

✓ **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, especially considering the challenges of doing it legally.

👁️ **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.

⚠️ **Danger Zone**

- **It is illegal to hire a vehicle, or to pay someone to drive another to the polls:** Unless it is for voters who cannot physically walk to the polls, Michigan does not allow anyone to hire a vehicle or to pay others to provide rides to the polls.



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.

Michigan law does not explicitly prohibit line warming activities, such as giving voters water or food. However, it is illegal in Michigan to provide anything of value to a voter to induce them to vote. Electioneering, or other political persuasion, is also prohibited within the polling place or within 100 feet of an entrance to building in which a polling place is located.



Practical Tips

- Make sure that all of your line warming activities take place well outside the 100-foot electioneering perimeter!
- 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

- **Allow both voters and nonvoters to participate:** Michigan’s statute relating to giving voters anything of value in order to get them to vote ostensibly applies to anything you might do to “induce” a voter to vote, not only an inducement to vote for a particular person or party. You need to carefully avoid treating those who vote differently than those who do not to be clear that you are not “inducing” voters. Make sure that anything you provide to voters is available to everyone – even people passing by on the street.
- 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. 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: In Michigan, political signs must be removed within 10 days of the election, must be more than 30 feet away from the roadway for highways without barrier curbs (or 3 feet from the curb), and cannot be placed at intersections or commercial driveways or places with limited access. You should also check local ordinances in the jurisdictions where you plan to operate, as they may have more restrictive rules. Road signs may also implicate campaign finance rules – see the FAQ on campaign finance rules below.

Partisan or nonpartisan GOTV clothing and buttons: Michigan poll workers are instructed to have voters entering the polling place “remove campaign buttons or cover up clothing that refers to a candidate, campaign slogan, or political party or interest group on this election’s ballot.”

Selfies in or near the polling place: Michigan explicitly restricts photography in and around polling places, although voters are allowed to take a photo of their ballot only (no selfies!). Consider suggesting that your constituents take selfies with the “I Voted” sticker someplace besides the polling place and post those 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.

In Michigan, Chapter 169 of the Michigan Compiled Laws outlines the state level campaign finance regulations that might apply to your work:
<http://legislature.mi.gov/doc.aspx?mcl-Act-388-of-1976>



✓ 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 Michigan, state campaign finance rules 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 Michigan 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 facilitated to some degree by the State Election Bureau but in the end, each of Michigan's 1,500 clerk offices hire their own poll workers independently.

Each poll worker must be registered to vote in Michigan (teenagers aged 16 and 17 and residing in Michigan may also apply). Under law, poll workers must also be affiliated with a political party (i.e., not independent or unaffiliated). They must also not be an election challenger candidate, member of a candidate's immediate family, or a member of the local board of canvassers. All poll workers are required to complete official training as required by the local clerk's office.

You can find the Election Bureau's poll worker recruitment facilitating website here: <https://www.michigan.gov/sos/resources/initiatives/democracy-mvp>

Or you can contact the local county clerks' offices directly here: <https://mvic.sos.state.mi.us/Voter/Index/#yourclerk>



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 clerk'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. Certain local jurisdictions in Michigan have their own local lobbyist ordinances (for example, in Detroit), so you will 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 Michigan for further information: <https://www.democracycapacity.org/mi-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 Michigan Laws

- **Assistance with Absentee Ballots:** Mich. Comp. Laws § 168.764b(2) – Vote-by-mail ballots and voting; violations:
<http://legislature.mi.gov/doc.aspx?mcl-168-764b>
- **Rides to Polls:** Mich. Comp. Laws § 168.931(1)(b)(f) – Prohibited conduct; violation as misdemeanor; “valuable consideration” defined:
<http://legislature.mi.gov/doc.aspx?mcl-168-931>
- **Line Warming, Ballot Selfies, GOTV Items in Polling Places:** The election administrator information page, which includes a link to the Election Inspectors’ Procedure Manual is here:
<https://www.michigan.gov/sos/elections/admin-info>
- **State Rules About Lawn and Road Signs:** Ch. 252 of the Mich. Comp. Laws – Signs erected or maintained without required permit; removal:
<http://legislature.mi.gov/doc.aspx?mcl-252-315>
- **Campaign Finance:** Ch. 169 of the Mich. Comp. Laws – Campaign Finance:
<http://legislature.mi.gov/doc.aspx?mcl-Act-388-of-1976>

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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