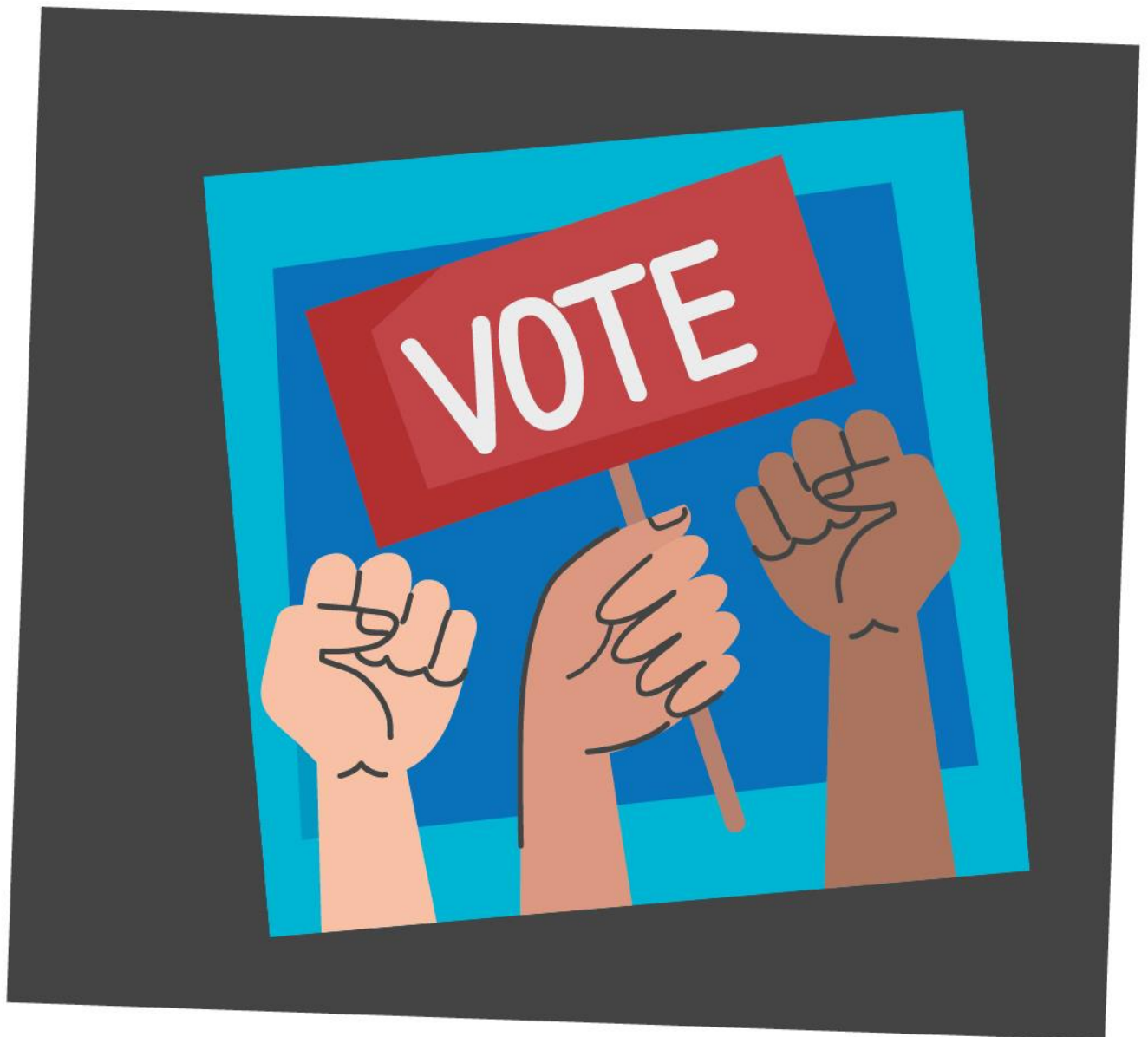


PRACTICAL GUIDANCE

Nonprofit Voter Assistance

NEVADA



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!

501(c)3

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.

Nevada Secretary of State: Nevada's elections are overseen by the Office of the Nevada Secretary of State. Their voter information page is available here: <https://www.nvsos.gov/sos/elections/voters>

County Clerks/Registrars: You can access contact information for County Clerks/Registrars at the link below. The County Clerk offices have multiple other functions, so you may need to dig a little bit to find the elections-related portion of their website: <https://www.nvsos.gov/sos/elections/voters/county-clerk-contact-information>

These websites are worth reviewing because some have good informational resources that you might want to link to or use to create printed posters or handouts.

For example, the Forms, Info and Flyers page on the Clark County Clerk's Office website: <https://www.clarkcountynv.gov/government/departments/elections/index.php>

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 Clerks may sometimes apply laws differently:** In Nevada the County Clerks' offices may sometimes have their own ways of doing things. It is worth checking in with the clerk's office in the counties where you will be focusing your work.

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

Nevada allows third-party groups, including nonprofit organizations, to run voter registration drives. Some rules you should pay particular attention to are:

- **You must use officially obtained application forms:** Forms must be obtained from the offices of the Nevada Secretary of State or from the local County Clerks/Registrars. You must return all leftover forms at the end of your drive.
- **Signage requirements:** You must post or otherwise share with each applicant certain information at your voter registration drive site. See Page 2 of the State's Guide for Conducting a Voter Registration Drive here: <https://www.nvsos.gov/sos/elections/voters/voter-registration-drives>
- **Persons assisting with applications:** You can only help a voter fill in the application if requested to do so by that voter, and if you do, you need to fill out an assistant acknowledgement section on the form.
- **There are strict deadlines for returning applications for voters:** If your voter registration drive entails returning the applications for the voters, you are responsible for returning them under strict deadlines (10 days, or the voter registration deadline, whichever is sooner).

Secretary of State's Page on Voter Registration Drives: Additional information, including a required form called the "Mail-In Application Distribution Plan" that you will need to complete and submit if you are picking up more than 50 applications is available on this page published by the Nevada Secretary of State:

<https://www.nvsos.gov/sos/elections/voters/voter-registration-drives>

Fair Elections Fact Sheet: The Fair Elections Center also has a good summary fact sheet called Conducting a Voter Registration Drive in Nevada that you can access here:

<https://www.fairelectionscenter.org/voter-registration-drive-guides>



Practical Tips

- Carefully review the rules for registration drives and train your volunteers to follow them!
- You should have a good process in place for application form tracking: who has taken out application ballots; which were filled in and which were not; who is responsible for returning the filled-in applications; and who is responsible for returning unused forms at the end of your drive.
- If at all feasible, it is best practice to return the completed forms immediately after the end of a drive shift, so there is no chance of forgetting to return them.



Watch Out

- **Additional prohibitions:** See Page 3 of the State's Guide for Conducting a Voter Registration Drive for additional prohibitions: <https://www.nvsos.gov/sos/elections/voters/voter-registration-drives>
- **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?

Nevada recently moved to a universal mail ballot voting system under a law enacted in 2021. All active registered voters will now automatically receive a mail ballot for each election in 2022, with return postage that is prepaid by the state.

Under Nevada law, groups may assist voters in returning their completed mail ballots if they have the voter's permission to do so and abide by the following strict timelines for returning the ballot:

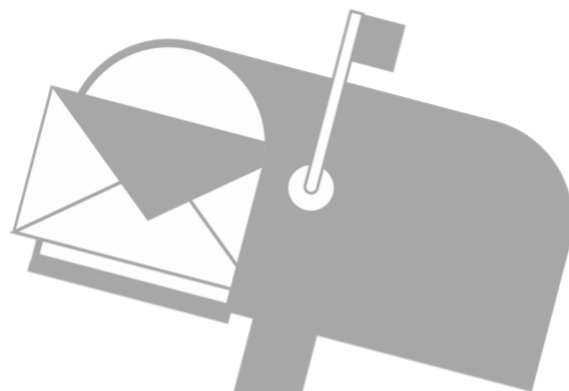
- Four or more days before the election:
 - Before the end of the third day after receiving an application from the voter, you must either hand deliver the ballot to a drop box or appropriate official collection site, or return it by mail.
- Three or fewer days before the election:
 - Before the deadline established by the U.S. Postal Service for the mail ballot to be postmarked by election day, OR
 - Before the polls close on election day for hand delivery to a drop box or official collection site.

Failure to abide by these timelines is a category E felony and punishable by one to four years imprisonment or probation and a \$5,000 fine.



Watch Out

- If you do run a ballot collection program, you need to put a very strong tracking system in place to make sure you are getting the ballots returned on time!



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

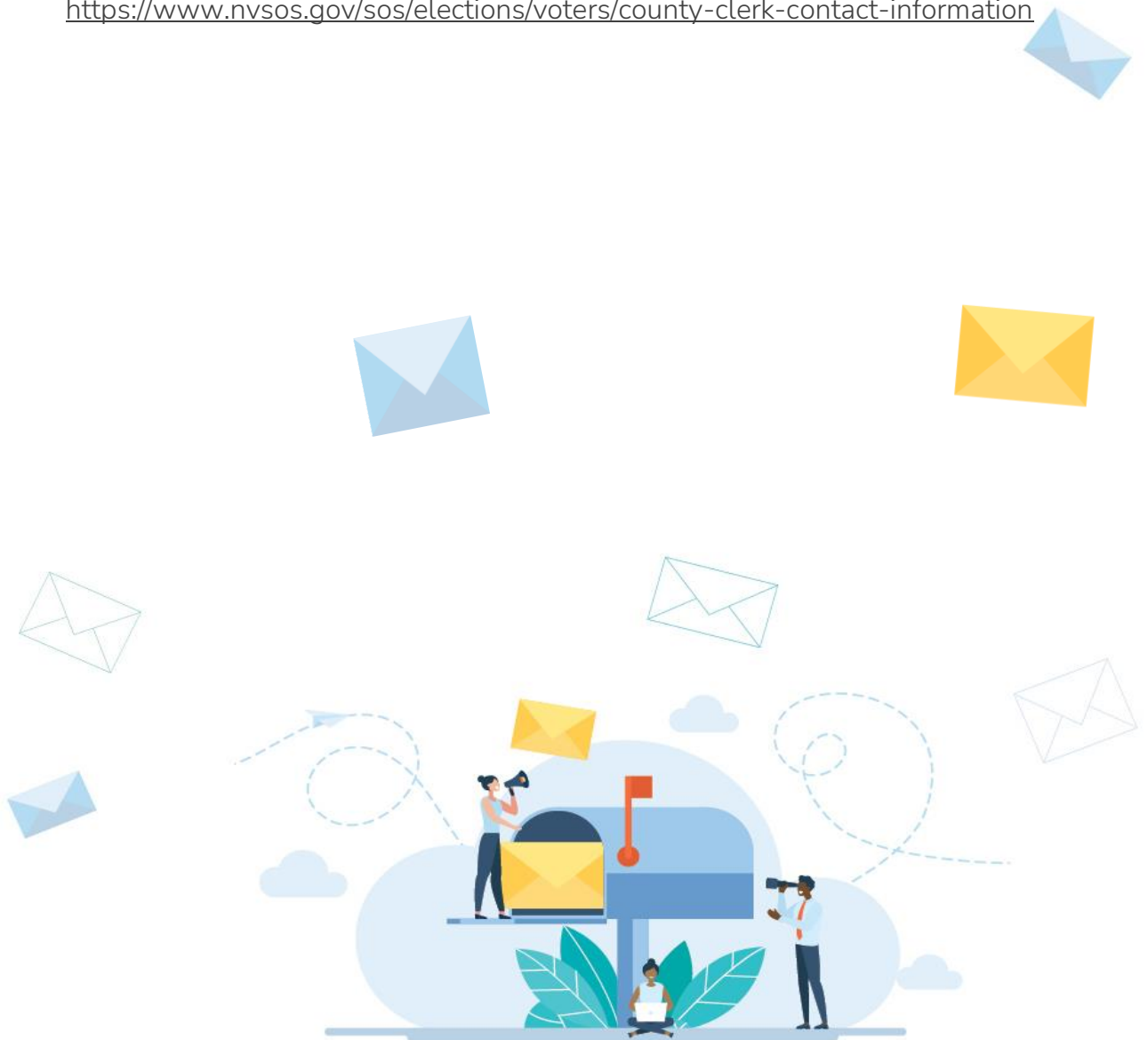
Nevada uses signature matching to verify a mail ballot voter's identity.

Running a full vote-by-mail "cure program" (where organizations help track down voters whose ballots have been rejected and help them "cure" the ballots) can be complicated and is usually beyond the capacity of smaller organizations. That said, it can be enormously helpful for you to educate your constituents about how to track their own ballots, and how to contact their official County Clerk's office if they need to cure their ballot.



Practical Tip: Use official sources of information!

- Voters can track their ballot by using the following page:
<https://www.nvsos.gov/votersearch/>
- The contact information for the voter's County Clerk's office can be looked up here:
<https://www.nvsos.gov/sos/elections/voters/county-clerk-contact-information>



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

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

While Nevada is now a universal mail ballot state for elections in 2022, voters can still choose to vote in person using Early Voting or at the polls on Election Day.

If you decide to do a rides to the polls program:



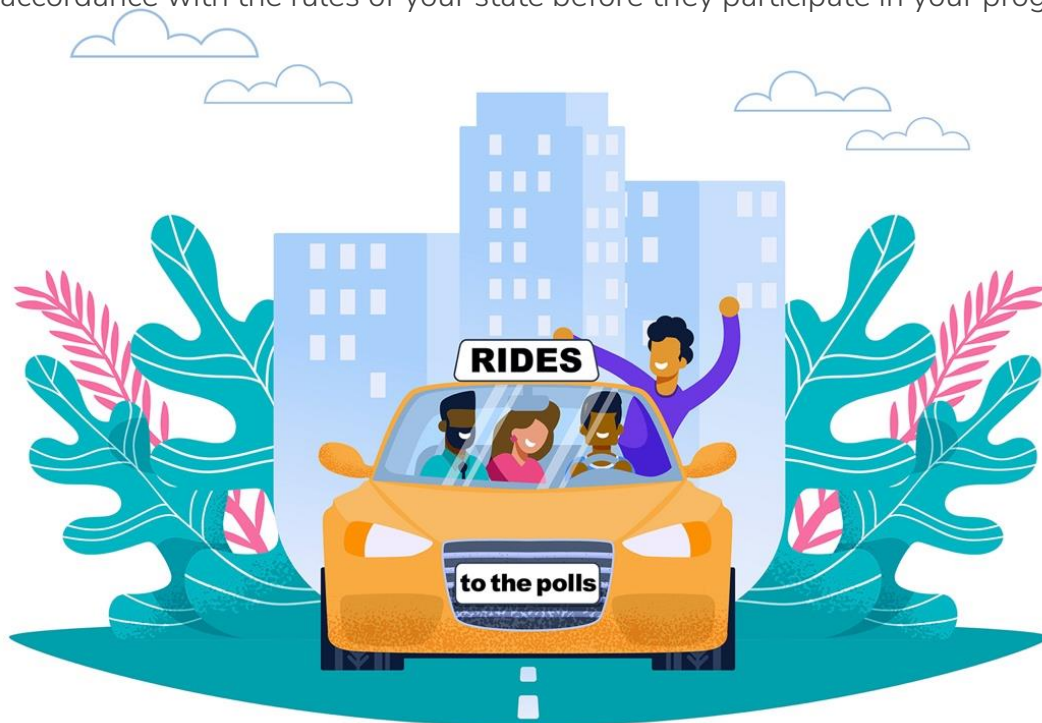
Practical Tip: Consider partnering with existing programs

- 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.

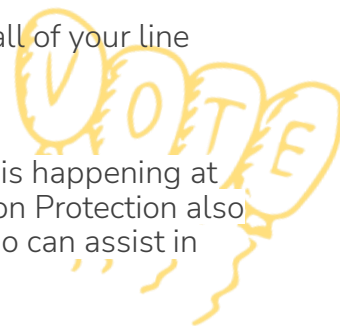
In 2021 Nevada enacted a law making Nevada a universal mail ballot state, but voters may still choose to vote in person using Early Voting days or at the polls on Election Day. To date, many voters are still voting in person, and line warming programming may still be a good choice for your work.

In Nevada, there are prohibitions against electioneering activities inside a polling place, and within a perimeter of 100 feet from the door of a polling place.



Practical Tips

- Stay well outside the 100-foot no electioneering 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. In general, nonprofit organizations usually find that running an observer program is complicated, and that 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: The Nevada Department of Transportation (NDOT) can provide information regarding the placement and rules relating to road and lawn signs. You can reach NDOT at 702-888-7480 or check their website at: <https://www.dot.nv.gov/doing-business/public-involvement-information/sign-rules-regulations>

You should also contact your County Clerk/Registrars in your program area for local ordinances relating to road and lawn signs.

Partisan or nonpartisan GOTV clothing and buttons: Partisan clothing and materials (e.g., hats, buttons, T-shirts, etc.) are not generally allowed within the 100-foot no electioneering perimeter in Nevada, but voters who cannot reasonably remove the apparel (e.g., a shirt) can enter the perimeter to vote, so long as they are not loitering or trying to influence voters with the apparel.

Selfies in or near the polling place: In Nevada, voters may take photos of themselves and their ballots inside the polling place, but there is a law prohibiting showing even their own ballot (or a photo of it) to anyone else!

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 ask your constituents to post ballot selfies:** It is against the law to show others a filled-in ballot, except in the case of legally allowed assistance with a mail ballot.
- **Don't use the phone or text banking program to do something you can't do in person!** For example, don't try to register a voter using an online registration portal using their information they give to you over the phone.



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 Nevada, Chapter 294A of the Nevada Revised Statutes outlines the state-level campaign finance regulations that might apply to your work:

<https://www.leg.state.nv.us/Division/Legal/LawLibrary/NRS/NRS-294A.html>



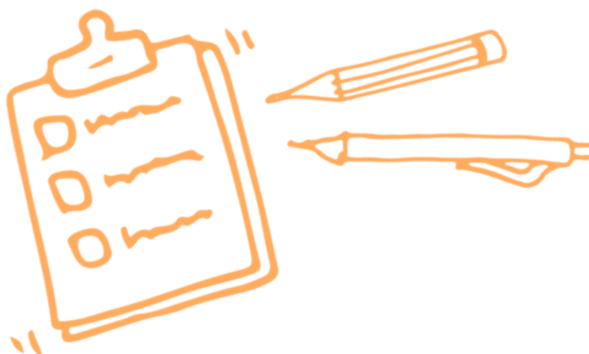
Practical Tip

- **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 Nevada, the campaign finance regulations are located in Chapter 294A of the Nevada Revised Statutes and you should seek additional advice if you are not sure what parts of the campaign finance regulations might apply to your work. Note specifically that there is a section of the law that requires pre-registration with the state for nonprofits that intend to do certain partisan activities.
- **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 Nevada by each County Clerk. Poll workers must be a registered voter (or for certain high school programs, be at least 16 years old and meet the other requirements), not be a candidate for nomination or election, and not be a relative of a candidate for nomination or election.

For example, Clark County's program can be accessed here:

www.clarkcountynv.gov/government/departments/elections/services/poll_workers.php



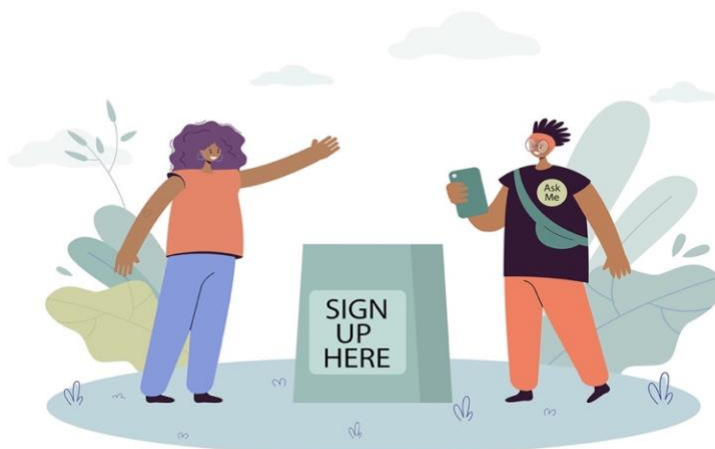
Practical Tip

- 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 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>. 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. Nevada does have some local city and county level lobbyist registration ordinances in place, so you'll need to check your program plan against both state-level lobbying rules, and the rules of any local jurisdictions you'll be working in. See our Practical Guidance – What Nonprofits Need to Know About Lobbying in Nevada for further information: <https://www.democraticcapacity.org/nv-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 Nevada Laws:

- **Election Related Laws:** The Nevada Secretary of State has put together this page of links to key election-related laws in Nevada.
<https://www.nvsos.gov/sos/elections/election-resources/statutes-regulations>
- **Unlawful Acts and Penalties:** Nev. Rev. Stat. § 293.7 –
<https://www.leg.state.nv.us/NRS/NRS-293.html#NRS293Sec700>
- **Road and Lawn Signs:** <https://www.dot.nv.gov/doing-business/public-involvement-information/sign-rules-regulations>
- **Campaign Finance:** Nev. Rev. Stat. § 294A Campaign Practices –
<https://www.leg.state.nv.us/Division/Legal/LawLibrary/NRS/NRS-294A.html>

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.

