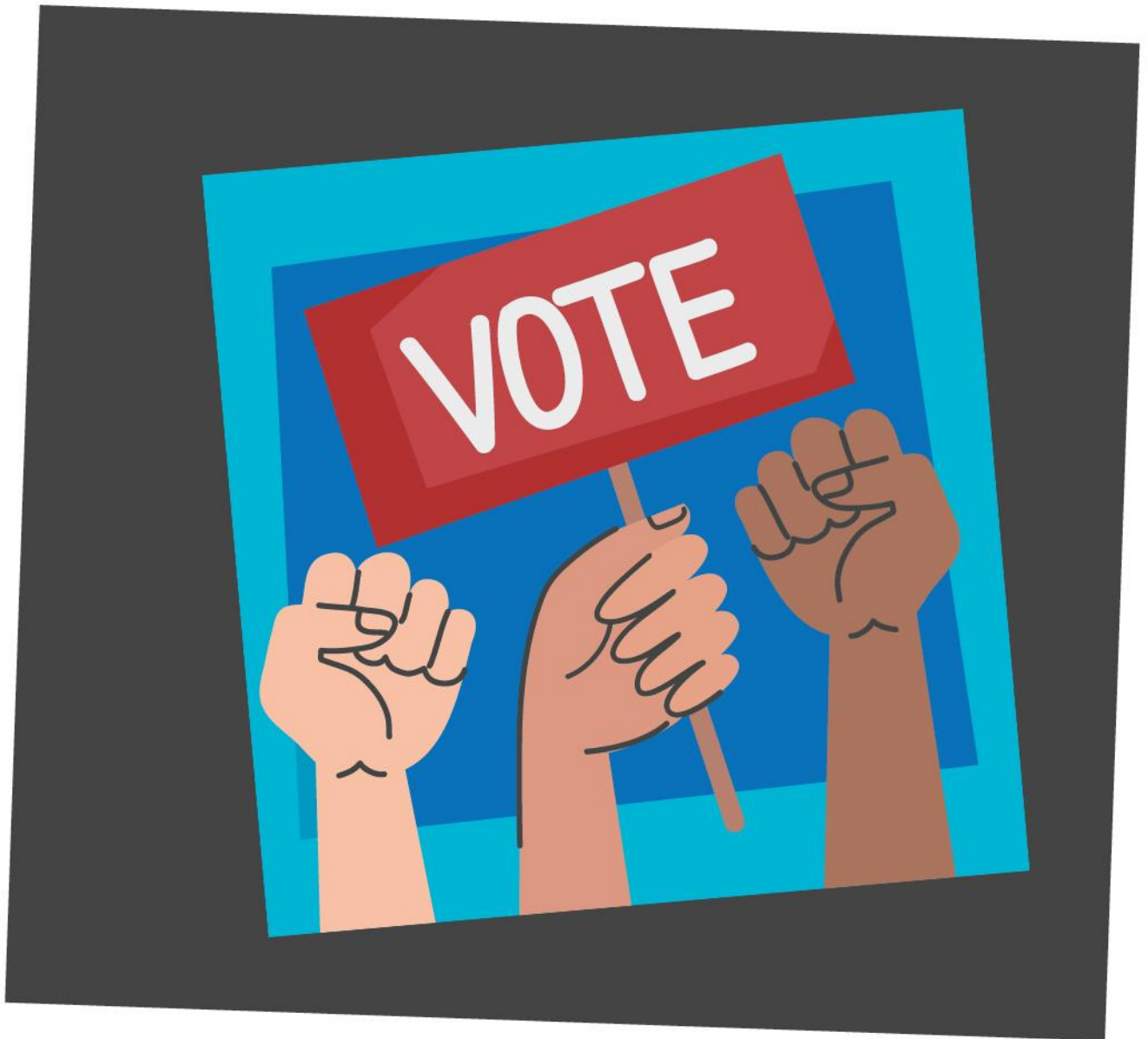


PRACTICAL GUIDANCE

Nonprofit Voter Assistance

NEW JERSEY





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.

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

<https://www.state.nj.us/state/elections/vote.shtml>

County Board of Elections: New Jersey's election administration is extremely decentralized, with each county empowered to establish its own procedures. Every county has a Board of Elections, led by the Superintendent of Elections (some counties call the position the Commissioner of Registration). The County Clerk's office is often involved in voter registration and elections as well. You can find contact information and links to the county Boards of Election websites here:

<https://www.state.nj.us/state/elections/vote-county-election-officials.shtml>

Some counties have great information on their sites and may include well-produced voter guides or posters that you can link to. For example, Cumberland County's Board of Elections website is a well-organized and accessible resource for voters.

<https://cumberlandcountyvotes.com/>

Election Protection: Election Protection's website <https://866ourvote.org/states/> is regularly updated and reviewed by lawyers, and lawyers staff the Election Protection Hotline, which is 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 Board of Election offices sometimes apply laws differently:** In New Jersey, it's critical that you review the county Board of Election's website for any county in which you'll be working to identify and understand their local procedures.

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

For voter registration drives, New Jersey does not impose state-level requirements about training, notification, or registration. However, because individual counties are empowered to adopt their own rules, you should contact the Board of Elections for the county (or counties) in which you plan to run a drive.

Be sure to read the information available in the links below carefully before starting your voter registration drive programming in New Jersey.

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



Practical Tip: Your county elections office can be helpful!

- It's important to know if your county has created any specific rules or procedures, which you will need to follow for a drive. County elections staff can be a valuable partner in making sure your drive is successful.
- You can find county-specific voter registration forms here: <https://www.nj.gov/state/elections/voter-registration.shtml#vrf>
- Applicants can also register online here: <https://voter.svrs.nj.gov/register>



Watch Out

- **Each form must have the voter's ID Number:** Each applicant must provide on the voter registration form **either** their New Jersey Driver's License **or** MVC Non-driver ID Number, **or** (if the applicant has neither) the last four digits of their Social Security Number.
- **Submit forms at least 21 days before an election:** The voter registration deadline in New Jersey is 21 days before an election. In order to ensure that each applicant you register can vote in the next election, make sure the applications are submitted and received by this date.
- **Don't pay your drive workers by the piece:** While it is not illegal in New Jersey to pay someone to solicit registrations based on the number of registrations obtained, it is considered bad practice. Doing so can create incentives for signature gatherers to submit false registrations, which is illegal. 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?

New Jersey is a no-excuse state – any registered voter can vote by mail if they choose, and do not have to supply a reason. New Jersey law does not afford nonprofit organizations much role in directly helping voters either apply for a vote-by-mail ballot, or helping them in completing and returning the ballot.

Voters can sign up to receive a vote-by-mail ballot for all elections, or request one for a specific election by contacting their county Board of Elections. To receive the ballot by mail, they must submit the request at least 7 days before an election. They can also get a vote-by-mail ballot in person from their county Board of Elections office up until 3:00 pm the day before an election. Voters can return their completed ballots by mail. They can also return them (before the polls close) by placing them in an official drop box, or in person to the county Board of Elections office.

New Jersey allows voters to have assistance with filling out an application, or a vote-by-mail ballot from other registered voters in the county. However, any one individual can only return three applications or ballots in any election (subject to a narrow exception not relevant to nonprofit organizations), which makes it hard for a nonprofit organization to return applications or completed ballots at scale.



Practical Tip: Focus on information instead of action

- Given the limited role for third parties, including nonprofit organizations, it may be wiser to focus on getting your constituents trustworthy official information about the vote-by-mail process instead of running a full assistance program.
- The vote-by-mail page for voters at the New Jersey Division of Elections is here: <https://www.nj.gov/state/elections/vote-by-mail.shtml>



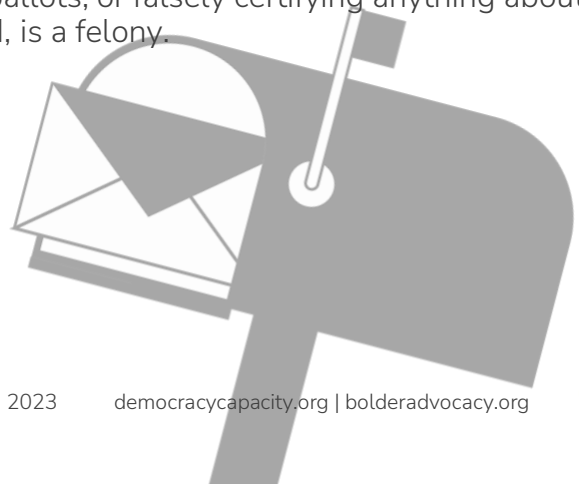
Watch Out

- **The number of vote-by-mail applications, or completed vote-by-mail ballots, that can be returned by any given individual is very limited:** Applications and ballots can only be returned by the voter, a member of the voter's family, or by a registered voter of the county in which the application is made – but a non-family member can return a maximum of only three applications.



Danger Zone

- **Failure to follow procedure for handling vote-by-mail ballots can be a crime:** Improperly returning completed ballots, or falsely certifying anything about the process by which they were returned, is a felony.



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

If a voter's ballot is missing the voter's signature or if the county Board of Elections decides that the signature on file does not match, the Board of Elections must provide the voter with an opportunity to cure the ballot. The voter must complete a "cure form" and return it no later than 48 hours before the final certification of the election results.

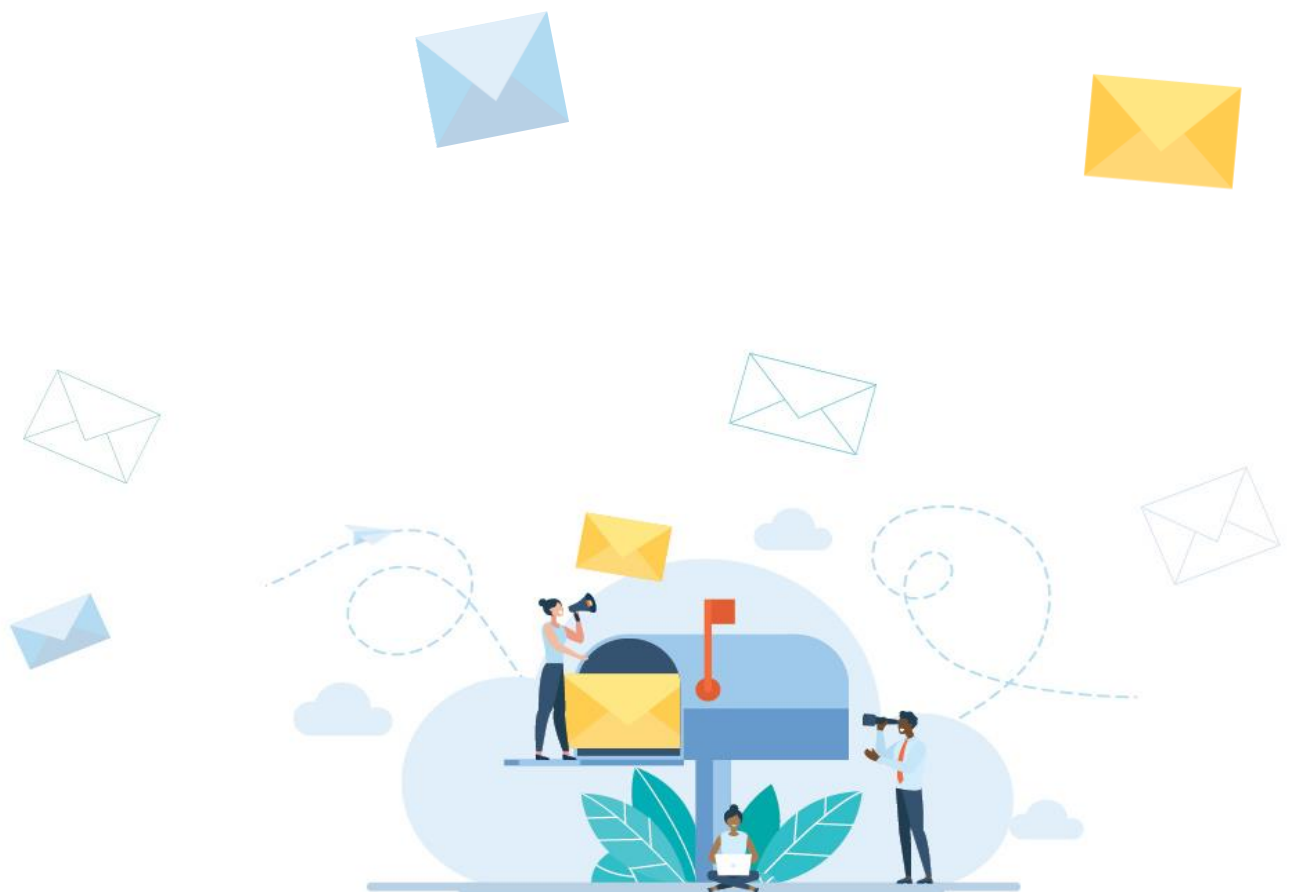
Running a full vote-by-mail "cure program" (where organizations help track down voters whose ballots have been rejected and help them "cure" the ballots) can be complicated and is usually beyond the capacity of smaller organizations. That said, it can be enormously helpful for you to educate your constituents about tracking their own ballots, being alert to any communications from their county Board of Elections telling them they need to cure, and contacting their county Board of Elections office if they see that their ballot was rejected but haven't yet been contacted.

If you do think your organization has the capacity to run a cure program, New Jersey requires county Boards of Election to maintain "cure lists" that record all of the voters who need to cure their ballots. A version of this list can be requested via an Open Public Records Request directed to a specific county, and a nonprofit organization could obtain the list and use it to communicate with voters and encourage them to return the cure form.



Practical Tip: Use official sources of information!

- In New Jersey, voters can check the status of their vote-by-mail ballot here: <https://www.nj.gov/state/elections/vote-track-my-ballot.shtml>



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

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



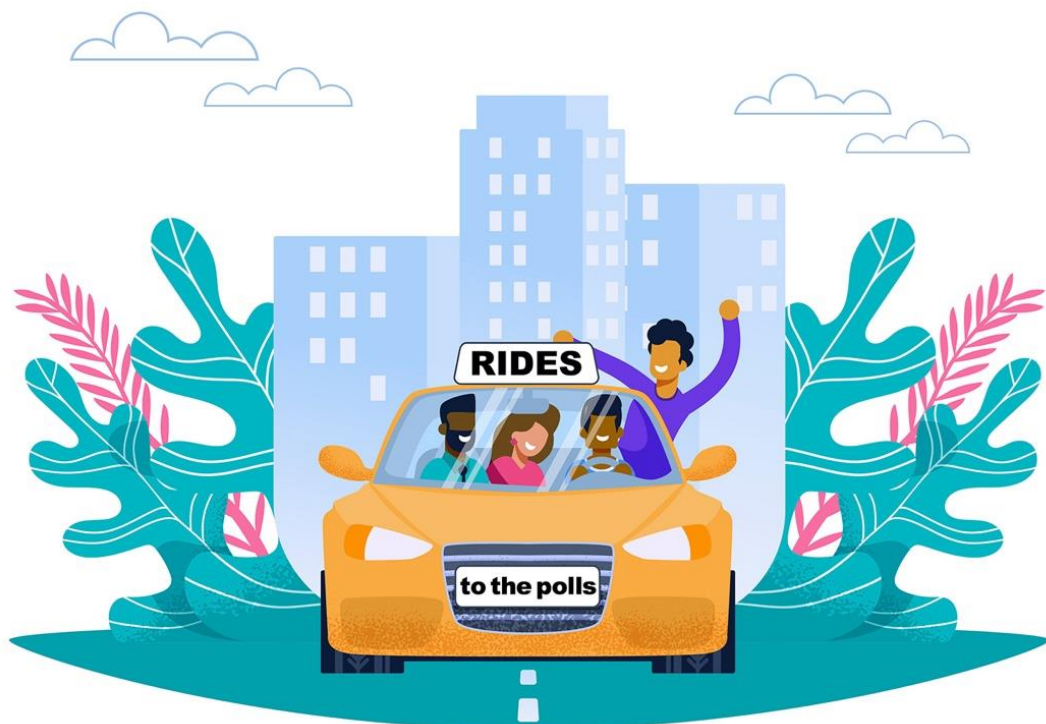
Practical Tip: Consider partnering with existing programs

- 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?

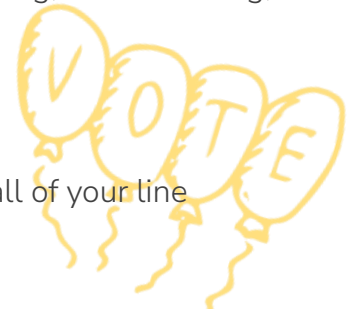
Many nonprofit organizations put on programming designed to provide support and encouragement for voters who may face long lines or tough weather conditions, and to make voting a fun and festive occasion. These activities are often referred to as “**line warming**.” Nonprofits participating in line warming 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.

New Jersey prohibits certain activities within 100 feet of an entrance to a polling place: loitering, voter intimidation, interfering or obstructing a voter from voting, electioneering, and distributing printed materials.



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

- **Engaging in prohibited activities within the 100-foot perimeter is criminal:** Engaging in prohibited perimeter activities (see above) is a crime.
- **Other activities may also be prohibited:** Although the law does not mention “social events,” the state’s District Board Member Training Manual states that “other social events” are not permitted within the 100-foot perimeter. Check with election officials to determine whether your anticipated line warming activities must be kept out of the perimeter.
- **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: New Jersey law provides that only certain people are authorized to be in the polling place, and observers from nonprofit organizations are not among them. Nonprofit organizations usually find that it is more effective to focus on other civic engagement and GOTV work in their communities.

State rules about lawn signs and road signs: New Jersey law prohibits placement of any partisan signs on public property, including the roads. Lawn signs on private property may only be placed within 30 days before an election and must be removed within seven days after the election. See the FAQ on campaign finance rules below for more information about signs.

Partisan GOTV clothing and buttons: Within the 100-foot no solicitation perimeter individuals are prohibited from wearing partisan T-shirts, buttons, or hats. They are also not allowed to display or distribute partisan campaign materials, including pamphlets, newsletters, brochures, signs or bumper stickers.

Selfies in or near the polling place: New Jersey law prohibits anyone from “showing” their ballot, which includes displaying a photograph of a ballot. For this reason you shouldn’t run a program asking your constituents to post 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 arising from campaign finance laws, which are outside the scope of this Practical Guidance.

✓ Practical Tips

- If you are doing text or phone banking, it is often simplest and most practical 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 New Jersey, Chapter 44A of Title 19 of the New Jersey Statutes Annotated outlines the state-level campaign finance regulations that might apply to your work.

<https://njlaw.rutgers.edu/collections/njstats/showsections.php?title=19&chapt=44A>



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 New Jersey, these 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 New Jersey campaign finance statute and consider seeking legal advice.
- **Working on ballot measures:** Ballot measure 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, even when done on a nonpartisan basis.



Q: How can we help recruit poll workers?

Poll worker supervision is handled in New Jersey by each county's Board of Elections, but recruitment is done by the Secretary of State's office.

To be a poll worker, an applicant must be registered to vote, at least 16 years old (those under 18 do not have to be registered to vote), and not running as a candidate in the election. The position requires training, and pays \$300 on election day (with an hourly wage during early voting).

You can find more information on becoming a poll worker and complete an online application here: <https://www.nj.gov/state/elections/pollworker.shtml>



Practical Tip

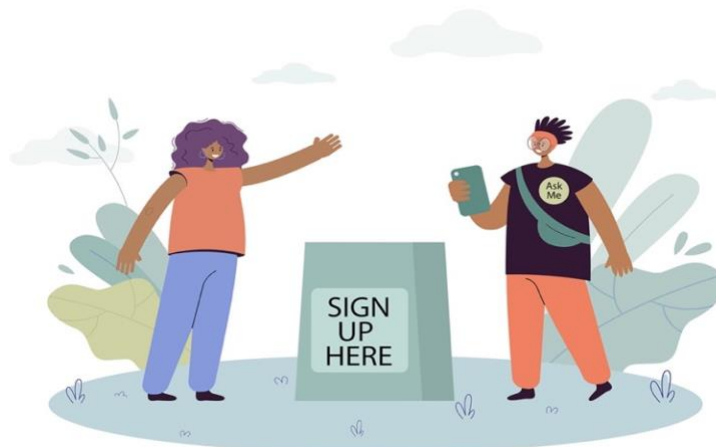
- While more poll workers are often urgently needed, it can sometimes be frustratingly slow to get started. You may need to start this process early and have some patience with your poll worker recruitment plan.
- If your organization is considering doing a poll worker recruitment drive and has trouble reaching the right person, 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.
- 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. New Jersey has many local lobbyist registration ordinances in place at the county and city levels, so you'll need to check your program plan against both state-level lobbying rules, and the rules of any local jurisdictions you'll be working in. See our Practical Guidance – What Nonprofits Need to Know About Lobbying in New Jersey for further information: <https://www.democracycapacity.org/nj-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 New Jersey Laws: The New Jersey statutes referenced below can be accessed via this site: <https://www.nj.gov/state/dos-statutes-elections-19-01-09.shtml>

The New Jersey Administrative Code is here: <http://www.lexisnexis.com/hottopics/njcode/>

- **Assistance with Vote-By-Mail Ballots:** N.J.S.A. §§ 19:63-1 – 19:16-31 – Application for mail-in ballot, authorized messenger – Marking and return of mail-in ballots.
- **Line Warning:** N.J.S.A. § 19:34-15 – Electioneering within or about polling place.
- **State Rules About Lawn and Road Signs:** N.J.A.C. § 19:31C-3.9 – Political signs.
- **Ballot Selfies:** N.J.S.A. § 19:34-7 – Violation of ballot regulations.
- **GOTV Clothing/Hats/Buttons in Polling Places:** N.J.S.A. § 19:34-19, District Board Member Training Manual, at 11: <https://www.state.nj.us/state/elections/assets/pdf/publications/boardworkers-manual-2018-1010.pdf>
- **Campaign Finance:** N.J.S.A. § 19:44A et seq. – New Jersey Campaign Contributions and Expenditures Reporting Act.

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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This work was produced by the Democracy Capacity Project, with the support of the Bolder Advocacy program of the Alliance for Justice, Inc., and the assistance of the amazing volunteer lawyers of We The Action, a program of Civic Nation, Inc. Design by Heidi Flynn Barnett of Flynn Design www.flynnndesign.us

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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