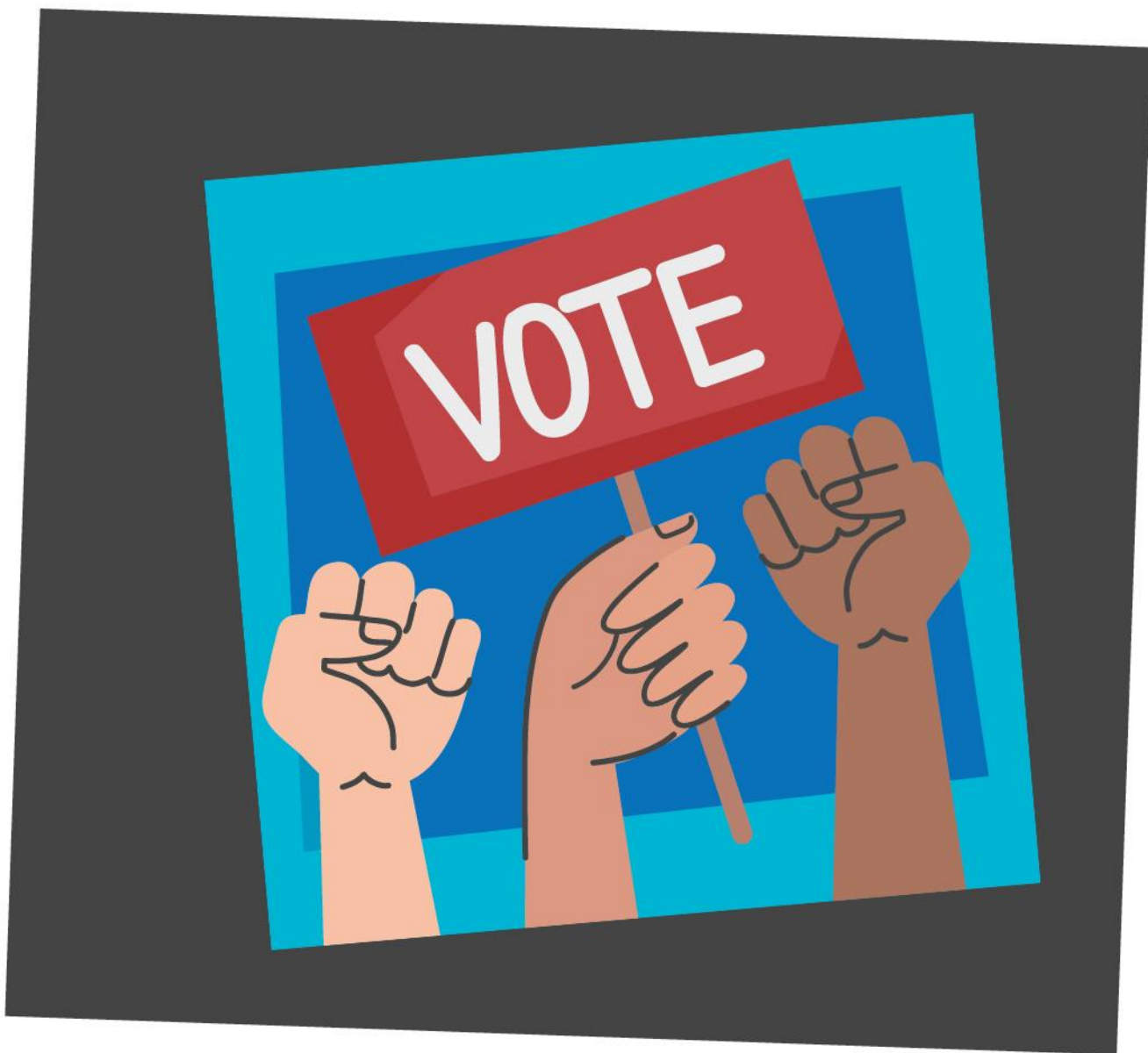
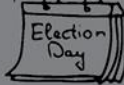
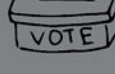


# PRACTICAL GUIDANCE

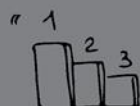
Nonprofit Voter Assistance

ALASKA





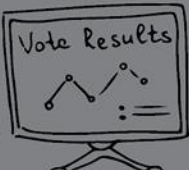
Vote Now



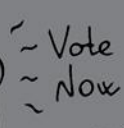
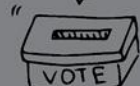
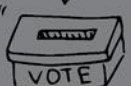
Vote Now



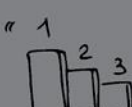
Vote to Win!



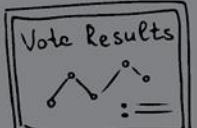
Vote



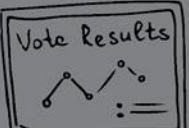
Vote Now



Vote to Win!



Vote to Win!



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.

**Division of Elections:** Alaska's elections are overseen by the Division of Elections, which is part of the Lieutenant Governor's office. Their voter-facing information page is here: <https://www.elections.alaska.gov/voter-information/>

**Regional Elections Offices:** Unlike most other states, elections in Alaska are not run by county election officials. Instead, in Alaska this role is filled by five regional Elections Offices, each headed by a Regional Supervisor. You can find their contact information, and a search engine that will tell you in which region any given city is, at this site: <https://www.elections.alaska.gov/contact-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, 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!
- **Regional Election Offices sometimes apply laws differently:** In Alaska each regional Elections Office may have its own way of doing things. It is worth taking the time to check in with the Elections Office where you are doing your work.

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

Alaska does not require training, notification, or registration for voter registration drives. The Division of Elections requests, but does not require, that you notify the Regional Elections Office for the area in which you are conducting a drive.

**Registrars:** The Division of Elections has created a volunteer role of “Registrar,” which empowers trained and authorized individuals to verify voters’ identities and help voters complete and submit voter registration forms. You are not required to have a Registrar participate in your drive, but it helps expedite voter registration applications. Any resident of Alaska who is a qualified voter can become a Registrar. More information and an application to become a Registrar can be found here: <https://www.elections.alaska.gov/election-workers/>

You can also consult the Registrar Handbook here: <https://www.elections.alaska.gov/doc/forms/B06.pdf>

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



### Practical Tip: Regional Elections Offices can help!

- The Regional Elections Office for the area you are holding your voter registration drive can help you with materials and give you advice on setting up your drive and keeping it nonpartisan. It can also help a volunteer or a member of your staff apply to be a Registrar.



### Watch Out

- **Registrations are not valid until received by the Division of Elections, unless a Registrar witnesses the application:** Unless you have a Registrar working your voter registration drive, the applications you collect will not be valid until the Division of Elections receives and processes them. Registrars witness each application, which makes it effective the day it was signed instead of the date the division receives it. If your drive is close to a voter registration cutoff deadline, the extra time can be extremely helpful.
- **Don't pay your drive workers by the piece:** While it is not illegal in Alaska to pay someone to solicit registrations based on the number of registrations obtained, it is not advised. 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.

CHECK YOUR REGISTRATION!

FO AVAI

## Q: How can our organization help people vote by mail?

Alaska uses the term “absentee voting” to include both in-person early voting and voting remotely, whether by mail or other means of delivery. Alaska is a no-excuse absentee voting state, which means that any voter can vote by absentee ballot without having an excuse. Voters can absentee vote by mail, fax, or “scanning or other electronic transmission.”

Alaska’s laws governing absentee voting broadly empower voters to choose this method, and there are few explicit restrictions on third-party assistance. A nonprofit organization could help voters apply directly to the Division of Elections for an absentee ballot, hand out blank application forms, or even help voters fill out the forms. If your organization intends to collect and return applications on voters’ behalf, you should consider seeking guidance from the Division of Elections, as the law covering returning absentee ballot applications is unclear (see below).



To vote an absentee ballot by mail or fax, a voter must sign the completed ballot in the presence of another individual who is at least 18 years old, who then signs and dates the return envelope as a witness. Voters must also provide an identifying number (voter number, birthdate, driver’s license number, or the last four digits of their Social Security number) on the return envelope. Voting an absentee ballot by electronic return allows the voter to complete their ballot online and then print the completed ballot along with an attestation signed by the voter and a witness. The completed ballot and attestation must be returned to the Division by mail or fax. Ballots must be postmarked by election day – the Division recommends that absentee voters take their ballots to a post office to be hand-postmarked, since mail in Alaska is sometimes not postmarked for a day or two after collection.

Although there are no specific restrictions on third-party assistance with voting and returning absentee ballots, if you wish to provide such programming, you should consider seeking guidance from the Division of Elections first.

The Alaska Division of Elections maintains a helpful voter-facing page with information about absentee voting here:

<https://www.elections.alaska.gov/absentee-and-early-voting/>

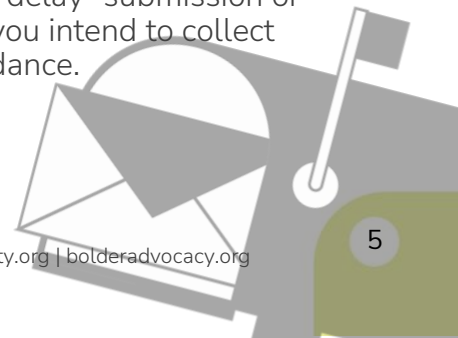


### **Practical Tip: Focus on information**

- Even if you do not believe it is right for your organization to try to run a full assistance program, you can still add a lot of value by focusing on getting your constituents trustworthy official information about the absentee voting process.

### **Watch Out**

- **The rules for returning applications are confusing:** Although the law allows voters to give the completed application to a “friend, family, or associate” to return, it also prohibits giving them to anyone who could “control or delay” submission or gather data on the applicant from the application form, so if you intend to collect and return applications at scale, you should seek further guidance.



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

Alaska currently has no process for voters to cure an absentee ballot that has been rejected on technical or procedural grounds. Accordingly, Alaska does not provide a mechanism through which third-party nonprofit organizations can effectively assist voters in monitoring the status of the absentee ballot, or curing any problems with an absentee ballot. As of the date of this Guide, the lack of a process is the subject of litigation, so if you are interested in helping voters cure their ballots, you should check whether there have been any further developments.

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

- In Alaska, voters can individually check the status of their vote-by-mail ballot here: <https://myvoterinformation.alaska.gov/>
- If you need additional information, the contact information for the Regional Elections Offices can be found here: <https://www.elections.alaska.gov/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 Alaska. Given the vast space and low population density of much of Alaska outside of Anchorage and a few other cities, the challenge of running rides to the polls programming is likely to be more logistical than legal.



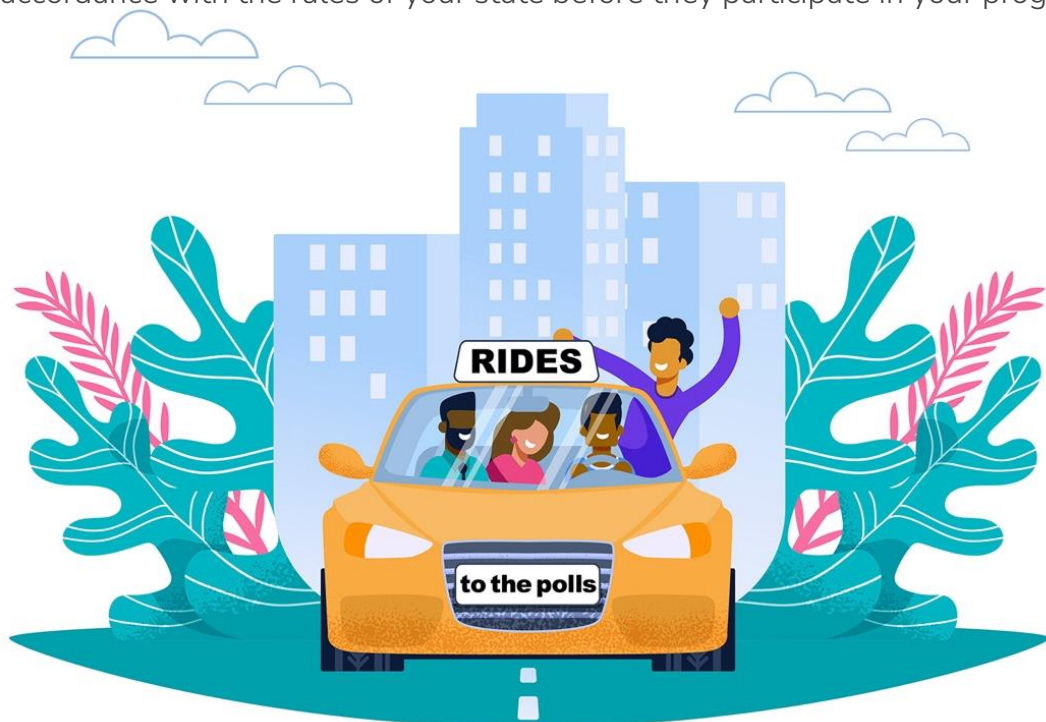
### Practical Tip: Consider partnering with existing programs

- 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 think through carefully 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.

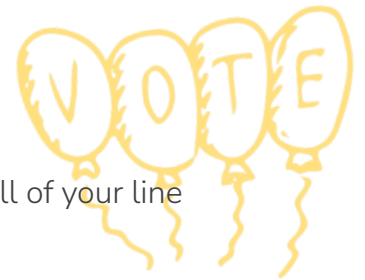
Alaska does not prohibit most traditional line warming activities, but electioneering is generally prohibited within a 200-foot perimeter of a polling place. During the hours the polls are open, a person who is in the polling place, or within 200 feet of any entrance to the polling place may not attempt to persuade a person to vote for or against a candidate, proposition, or question. The prohibited activities include campaigning, displaying political signs or bumper stickers, discussing candidates or other ballot issues, and displaying political buttons, hats, or clothing.

In general, providing money or anything of value to induce someone to vote (or refrain from voting) is unlawful interference. However, the statute explicitly exempts "food and refreshments provided incidental to an activity that is nonpartisan in nature and directed at encouraging persons to vote."



### Practical Tips

- Stay well outside the 200-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 about 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:** Generally, Alaska law prohibits the placement of any political signs within 660 feet of a state right of way. A state court has ruled that that small temporary political signs can be placed on private property adjacent to a state right of way. Lawn signs are regulated at the local level. See the FAQ below on campaign finance rules for more information about signs and disclaimers.

**Partisan or nonpartisan GOTV clothing and buttons:** Political clothing and materials (hats, buttons, T-shirts, etc.) are prohibited within the 200-foot no solicitation perimeter.

**Selfies in or near the polling place:** Alaska law prohibits the exhibition of one's ballot in a manner that shows how they voted, which includes selfies. For this reason, you shouldn't run a program asking your constituents to post their ballot selfies. Consider posting selfies with the "I Voted" sticker instead!

**Phone and text banking:** As we discussed earlier in this Practical Guidance, you will need to comply with federal telecom rules applicable to phone and text banking programs in all states. In general, these rules cover how you are allowed to reach out to landline or mobile phones depending on whether or not you have consent from the phone owner, and what rules apply if the communication is automated (e.g., robocalls, autotexting, etc.). In addition, partisan communications will likely have additional disclaimer requirements.

### Practical Tips

- If a nonprofit organization is doing text or phone banking, it is often simplest from a practical perspective to have volunteers use a call list, or text banking interface, that is only partially (not fully) automated, so that federal robocall rules are not implicated.
- If your program is nonpartisan, so long as it is not fully automated, it is unlikely that you will implicate state-based telecom robocall rules.

### Watch Out

- **Don't use the phone or text banking program to do something you can't do in person!**



## Q: When might our work also trigger state campaign finance laws?

State-level campaign finance laws can apply not only to giving cash or in-kind contributions to candidates, but to other activities as well. For example, they also often apply to political-related advertising, political speech on signs and billboards, and to partisan phone or text banking programs.

Nonprofits that are allowed to do partisan electioneering work need to be particularly aware that their support or opposition of candidates will likely trigger campaign finance related reporting to the state.

Chapter 13 of Title 15 of the Alaska Statutes outlines the state-level campaign finance regulations that might apply to your work:

<https://www.akleg.gov/basis/statutes.asp#15.13.010>



### 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](mailto:advocacy@afj.org) or call 866-NP-LOBBY (866-675-6229) during standard business hours.



### Watch Out

- **Partisan GOTV work:** In Alaska, these state campaign finance rules cover, among other things, how disclaimers must be added to political ads, and rules for text banking or phone banking. If you are doing partisan GOTV work, you will need to carefully examine the Alaska campaign finance statute and consider seeking legal advice.
- **Working on ballot measures:** Ballot measure advocacy work can also trigger state campaign finance rules, even for nonpartisan groups. 501(c)(3) organizations are allowed to work on ballot measures 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 Alaska by the state Division of Elections.

Each poll worker must be registered to vote in Alaska, be willing to work a 16-hour shift on Election Day (or split the shift with another), be willing to remain nonpartisan on Election Day and not express any political opinions while on the job, have no familial relationship with a candidate on the ballot, and complete a four-to-five hour paid training session in advance.

You can find the Election Worker website for the Division of Elections here: <https://www.elections.alaska.gov/election-workers/>



### Practical Tip

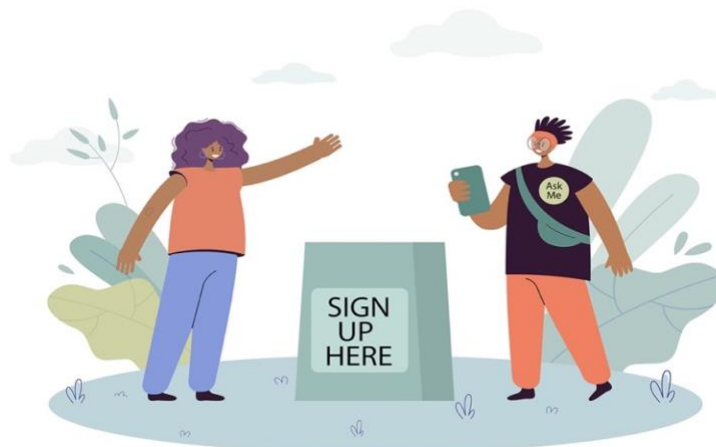
- While more poll workers are often urgently needed, it can sometimes be frustratingly slow to get through to the proper elections office to get started. You may need to start this process early and have some patience with your poll worker recruitment plan.
- If your organization is considering doing a poll worker recruitment drive and has trouble reaching the right person at the Division of Elections 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](mailto: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. Some local jurisdictions in Alaska have their own lobbyist regulation ordinances, so check your program plan against both state-level lobbying rules, and the rules of any local jurisdictions in which you'll be working. See our Practical Guidance – What Nonprofits Need to Know About Lobbying in Alaska for further information: <https://www.democracycapacity.org/ak-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](mailto: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](mailto:info@democracycapacity.org) for referrals.

**Links to Some Key Alaska Laws:** The Alaska statutes referenced below can be accessed here: <https://www.akleg.gov/basis/statutes.asp#15.05.005>

- **Assistance with Absentee Ballots:** A.S. § 15.20.081 – Absentee voting in general; applying for absentee ballot by mail or electronic transmission.
- **Line Warning:** A.S. § 15.15.170 – Prohibition of political persuasion near election polls. A.S. § 15.56.030 – Unlawful interference with voting in the first degree.
- **State Rules About Lawn and Road Signs:** A.S. § 19.25.105 – Limitations of outdoor advertising signs, displays, and devices.
- **Ballot Selfies:** A.S. § 15.15.280 – Prohibiting the exhibition of marked ballots.
- **GOTV Clothing/Hats/Buttons in Polling Places:** A to Z of Election Day: Alaska Election Official Manual – <https://www.elections.alaska.gov/doc/forms/B07.pdf>
- **Campaign Finance:** A.S. § 15.13.010 *et seq.* – State Election Campaigns.

---

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.



This work is licensed by the Democracy Capacity Project, a special project of NEO Philanthropy, Inc., under a Creative Commons Attribution-Non Commercial-No Derivatives 4.0 International License.

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](http://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](mailto:info@democracycapacity.org).

**Democracy** **Capacity**

 **BOLDERADVOCACY**  
A program of Alliance for Justice