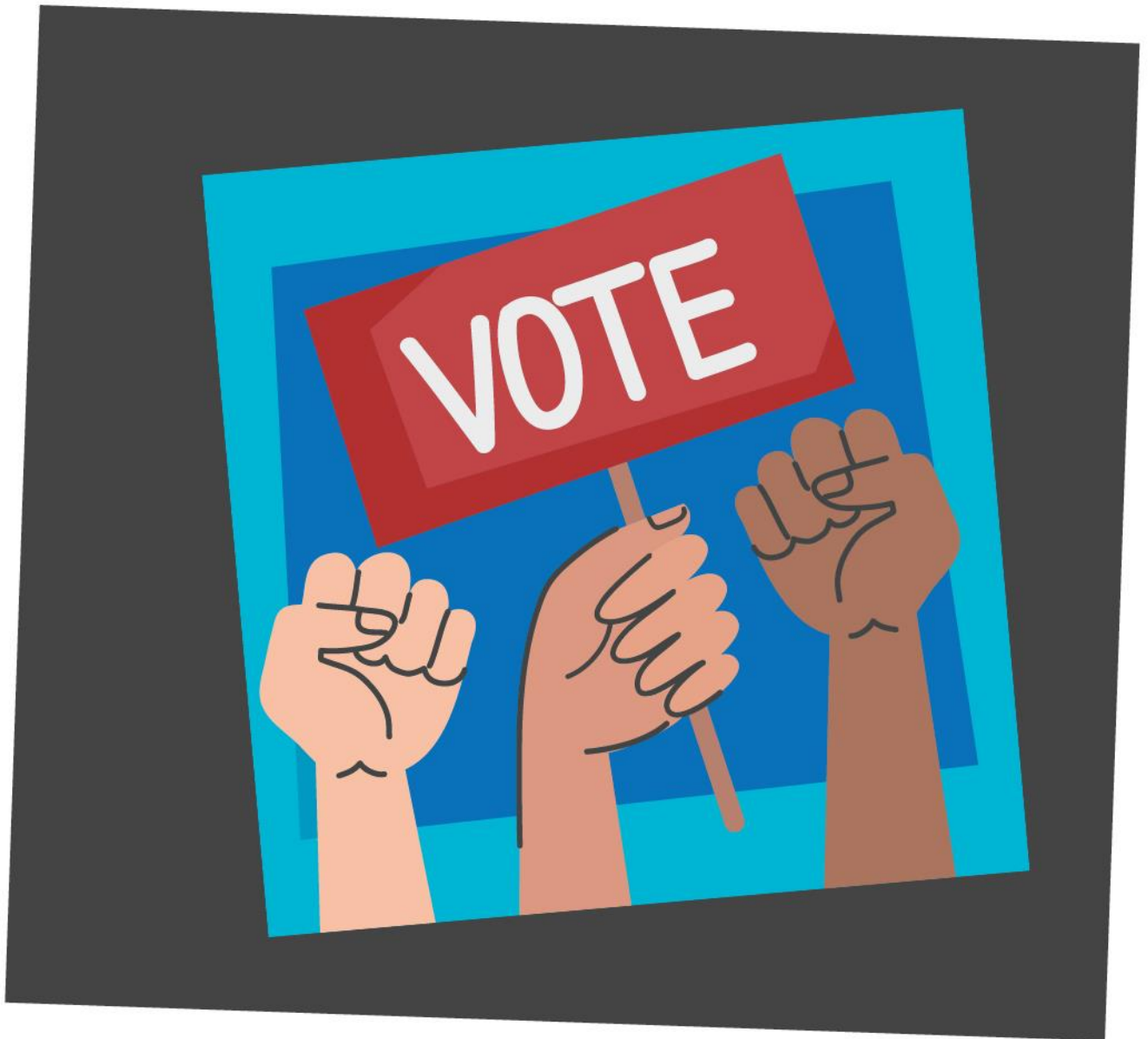


# PRACTICAL GUIDANCE

Nonprofit Voter Assistance

IOWA





## 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.

**Secretary of State:** Iowa's elections are overseen by the Iowa Secretary of State's Elections Division. Their voter-facing information page is here:

<https://sos.iowa.gov/elections/voterinformation/>

**County Auditor:** Each county has an elected official known as the County Auditor and Commissioner of Elections (most often referred to simply as County Auditor). You can find contact information and links to their websites here:

<https://sos.iowa.gov/elections/auditors/auditor.asp?CountyID=00>

Some counties have great information on their sites and may include well-produced voter guides or posters that you can link to. For example, Johnson County's website is very user-friendly and contains a lot of information:

<https://johnsoncountyiowa.gov/auditor/elections>

**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 Auditor offices sometimes apply laws differently:** In Iowa each County Auditor office may have its own way of doing things. It is worth taking the time to check the County Auditor websites for any counties in which you will be working.

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

Compared to other states, Iowa has few specific rules regulating how third parties can help people register to vote. In Iowa, voter registration drives do not have to register with the Iowa Secretary of State's Office or any County Auditor's office, or conduct any particular training.

If you are planning a voter registration drive, you can help voters register to vote online. You can also print and copy the voter registration form, which is available from this page: <https://sos.iowa.gov/elections/voterinformation/voterregistration.html> (it can also be downloaded directly here: <https://sos.iowa.gov/elections/pdf/voteapp.pdf>). Alternatively, you could contact the Secretary of State's Office, or the appropriate County Auditor, to purchase copies of voter registration forms at cost.

Paper voter registration forms typically need to be returned to the appropriate County Auditor within seven days of receiving the form. However, if you collect a completed voter registration form from an applicant within three days of the voting registration deadline, you must submit the form to the appropriate County Auditor by the earlier of 24 hours of receiving the form, or 5pm on the registration deadline day.

If you ask voters to submit the applications themselves, they should be postmarked (or submitted in person to the appropriate County Auditor) no later than the 15th day before the election. Applications postmarked by the 15th day before the election will be considered on time. Applications neither postmarked nor received prior to this deadline will not become effective until registration opens for the next election.

The Iowa Secretary of State has more information here: <https://sos.iowa.gov/elections/candidates/solicitforms.html>

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



### **Practical Tip: Make sure to work with your County Auditor!**

- To ensure you are working within the law and that registration forms are returned timely and accurately, get to know the staff at your County Auditor's office and work with them.



### **Watch Out**

- **Voter registration forms must be returned promptly:** Make sure you can get the applications to the appropriate County Auditor's office on time – generally within seven days of receiving them. If you receive forms within three days of the voter registration deadline, however, see above for the shorter deadline.
- **Don't pay your drive workers by the piece:** Paying someone to solicit registrations based on the number of registrations they obtained is prohibited in Iowa. 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?

Iowa uses the term “absentee ballot” to describe both voting by mail and in-person early voting. The Secretary of State maintains a voter-facing information page for absentee voting here: <https://sos.iowa.gov/elections/electioninfo/absenteeinfo.html>

To request a mail-in absentee ballot, voters must submit the absentee ballot request form, which is available from the absentee voting web page above, to their County Auditor from the 70th day before an election through no later than 5:00 pm on the 15th day before the election. The absentee ballot request form calls for various information, including the voter’s name, date of birth, Iowa residential address, and their Iowa driver’s license number or the PIN from their voter identification card.

**Applying for an absentee ballot:** Third parties may help voters complete the absentee ballot application, but voters must sign the application themselves. Iowa law does not expressly prohibit third parties from collecting and submitting applications that have been properly signed by the voter themselves, but if you intend to run a large scale program to help voters apply for absentee ballots that involves collecting and returning applications, consider contacting the appropriate County Auditor for guidance.

Note that Iowa law imposes additional requirements for agents of political parties, candidates, or political committees that solicit and return absentee ballot applications. (See this web page for more information: <https://sos.iowa.gov/elections/candidates/solicitforms.html>)

Because 501(c)(3) organizations may not engage in electioneering activity, they should not partner with any such organization. If your 501(c)(4) organization is interested in acting on behalf of such an electoral organization, you should consider getting additional legal advice.

**Voting an absentee ballot:** Iowa generally does not provide a way for nonprofit organizations to help voters complete and return their absentee ballots. Third parties may not help voters complete their ballots (subject to an exception for certain individuals with disabilities). Although voters may have an immediate family member or member of their household return their ballot on their behalf, third-party organizations generally cannot collect and return ballots (again, subject to a narrow exception for certain individuals with disabilities).



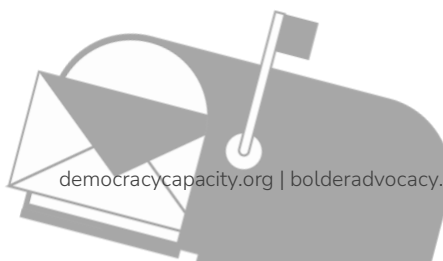
### Practical Tip: Focus on information instead of action

- Given the limited role for non-profits in helping with actual absentee voting, it may be wiser to focus on absentee ballot applications, or getting your constituents trustworthy official information about voting by mail.



### Danger Zone

- **Nonprofits may not help voters complete, or return, absentee ballots:** Doing so is a crime in Iowa.



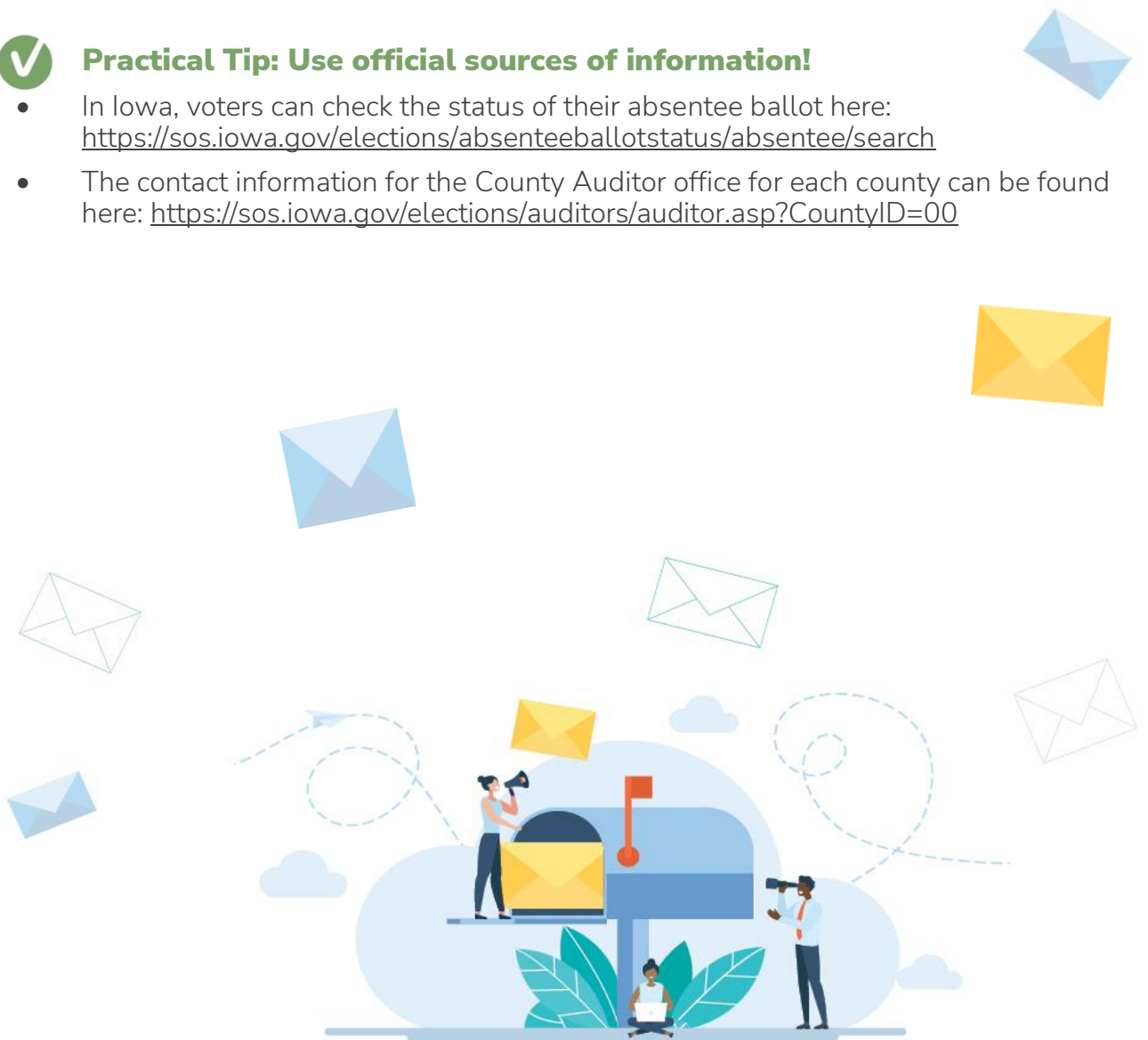
## Q: Can we help voters fix problems with their vote-by-mail ballots?

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

Iowa does not provide a means for nonprofit organizations to assist voters effectively in curing absentee ballots – other than by getting voters the information they need to do it themselves. If an absentee ballot affidavit is incomplete (e.g., lacks the signature of the registered voter), or is otherwise deficient, the County Auditor will contact the voter within 24 hours. The voter may then vote with a replacement ballot, cast a ballot at their precinct polling place on election day, or complete the affidavit in person at the office of the County Auditor not later than the time polls close on election day.

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

- In Iowa, voters can check the status of their absentee ballot here: <https://sos.iowa.gov/elections/absenteeballotstatus/absentee/search>
- The contact information for the County Auditor office for each county can be found here: <https://sos.iowa.gov/elections/auditors/auditor.asp?CountyID=00>





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

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



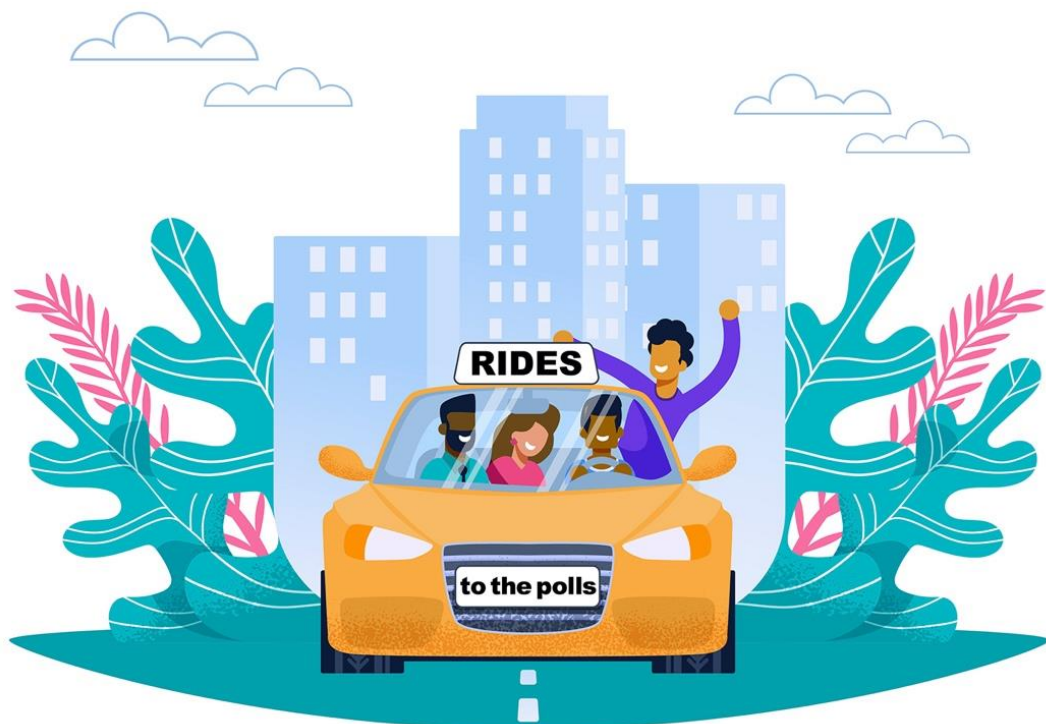
### Practical Tip: Consider partnering with existing programs

- 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.

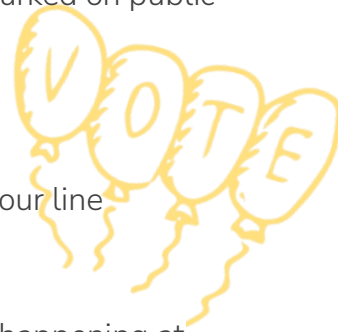
In Iowa, activities prohibited on the premises of a polling place, or within 300 feet of an entrance to a polling place, include “loitering, congregating, electioneering, posting signs, treating voters, or soliciting votes, during the receiving of the ballots.” (But note there are exceptions for signs on private property and bumper stickers on vehicles parked on public property within 300 feet.)

### **Practical Tips**

- Stay well outside the 300 foot no solicitation perimeter with all of your line warming activities!
- Allow both voters and nonvoters to participate.
- You can call Election Protection if you need assistance with what is happening at your polling place: 1-866-OUR-VOTE (1-866-687-8683). Election Protection also tries to staff volunteer lawyers on the ground on election day who can assist in person if needed.

### **Watch Out**

- **Remember IRS rules still apply:** IRS rules for nonprofit organizations always apply – even to your state level work. 501(c)(3) organizations must remain strictly nonpartisan in all of their line warming activities.
- **Federal election and bribery rules may also apply:** In any election where federal candidates are also on the ballot, federal election rules also apply. See: <https://bolderadvocacy.org/resource/can-a-nonprofit-provide-incentives-to-encourage-citizens-to-register-to-vote-or-vote/>



## Q: What other state rules might apply to our GOTV work?

**Observers inside the polling area:** Most states have fairly strict rules for what kind of observers are allowed into the polling area while people are voting, and what they are allowed to do while inside. 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:** Iowa prohibits placing signs of any type – for campaigns, or otherwise – on a highway right-of-way unless approved by the highway authority. On private property, campaign signs may only be placed with the permission of the property owner. Cities and counties frequently have local ordinances that impose limitations as well. See the FAQ on campaign finance rules below for more information.

**Partisan or nonpartisan GOTV clothing and buttons:** People may wear a campaign button or campaign clothing within the 300-foot no solicitation perimeter when they go to vote, but must leave the polling place as soon as they are done voting.

**Selfies in or near the polling place:** Iowa law permits ballot selfies unless they interfere with other voters or with the orderly operation of the polling place. Many nonprofit organizations conclude that a better practice is to suggest that their constituents post pictures of themselves with an “I Voted” sticker instead.

**Phone and text banking:** As 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 pursuant to campaign finance laws.

### ✓ 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. If your organization is allowed to do partisan activity, phone or text banking may implicate campaign finance rules. See the next FAQ for more details.



### 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 68A of the Iowa Code generally outlines the state level campaign finance regulations that might apply to your work.

<https://www.legis.iowa.gov/law/iowaCode/sections?codeChapter=68A&year=2023>



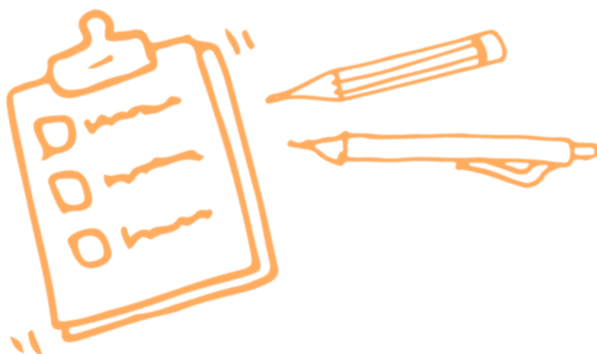
### Practical Tip

- **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:** Partisan GOTV work will likely implicate campaign finance regulations. In Iowa, state campaign finance rules cover, among other things, adding disclaimers to political ads, regulating where physical political advertisements may be placed, and text banking or phone banking rules. If you are doing partisan GOTV work, you will need to carefully examine the Iowa campaign finance statute and consider seeking additional legal advice.
- **Working on ballot measures:** Ballot measure advocacy 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 Iowa by each County Auditor's office.

Each poll worker, called a "precinct election official" in Iowa, must be registered to vote in Iowa, at least 17 years old, a resident of the county in which they would like to serve, and complete the required training. High school students who are at least 17 years old but who are not yet registered to vote may also serve as precinct election officials under certain circumstances – contact your local County Auditor for details.

Interested individuals can submit an application online here – they will be routed to the appropriate County Auditor's office: <https://pollworker.iowa.gov/#form>

County Auditor contact information is available here:  
<https://sos.iowa.gov/elections/auditors/auditor.asp?CountyID=00>



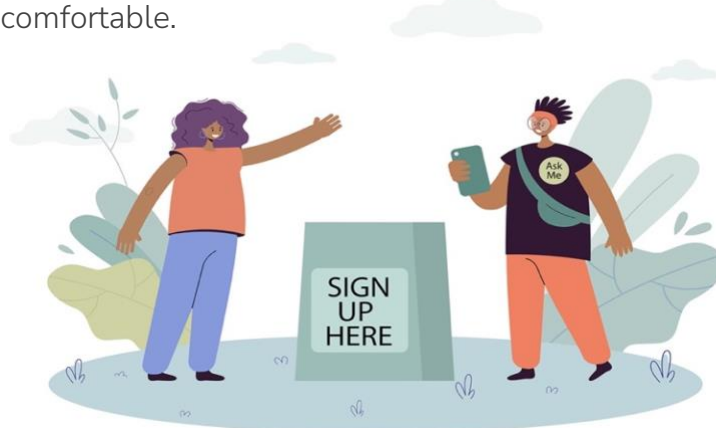
### Practical Tip

- While more poll workers are often urgently needed, it can sometimes be frustratingly slow to get through to the County Auditor's 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 Auditor'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](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. While most major municipalities in Iowa do not have separate lobbyist registration ordinances, it is worth checking 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 Iowa for further information: <https://www.democracycapacity.org/ia-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 Iowa Laws:** The Iowa statutes referenced below can be accessed here: <https://www.legis.iowa.gov/law/iowaCode>

- **Voter Registration:** Iowa Code, Ch. 48A – Voter Registration.
- **Assistance with Absentee Ballots:** Iowa Code, Ch. 53 – Absent Voters.
- **Line Warning:** Iowa Code, Ch. 39A, § 39A.4 – Election misconduct in the third degree.
- **State Rules About Lawn Signs:** Iowa Code, Ch. 68A, § 68A.406 – Campaign signs – yard signs.
- **Ballot Selfies:** Iowa Code, Ch. 49, § 49.88; see also Iowa Admin. Code, Ch. 21 § 721-21.77(49) – Photographing ballots.
- **Campaign Finance:** Iowa Code, Ch. 68A – Campaign Finance.

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](mailto:info@democracycapacity.org).

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