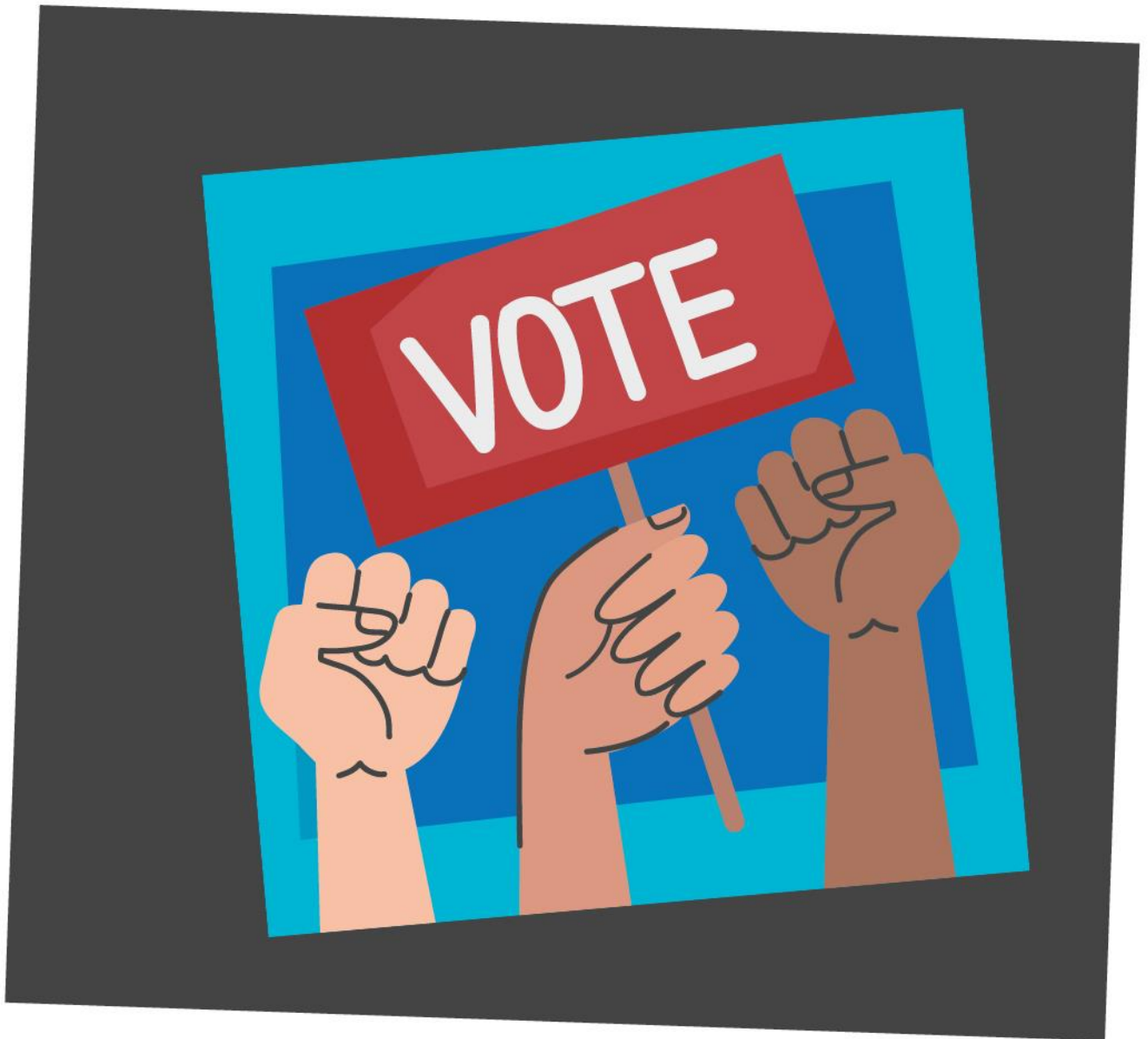


# PRACTICAL GUIDANCE

Nonprofit Voter Assistance

MISSISSIPPI





## 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.

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

<https://www.sos.ms.gov/yall-vote>

The Division makes available a short "Mississippi Voter Information Guide," which you can find under "Quick Links" on the voter-facing page.

**County Election Officials:** Each county has a five-person elected County Election Commission, which oversees general and special, but not party primary, elections. Primary elections are conducted by County Party Executive Committees. Counties also have a Circuit Clerk, or (occasionally) a Municipal Clerk, that handles the logistical aspects of voter registration and elections. You can find contact information for county officials here: <https://www.sos.ms.gov/elections-voting/county-election-information>

County Election Commission websites are generally not very helpful in Mississippi. Better and more complete information is typically available on the Secretary of State's website.

**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 Election Officials sometimes apply laws differently:** In Mississippi each county Clerk or Election Commission office may have its own way of doing things. It is worth taking the time to contact the county officials for the counties where you are doing your work and establish a relationship.

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

Mississippi does not require training, notification, or registration for voter registration drives.

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

**Mississippi Voter Registration Drive Guide:** The Secretary of State's office puts out a helpful overview of running a voter registration drive called the Voter Registration Drive Organizer Toolkit, which is available from this page: <https://www.sos.ms.gov/elections-voting/publications>

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



### Practical Tip: Secretary of State's office can help!

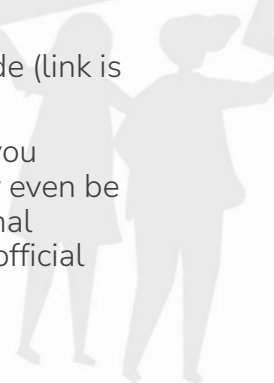
- Make sure to review the Secretary of State's Voter Registration Drive Guide (link is above).
- The Secretary of State's office can also help you with materials and give you advice on setting up your drive and keeping it nonpartisan. The office may even be interested in partnering with you on your drive. You can contact the External Affairs Division at [ExternalAffairs@sos.ms.gov](mailto:ExternalAffairs@sos.ms.gov) if you are interested in an official partnership.



### Watch Out

- **Each form must have the applicant's ID Number:** Each registration must include either the applicant's Mississippi Driver's License Number or the last four digits of their Social Security Number.
- **Applications must be returned a month before the election:** The Elections Division must receive voter registration applications at least 30 days before the general election.
- **Don't pay your drive workers by the piece:** While it is not illegal in Mississippi to pay someone to solicit registrations based on the number of registrations obtained, 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!



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

Mississippi uses the term “absentee ballot” to cover both mail-in voting and in-person early voting. Only voters who satisfy certain criteria may vote absentee. Mail-in ballots are only available to voters who are sixty-five years old or older, are temporarily or permanently disabled, are temporarily living outside of their county of residence, or who are the parent, spouse, or dependent of a disabled person who is hospitalized more than 50 miles away. The rules for in-person early voting provide a slightly larger list of criteria. More information about absentee voting in Mississippi is available here: <https://www.sos.ms.gov/absentee-voting-information>

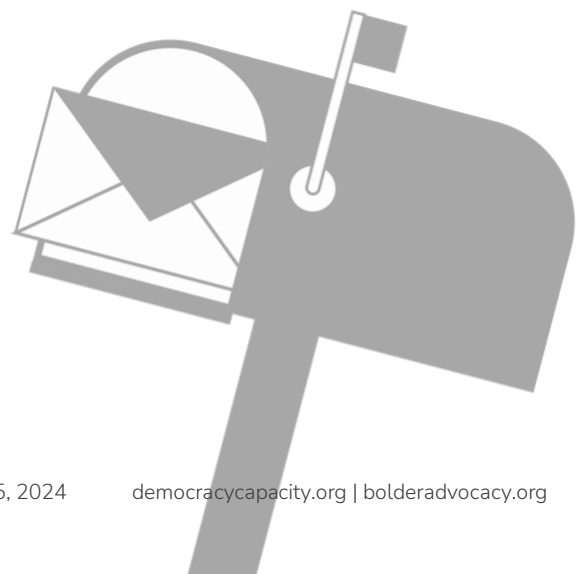
Mississippi law does not provide a process by which third-party nonprofit organizations can help people vote absentee. With only limited exceptions, third-party organizations may not request absentee ballot applications for voters, nor can they help voters complete the applications or ballots, or return the applications or ballots once completed.

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

- Given that Mississippi law does not provide a process by which third-party nonprofit organizations can help people vote absentee, the best way to add value in this area is to focus on getting your constituents trustworthy official information about the vote-by-mail process.
- The Mississippi Division of Elections’ public-facing mail-in absentee voting page is here: <https://www.sos.ms.gov/absentee-voting-information>

### ✗ **Danger Zone**

- **Nonprofits are prohibited from assisting with returning absentee ballots:** Nonprofits should not plan to help voters return their absentee ballots. A new law makes it a crime for nonprofits (and others) to return absentee ballots on behalf of voters. Though this law has been preliminarily enjoined by a federal court, an appeal is pending, so it is prudent to be cautious. Also, note that it is a crime to pay another person to assist voters in marking their ballots. If your group is considering trying to find a way to help voters apply for mail-in absentee ballots, you should seek legal counsel.



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

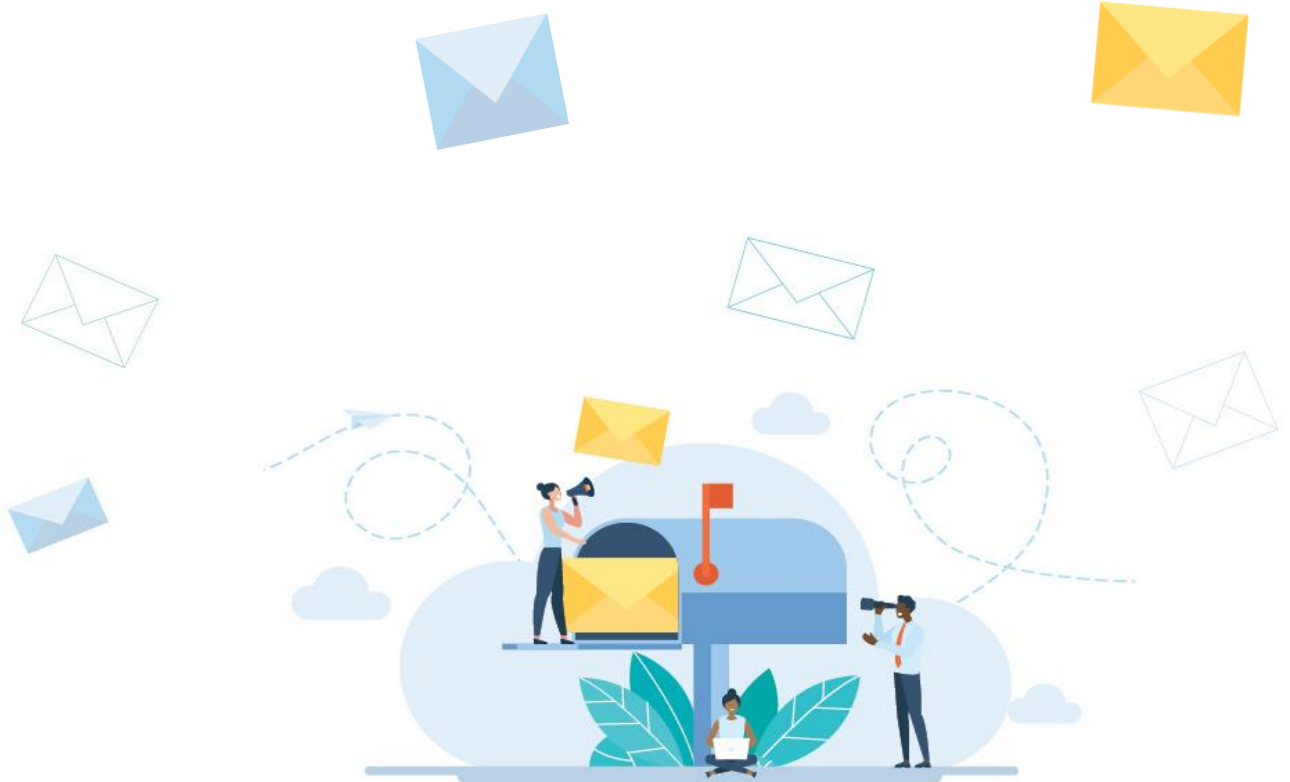
Running a full absentee ballot “cure program” (where organizations help track down voters whose ballots have been rejected and help them “cure” the ballots) can be complicated and is usually beyond the capacity of smaller organizations. That said, it can be enormously helpful for you to educate your constituents about how to respond if they need to cure their ballot.

Mississippi does not provide a way for nonprofit organizations to assist voters in curing any problems with their absentee ballot – other than by getting voters the information they need to do it themselves. Local election officials are required to notify a voter within one business day of the election that their absentee ballot has been tentatively rejected because the signature on the ballot does not match the one on file. The voter then has until the 10th day after the election to cure the problem or the ballot will not be counted.



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

- Mississippi does not enable voters to check the status of their absentee ballot online. If it is rejected for signature mismatch, local elections officials are required to notify the voter so they can cure the problem.
- The contact information for the County Elections Commissioners for each county can be found here: <https://www.sos.ms.gov/index.php/elections-voting/county-election-information>





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

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



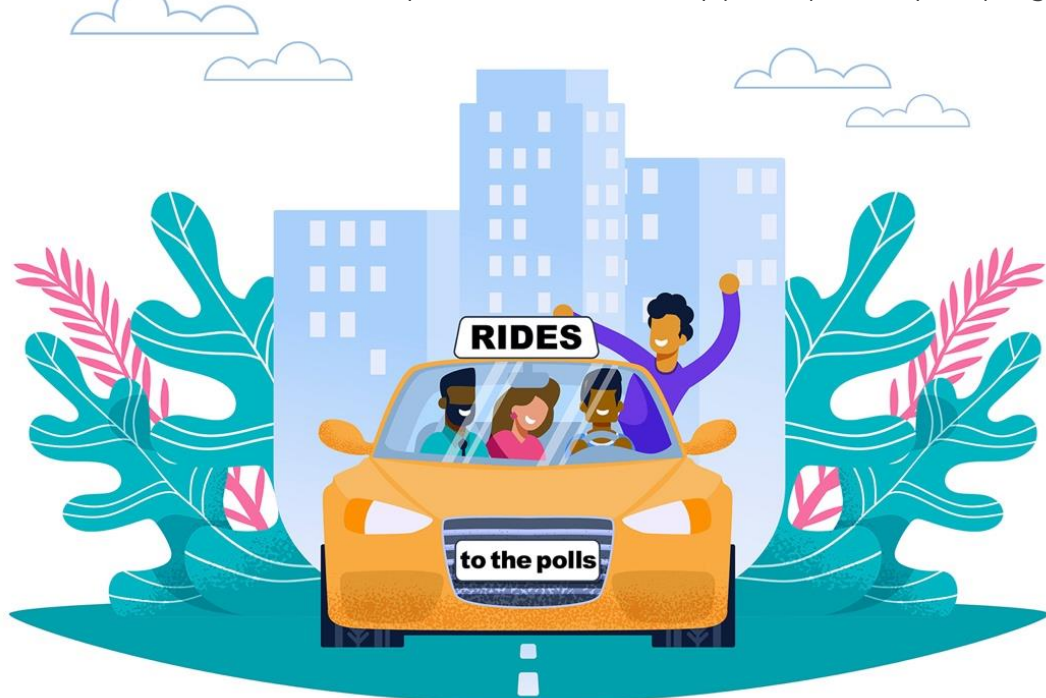
### Practical Tip: Consider partnering with existing programs

- 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.
- Mississippi M.O.V.E (Motivating & Organizing Voters for Empowerment) operates a ride to the polls operation called Roll2thePolls. You can find them here: <https://msmove.org/>



### 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.



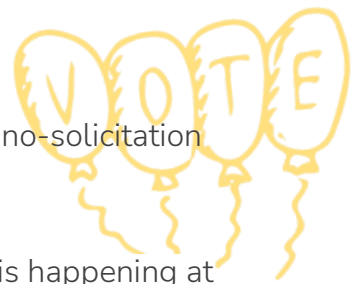
## Q: How can we help voters who are already at the polls?

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.

Mississippi prohibits various activities within 150 feet of the entrance to any polling place, including posting or distributing “cards, posters or other campaign literature.” Mississippi also mandates a space 30 feet in all directions from the polls that must be kept clear of anyone who is not a voter, election official, or credentialed poll watcher.

### ✓ **Practical Tips**

- Keep all of your line warming activities well outside the 150-foot no-solicitation perimeter.
- 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:** Mississippi has 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:** Mississippi law prohibits placement of any campaign signs in the right of way along state or county roads. Lawn signs are regulated at the local level, although state law requires political signs to include the name and contact information of the entity or individual responsible for the sign. See the FAQ on campaign finance rules below for more information.

**Partisan or nonpartisan GOTV clothing and buttons:** Political clothing and materials (hats, buttons, T-shirts, etc.) are allowed within the 150-foot no solicitation perimeter, so long as their content does not specifically mention any candidate or issue on the ballot in that election.

**Selfies in or near the polling place:** Mississippi law prohibits any voter from showing their ballot to another person, including by posting a photograph of a ballot. 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 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.

Mississippi Code Title 23, Chapter 15, Article 23 outlines the state level campaign finance regulations that might apply to your work.

<http://www.lexisnexis.com/hottopics/mscode/>



### ✓ 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 Mississippi, state campaign finance rules cover, among other things, how disclaimers must be added to political ads, as well as reporting and disclosure requirements. If you are doing partisan GOTV work, you will need to carefully examine the Mississippi 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 measures because the IRS considers such work legislative lobbying (as opposed to electioneering, which is prohibited), but state law usually regulates this activity under campaign finance laws.



## Q: How can we help recruit poll workers?

To be a poll worker in Mississippi, an individual must be a registered voter in the county in which they would serve (or 16 years of age and recommended by their school principal) and attend a mandatory poll worker training. A poll worker cannot be a member of a candidate's immediate family, a relative of a candidate within the second degree of kinship, or a member of a candidate's political committee.

Individuals interested in applying to be a poll worker should apply through the Secretary of State's office, here <https://www.sos.ms.gov/elections-voting/poll-worker-portal>

### ✓ Practical Tip

- While more poll workers are often urgently needed, it can sometimes be frustratingly slow to get through to the Secretary of State's 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 Secretary of State'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.
- 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. Note that Mississippi's state lobbying law also covers efforts to influence local officials at the county, county-district, multicounty district, municipal, or school district level. See our Practical Guidance – What Nonprofits Need to Know About Lobbying in Mississippi for further information: <https://www.democracycapacity.org/ms-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 Mississippi Laws:** The Mississippi statutes referenced below can be accessed here: <http://www.lexisnexis.com/hottopics/mscode/> (Note that this website is not paywalled – Mississippi has outsourced its public statutory site to Lexis.)

- **Assistance with Vote-By-Mail Ballots:** Miss. Code Ann. § 23-15-621 *et seq.* – Absentee Balloting Procedures Law; Miss. Code Ann. § 23-15-711 *et seq.* – Absentee Voter Law.
- **Line Warning:** Miss. Code Ann. § 23-15-895 – Prohibition against distribution of campaign material within 150 feet of polling place.
- **State Rules About Lawn and Road Signs:** Miss. Code Ann. §§ 63-3-317; 23-15-897; [https://mdot.ms.gov/portal/guidelines\\_on\\_political\\_signage](https://mdot.ms.gov/portal/guidelines_on_political_signage)
- **Ballot Selfies:** Miss. Code Ann. § 97-13-45 – Penalty for unlawfully showing ballot to another.
- **GOTV Clothing/Hats/Buttons in Polling Places:** Miss. Code Ann. § 23-15-895 – Prohibition against distribution of campaign material within 150 feet of polling place.
- **Campaign Finance:** Miss. Code Ann. § 23-15-801 *et seq.* – Disclosure of Campaign Finances.

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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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