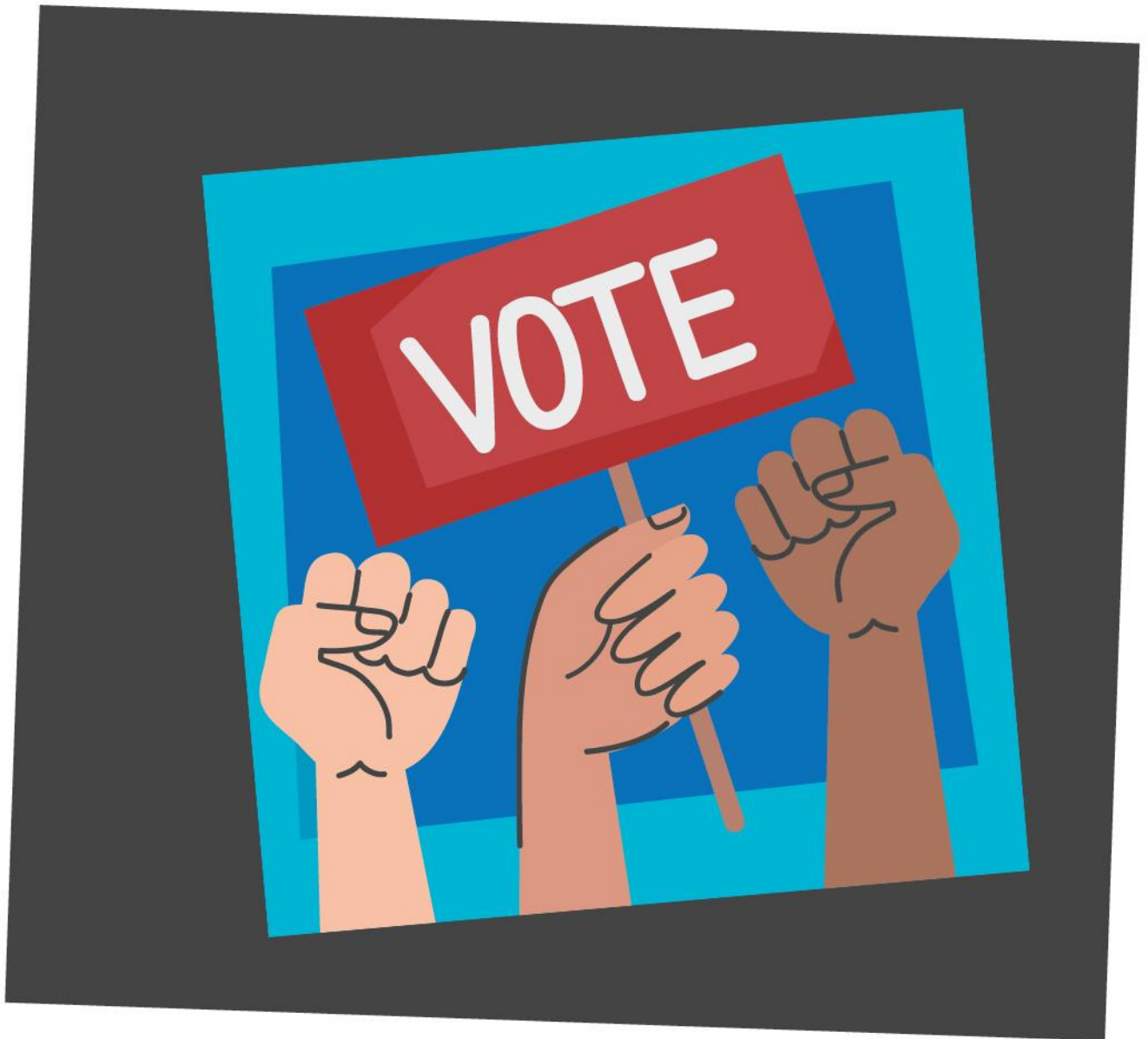


# PRACTICAL GUIDANCE

Nonprofit Voter Assistance

OREGON





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

<https://sos.oregon.gov/voting-elections/Pages/default.aspx>

**County Clerk:** Each county has its own County Clerk. (Note that Multnomah and Washington counties, the two most populous counties in the state, use the term "County Elections Division" instead. Oregon's elections materials also sometimes refer to Clerks' offices as "County Election Offices.") You can find their contact information here:

<https://sos.oregon.gov/elections/Pages/countyofficials.aspx>

Some counties have great information on their sites and may include well-produced voter guides or posters that you can link to. For example, Douglas County's website is very user-friendly and contains a lot of information: <https://douglascountyor.gov/178/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 deadline for dropping off their ballot in a drop box location is an hour later than it actually is? Don't try to reproduce the information yourself. Use links to official information and established websites instead!
- **County Clerks sometimes apply laws differently:** In Oregon each County Clerk's office may have its own way of doing things. It is worth taking the time to check in with the Clerks for any county where you are doing your work.

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

In Oregon, any person who is qualified to register to vote (any Oregon resident who is a U.S. citizen and at least 16 years old), but is not registered and visits the DMV to apply for, renew, or replace an Oregon driver license, ID card, or permit, is automatically registered to vote as an unaffiliated voter. They will receive a mailing giving them the option to either choose a political party, stay unaffiliated, or opt-out and decline their voter registration.

Oregon does not require notice, registration, or training to conduct a voter registration drive. Any person may distribute a registration card in any reasonable manner that facilitates elector registration.

You can request voter registration cards here:

<https://sos.oregon.gov/elections/Pages/request-voter-registration-cards.aspx>

Completed forms must be turned in to the appropriate County Clerk's office within five calendar days of the date you received the card. You may not keep a copy of the registration card unless you block out the voter's signature, DMV Driver's License or ID number, and social security number. Do not attempt to influence people to register with a particular political party.

**Best practices for voter registration drives:** The Multnomah County Elections Division has a helpful guide to running a voter registration drive: <https://www.multco.us/voter-education-and-outreach/organizing-voter-registration-drive> You should also review the state's "Information on Help America Vote Act (HAVA) and other Election Laws" handout, linked on the right side of the registration card request page linked above.

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



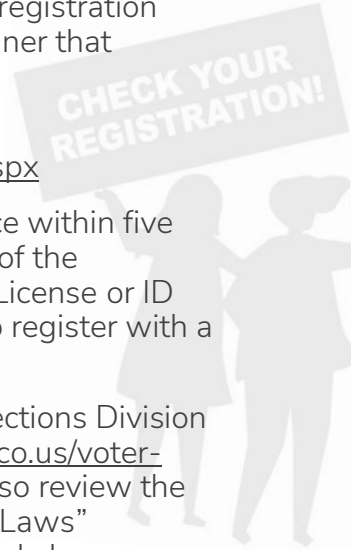
### Practical Tip:

- To ensure you are working within the law and that registrant cards are submitted timely and accurately, get to know your County Clerk's office and work with them.



### Watch Out

- **Registration cards must be returned at least 21 days before an election:** Completed voter registration cards must be submitted by mail or in person to the relevant County Clerks' offices at least 21 days before the election. The County Clerks' office will mail a Voter Notification Card to confirm the voter's registration.
- **Make sure the registration card is complete:** The voter must provide a valid Oregon Driver's License, Permit, or ID number, the last four digits of their SSN, or a document showing current name and address (e.g., paystub or utility bill).
- **Don't pay your drive workers by the piece:** Paying someone based on the number of registrations they obtained is prohibited in Oregon, and could subject you to civil penalties. 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?

Oregon has been a vote by mail only state for years, and no excuse is needed to vote by mail. Voter pamphlets containing information on ballot measures and candidates are sent to Oregon residents two to three weeks before each statewide election, giving voters time to research issues on the ballot, including state and local measures and candidates. Voters who will not be home when ballots are sent (students attending college out of state or voters traveling during an election) can still receive a ballot (Oregon calls these “Absentee Ballots”). These voters must update their information online through the Oregon Secretary of State’s website, or submit a completed absentee ballot request form and return it to the County Clerk. The form is available the absentee ballot link of this Voting in Oregon page: <https://sos.oregon.gov/elections/Pages/voteinor.aspx>

Active registered voters receive an official ballot to complete and return. The ballot can be mailed or dropped off at any official drop box across the state. You can go to this website 20 days before the next statewide election for access to a Drop Box Locator: <https://sos.oregon.gov/voting/Pages/drop-box-locator.aspx>

Ballots must be received, or mailed with a valid postmark, by 8:00 p.m. on Election Day.

Any voter can get assistance with voting or returning a ballot from their County Clerk’s Office or by calling the Election Protection Hotline (1-866-673-8683). In addition, voters can also get help from a care provider, family member, or another person of their choice.

Unlike in other states, nonprofit organizations seeking to help voters vote by mail will not face significant legal impediments. But given the scale of voting by mail in Oregon, the opportunity to have an impact through such programming may be diluted.

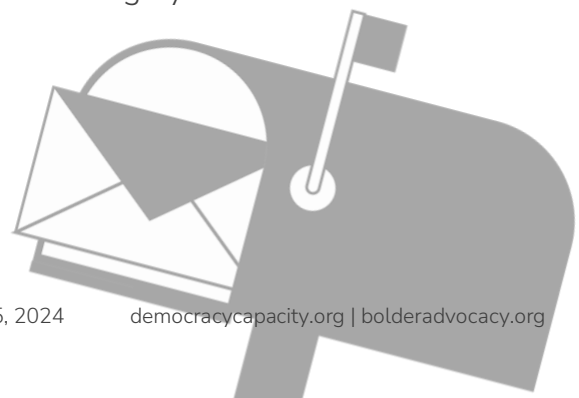
Anyone returning a ballot on behalf of a voter must return the ballot no more than two days after receiving the ballot from that person.

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

- Given how widespread voting by mail is in Oregon, your organization may have more impact by focusing on getting your constituents trustworthy official information about the vote by mail process instead of running a full assistance program.

### **Danger Zone**

- Anyone assisting voters with ballots must not try to influence the voter to vote their ballot in a particular way, whether by reading, display of materials, or any other method.
- Do not display or wear anything suggesting a political preference or party allegiance when assisting someone who is voting by mail.



## 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” their ballots) can be complicated and is usually beyond the capacity of smaller organizations. Oregon does not provide a means for nonprofit organizations to assist voters effectively in curing rejected absentee ballots. That said, it can be enormously helpful for you to educate your constituents by getting voters the information they need to do it themselves.

Election officials may challenge ballots for several reasons: they believe the voter is not a qualified voter, the return identification envelope is unsigned, or the signature on the return identification envelope does not match the signature in the voter’s registration record. Oregon law requires that the County Clerk provide any voter whose ballot was challenged with written notice describing the nature of the challenge. For any ballot challenged based on the suspicion that the voter is not a qualified voter, that voter must cure any deficiencies within 14 calendar days after Election Day. For any ballot challenged because the return envelope was unsigned, or because the voter’s signature on the return identification envelope does not appear to match the signature in the voter registration record, the voter must cure any deficiencies within 21 calendar days after Election Day. In the case of an unsigned return identification envelope, the County Clerk may provide the challenged voter with a form on which to provide a certified statement to disprove a challenge.

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

- In Oregon, voters can check the status of their mail-in ballot at the State’s My Vote site here: <https://sos.oregon.gov/voting/pages/myvote.aspx?lang=en>
- They can also use My Vote to check or update their registration.
- The contact information for the County Clerk’s office for each county can be found here: <https://sos.oregon.gov/elections/Pages/countyofficials.aspx>





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

Because Oregon is a vote by mail only state, there is generally very little need to provide voters with rides to the polls. Some voters do prefer to return their ballots in person to their County Clerk's office, and Clerk's offices generally provide privacy booths where voters can complete their ballot on the premises before returning it. If you choose to assist any voters that prefer to go to the County Clerk's office in person, keep the following points in mind.



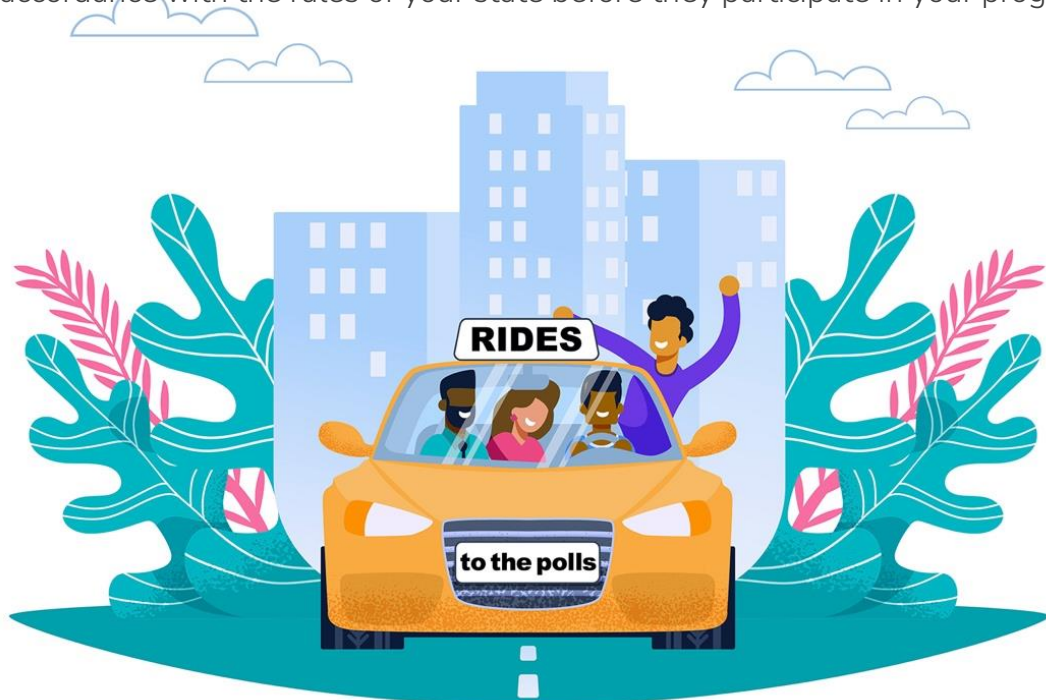
### Practical Tip: Consider partnering with existing programs

- 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?

In other states, 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**.”

Because Oregon has a vote by mail system, voters do not need to go to the polls. Some voters will return their completed ballots to drop box locations instead of using mail, but opportunities to do line warming programming in Oregon will likely be very limited. If you do decide to do any line warming type activities keep in mind the following concepts.

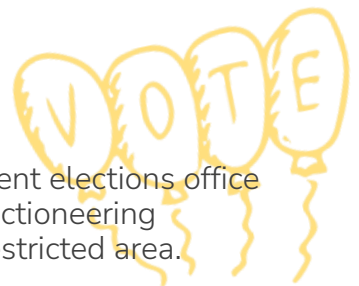
Oregon prohibits any electioneering – e.g., handing out written material regarding an election, soliciting signatures for a petition, or speaking through a public address system – within 100 feet of state or local government buildings designated as ballot deposit drop boxes.

### ✓ Practical Tips

- Stay well outside the 100-foot limit from state or local government elections office buildings designated for ballot drop boxes, including audible electioneering communications that may be heard and understood inside the restricted area.
- Allow both voters and nonvoters to participate.
- You can call Election Protection if you need assistance with what is happening in connection with the return of ballots: 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:** Oregon's vote by mail system does not provide an opportunity for polling site observers.

**State rules about lawn signs and road signs:** Oregon state law generally prohibits placing any kind of sign in a state highway right of way. Many state and local jurisdictions have their own sign regulations, which frequently do not allow signs to be placed in a public right-of-way, and impose limits to how long election-related signs can remain after an election. You should check the local rules before you place your sign. See the FAQ on campaign finance rules below for more information.

**Partisan or nonpartisan GOTV clothing and buttons:** This issue is generally less relevant in Oregon, because the State lacks traditional polling places. Be aware, however, that state rules prohibit electioneering, which could include wearing clothing with content that supports or opposes a candidate or a ballot issue, within 100 feet of a drop box or the entrance to a building that contains a ballot drop box.

**Selfies in or near the polling place:** Oregon does not prohibit voters from taking pictures with their ballots. As a best practice, however, many nonprofit organizations suggest that their constituents do not post selfies of their filled in ballot, and post selfies showing them putting their ballot in a drop box 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.

In Oregon, Title 23, Chapter 260 of the Oregon Revised Statutes outlines the state level campaign finance regulations that might apply to your work. The text of the statutes are available here: [https://oregon.public.law/statutes/ors\\_chapter\\_260](https://oregon.public.law/statutes/ors_chapter_260)

The Oregon Elections Division publishes a manual that contains a summary of Oregon campaign finance law. The most recent version of the manual can be accessed via the “Campaign Finance Manual” link here: <https://sos.oregon.gov/elections/Pages/manuals-tutorials.aspx>



### ✓ 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 1-866-NP-LOBBY (1-866-675-6229) during standard business hours.

### 👁 Watch Out

- **Partisan GOTV work:** Partisan GOTV work will likely implicate campaign finance regulations. In Oregon, state campaign finance rules cover, among other things, adding disclaimers to political ads, mandatory reporting and disclosure rules, and text and phone banking rules. If you are doing partisan GOTV work, you will need to carefully examine the Oregon 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?

Because Oregon is a vote by mail only state, it does not have poll workers in the traditional sense. Counties do frequently hire temporary workers to assist with elections, but the roles and duties for such positions are quite different from traditional poll workers. If you have constituents who would like to get involved, their best path is to contact the County Clerk's office for the county in which they'd like to get involved to see what openings are available.



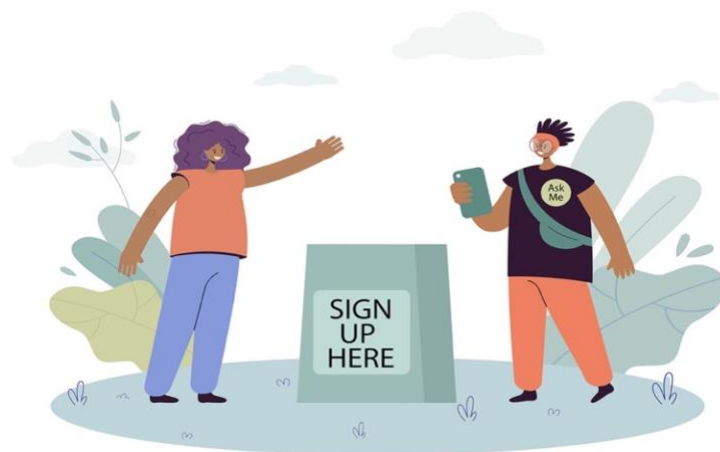
### Practical Tip

- Given the nature of election-related employment in Oregon, the opportunities are likely to be unpredictable, and the process will often be frustratingly slow. You may need to start this process early and have some patience with your worker recruitment plan.



### 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 find a position.



## Q: How can we advocate for a new polling place location?

Since Oregon is a vote by mail state, advocates for more convenient voting might seek to have additional ballot drop boxes installed in advance of an election. Decisions as to the number and location of drop boxes are made by County Clerk's offices, a list of which can be found here: <https://sos.oregon.gov/elections/Pages/countyofficials.aspx>



### Watch Out

- **It's possible this work can trigger lobbyist registration requirements:** In some cases, your advocacy for a new drop box location might count as lobbying under state or local lobbyist registration rules. Some local jurisdictions in Oregon have their own lobbyist registration ordinances in place, so you'll need to check your program plan against both state-level lobbying rules, and the rules of any local jurisdictions you'll be working in. See our Practical Guidance – What Nonprofits Need to Know About Lobbying in Oregon for further information: <https://www.democracycapacity.org/or-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 Oregon Laws:** The Oregon statutes referenced below can be accessed here: [https://oregon.public.law/statutes/ors\\_title\\_23](https://oregon.public.law/statutes/ors_title_23)

- **Voter Registration:** ORS 247.002 *et seq.* – Voter registration
- **Assistance with Absentee Voting:** ORS 254.005 *et seq.* – Voting by mail; ORS 253.005 *et seq.* – Absentee by mail.
- **State Rules About Lawn and Road Signs:** ORS 377.030 *et seq.* – Restrictions of signs by state highways
- **Electioneering:** ORS 260.695(3)
- **Campaign Finance:** ORS 260.005 *et seq.* – Campaign Finance Regulations



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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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