

(Almost) Everything Your Nonprofit Needs to Know About the 2024 Election

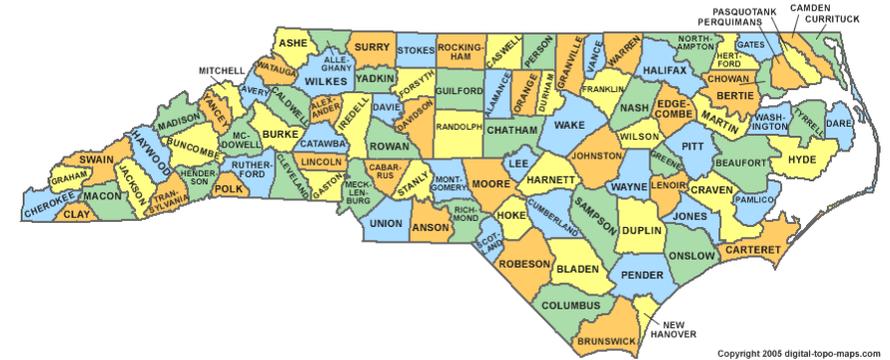
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Connect Learn Advocate



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Important Disclaimers



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501(c)(3)



Section 501(c)(3) of the Internal Revenue Code

Electioneering by 501(c)(3)s

- Excerpt from Internal Revenue Code § 501(c)(3)
 - “. . . which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.”

Translation



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What your nonprofit *can* do



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What your nonprofit *can* do



What your nonprofit *can* do



Three Questions for Candidates for Office in 2022
With responses published for community leaders throughout your district



What your nonprofit *can* do



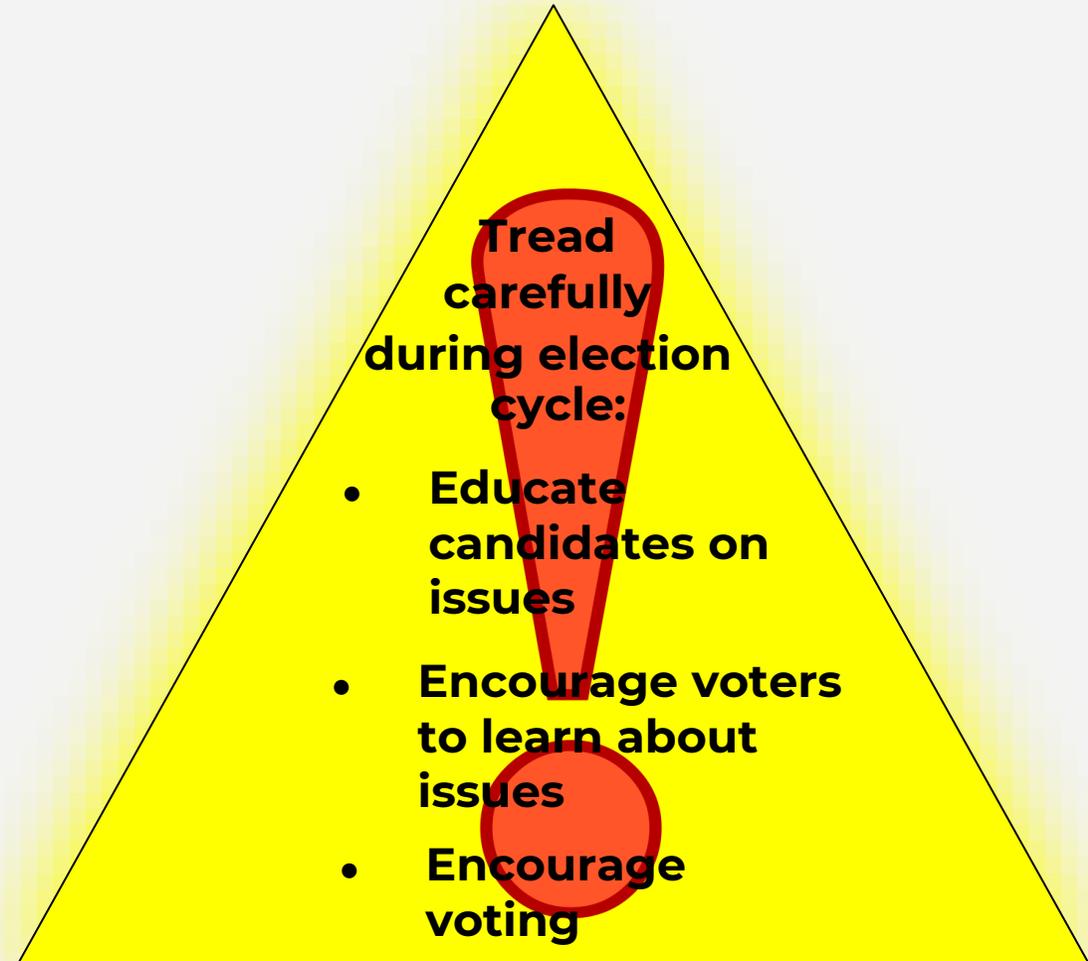
What can your c3 do? What should your c3 do?

- Communicate with the public about the changes to election law
- Educate the public, your members, your followers about the changes to election law
- Remind everyone to register in advance and vote
- Help them communicate with the county boards of election when there are issues with voter registration and voting
- If you choose to help people register to vote, get educated on the risks and make sure your compliance and quality control tools are robust
- Be non-partisan

Accountability

Work – holding elected officials accountable on official decisions

- Should be part of your work every year, not just election cycle
- Positive and negative
- Should be “live”
- Focus on official actions, not personal
- C3 appropriate target audience
- Think “grassroots” lobbying





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Nonprofit VOTE



BOLDER ADVOCACY
A program of Alliance for Justice

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Engaging with non-501(c)(3) entities on election-related activities . . .

What kind of entity am I?

LOOK IT UP!

FIND OUT BEFORE AGREEING TO ANYTHING!



Where to look?

- NCSBOE
- NCSOS
- IRS
- FEC

What can your c3's do with c4's?

- A c4 is organized for social welfare purposes; must have primary purpose (>51%) and can have political purpose work (<49%)
- C3 cannot do any work that supports the political purpose work of the c4
- If possible, work together under an MOU or Operating Agreement that limits work to c3 appropriate work
- Only do collaborative work that would be appropriate for c3 on its own

What is overlay work and is it permissible?

Overlay work

Sometimes called overlapping communications: when both c3 and affiliated c4 communicate about an elected official running for office

Affiliated organizations (c3 and c4) CAN communicate about the same elected official if:

- Messages are appropriate for organization type
- Messages are communicated to different universes
- Universes are appropriate for org type



NOTES:
Tricky area
of law,
check with
counsel

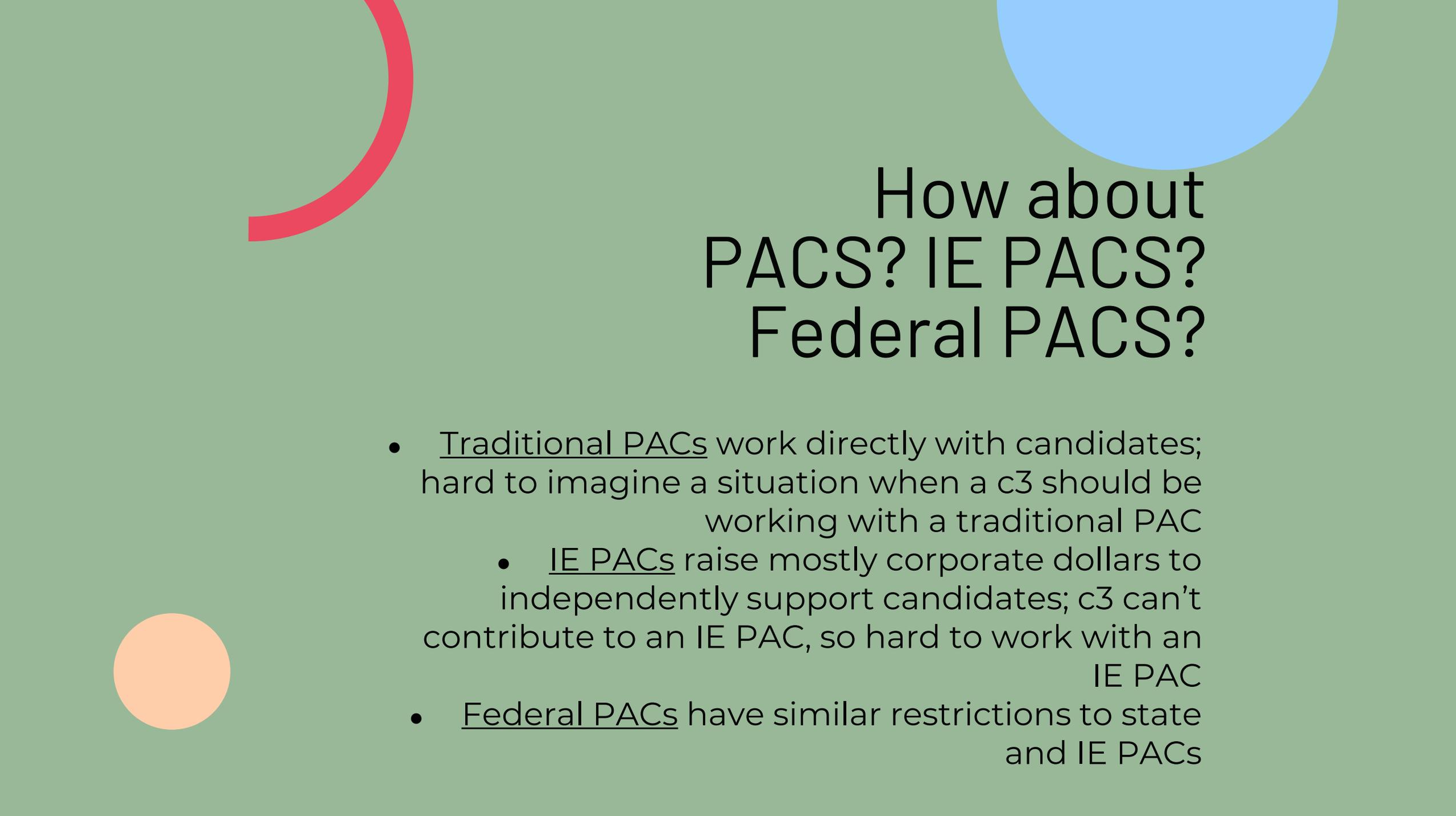
How about a c5 or a c6?

C5 - labor, agricultural organization - most commonly unions

C6 - business leagues, chambers of commerce, real estate boards, boards of trade and professional football leagues

What you need to know before working with them:

- Similar to c4 in political activity
- Membership organizations
- Can communicate with members on any subject
- C3 can undertake shared non partisan, nonpolitical activity with c5/c6 - voter registration, voter education, candidate forum, GOTV, etc.



How about PACS? IE PACS? Federal PACS?

- Traditional PACs work directly with candidates; hard to imagine a situation when a c3 should be working with a traditional PAC
 - IE PACs raise mostly corporate dollars to independently support candidates; c3 can't contribute to an IE PAC, so hard to work with an IE PAC
- Federal PACs have similar restrictions to state and IE PACs

Candidates for office, Political Parties, Incumbents?

Candidates for office

- C3's can educate candidates on their issues
- candidates can volunteer for c3
- serve on board of c3 or be employed by c3
- Candidate committee can sponsor tables or events of c3
- C3 cannot give anything of value to candidate
- Candidate can give campaign \$\$ to c3

Political Parties

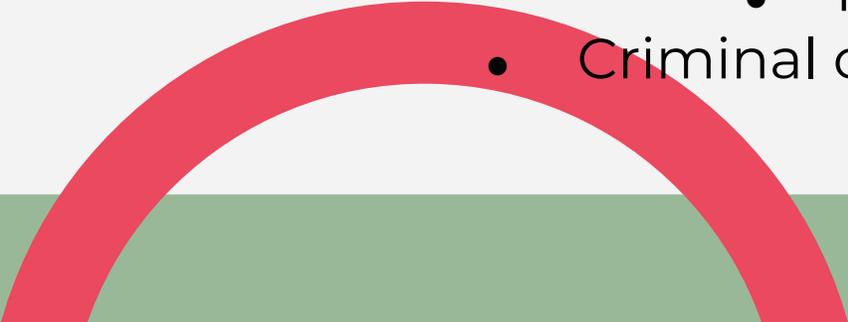
- C3's can rent space to parties at fmv
- Parties can rent tables at parades or community gatherings from c3
- Party officials can work for c3 or serve on board of c3
- C3 cannot give anything of value to party

Incumbents

- C3's can educate incumbents on issues, especially through lobbying
- Incumbents can volunteer for c3
- Incumbents can serve on board of c3 or be employed by c3
- C3's can run accountability communications about incumbents on their issues
- C3 cannot give anything of value to an incumbent



RISKS!!

- Losing c3 status and being taxed for activities
 - Losing grant funding
 - Reputational damage
 - Criminal charges/state board of election prosecution
- 

What is at stake in 2024?

Politics version



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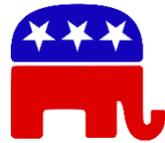
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Margins in NC tend to be small

Vote and Percentage Margin, Selected Races 2016, 2020, 2023

Race	Vote Margin	Percentage Margin
2016 Governor	10,277	0.22%
2016 AG	24,613	0.54%
2016 President	173,315	3.66%
2020 Chief Justice	401	0%
2020 Legislature	477	1.18%
2020 AG	13,622	0.26%
2020 President	74,483	1.34%
2023 Municipal	7	0.12%
2023 Municipal	3	0.23%

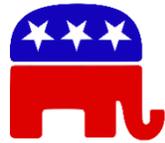
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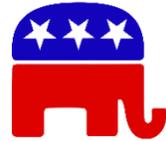
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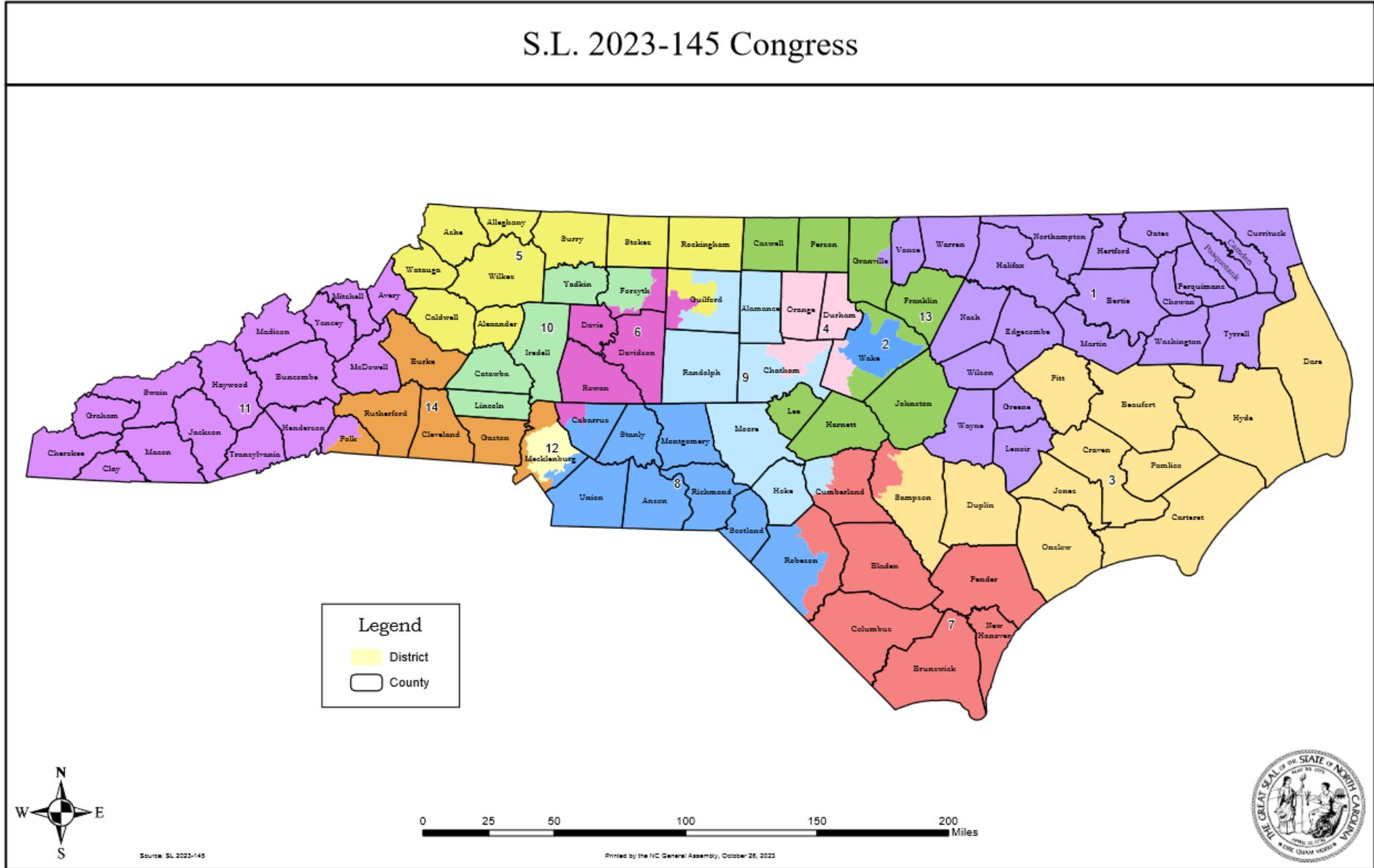


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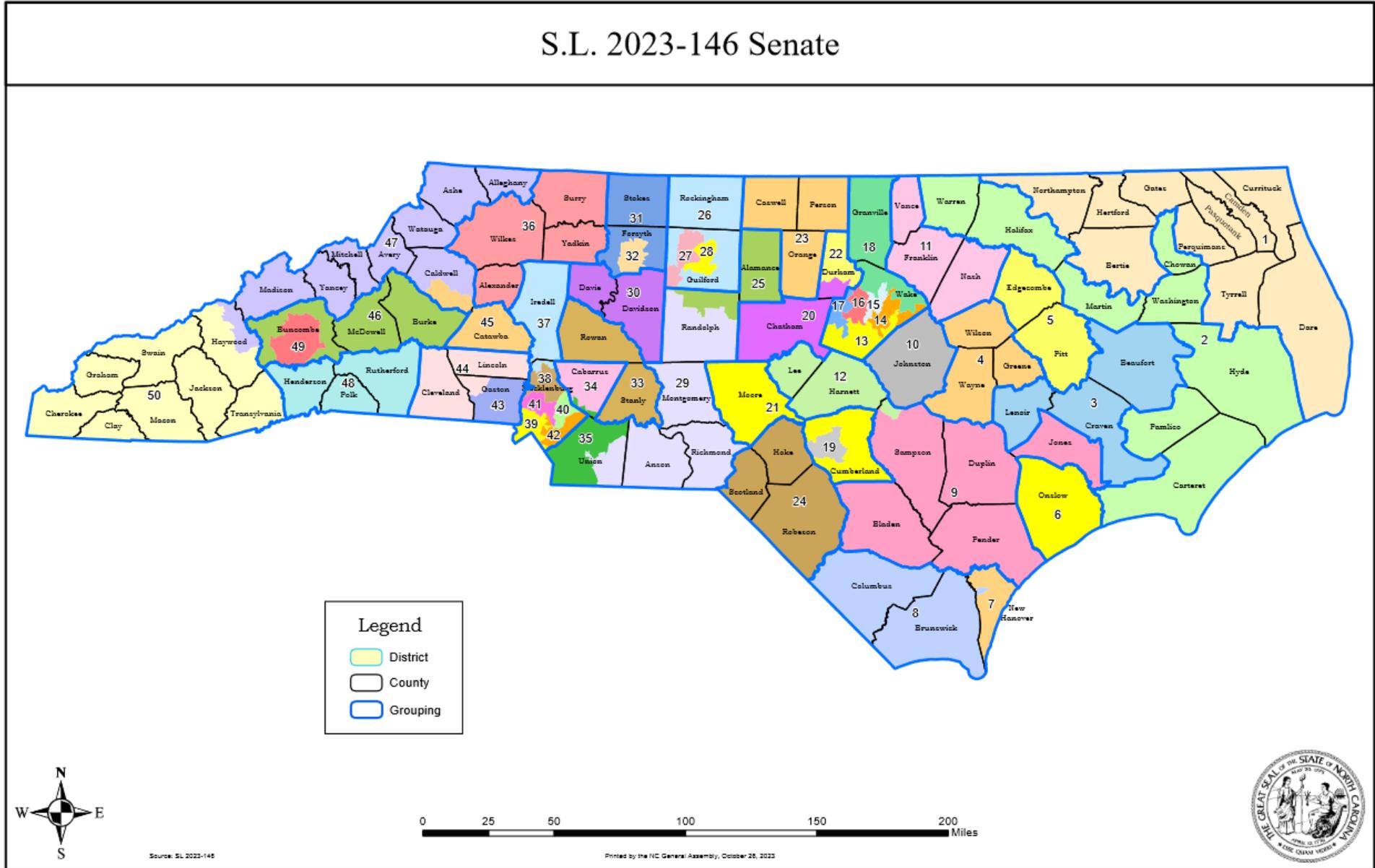
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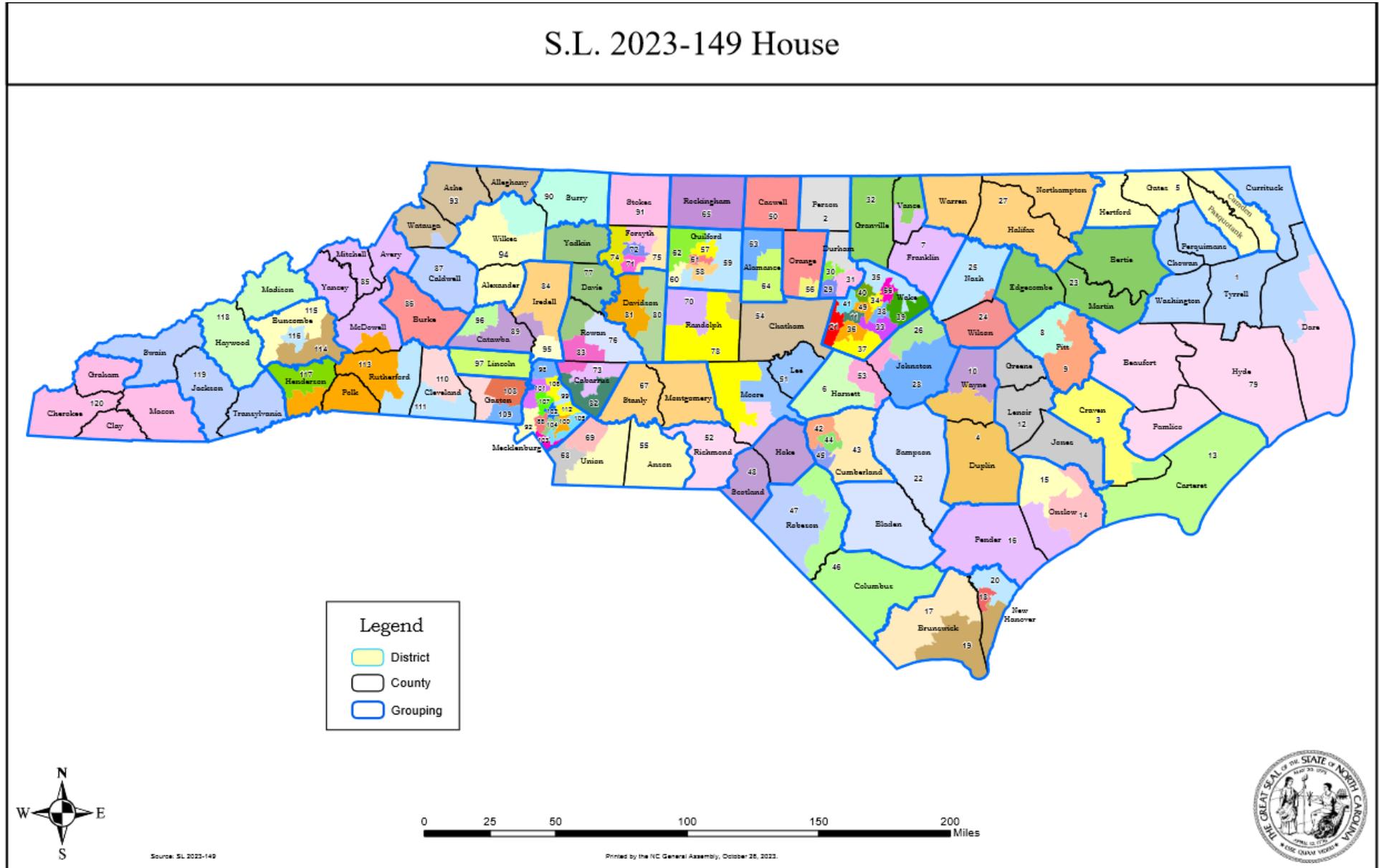
S.L. 2023-145 Congress



S.L. 2023-146 Senate



S.L. 2023-149 House



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Source: S.L. 2023-149

Printed by the NC General Assembly, October 26, 2023.

REMINDER: IT'S OKAY TO TAKE A STRETCH BREAK!



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Common election-year questions for 501(c)(3) nonprofits

Disclaimer reminders!

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501(c)(3)

Common election-year questions

- Can a nonprofit let people know who is on the ballot?
- *Yes.*
- *But the nonprofit can't provide qualitative assessments of the candidates.*



Common election-year questions

- Can a nonprofit identify candidates who are generally supportive of its mission?
- *No. You can't say a candidate is "for kids", "anti-environment", "a friend of the arts", "pro charter school", or "an early childhood champion".*
- *That would be a sneaky work-around.*

Common election-year questions

- Can a nonprofit publish a candidate scorecard?
- *No.*

Common election-year questions

- Can a nonprofit organize a candidate questionnaire?
- *Yes.*
- *But you need to ensure questions are broad and open-ended and publish unedited responses.*

Common election-year questions

- Can a 501(c)(3) nonprofit organize a candidate forum?
- *Yes.*
- *But the nonprofit needs to be certain that it is run in a nonpartisan way that doesn't favor any particular candidate.*

Common election-year questions

- Can a 501(c)(3) nonprofit take positions on legislative issues during an election year?
- *Yes.*
- *But proceed with caution in the period immediately before an election.*

Common election-year questions

- What about “wedge issues” where positions align closely with partisan affiliation?
- *It depends.*
- *Proceed with even more caution during an election year.*

Common election-year questions

- Can a 501(c)(3) nonprofit take positions on ballot measures?
- *Yes.*
- *This is considered lobbying, not partisan political engagement.*

Common election-year questions

- Can a 501(c)(3) nonprofit make contributions to a PAC?
- **No.**

Common election-year questions

- Can a 501(c)(3) nonprofit have an affiliated 501(c)(4) organization?
- *Yes.*
- *It's probably worthwhile to have a lawyer help set up this type of arrangement.*

Common election-year questions

- Can a 501(c)(3) nonprofit acknowledge an incumbent running for reelection who comes to a fundraising event?
- *Yes.*
- *But don't mention the election.*

Common election-year questions

- During an election year, can a 501(c)(3) nonprofit co-sponsor an event with a political party or a candidate for office?
- *It depends.*
- *It may be legally permissible if the event isn't overtly supporting particular candidates or a political party.*

Common election-year questions

- Can our nonprofit let a candidate use our facilities for a campaign event?
- *Generally not.*
- *You may be able to rent facilities to candidates or political parties at your usual rates, but proceed with great caution!*

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**WHERE IS THE DONATE BUTTON
ON THAT CANDIDATE'S WEBSITE?**



Common election-year questions

- Can our staff run for office? Or volunteer for political campaigns? Or make campaign contributions? Or endorse candidates?
- *Yes, in their personal capacity.*
- *But it's important to avoid using the nonprofit's name or resources in personal political engagement.*

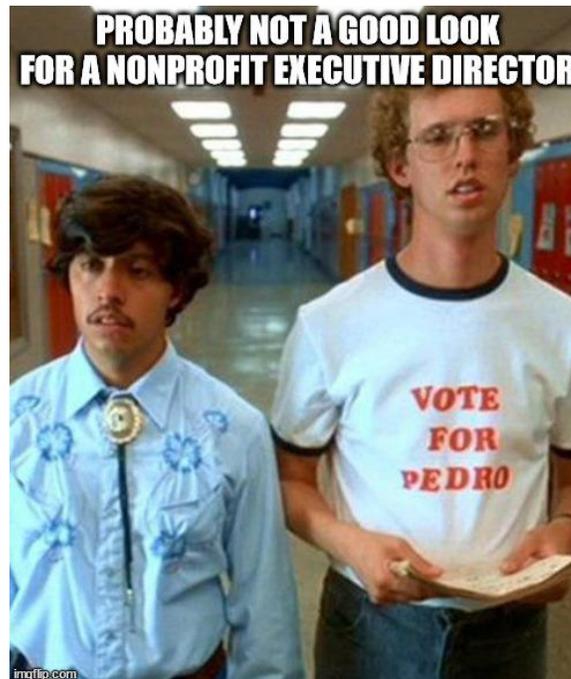
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Common election-year questions

- Can a 501(c)(3)'s executive director or board chair personally endorse a candidate for office?
- *Yes, but . . .*



Common election-year questions

- Is it a problem if the candidate then runs a campaign ad touting the ED's or board chair's endorsement (and mentioning the nonprofit)?
- *It's not a legal problem for the nonprofit, as long as the nonprofit isn't paying for the ad.*
- *But it may create the appearance of electioneering.*

Common election-year questions

- Does a 501(c)(3) nonprofit employee need to step aside if she is running for office?
- **No.**
- *But the nonprofit should be careful not to mention her campaign and to ensure her role isn't creating overlap with the office she is seeking.*



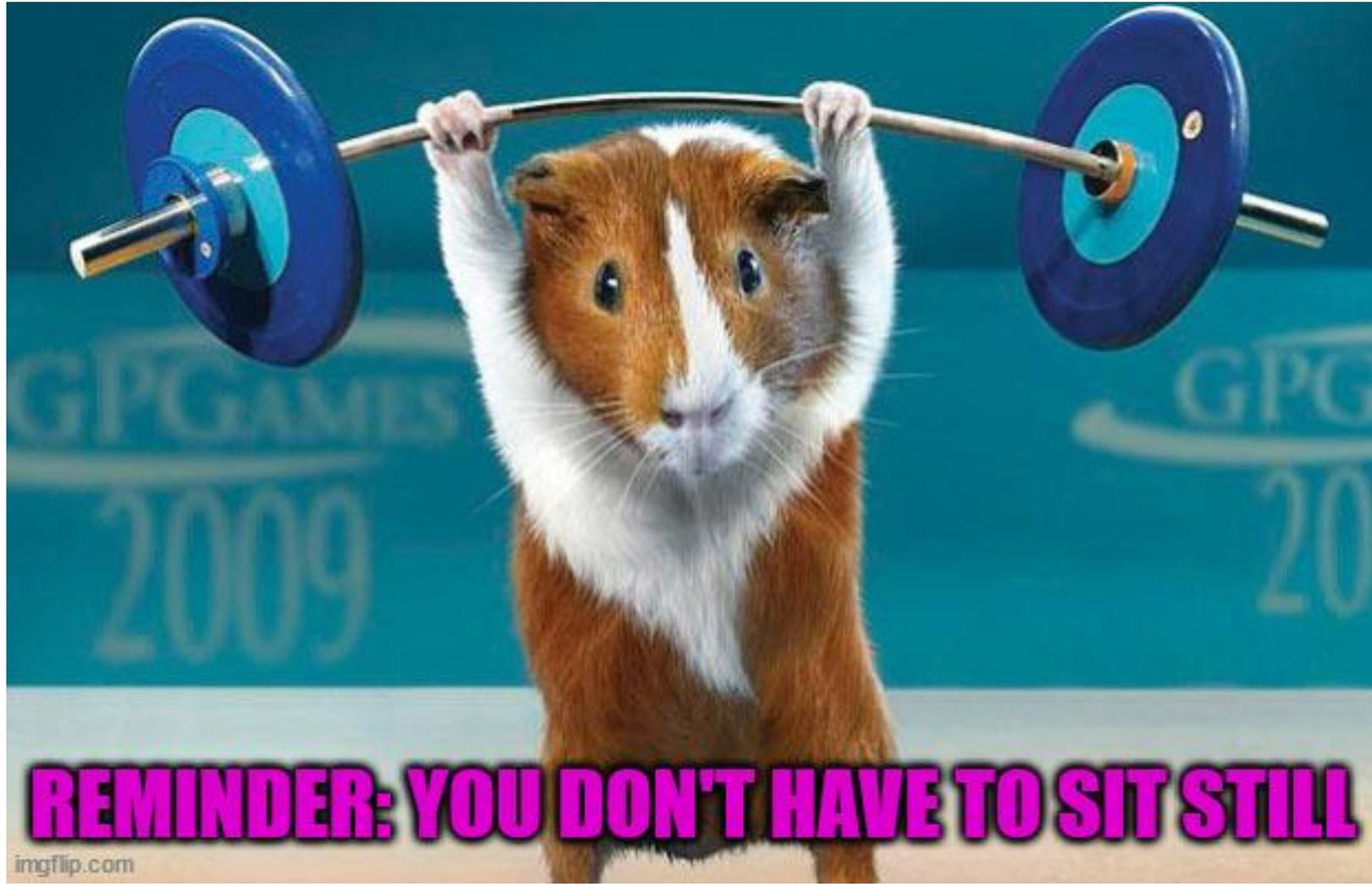
Common election-year questions

- Will my nonprofit lose its tax-exempt status if we break any of these rules?
- *Probably not.*
- *But you should take them seriously anyway, because your nonprofit's reputation is at stake!*



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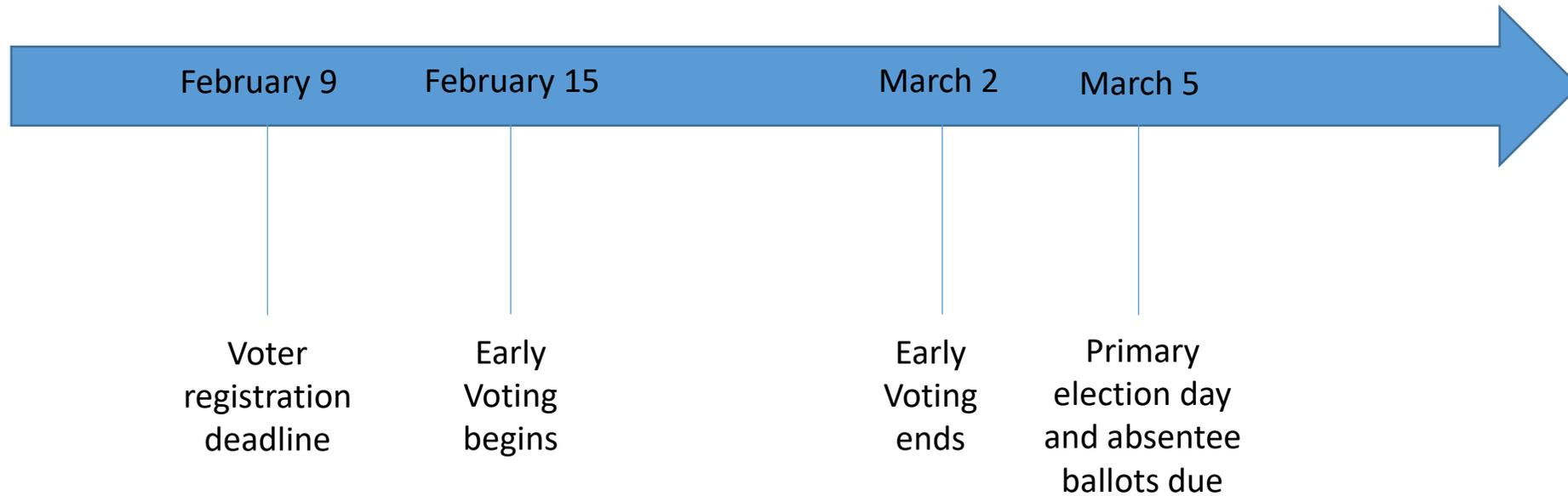
Basics on the 2024 election in North Carolina



Timeline



Timeline



Primary Calendar

2024 Primary Dates and Deadlines

Here are key dates and deadlines for the **2024 primary election** in North Carolina:

- Jan. 19: County boards of elections begin mailing absentee ballots to eligible voters who have submitted an absentee ballot request
- Feb. 9: Voter registration deadline (5 p.m.)*
- Feb. 15: In-person early voting begins (3 p.m.)
- Feb. 27: Absentee ballot request deadline (5 p.m.)*
- March 2: In-person early voting ends (3 p.m.)
- March 5: Primary Election Day
- March 5: Absentee ballot return deadline (7:30 p.m.)*
- March 15: County boards of elections primary canvass meetings (11 a.m.)
- March 26: State Board of Election primary canvass meeting (11 a.m.)

**Voter registration and absentee voting deadlines are different for military and overseas citizen voters*

Source: NCSBE.gov

Three options for voting

- In-person on Election Day
- In-person during Early Voting
- By mail through absentee voting

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Voting on Election Day

- You must vote at your precinct
- Find your precinct at:
<https://vt.ncsbe.gov/RegLkup/>
- You must be registered to vote – at your current address – by the voter registration deadline

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Early Voting

- You may register to vote or change your address within your county during Early Voting
- You may vote at any Early Voting site in your county
- Find your Early Voting sites:
<https://vt.ncsbe.gov/ossite/>

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Voting by Absentee Ballot

- Request an absentee ballot by mail or online
- Complete the absentee ballot with a witness present
- You and the witness need to sign the envelope
- Return your absentee ballot:
 - By mail – postmarked by March 5 and received by March 5 at 5 p.m.
 - At any Early Voting site during voting hours
 - At your county board of elections office
- Track your absentee ballot at BallotTrax

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Primary ballots

- Registered Democrats – Democratic ballot
- Registered Republicans – Republican ballot
- Registered unaffiliated voters – may choose either ballot in the primary election

PARTISAN NOMINATIONS	
Presidential Preference (You may vote for ONE)	
<input type="checkbox"/>	Joseph R. Biden, Jr.
<input type="checkbox"/>	No Preference
NC Governor (You may vote for ONE)	
<input type="checkbox"/>	Gary Foxx
<input type="checkbox"/>	Michael R. (Mike) Morgan
<input type="checkbox"/>	Josh Stein
<input type="checkbox"/>	Marcus W. Williams
<input type="checkbox"/>	Chrelle Booker
NC Lieutenant Governor (You may vote for ONE)	
<input type="checkbox"/>	Rachel Hunt
<input type="checkbox"/>	Mark H. Robinson
<input type="checkbox"/>	Ben Clark
NC Attorney General (You may vote for ONE)	
<input type="checkbox"/>	Satana Deberry
<input type="checkbox"/>	Tim Dunn
<input type="checkbox"/>	Jeff Jackson

NC Commissioner of Insurance (You may vote for ONE)	
<input type="checkbox"/>	Natasha Marcus
<input type="checkbox"/>	David Wheeler
NC Superintendent of Public Instruction (You may vote for ONE)	
<input type="checkbox"/>	C.R. Katie Eddings
<input type="checkbox"/>	Maurice (Mo) Green
<input type="checkbox"/>	Kenon Crumble
NC Treasurer (You may vote for ONE)	
<input type="checkbox"/>	Gabe Esparza
<input type="checkbox"/>	Wesley Harris
NC Supreme Court Associate Justice Seat 6 (You may vote for ONE)	
<input type="checkbox"/>	Allison Riggs
<input type="checkbox"/>	Lora Christine Cabbage
End of Ballot	

VS.



PARTISAN NOMINATIONS	
Presidential Preference (You may vote for ONE)	
<input type="checkbox"/>	Ron DeSantis
<input type="checkbox"/>	Nikki Haley
<input type="checkbox"/>	Asa Hutchinson
<input type="checkbox"/>	Vivek Ramaswamy
<input type="checkbox"/>	Donald J. Trump
<input type="checkbox"/>	Ryan Binkley
<input type="checkbox"/>	Chris Christie
<input type="checkbox"/>	No Preference
NC Governor (You may vote for ONE)	
<input type="checkbox"/>	Dale R. Folwell
<input type="checkbox"/>	Bill Graham
<input type="checkbox"/>	Mark Robinson

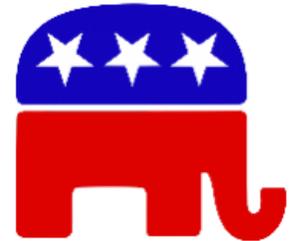
NC Lieutenant Governor (You may vote for ONE)	
<input type="checkbox"/>	Rivera Douthit
<input type="checkbox"/>	Jeffrey Elmore
<input type="checkbox"/>	Marlenis Hernandez Novoa
<input type="checkbox"/>	Allen Mashburn
<input type="checkbox"/>	Jim O'Neill
<input type="checkbox"/>	Sam Page
<input type="checkbox"/>	Ernest T. Reeves
<input type="checkbox"/>	Hal Weatherman
<input type="checkbox"/>	Seth Woodall
<input type="checkbox"/>	Deanna Ballard
<input type="checkbox"/>	Peter Boykin

NC Auditor (You may vote for ONE)	
<input type="checkbox"/>	Charles Dingee
<input type="checkbox"/>	Jim Kee
<input type="checkbox"/>	Anthony Wayne (Tony) Street
<input type="checkbox"/>	Jeff Tarte
<input type="checkbox"/>	Dave Boliek
<input type="checkbox"/>	Jack Clark
NC Commissioner of Agriculture (You may vote for ONE)	
<input type="checkbox"/>	Colby (Bear) Hammonds
<input type="checkbox"/>	Steve Troxler
NC Commissioner of Insurance (You may vote for ONE)	
<input type="checkbox"/>	Andrew Marcus
<input type="checkbox"/>	C. Robert Brawley
<input type="checkbox"/>	Mike Causey

NC Commissioner of Labor (You may vote for ONE)	
<input type="checkbox"/>	Luke Farley
<input type="checkbox"/>	Jon Hardister
<input type="checkbox"/>	Chuck Stanley
<input type="checkbox"/>	Travis J. Wilson
NC Secretary of State (You may vote for ONE)	
<input type="checkbox"/>	Jesse Thomas
<input type="checkbox"/>	Christine E. Villaverde
<input type="checkbox"/>	Chad Brown
NC Superintendent of Public Instruction (You may vote for ONE)	
<input type="checkbox"/>	Michele Morrow
<input type="checkbox"/>	Catherine Truitt
NC Treasurer (You may vote for ONE)	
<input type="checkbox"/>	A. J. Daoud
<input type="checkbox"/>	Rachel Johnson
<input type="checkbox"/>	Brad Briner

NC Court of Appeals Judge Seat 15 (You may vote for ONE)	
<input type="checkbox"/>	Chris Freeman
<input type="checkbox"/>	Hunter Murphy
Onslow County Board of Commissioners (You may vote for FOUR)	
<input type="checkbox"/>	John Davis
<input type="checkbox"/>	Robin L. Knapp
<input type="checkbox"/>	Hans J. Miller
<input type="checkbox"/>	Debra Watkins Morton
<input type="checkbox"/>	Tony Padgett
<input type="checkbox"/>	Walter J. Scott
<input type="checkbox"/>	John Yopp
<input type="checkbox"/>	William (Bill) Boone
<input type="checkbox"/>	Paul Buchanan
<input type="checkbox"/>	Cheryl Coulson

Onslow County Board of Education (You may vote for FOUR)	
<input type="checkbox"/>	Elbert Garvey
<input type="checkbox"/>	Michele Halley
<input type="checkbox"/>	Mat Hamm
<input type="checkbox"/>	Susanne Long
<input type="checkbox"/>	Melissa Oakley
<input type="checkbox"/>	Louis Rogers
<input type="checkbox"/>	Erin Urbanski
<input type="checkbox"/>	Phillip Williams
<input type="checkbox"/>	Randall G. Butler
End of Ballot	



STRATEGERY!



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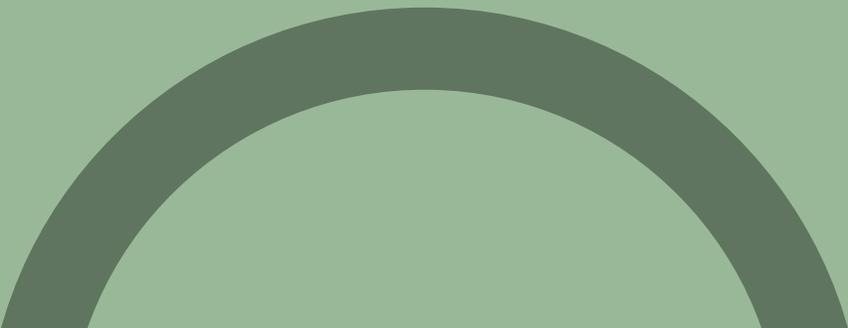
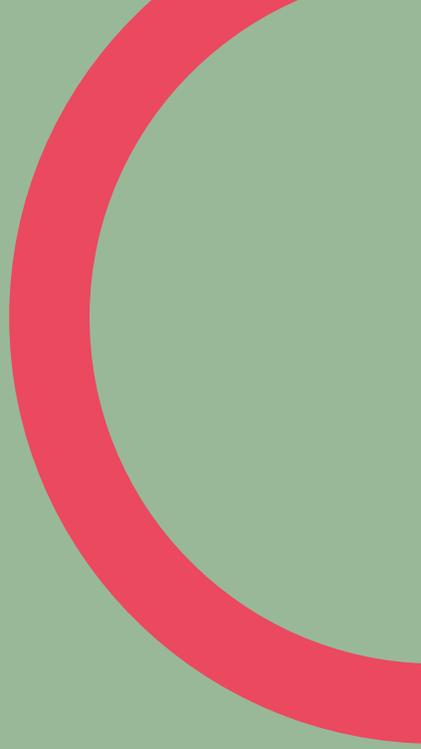
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Primary ballots

- Voters can still change their partisan affiliation
 - February 9 voter registration deadline
 - Early Voting – February 15 – March 2



New NC Laws



MODEL C3 COMMUNICATION

Voter ID is now required for all North Carolina elections!

Find out which forms of ID are accepted [here](#).



Are you registered?

February 9th is the last day to register to vote for the 2024 Primary. Voters can register and vote on the same day during early voting (February 15th - March 2nd) but not on Election Day, Tuesday March 5th. So if you or someone you know is not registered, be sure to do so now!

Remember—if you'd like to vote by mail, you can request an absentee ballot now through 5pm on Tuesday, Feb 27th. [Find out more here](#).



Upcoming Dates:

- February 9: Voter registration deadline
- February 15: In-person early voting begins
- February 27: Absentee ballot request deadline
- March 2: In-person voting early voting ends
- March 5: Primary election day

Vote-By-Mail Ballots

Changes in Law Since 2020

- Voters required to return copy of photo ID with ballot.
- Two witnesses now required (only one in 2020).
- Missing witness address no longer a “curable” deficiency; ballot must be spoiled.
- Use of signature matching software in 2024 primary - select counties (TBD whether legislature will require in general).
- Mail ballots must be returned (rather than postmarked) by election day.
- Mail ballots may be challenged for up to 5 days after election day.
 - <https://www.ncleg.gov/EnactedLegislation/SessionLaws/HTML/2023-2024/SL2023-140.html>

Same-Day Registrants

SDR voters comprised 2.1% of electorate in 2016 and 2020.

SDR voters disproportionately younger and less white than electorate as a whole.

Age	2016		2016	
	Total SDR	% of SDR	Voted	% of Voted
18-25	32,056	32%	459,718	10%
26-40	31,227	31%	1,012,711	21%
41-65	31,086	31%	2,242,958	47%
66+	5,999	6%	1,052,691	22%
Total	100,368		4,768,079	

Age	2020		2020	
	Total SDR	% of SDR	Voted	% of Voted
18-25	31,618	27%	587,340	11%
26-40	34,402	30%	1,194,333	22%
41-65	40,256	35%	2,447,884	44%
66+	9,897	9%	1,314,455	24%
Total	116,173		5,544,018	

Race/Ethnicity	Total SDR	% of SDR	Voted	% of Voted
Hispanic/Latino	4,023	4%	96,452	2%
Asian	2,307	2%	51,168	1%
Black	22,244	22%	984,443	21%
Native American	755	1%	28,704	1%
Other	1,130	1%	52,536	1%
Two or More	1,094	1%	20,699	0%
Undesignated	14,230	14%	128,773	3%
White*	54,585	54%	3,405,304	71%
Total	100,368		4,768,079	

Race/Ethnicity	Total SDR	% of SDR	Voted	% of Voted
Hispanic/Latino	4,986	4%	134,568	2%
Asian	2,557	2%	74,513	1%
Black	23,538	20%	1,033,934	19%
Native American	1,115	1%	34,713	1%
Native Hawaiian	137	0%	322	0%
Other	1,543	1%	69,818	1%
Two or More	1,056	1%	21,873	0%
Undesignated	30,783	26%	511,836	9%
White*	50,458	43%	3,662,441	66%
Total	116,173		5,544,018	

Same-Day Registrants

Changes in Law Since 2020

- SDR voters required to show photo ID *and* additional ID (“HAVA ID”) proving residency.
- SDR voters sent an address confirmation notice via mail; if returned to county board by USPS as undeliverable on or before the 9th day after the election, the SDR ballot is removed from count. **THIS SECTION HAS BEEN BLOCKED BY FEDERAL JUDGE.**

State and County Election Boards

In NC, election boards determine the number of early voting sites and make final decisions on accepting absentee ballots.

Changes in Law Since 2020

- State Board of Elections had been controlled by nominees of Governor; under new bill, evenly divided between political parties.
- State Board of Elections Executive Director had been selected by State Board; under new bill, Republican legislature selects ED if State Board cannot decide.
- County Board of Election had been selected by State Board, with majority controlled by Governor's party; under new bill, evenly divided between political parties and selected by legislative leaders.

**ALL OF THESE PROVISIONS HAVE BEEN BLOCKED BY THREE JUDGE PANEL -
LEGISLATURE HAS NOT APPEALED - AWAITING NEW BILL FROM LEGISLATURE**

Voter ID

Now in effect for all elections!

- New law requires that Voters *register* to vote using appropriate ID:
<https://www.ncsbe.gov/registering>
- New law requires that Voters also *vote* using appropriate ID - send a copy of ID with absentee ballot, show ID in person at same day or election day voting
- What forms of ID may be used:
<https://www.ncsbe.gov/voting/voter-id#acceptable>

Legislature mandated signature match pilot

- Counties selected for pilot: Bertie, Cherokee, Durham, Halifax, Henderson, Jones, Montgomery, Pamlico, Rowan, and Wilkes.
- Pilot program required by:
<https://www.ncleg.gov/EnactedLegislation/SessionLaws/HTML/2023-2024/SL2023-140.html>
- Currently the program will compare signatures on mail-in absentee ballot applications and envelopes against voters' signatures on file with the county election offices.
- For this Primary: **Experimental purposes only**. It will not affect the count of any voter's ballot in the primary election.
- State Board reports its findings to the legislature by May 1, 2024. After that...???

Ban of nonprofit contribution to County Boards of Election

- Previous election cycles (during Covid), nonprofits stepped up to help county board offices by providing sanitation supplies, funding staff positions, etc.
- Senate Bill 747 bans all grants from entities except for: provision of voting site, food and beverage for precinct officials or workers at voting place or cboe, and ink pens and personal protection equipment (PPE) to be used in election
- <https://www.ncleg.gov/EnactedLegislation/SessionLaws/HTML/2023-2024/SL2023-140.html>
- <https://s3.amazonaws.com/dl.ncsbe.gov/sboe/numbermemo/2024/Numbered%20Memo%202024-01%20Private%20Funds%20in%20Elections.pdf>



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Many missions | 100 counties | One voice

