
How Nonprofits Helped America Vote: 2008



Acknowledgements

This report is the result of our ongoing effort to maximize civic participation. We believe nonprofit organizations play a key role in the democratic system by giving citizens a vehicle for participation and providing tools and information that help people get involved. During the 2008 election, our website – NPAction.org – provided information to help nonprofits be good citizens by registering and educating voters and helping to protect their rights. This report is the result of nonprofit efforts we observed. We hope it will provide inspiration to groups that want to be good nonprofit citizens in their communities.

The report was written by Kelly Doherty, with contributions from Lateefah Williams. Kay Guinane, former OMB Watch Director of Nonprofit Speech Rights, directed the project. Brian Gumm, OMB Watch Communications Director, edited and designed the report.

The Bauman Foundation, the Surdna Foundation, and individual contributors provided funding for this report.

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OMB WATCH
1742 Connecticut Ave., NW
Washington, DC 20009
202-234-8494
www.ombwatch.org

March 2009

Introduction

The Help America Vote Act of 2002 (HAVA) was drafted in reaction to the controversy surrounding the problems of Election Day 2000. Almost two million ballots were disqualified in the 2000 election because of problems with the vote counting process, including machine malfunctions. HAVA created the Election Assistance Commission (EAC) to assist in the administration of federal elections, the establishment of minimum election administration standards, and the replacement of punch card voting systems. HAVA also mandates that all states and localities upgrade many aspects of their election procedures, including their voting machines, registration processes, and poll worker training.¹

During the 2008 election season, nonprofits once again stepped up to help America vote and to help communities live up to HAVA requirements. These nonprofits helped to:

- Defend voters' rights
- Protect the integrity of the electoral process
- Engage and educate voters

The purpose of this report is to use specific examples to illustrate such efforts. The report describes how nonprofits strived to make the election process seamless from state to state and promoted fair environments for constituents to vote in the 2008 election.

The first section of the report describes the various issues surrounding voting rights, from voter fraud to a range of deceptive practices. The report then tracks how nonprofits protected election integrity by recruiting poll workers and helping to implement new voting technologies. Next, the report describes a variety of tactics nonprofits used to get out the vote. The report concludes with several recommendations and electoral resources for nonprofits to help America vote.

¹ The Federal Election Commission, Help America Vote Act of 2002, <http://www.fec.gov/hava/hava.htm>.

Protecting Voter Rights

Laws regarding the voting process vary from state to state. Many states and polling places have certain inconsistencies in laws about identification and what types of identification are acceptable to verify a voter's identity at the polls, the technology used for voting, and how voter rolls are updated. In each area, nonprofit organizations took an active role to protect voters in the 2008 election season, leading the way with voter registration initiatives, fighting unlawful voter purges, protecting student voting rights, and fighting overly restrictive identification requirements. Many nonprofits worked to ensure that all eligible individuals who desired to register to vote were able to do so.

Stringent Voter ID Laws

Provisions of Title III of the Help America Vote Act (HAVA) set national standards for the types of identification that voters need to bring to the polls. HAVA mandates that states require first-time voters who registered by mail to show one of a number of forms of ID when they arrive at the polls if they did not include verification when registering. Currently, 24 states² and the District of Columbia have codified the minimum HAVA ID requirements.³

Indiana's photo ID law, the strictest in the nation, was upheld by the U.S. Supreme Court in 2008 in *Crawford v. Marion County Election Board*. The Indiana law requires voters to submit a government-issued photo ID prior to voting. The law does not allow for an alternative method of identification. Although no case of suspected voter ID fraud has ever been prosecuted in Indiana, the law remains in effect, and it disenfranchised some voters in 2008.⁴

- The ACLU, the Brennan Center for Justice, AARP, and the NAACP Legal Defense Fund filed amicus briefs in *Crawford*.⁵
- The Nonprofit Voter Engagement Network (NVEN) summarized key aspects of the case for voters in Indiana, as well as people in other states that are affected by similar laws. The aspects that NVEN highlighted were what the law does and how the individual Supreme Court justices voted. NVEN stated that the door is still open for future lawsuits. NVEN and other members of the nonprofit community also highlighted that working proactively with state secretaries of state and making democracy and fair elections a campaign issue can help to avoid future disenfranchisement.⁶

² California, the District of Columbia, Idaho, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Oregon, Rhode Island, Utah, Vermont, West Virginia, Wisconsin, and Wyoming.

³ Kathy Gill, "HAVA Voter ID Requirements," *US Politics*, September 20, 2006.

⁴ Richard Hasen, "Gaming Indiana," *Slate*, April 29, 2008.

⁵ *Crawford v. Marion County Election Board*.

⁶ Nonprofit Voter Engagement Network, "Indiana Voter ID Decision," <http://www.nonprofitvote.org/index.php/Indiana-Voter-ID-Decision.html>.

During the 2008 presidential election, several other states required voters to bring substantial identification to cast a ballot, creating another hurdle to voting. Opponents of the laws, including the AARP, said that the measures would suppress voter turnout among the elderly, poor, and minorities, who are less likely to have government-issued photo IDs. Opponents of more restrictive voter ID laws pointed to a Rutgers University report that analyzed voting in the 2004 elections. The report, commissioned by the EAC, showed that states requiring voter identification reduced turnout among minorities.⁷

The question of what type of identification voters should be required to present prior to voting has become one of the most contested issues in the election reform community.

- The Brennan Center emphasized that burdensome photo ID or proof-of-citizenship requirements could block millions of eligible American voters without addressing any real problem. “Although most Americans have a government-issued photo ID, studies show that as many as 12% of eligible voters nationwide do not; the percentage is even higher for seniors, people of color, people with disabilities, low-income voters, and students,” asserted the Brennan Center.⁸ The Brennan Center’s greatest concern was that these difficulties would increase substantially if documented proof of citizenship was needed to vote or to obtain the identification required to vote.

Problems with Voter Registration

During election years, nonprofits nationwide commonly band together and conduct voter registration drives in order to encourage all citizens to vote. The 2008 election cycle saw several problems associated with voter registration. Strict and sometimes unreasonable laws, as well as the role of nongovernmental organizations (third-party groups) in registration efforts, played a part in creating obstacles to voter registration this past election season.

- On April 28, 2008, for example, the League of Women Voters of Florida and several other voting rights advocates filed a lawsuit challenging a Florida law that imposes excessive fines on voter registration groups and risks preventing eligible Florida citizens from registering to vote. Under Florida law, fines are imposed against sponsors of voter registration drives for each voter registration form that is not submitted within ten days of its completion. For example, for each late registration, a nonprofit conducting a voter registration drive would be fined \$50, posing a tremendous financial burden on nonprofits seeking to legally conduct voter registration drives. Dianne Wheatley-Giliotti, president of the League of Women Voters of Florida, said the law makes it extremely risky for volunteers and organizations to

⁷ Deborah Berry, “Tougher Voter ID Laws Fuel Debate,” *USA Today*, December 19, 2007.

⁸ The Brennan Center for Justice, “Voter ID,” http://www.brennancenter.org/content/section/category/voter_id.

conduct voter registration drives in the state.⁹

Another Florida law, commonly known as “no-match, no-vote,” requires that a person’s driver license number or Social Security number be verified before he or she is registered to vote. Many voters will not realize that there is a problem with their voter registration until they show up to vote and are forced to cast provisional ballots.

- In June 2008, a federal trial court in Gainesville, FL, refused to stop the “no-match, no-vote” law in *Florida NAACP v. Browning*¹⁰ after challenges from various advocacy groups. The court had previously granted an injunction against the law, but the state legislature revised the statute, and the Eleventh Circuit Court of Appeals overturned the decision. Plaintiffs then filed suit over the amended law, but the trial court was satisfied with the legislature’s changes and refused to enjoin the law.

Voter Suppression

Following the surge in voter registration for the 2008 election, there was a surge in voter suppression tactics. The efforts to suppress voting ranged from challenging the eligibility of voters whose homes had been foreclosed to scaring college students from registering in the states where they go to school.

The “no-match, no-vote” law, for example, was one way that citizens were blocked from casting ballots. These rules require voters’ registration data to match records in other government databases. If a voter’s data was not matched, the voter was deemed ineligible to vote, even though matches failed often and were frequently due to typos, data entry errors, and misplaced hyphens in names.

In Florida, state elections officials resumed enforcement of the controversial state law. Voters whose identification did not match with state files on Election Day were given a provisional ballot and two days to prove their identity for their ballot to count.

In addition to “no-match, no-vote,” election officials nationwide purged millions of names from voter rolls. A citizen is unable to cast a vote unless his or her name is on the voter rolls, and far too frequently in 2008, eligible voters showed up to vote and found that their names had been removed from the voter list.

- Charles Lichtman, a Fort Lauderdale attorney, headed the Democrats’ Election Day statewide legal team, which made attorneys available at polling stations to fight for voters whose names did not appear on the registration rolls.¹¹

⁹ Tim Bradley, “League of Women Voters et. al. File Suit to Stop Florida’s Chilling Voter Registration Law,” <http://www.lwvfla.org/pdf%20files/pressReleasefor%20registration%20suit.pdf>.

¹⁰ *Florida NAACP v. Browning*, http://www.brennancenter.org/content/resource/florida_naACP_v_browning.

¹¹ Mary Ellen Klas, “No Match, No Vote Law to be Enforced,” *The Florida Herald*, September 9, 2008.

- Many nonprofits also played a role in ensuring that eligible voters were allowed to vote. The Lawyers' Committee for Civil Rights Under Law's Election Protection project placed nonpartisan legal volunteers at polling places throughout the country to ensure that citizens' voting rights were protected.
- The Brennan Center for Justice published a report, *Voter Purges*, which identified problematic practices with voter purges across the country. The study found that voter purges rely on error-ridden lists, voters are purged secretly without notice, and bad matching criteria leaves voters vulnerable to manipulated purges. The Brennan Center also identified inefficient oversight as a significant problem related to voter purging. Since state statutes do not commonly specify limitations on the authority of election officials to purge registrants, insufficient oversight leaves room for election officials to deviate from what state law provides and may make voters vulnerable to irresponsible decision making.¹²

Voter challenges in particular states also can lead to voter intimidation, long lines at the polls, and disenfranchisement of eligible voters. Nationwide, voter caging and other schemes to challenge voters have targeted minority communities, students, and homeless citizens.

Voter caging is a practice whereby political parties or officials send a document to a set of registered voters or individuals who have applied to register to vote. If any documents are returned as undeliverable, the potential voter is purged from the voter rolls. The theory behind the practice is that if the mail is returned as undeliverable, then the potential voter must not legally reside at the listed address. This practice can result in eligible voters being disenfranchised.

In one incident of planned voter caging, the *Michigan Messenger* reported that the chairman of the Republican Party of Macomb County, MI, said that the party planned to mount challenges to voters whose names appeared on foreclosure lists. The Republican Party of Macomb County denied making this statement.

In 2008, there were fears and reports that similar challenges would surface in other states, particularly battleground states such as Ohio, where more than five percent of homes were in the foreclosure process. On October 20, 2008, however, the Democratic and Republican parties agreed that appearance on a foreclosure list was not a reasonable basis to challenge a voter and that no voter would be challenged on that basis.¹³

Nonprofits took decisive steps to halt such voter suppression in 2008.

- The "Voter Suppression Wiki," the launch of which was announced by Jack and Jill Politics, was created as a nonpartisan effort to expose voter suppression issues dur-

¹² Myrna Perez, "Voter Purges," *The Brennan Center for Justice*, September 30, 2008.

¹³ Wendy Weiser and Margaret Chen, *The Brennan Center for Justice*, "Voter Suppression Incidents 2008," November 3, 2008.

ing the 2008 election season.¹⁴ The wiki acted as a hub for information and action around efforts to suppress votes in the 2008 elections. The wiki provided information on how to identify and report incidents and how to act to protect voters. The section that described voter suppression emphasized the number of people who were unaware of the wide variety of tactics that were being used to limit people's votes. The incident tracker offered a standard template for each report that voters could use; the section also allowed users to view reports of suppression activity. The action center listed groups and specific campaigns that worked to protect voters.

- VotersUnite! developed an election problem log following the November 2004 election that continued its compilation of problems throughout the 2008 election season. The Election Problem Log allowed voters to search by state, vendor, or type to find the current election problems that were impacting various jurisdictions. Like the Voter Suppression Wiki, VotersUnite! is a national, nonpartisan effort. It is dedicated to fair and accurate elections, and it focuses on distributing well researched information to elections officials, elected officials, the media, and the public. The organization will continue to provide activists with the information they need to work toward transparent elections in their communities.¹⁵
- Not all nonprofit efforts were defensive. The Council on American-Islamic Relations (CAIR) launched a proactive campaign to ensure that every American Muslim who wished to participate in the election process could do so. CAIR sponsored a site that gave insights into election developments that specifically concerned the Muslim community.¹⁶ CAIR also released a report, *American Muslim Voters and the 2008 Election*, that surveyed the attitudes of American Muslims regarding voting and the issues that they were most concerned about.¹⁷

Misperceptions about “Voter Fraud”

Nonprofits intervened in 2008 to debunk the myth of voter fraud.

The right to vote is fundamental in the United States. It is violated when a qualified voter is denied his or her vote or when a legal vote is canceled out by an illegal vote.

Voter fraud is defined as a purposeful act of corruption within the voting process by a voter.¹⁸ The issue surfaced following the 2000 presidential election in Florida, where there were allegations that thousands of fake ballots had

14 “Voter Suppression Wiki,” <http://www.votersuppression.net/>.

15 VotersUnite!, <http://www.votersunite.org/electionproblems.asp?sort=date&selectstate=ALL&selectvendor=&selectproblemtyp=Vote+suppression>.

16 The Council on American-Islamic Relations, <http://www.cair.com/>.

17 The Council on American-Islamic Relations, *American Muslim Voters and the 2008 Election*, http://www.cair.com/Portals/0/pdf/American_Muslim_Voter_Survey_2008.pdf.

18 Pam Fessler, “Voter Fraud: A Tough Crime to Prove,” National Public Radio, March 15, 2007.

been cast for president.¹⁹

Nonprofits intervened in order to debunk the myth of voter fraud and protect the rights of all voters in 2008.

- The Brennan Center for Justice published *The Truth About Voter Fraud* to expose common flaws in claims of voter fraud and to illustrate that most voter fraud claims are grossly exaggerated.²⁰
- Project Vote also issued a report, *The Politics of Voter Fraud*, which found that fraudulent voting, or the intentional corruption of the voting process by voters, is extremely rare.²¹ The report showed how false or exaggerated claims of fraudulent voting are commonly made in close electoral contests. Project Vote emphasized the need for better data, better election administration, and more responsible journalism to improve public understanding of the ways in which electoral outcomes can and cannot be distorted and manipulated. The report highlighted the importance of public confidence in the election process, saying that improvements to statewide, centralized voter registration databases must continue. Accurate registration records and methods for instantaneously certifying voter eligibility are the best defense against voter fraud.

Litigation

During the 2008 election season, nonprofits engaged in litigation as a means to protect voter rights.

- The NAACP sued the state of Pennsylvania in *NAACP v. Cortes* to require the state to use emergency back-up paper ballots.²² In January 2009, United States District Court Judge Harvey Bartlet of the Eastern District of Pennsylvania ruled that Pennsylvania election officials must issue paper ballots if more than 50 percent of any precinct's electronic voting machines fail on Election Day.²³
- The NAACP also sued the Commonwealth of Virginia for poor election preparedness and to force the state to add more voting machines.²⁴ A U.S. District Court

19 Abby Goodnough, "In Florida, Echoes of 2000 as Vote Questions Emerge," *The New York Times*, November 10, 2006.

20 Brennan Center for Justice, *The Truth About to Voter Fraud*, November 2007, http://brennan.3cdn.net/e20e4210db075b482b_wcm6ib0hl.pdf.

21 Project Vote, *The Politics of Voter Fraud*, March 5, 2007, http://projectvote.org/fileadmin/ProjectVote/Publications/Politics_of_Voter_Fraud_Final.pdf.

22 *The New York Times*, "Lawsuit is Filed Over Ballot Rule in Pennsylvania," <http://www.nytimes.com/2008/10/24/us/politics/24ballots.html>.

23 *NAACP v. Cortes*, Order, Jan. 29, 2009, <http://www.voteraction.org/files/Allison%20Tongate/Order%20Jan%20%2028%202009.pdf>.

24 *The Washington Post*, "NAACP Sues Officials Over Vote Preparations," October 28, 2008.

judge later ruled that the harm in rushing to add more voting machines was greater than the harm from long lines that may discourage citizens from voting. Thus, the judge denied the NAACP's request for an injunction.

- Other legal efforts included an ACLU lawsuit against the GOP, alleging violations of privacy rights; groups such as the Campaign Legal Center providing template documents on their websites to help individuals file lawsuits to protect their voter rights;²⁵ and the Election Protection initiative noted earlier.²⁶

These lawsuits, projects, and initiatives are just a small example of some of the legal efforts that nonprofits engaged in during the 2008 election season. Nonprofits used the legal process and legal volunteers to ensure that voters would not be disenfranchised.

Protecting Election Integrity

Countering Voter Intimidation and Deceptive Practices

Voter intimidation and deceptive practices have been notorious for suppressing voter turnout and complicating election results. As the 2008 election was approaching, nonprofit organizations were on the lookout for a number of time-honored tricks. During an election season, it is important to beware of leaflets or e-mails that list the wrong date for the

Voter intimidation and deceptive practices have been notorious for suppressing voter turnout.

election or even a “rain date” for an election; automated voicemail messages that tell voters that polling locations have been changed; and repeated late-night automated calls with a “message” from a candidate.

As in years past, robocalls were made and deceptive fliers were distributed in order to disrupt voting. More infamous in 2008, however, were the deceptive e-mails targeting voters. Many nonprofit groups emphasized the importance of reporting misinformation to the Election Protection Hotline, 1-866-OUR-VOTE, in order to decrease the use of deceptive practices.²⁷

Robocalls

A robocall is a pre-recorded message that reaches potential voters through an automatic dialing system. Although robocalls can be a helpful organizing tool, some can be distinctively underhanded and can potentially disenfranchise voters by providing false information.

²⁵ Campaign Legal Center, *Voting Rights Enforcement Project*, http://www.clcblog.org/blog_section-10.html.

²⁶ Election Protection Initiative, <http://www.866ourvote.org/>.

²⁷ The Election Protection coalition was a nonpartisan effort designed to ensure that all individuals have an equal opportunity to participate in the political process. It was the largest voter education and protection effort in history. <http://www.866ourvote.org/>.

Robocalling was not as significant of a problem during the 2008 election as it had been in years past, perhaps due to significant negative attention given to past abuses. In battleground states, however, voters were reportedly bombarded with robocalls by both the Democratic and Republican parties as Election Day neared.²⁸

As voting got under way on Election Day, Cuban-Americans in Florida began receiving robocalls telling them former Cuban president Fidel Castro supported Barack Obama and urging them to vote for John McCain.²⁹ Missouri also reported robocalls telling Democrats and Obama supporters to vote on Wednesday, the day after the election, because of “long delays.”³⁰

Deceptive E-mails

During the 2008 election season, deceptive election practices exploded in the online world via e-mail. Some political e-mails appeared to come from legitimate sources, such as a campaign, an election board, a political party, or a nonprofit organization, but the messages contained misinformation about voting hours, polling places, the electoral process, or relocation of a polling place.³¹

- The Century Foundation, along with the Lawyers’ Committee for Civil Rights Under Law and Common Cause, issued a report, *Deceptive Practices 2.0: Legal and Policy Responses*, in which recommendations to prevent deceptive practices in the future were offered. The organizations suggested that states without laws prohibiting deceptive practices in the context of an election should enact laws that explicitly cover such practices, including those perpetrated online. The groups also suggested that states with content-specific false statements laws should expand the laws to explicitly include false statements about elections and voting procedures. States prohibiting bribes, threats, or other overtly coercive acts should expand those statutes to cover more covert practices, such as dissemination of false statements online.³²

Phony Fliers

In 2008, many Virginians received phony fliers about Election Day. A fake State Board of Elections flier was sent out advising all Republicans to vote on Nov. 4, the actual Election Day, and for Democrats to vote on Nov. 5. The flier was complete with the State Board logo and the state of Virginia’s seal. At the end of the flier was an apology stating, “We are sorry for any inconvenience this may cause, but felt this was the only way to ensure fairness to

28 Pew Research Center, “Robo-Calls Now Top Type of Campaign Outreach,” <http://pewresearch.org/pubs/785/robo-calls-election-2008>.

29 Chris Matthews, “Reports of Deceptive Robo-Calls Hit Several States,” *The Washington Post*, November 4, 2008.

30 Id.

31 Joy Ann Reid, “Bogus Emails Raise Anxiety About Voter ID Law,” *South Florida Times*, October 3, 2008.

32 Common Cause, The Lawyers Committee for Civil Rights Under Law and the Century Foundation, *Deceptive Practices 2.0: Legal and Policy Responses*, http://www.commoncause.org/atf/cf/%7Bfb3c17e2-cdd1-4df6-92be-bd4429893665%7D/DECEPTIVE_PRACTICES_REPORT.PDF.

the complete electoral process.”³³

The deceptive flier scandal was especially offensive in 2008 because in 2007, the Virginia General Assembly passed a law that made it a Class One misdemeanor to communicate false information to registered voters about the date, time, and place of an election. Nonprofits responded by launching education efforts that alerted voters to this deceptive practice.

Recruiting Poll Workers

Poll workers commonly work out of a sense of civic responsibility, not for the money offered. A typical poll worker makes only \$100 or \$200 on Election Day. Poll worker responsibilities include, but are not limited to, checking in voters, assisting with ballots, and driving poll results to elections headquarters. Additional workers were necessary in 2008 to prevent voters from waiting in long lines and to prevent other poll workers from being overworked, a situation that often leads to mistakes.

Jurisdictions across the country had to staff their precincts with an abundant number of workers to accommodate the influx of voters expected at the polls. Election officials said that they were preparing for what could be a record turnout, as a higher-profile election attracts a greater number of interested citizens. On Sept. 1, 2008, *The Washington Post* published an article that anticipated voter turnout in Maryland and Virginia would exceed 85 percent in the November election. Virginia expected to have more voters at the polls than in previous elections, especially considering the state’s high number of new voters.³⁴

To accommodate the rising number of voters at the polls, nonprofits pushed to recruit many thousands of workers across the country. Groups including the League of Women Voters and Rock the Vote posted messages on their websites encouraging citizens to volunteer on Election Day. These nonprofits also provided information and links for individuals interested in signing up to be poll workers in their areas.

New Voting Technology

Voting technology has come a long way since the 2000 presidential election. In 2000, voting equipment allegedly erased 1.5 million votes, and problems with voting machines persisted in 2002, 2004, and 2006. Because of such problems, for the 2008 presidential election, California and Florida mostly abandoned e-voting systems in favor of optical scan machines, where a paper ballot is scanned into a computer. The optical scan machines are generally viewed more favorably because they leave a paper record of the vote that can be manually recounted if necessary.

33 Julian Walker, “Phony Flier says Virginians Vote on Different Days,” *The Virginian-Pilot*, October 28, 2008.

34 Sandhya Somashekhar, “Push for Poll Workers as Election Nears,” *The Washington Post*, September 1, 2008.

In the weeks leading up to Election Day 2008, experts anticipated technical problems. Machine malfunction was at the top of the list after Florida experienced bugs in early voting (some optical scan machines were not able to read ballots that were printed at polling stations). Of the 24 states that planned to use electronic voting machines in 2008, ten had no state mandate requiring emergency paper ballots in case of malfunction. These included Colorado, Nevada, and Virginia, commonly considered battleground states in 2008.³⁵

Despite reports leading up to the election, as well as scares on Election Day, no major systematic meltdown occurred. Election protection volunteers nationwide agreed that the election seemed to have gone smoothly, as far as technology was concerned, even with reports of voting delays and machine glitches. On Election Day, Doug Louis, the executive director of the Houston-based National Association of State Election Directors, said, “The truth of the matter is today’s election problems are not systematic, it’s not overwhelming. It’s not going to cause an uproar. It’s pretty much a normal Election Day, even though it is a heavy-turnout Election Day.”³⁶

Election officials say that early voting may have prevented Election Day problems in many states.

Election officials say that early voting across the nation may have prevented Election Day problems in many states in 2008. Thirty-one states allowed voters to cast ballots up to one month before Election Day, which relieved pressures on the system caused by large turnout.

Early voting helped in states such as Georgia, where election officers were able to move voting equipment around in order to meet specific needs. Nonprofits played a role by informing the public about early voting locations and encouraging voters to participate in early voting.

Because early voting proved to be a success in 2008, experts predict that more states will implement early voting by 2012.³⁷

Engaging Voters

Voter Registration Drives

The Virginia Organizing Project (VOP) offered advice on nonpartisan voter registration drives in 2008.³⁸ First, VOP recommended that nonprofits advertise with posters or fliers to make potential voters aware that issues that are important to them can be affected by the

³⁵Robert McMillan, “Election Day: What Could Possibly Go Wrong?” *Computer World*, November 3, 2008.

³⁶Todd R. Weiss, “E-voting ’08: Problems, Yes, But It Could Have Been Worse,” *Computer World*, November 4, 2008.

³⁷Todd R. Weiss, “Early Voting Could Improve E-Voting,” *Computer World*, November 6, 2008.

³⁸Charities and religious organizations must remain nonpartisan to qualify for tax-exempt status as 501(c)(3) organizations under the Internal Revenue Code.

outcome of an election.

Next, nonprofits were advised to obtain registration forms and other materials from the local Registrar of Voters, to be prepared to help anyone who had trouble completing the form, and to check applications to see that they were complete before turning them in to the Registrar. Holding training sessions for volunteers or other members who committed to registering voters was also noted as vital.

To reach unregistered voters in surrounding communities, VOP suggested that nonprofits go door-to-door with voter registration forms and applications. Organizations also held social events where people could register and talk to each other about relevant issues at the same time.

Many other nonprofits were involved in voter registration initiatives. Nonprofit organizations also engaged in voter registration efforts targeted at marginalized groups who are often left out of the political process, such as ex-felons.

- In addition to in-person voter registration drives, technology aided nonprofit registration efforts with a free online voter registration tool made available by Rock the Vote and Young Voter Strategies. During the 2008 election season, nonprofits were able to download the voter registration tool and post it on their own websites. When visitors clicked on the tool to register, they did so through the hosting nonprofit's website. They were never directed to a third-party website, and there were no pop-up windows involved.³⁹
- NVEN issued *A Nonprofit's Guide to Voter Registration*. It provides comprehensive explanations on how to successfully plan and carry out voter registration drives, as well as a guide to navigating issues such as nonpartisanship and funding.⁴⁰

Prepare Voters for Election Day

It is important for voters to know about any new policies that have been implemented since the last time they voted, types of identification that they need to take to the polls, and their rights when they get to their polling places. It is also important for voters to know the type of machine they will be using to vote.

Nonprofits nationwide helped prepare voters in 2008. All over the country, hundreds of thousands of voters were warned to prepare for the combination of increased voter registration and turnout, along with shortages of staff, polling volunteers, and voting machines.

- Before heading to the polls on Election Day, voters were encouraged to confirm their polling locations. Many people were unaware that the polling location for

³⁹ Rock the Vote, <http://www.rockthevote.com/>.

⁴⁰ The Nonprofit Voter Engagement Network, *A Nonprofits Guide to Voter Registration*, <http://www.nonprofitvote.org/Toolkits.html>.

the general election was not always the same for the primary or caucus election. GoVote.org, a website that helps individuals find information about the voting process, such as where and when to vote, allowed voters to check their polling place locations before heading out to vote.

Many other nonprofits conducted initiatives to educate the electorate during the 2008 elections.

- The Colorado Nonprofit Association conducted seminars and mobilized voters.
- The American Constitution Society hosted a panel discussion on “Protecting the Vote.”
- NVEN hosted several webinars to educate nonprofits about voter issues.
- The Minnesota Council of Nonprofits provided voter rights training.
- The National Coalition for the Homeless released a 2008-2009 voter rights packet.
- The Pew Center on the States released several election-related publications, including “Election Preview 2008,” an extensive report on voter issues.

In 2008, voters were also encouraged to save election protection numbers in their cell phones.

Help Voters Get to Know the Candidates and Understand Ballot Measures

The legal voter education activities in which nonprofits can engage are not as limited as some think. Nonprofits can issue questionnaires, publicize a candidate’s voting record, and hold public forums.

- Nonprofit Congress, an initiative of the National Council of Nonprofits that encourages organizations to collaborate to achieve effective change, expanded the 2008 Primary Project from the presidential campaign to the multitude of federal, state, and local elections that occurred in the fall of 2008. Goals of the project that year included helping nonprofits understand where candidates stood on nonprofit issues and strengthening the sector, as well as building awareness that issues affecting the nonprofit sector belong in all candidates’ platforms.
- NVEN published a guide, in both English and Spanish, entitled *A Nonprofit’s Guide to Hosting a Candidate Forum*. The guide provided helpful instructions on hosting a candidate forum, including to-do lists, dos and don’ts, and a planning timeline. It also included tips on how to keep forums nonpartisan, as well as tips on selecting a format and publicizing forums.⁴¹
- Vote411.org, a project of the League of Women Voters Education Fund, allowed voters to research candidate information through an interactive state map. Election information about 2008 candidates also was provided by Project Vote Smart, which

⁴¹ Nonprofit Voter Engagement Network, *A Nonprofits Guide to Hosting a Candidate Forum*, <http://www.nonprofitvote.org/images/publications/hosting-a-candidate-forum-eng-1-8-08.pdf>.

offered factual information about candidates and elected officials. The project allowed voters to access candidates' voting records, biographical and contact information, issue positions, interest group ratings, public statements, and campaign finances.⁴²

- U.S. PIRG's legislative scorecard also helped voters get to know candidates. With a strong network of researchers, advocates, organizers, and students in state capitals across the country, U.S. PIRG put a special emphasis on issues such as product safety, political corruption, prescription drugs, and voting rights. Using U.S. PIRG's scorecard, voters could find out how their elected officials voted on key legislation.⁴³

Get-Out-The-Vote

Nonprofit get-out-the-vote efforts make communities stronger by increasing voter turnout, ensuring that everyone has a say in who will represent them, fostering dialog about issues, and making elected officials more accountable.

There were several ways in which nonprofits helped America get out the vote (GOTV) in 2008. Nonprofits got involved by looking at state plans, informing voters on their rights at the polls, ensuring accessibility at the polls, and working with compliance procedures and alternative dispute resolution systems.

GOTV efforts extended in 2008 to reach out via the Internet, as many organizations created websites and sent reminders through e-mail. E-mails served as a quick, easy, and inexpensive way to remind nonprofit staff, boards, volunteers, members, and supporters to vote in 2008.⁴⁴

Nonprofit get-out-the-vote efforts make communities stronger by increasing voter turnout.

- Project Vote created a new program in 2008, the Voter Participation Program, to bring new voters into the electoral process, make the electorate more representative of the population, and help urge government to represent the interests of all Americans. For the 2008 election, the Voter Registration Program established voter registration programs in 64 metro areas and 26 states. The program collected over 1,000,000 applications for registration, implemented new technology to track voters from the day they registered, and engaged new voters with targeted messages.
- Twin Cities Community Voice Mail worked with area shelters in 2008 to help homeless people vote. The organization provided shelter residents with utility bills to verify their addresses.

⁴² Project Vote Smart, <http://www.votesmart.org/index.htm>.

⁴³ Legislative Scorecard, U.S. PIRG, <http://static.uspirg.org/usp.asp?id=scorecard>.

⁴⁴ Get Out the Vote Toolbox, <http://www.mncn.org/mpp/doc/gotvtoolbox.pdf>.

Student Voting

Unfortunately, 2008 brought a lot of misinformation to students regarding voting regulations. Despite the fact that federal courts have ruled that students have the right to vote using campus addresses, state residency laws make things more convoluted. The decision of how to define residency is left up to each state, or more often, a particular municipality.

In 2008, 11 states had very difficult registration processes for college students. These processes prevented students from voting using campus addresses. In some states, post office boxes and college dorms were not considered legitimate addresses. Students also ran into great difficulty when their driver licenses did not reflect their college addresses.

- The controversy surrounding student voting in the 2008 election sparked great interest from America's youth. Student Association for Voter Empowerment (SAVE) chapters nationwide worked with college administrators to institutionalize voter registration; host debates, discussions, and town hall forums; coordinate grassroots efforts to reform elections; lead registration programs for local high schools; disseminate voting information and resources; and collaborate with statewide press outlets to bring young voters to the forefront in the media. To draw attention to the election, SAVE developed a strategy to form a coalition to push Congress to declare September 2008 "National Voter Awareness Month." The organization also helped state and local institutions deliver sample ballots, voter registration forms, absentee ballots, and other educational materials to constituents nationwide.

Conclusions and Recommendations for Nonprofits

In 2008, nonprofits helped America vote nationwide by ensuring the integrity of elections through several practices. Nonprofits helped to register voters through nonpartisan activities and prepared voters for Election Day in order to minimize confusion and attempt to eliminate disenfranchisement. Organizations helped recruit poll workers and Election Day observers, and they educated voters on candidates, as well as questions and measures posed on ballots. Nonprofits took charge of protecting voter rights. GOTV efforts were extraordinary as nonprofits legally engaged in activities to help increase voter turnout.

Although Election Day 2008 problems were not as widespread as anticipated, nonprofits nationwide must maintain efforts to ensure every citizen has an equal opportunity to vote in future elections. Nonprofits must continue their efforts to:

- Address claims of voter fraud
- Protect voters against stringent voter ID laws
- Ensure an accountable voter registration process
- Decrease voter intimidation and deceptive practices
- Recruit poll workers
- Keep voters updated on new voting technologies
- Help register voters
- Prepare voters for Election Day
- Assist voters with information on candidates and ballot measures
- Get out the vote

Wendy Weiser at the Brennan Center advised Americans not to overlook the challenges of future elections. “Our democracy is strong, but the problems we saw before and on Election Day are proof that the process is way too complicated and that the registration system is too vulnerable to error and manipulation. Americans deserve confidence that they will get to vote and that their votes will be counted. We should take this opportunity to improve our voting system—especially the voter registration system—to make it work better for all Americans. We don’t want to spend every election fighting over the rules of the game and who gets to vote and questioning whether the result will be legitimate.”⁴⁵

Estimated voter turnout in 2008 was around 63 percent,⁴⁶ and in order to accommodate greater participation in the future, the system needs to be ready and requires the help of various organizations.

According to the Election Assistance Commission, the 2008 election showed Americans that additional work is needed to restore full confidence in the electoral system. The Commission is setting its sights on the federal election of 2010 and suggests that other or-

⁴⁵ Wendy Weiser, The Brennan Center for Justice, “Statement on Election Day,” November 5, 2008.

⁴⁶ American University, “African-Americans, Anger, Fear and Youth Propel Turnout to Highest Level Since 1960,” *Center for the Study of the American Electorate*, December 17, 2008.

ganizations do the same.⁴⁷ If nonprofits work together in future elections to do all they can to assist voters, election officials, and the public, they will help to further strengthen the electoral system and our democracy.

⁴⁷ United States Election Assistance Commission, http://www.eac.gov/News/press/statement-by-chair-rodriguez-regarding-election-day-participation/base_view.

Electoral Resources for Nonprofits

- **866-OUR-VOTE** - A project of the nonpartisan Election Protection coalition
 - **Election Protection**
 - <http://www.866ourvote.org/>
- **The Advancement Project** - The Advancement Project is a policy, communications, and legal action group committed to racial justice. It partners with community organizations, bringing them the tools of legal advocacy and strategic communications to dismantle structural exclusion.
 - <http://www.advancementproject.org/>
- **Brennan Center for Justice** - A nonpartisan public policy and law institute that focuses on fundamental issues of democracy and justice. Its work ranges from voting rights to redistricting reform, from access to the courts to presidential power in the fight against terrorism.
 - *Investigator's Guide to Voter Fraud*
 - http://www.brennancenter.org/content/resource/investigators_guide_to_voter_fraud/
 - **Voter ID**
 - http://www.brennancenter.org/content/section/category/voter_id/
 - **Voter Purges**
 - http://www.brennancenter.org/content/resource/voter_purges/
- **The Century Foundation** - A nonprofit public policy research institution committed to the belief that a mix of effective government, open democracy, and free markets is the most effective solution to the major challenges facing the United States
 - <http://www.tcf.org/>
- **Common Cause** - A nonpartisan, nonprofit advocacy organization founded in 1970 as a vehicle for citizens to make their voices heard in the political process and to hold their elected leaders accountable to the public interest
 - *Deceptive Practices 2.0: Legal and Policy Responses*
 - http://www.commoncause.org/atf/cf/%7Bfb3c17e2-cdd1-4df6-92be-bd4429893665%7D/DECEPTIVE_PRACTICES_REPORT.PDF
- **Declare Yourself** - A national nonpartisan, nonprofit campaign launched to empower and encourage every eligible 18-year-old in America to register and vote in the presidential primaries and 2008 presidential election
 - <http://www.declareyourself.com/home/home.html>

- **Election Assistance Commission** - Established by the Help America Vote Act of 2002 (HAVA) as an independent, bipartisan commission charged with developing guidance to meet HAVA requirements, adopting voluntary voting system guidelines, and serving as a national clearinghouse of information about election administration
 - http://www.eac.gov/index_html1

- **League of Women Voters** - A nonpartisan organization that has fought since 1920 to improve our system of government and impact public policies through citizen education and advocacy
 - <http://www.lwv.org//AM/Template.cfm?Section=Home>

- **Minnesota Participation Project** - An effort to support and expand the capacity of Minnesota nonprofit 501(c)(3) organizations to effectively engage in permissible nonpartisan voter engagement efforts – registration, voter education, and get-out-the-vote (GOTV) activities
 - <http://www.mncn.org/mpp/resources.htm#vriab>

- **Nonprofit Voter Engagement Network (NVEN)** - An organization dedicated to expanding the role of America’s nonprofits in voting and elections. NVEN works through state nonprofit VOTE initiatives and its national website to provide resources and tools for 501(c)(3) nonprofits to help their communities participate and vote.
 - <http://www.nonprofitvote.org/>
 - *A Nonprofit’s Guide to Voter Registration*
 - *A Nonprofit’s Guide to Hosting a Candidate Forum*

- **NPAction** - An online resource from OMB Watch that provides tools and information for nonprofit advocacy
 - <http://www.npaction.org/>

- **Overseas Vote Foundation** - Offers nonpartisan voter services for U.S. citizens overseas and uniformed service members
 - <https://www.overseasvotefoundation.org/overseas/home.htm>

- **Poll Workers for Democracy** - An effort to recruit, train, and network citizen poll workers for elections
 - <http://act.credoaction.com/pollworkers/index.html>

- **Project Vote** - The leading technical assistance and direct service provider to the civic participation community. Since its founding in 1982, Project Vote has provided professional training, management, evaluation, and technical services on a broad continuum of key issues related to voter engagement and participation in low-income and minority communities.
 - http://projectvote.org/?gclid=CLGLzOD6_pYCFQGbnAodaWH7Yw
 - *The Politics of Voter Fraud*
 - http://projectvote.org/fileadmin/ProjectVote/Publications/Politics_of_Voter_Fraud_Final.pdf
 - *Caging Democracy*
 - http://projectvote.org/fileadmin/ProjectVote/Publications/Caging_Democracy_Report.pdf

- **Project Vote Smart** - A project that provides information about candidates and elected officials. It allows individuals to access a candidate or elected official's voting record, biographical and contact information, issue positions, interest group ratings, public statements, and campaign finance information.
 - <http://www.votesmart.org/>

- **Rock the Vote** - An organization with a mission to engage and build the political power of young people in order to achieve progressive change in our country by using music, popular culture, and new technologies to engage and incite young people to register and vote in every election
 - <http://www.rockthevote.com/>

- **Student Association for Voter Empowerment (SAVE)** - A national nonpartisan, nonprofit organization, founded and run by students, with a mission to increase youth voter turnout by removing access barriers and promoting stronger civic education
 - <http://www.savevoting.org/Index.html>

- **U.S. PIRG** - Stands up to powerful special interests on behalf of the American public, working to win concrete results for our health and our well-being
 - **Legislative Scorecard**
 - <http://static.uspirg.org/usp.asp?id=scorecard>

- **Virginia Organizing Project** - A statewide grassroots organization dedicated to challenging injustice by empowering people in local communities to address issues that affect the quality of their lives. VOP especially encourages the participation of those who have traditionally had little or no voice in our society
 - <http://www.virginia-organizing.org/>

- **Vote 411** - A “one-stop-shop” for election-related information that provides non-partisan information to the public with both general and state-specific information
 - <http://www.vote411.org/home.php>

- **Vote Poke** - Allows people to instantly find out whether or not they're registered to vote
 - <https://www.votepoke.org/index.html>
- **VotersUnite!** - A national nonpartisan organization dedicated to fair and accurate elections that focuses on distributing well researched information to election officials, elected officials, the media, and the public, as well as providing activists with information they need to work toward transparent elections in their communities
 - <http://www.votersunite.org/>
- **Voter Suppression Wiki** - A nonpartisan effort to shed light on voter suppression in the 2008 U.S. elections
 - <http://www.votersuppression.net/?t=anon>
- **The Voting Rights Project** - An ACLU project that has worked since its founding in 1965 to protect the gains in political participation won by racial and language minorities since passage of the historic Voting Rights Act (VRA)
 - <http://www.aclu.org/votingrights/>
- **Your Vote Matters**
 - <http://www.credomobile.com/register tovot e/?source=yvm>



1742 Connecticut Ave., NW
Washington, DC 20009
202-234-8494
www.ombwatch.org