



*This article presents general guidelines for Georgia nonprofit organizations as of the date written and should not be construed as legal advice. Always consult an attorney to address your particular situation.*

## **“Get Out the Vote” Initiatives**

The U.S. political system relies on the involvement and participation of its citizens in the election process. Certain groups—such as the elderly, disabled, and poor who may lack transportation face particular challenges to participating in this process. Get-Out-the-Vote (“GOTV”) initiatives aim to increase voter participation by reminding voters of the date and location of their polling place and/or providing transportation to the polls on election day. §501(c)(3) organizations are allowed to engage in these sorts of activities. However, as with all election-related activities, §501(c)(3) organizations must act in a strictly unbiased and nonpartisan manner to maintain their §501(c)(3) status.

Under the Internal Revenue Code, §501(c)(3) organizations are absolutely prohibited from supporting or opposing any candidate for public office. Examples of prohibited activities include endorsing candidates, opposing candidates, promoting or opposing political parties, making contributions to candidates’ campaigns, providing in-kind support such as the use of facilities, equipment, communications channels, and staff time, and engaging in any biased or “partisan” election-related activities. Bias is the main concern, and organizations must maintain a strict “nonpartisan” stance. If a §501(c)(3) organization does not comply with this rule, the IRS may revoke its §501(c)(3) tax-exempt status and/or impose taxes on both the organization and its managers.

This article provides an overview of how §501(c)(3) organizations can conduct GOTV initiatives in Georgia. All §501(c)(3) organization employees and volunteers must understand the laws, limits and rules before participating in any GOTV initiative.

### **What can a §501(c)(3) do generally?**

- Remind individuals when the election is scheduled.
- Provide information about where an individual’s polling place is located.
- Provide sample ballots or other nonpartisan voter guides that include all candidates and discuss candidates’ views on a wide variety of issues.
- Offer transportation to and from polling places without regard to a voter’s candidate, party or issue preferences.

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### **What must a §501(c)(3) organization avoid?**

- Attempting to promote or oppose a particular candidate or political party.
- Only providing services, such as a reminder of the election date or transportation, to voters who support a particular candidate, party or issue.
- Making statements or distributing materials that present candidates' views on only a narrow range of issues or that have a clear bias for or against a particular candidate.
- Allowing candidates to use the organization's facilities, equipment, communications channels or staff time on a preferential basis.

### **Conducting a GOTV Initiative**

First, the §501(c)(3) organization should think about its target audience when choosing locations to focus its organization's efforts. Will the organization be serving whole neighborhoods or concentrating specifically on the organization's members or clients? When making such a determination, a §501(c)(3) organization may target low-income, minority, low-turnout, homeless, or elderly populations. The organization may not target a group because the group tends to belong to a political party or voted for a certain candidate in the past.

For example, a §501(c)(3) organization may target a neighborhood because its residents tend to be older, and thus, are more likely to need transportation services on election day. An organization may not target that area because its residents tend to vote more liberal or conservative. If a §501(c)(3) organization chooses to canvass a neighborhood, its volunteers or employees should go to every house. They should not avoid a house because it has a political sign out front for a candidate whose values do not align with the organization's values.

In addition to providing transportation, organizations can encourage voters to check their registration status and polling place online before election day. Also, organizations can ask voters if they have moved recently and make sure they are registered at their current address. Finally, organizations can make sure that all voters know of their right to cast a provisional ballot in case of a problem with their registration.

On election day, organizations may not refuse transportation based on a person's actual or perceived voting preferences. Volunteers should avoid any behavior that would discourage

someone from voting. Remember, in conducting GOTV initiatives, the goal is to increase voter participation, not help a particular candidate.

Volunteers should not discuss political parties or candidates as part of GOTV drive efforts. Positions on many issues—such as abortion rights— are often strongly associated with a particular candidate or political party and should not be a part of GOTV drive efforts.

Organizations may not give rewards or gifts to people to encourage or reward them for voting (in Georgia, this is a felony). While unlikely to be prosecuted, a volunteer or organization could even face liability for promising to take voters to eat on their way home from a polling place, it is important not to reward people for voting in any way.

If someone asks a volunteer or employee: (a) who the volunteer or employee supports for elected office or a specific political party, or (b) which candidate or political party the person should vote for or support, the volunteer or employee **MUST NOT ANSWER**. Instead, the volunteer or employee should remind the person that as a volunteer/employee of a §501(c)(3) organization, the volunteer or employee must remain nonpartisan. A §501(c)(3) organization volunteer or employee is only permitted to discuss objective facts, like what party a candidate is in, if a candidate is an incumbent or challenger, or where a candidate lives. A volunteer or employee should only discuss these very basic facts and avoid further explanation. For example, a volunteer or employee should not explain the differences between Republicans and Democrats or discuss where a candidate stands on a particular issue.

As a best practice, §501(c)(3) organizations should have a policy that prohibits employees and volunteers from engaging in any discussion related to elections beyond the date, time, location of polling places, and what measures or issues are on the ballot when acting on behalf of the organization. When running GOTV initiatives, organizations should focus on the importance of voting, encouraging active citizenship, and giving a voice to the communities the organization serves. If volunteers drive voters in their own cars, the organization should make sure their vehicles do not have political campaign messages or information in or on them, such as a candidate's campaign bumper sticker.

Finally, when undertaking GOTV initiatives that involve transportation, an organization should protect itself by requiring volunteers and voters to sign releases of liability and ensuring that all drivers are properly licensed and insured. To avoid any perception of bias for or against a candidate or party, organizations should document every decision they make contemporaneously with when it was made. For example, if the organization will target a specific neighborhood, it should record why it is doing so and how it came to that decision.

Organizations that have any questions about GOTV initiatives, or that plan to sponsor an event, should discuss further details and rules with an attorney in advance of the GOTV event.