



Voter Registration: Community Health Center Best Practices

Nonpartisan voter registration is not prohibited political activity, nor is it lobbying. Community Health Centers (FQHCs) have been participating in nonpartisan voter registration drives for decades and have been encouraged by the federal government at times to do so.

NACHC is partnering with VotER because of the comprehensive resources that they provide for health professionals and patients to ensure they can easily participate in this essential democratic process.

However, given the general prohibition on participating in political campaign activities imposed on Section 501(c)(3) organizations (a prohibition that does not include participating in non-partisan voter registration activities) and limitations on activities allowed under many federal and state grants received by FQHCs, we recommend the following:

1. Standardize voter registration activities at the health center¹ that minimizes the chance for “editorializing” along with the provision of voter registration information. Such non-judgmental activities could include:
 - a. Provide every patient the QR code/text or access to one that includes voter registration information including, if available, the website to register.
 - b. Provide flyers at drive-through testing with appropriate registration information. Such a flyer could include a message like, “Here is your script for your civic health: Scan or text to make sure you are ready to vote!”
 - c. Notify patients of registration status during check-in along with a flyer that provides information about where to register.
 - d. Post signage (exterior and interior) indicating that eligible voters can register at the center.
 - e. Include an alert on your CHC webpage – e.g., “Your civic health matters too. Click here to learn how to register to vote!”
2. Charge voter registration costs², including employee time and appropriate overhead, to the health center “non-grant” or program income revenue. Make sure to include all associated costs such as the cost of printing flyers, signs, handouts, etc., in your calculation of voter registration costs and be sure to include associated indirect or administrative costs --
 - a. If the health center is part of a public entity, e.g. a city or county government, make sure that all health center staff who are employees of the public entity are permitted to engage in voter registration activities by their employer. Please be aware that the so-called “little” Hatch Act applies to and restricts partisan political activities by employees of state and local governments that are principally employed in programs funded in whole or in part by the federal government. <https://osc.gov/Services/Pages/HatchAct-StateLocal.aspx#tabGroup11|tabGroup52>
 - b. Some state and federal grant programs such as AmeriCorps explicitly prohibit voter registration activities to be conducted in program facilities or by employees funded through that program. Others, like Head Start, explicitly allow facilities to be used by outside, non-partisan groups to register voters. Make sure that you are familiar with the terms and conditions of your funding.

3. To protect tax-exempt status:

- a. Promote the VotER tools widely throughout the community to ensure they are accessible to all people and not perceived to favor a particular group, candidate or political party.
- b. Make sure that promotional materials and messaging by staff and board members who are encouraging people to register remain nonpartisan – not favoring any political party, candidate, or demographic group.
- c. Ensure the “tone from the top” of the organization and personnel overseeing voter registration activities remains a clear message that such activities must not be conducted in a partisan manner.

ENDNOTES:

¹ The suggestions in this apply to activities “at the health center.” Before contacting individuals directly through phone calls, emails or texts with voter registration information, health centers should determine whether such communications are permitted under federal and state laws and regulations. For example, the HIPAA Privacy Rule requires patient authorization unless the covered entity’s use or disclosure is allowed by the Privacy As you can tell, this is a REALLY complicated area and every element matters – how is the text/call sent (does the system have automated dialing and sending capacities), what type of device receives the text/call (landline versus cell phone), what is the purpose of the text/call, does an exemption apply, etc. Depending on the content of the message, the Telephone Consumer Protection Act limits the use of automated systems to place calls and send text messages unless the individual consents or an exception applies. Patients, Board members, employees, donors, volunteers and others regularly provide their contact information to health centers for a variety of reasons. Health centers are responsible for ensuring the information is appropriately used, disclosed and maintained.

² The fact that a health center receives a federal grant and is a tax-exempt organization does not in and of itself prevent the center from engaging in nonpartisan voter registration activities. Health centers should follow the guidance above and exercise prudence and good judgment. Further, nothing prevents health center staff from engaging in voter registration or political activities on their own time and without using health center resources.

However, the new grant money that Congress has allocated to health centers in the COVID-19 emergency may be more restrictive than the restrictions associated with Section 330 funds (this is certainly true with respect to the use of program income). To avoid the appearance that health center staff might be suggesting how registrants should vote, we advise against:

- Allowing providers and other staff to wear the VotER lanyard with the QR code and text message while on the job
- Using Telehealth visits to promote voter registration
- Having staff other than those who have received appropriate training from advocating to patients to register to vote orally or in writing

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