Advocacy and lobbying are important strategies for ensuring that laws and rules support the programs and services that are your reason for existing!

**Why advocate for public policies?**
Public policy is the set of decisions that we make at every level of government about how we will care for one another, our communities, and the land.

**Advocacy advances mission**
- The people and communities we work with reply on nonprofit programs and services. But that isn’t enough. They count on us to work with them to shape the laws and regulations that create an environment in which they can thrive.
- To fully realize our organization’s missions, we need to work for policies that protect and support our work and our goals.
- We also need to engage people in working for policies that meet their expectations for the public good.
- Consider the ways in which policies impact your own work and the people you serve!

**Why nonprofit advocacy?**
- Nonprofits have the experience and expertise that is needed to fully inform the public dialogue.
- Decisions will be made with or without our insights and knowledge.
- It is our responsibilities to ensure that when decisions are made that impact people’s lives, they are part of the decision making process.

*And if we are not at the table ….we’ll be on the table.*

**Advocacy strengthens the sector**
- Working together in public policy arenas, nonprofits gain recognition as a sector. as a core component of our communities, and as leaders.

**What is lobbying and how is it different from advocacy?**
- Advocacy is a general promotion of an idea.
- Lobbying is one specific type of advocacy.
You are lobbying when you ask an elected or appointed official to take a particular position (vote in a particular way) on a specific piece of legislation or a specific rule.
Lobbying is legal –
• Insubstantial test
In 1934: Congress enacted Section 501(c)(3) in the Tax Code, allowing charitable, religious, and educational nonprofits to be exempt from federal income taxes, provided that “no substantial part of the” organization’s activities would be used attempting to influence legislation. By setting a limit (“no substantial part”) rather than imposing an outright ban, Congress recognized the rights of nonprofits to do at least “some” lobbying. Unfortunately, neither Congress nor the IRS defined what constituted a “substantial part” – or even how it was to be calculated: by actual dollars, or percentage of dollars, or amount or percentage of time, or anything else – so nonprofits and their advisors were left to speculate and worry about where the line might be drawn.

• 1976 Lobby Law
Critical to the 1976 law are the provisions declaring that many expenditures that have some relationship to public policy and legislative issues are not treated as lobbying and so are permitted without limit. For example:
1. Contacts with executive branch employees or legislators in support of or opposition to proposed regulations is not considered lobbying. So, if your nonprofit is trying to get a regulation changed it may contact both members of the executive branch as well as legislators to urge support for your position on the regulation and the action is not considered lobbying.

2. Lobbying by volunteers is considered a lobbying expenditure only to the extent that the nonprofit incurs expenses associated with the volunteers’ lobbying. For example, volunteers working for a nonprofit could organize a huge rally of volunteers at the state capitol to lobby on an issue and the only expenses related to the rally paid by the nonprofit would count as a lobbying expenditure.

3. A nonprofit’s communications to its members on legislation—even if it takes a position on the legislation—is not lobbying so long as the nonprofit doesn’t directly encourage its members or others to lobby. For example, a group could send out a public affairs bulletin to its members, take a position on legislation in the bulletin, and it would not count as lobbying if the nonprofit didn’t ask its members to take action on the measure.

4. A nonprofit’s response to written requests from a legislative body (not just a single legislator) for technical advice on pending legislation is not considered lobbying. So, if requested in writing a group could provide testimony on legislation, take a position in the testimony on that legislation, and it would not be considered lobbying.

5. So-called self-defense activity—that is, lobbying legislators (but not the general public) on matters that may affect the organization’s own existence, powers, tax exempt status, and similar matters would not be lobbying. For example, lobbying in opposition to proposals in Congress to curtail nonprofit lobbying, or lobbying in support of a charitable tax deduction for nonitemizers, would not be a lobbying expenditure. It would become lobbying only if you asked for support from the general public.

[Lobbying for programs in the organization’s field, (e.g., health, welfare, environment, education, etc.) however, is not self-defense lobbying. For example, an organization that is fighting to cure cancer could not consider working for increased appropriations for cancer research to be self-defense lobbying.]

6. Making available the results of “nonpartisan analysis, study, or research” on a legislative issue that presents a sufficiently full and fair exposition of the pertinent facts to enable the audience to form
an independent opinion, would not be considered lobbying. The regulations make clear that such research and analysis need not be “neutral” or “objective” to fall within this “nonpartisan” exclusion. The exclusion is available to research and analysis that take direct positions on the merits of legislation, as long as the organization presents facts fully and fairly, makes the material generally available, and does not include a direct call to the reader to contact legislators. This exception is particularly important because many nonprofits that engage in public policy do conduct significant amounts of nonpartisan analysis, study, and research on legislation.

7. A nonprofit’s discussion of broad social, economic, and similar policy issues whose resolution would require legislation—even if specific legislation on the matter is pending—is not considered lobbying so long as the discussion does not address the merits of specific legislation. For example, a session at a nonprofit’s annual meeting regarding the importance of enacting child welfare legislation, would not be lobbying so long as the organization is not addressing merits of specific child welfare legislation pending in the legislature. Representatives of the organizations would even talk directly to legislators on the broad issue of child welfare, so long as there is no reference to specific legislation on that issue.

8. It’s not grassroots lobbying if a nonprofit urges the public, through the media or other means, to vote for or against a ballot initiative or referendum. (It’s direct lobbying, not grassroots, because the public in this situation becomes the legislature. Lobbying the public through the media is therefore considered a direct lobbying expenditure, not a grassroots expenditure. This is an advantage because nonprofits are permitted to spend more on direct lobbying than on grassroots lobbying.)

• 1990 “Bright Line expenditure test
Expenditures allowed —
20% of the first $500,000 in exempt purpose expenditures, plus
15% of the next $500,000, plus
10% of the next $500,000, plus
5% of the remaining expenditures
Up to $1 million

501(h) Election – IRS Form 5768
Election/Revocation of Election by an Eligible Section 501(c)(3) Organization To Make Expenditures To Influence Legislation

Key questions for advocacy campaigns:
1) What is the problem or opportunity?
2) What do you want to happen?
3) Who decides?
4) How do you influence the decision makers

Advocacy Goals
Your advocacy work may include”
1) Policy goals: policy changes in laws or rules
2) Grassroots goals: efforts to build, increase, and mobilize active grassroots support and advocacy for the cause.
3) Media goals: earned and paid media that advance your position.

What is direct lobbying?
• Direct lobbying is the contact that you have with elected and appointed officials and their staff about proposed and exiting legislation in which you seek their support or opposition to a specific measure.

• Direct lobbying includes meetings, calls, email, letters, action alerts and other communications that ask your members to urge those same officials to take a position on legislation.

What is grassroots advocacy?
• Identifying community stakeholders who will support your position on an issue.
• Enlisting grassroots supporters who are prepared to be effective advocates (building and expanding a base.)
• Activating supporters who want to make a difference (They are constituents who may already have access to elected officials and theirs are powerful voices.

Prepare your supporters to be effective in grassroots lobbying
• Provide information and training
• Inspire their efforts to use data, their stories, and their personal values to support your issue campaign’s key messages.
• Keep them connected and informed about progress in the campaign.
• Initiate “calls to action”.

What is media advocacy?
• Earned media is coverage that you gain for your issue: news stories, feature stories, editorial support, in print of electronic media.
• Paid media is ads that you purchase in print, radio, television, the Internet or other communication vehicles to draw attention to your policy position and build support for your goals.

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