

You Can Do It!

Tools of the Trade: Lobbying and Advocacy for Nonprofits

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For free tools, fact sheets, and publications

www.bolderadvocacy.org

 @AFJBeBold @NonaAFJ

 BolderAdvocacy



The only thing 501(c)(3) Public Charities can't do is support or oppose candidates for elected public office

Unofficial Working Definition of LOBBYING

Trying to influence
legislation, including
ballot measures

Public Charities can **LOBBY**

- Must stay within IRS limits
- Must have unrestricted funds
- Must track and report
 - Need to track staff time and direct costs



Private Foundations **Tax on Lobbying**

Private foundations and their individual managers pay tax on lobbying expenditures



Private foundations may not engage in lobbying or **EARMARK** a grant for lobbying

but...

Private foundations may **FUND** grantees that lobby

Earmark: oral or written agreement that a grant will be used for specific purposes



How much **LOBBYING** can
Public Charities do?

Insubstantial Part Test (Required for Houses of Worship)

1. Default test for all public charities
 2. Lobbying is “insubstantial part” of organization’s activities, but what is “insubstantial”?
 3. No clear definition of lobbying or lobbying exceptions
 4. Based on paid and unpaid activities: Must report volunteer lobbying
- OR**



501(h) Expenditure Test

1. One-time election - IRS Form 5768
2. Clear definition of lobbying
3. Generous dollar-based formula to calculate lobbying limits
4. Only spending counts, not volunteer time



TOTAL LOBBYING LIMITS

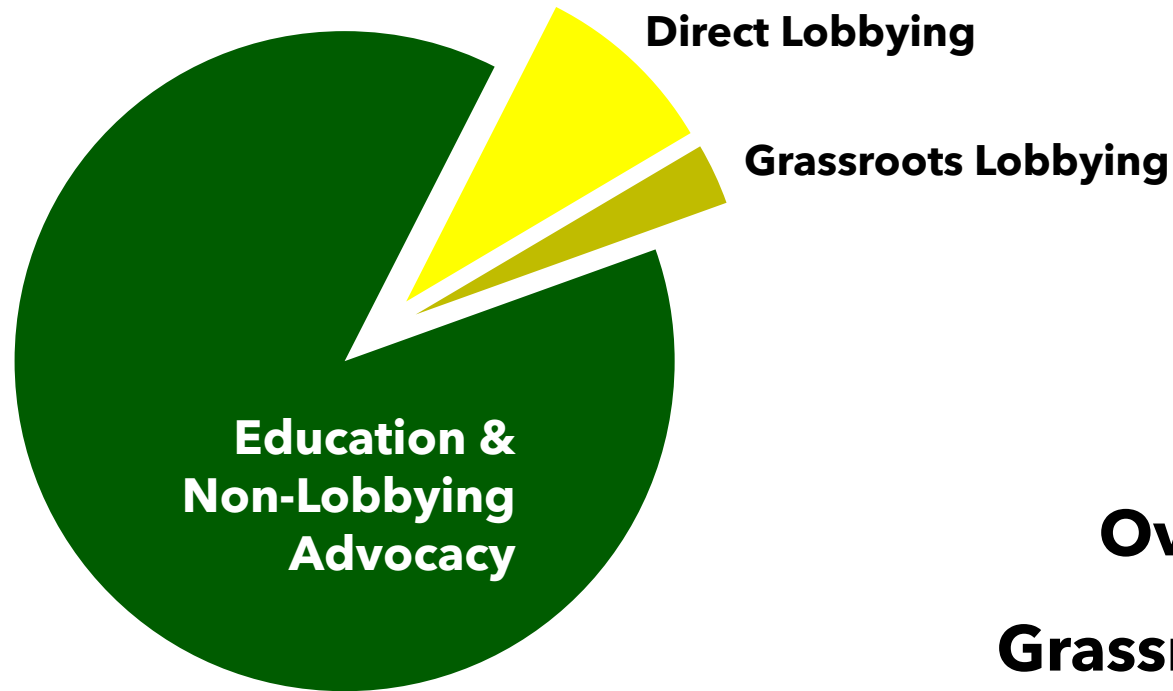
for 501(c)(3)s under the default test



**Lobbying must be an insubstantial
part of your activities (~3-5%)**

TOTAL LOBBYING LIMITS

for 501(c)(3)s making the 501(h)
election with annual expenditures of \$4,000,000



Overall Lobbying Limit

\$350,000

Grassroots Lobbying Limit

\$87,500

DIRECT

Communication

Government Official

Expresses a view
about specific
legislation

GRASSROOTS

Communication

General public

Expresses a view
about specific
legislation

Call to action



LOBBYING DEFINITION

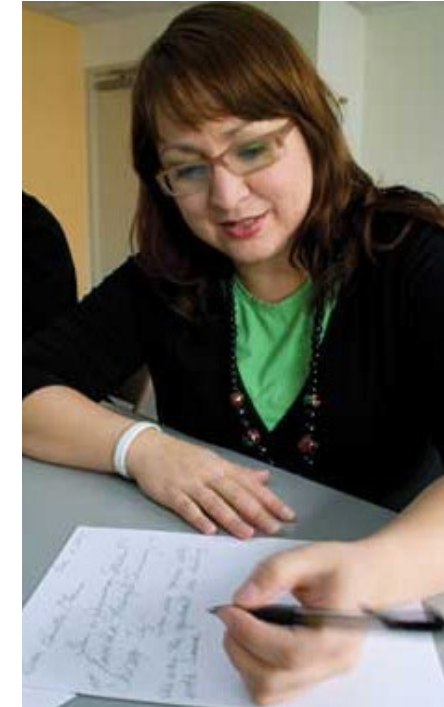
for Public Charities
using the
expenditure test
and Private
Foundations

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Legislators, Officials, and their Staff
at Any Level of Government

including

US Senate and Representatives

State Legislators

Tribal Councils

County Board of Supervisors

City Councils

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President, governor, mayor or other
government official who participates in the
formulation of legislation

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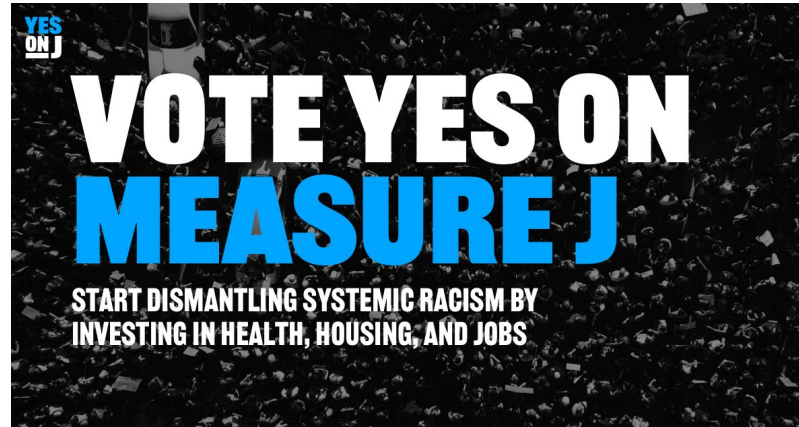
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On November 8, cast your ballot for a cleaner coast.
Vote YES ON PROP 67 to uphold our historic plastic bag ban.



Ballot Measures

- Ballot initiatives
- Referenda
- Constitutional amendments
- Bond measures

The general public are “lawmakers” when voting on ballot measures, so ballot measure advocacy counts as direct lobbying.

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Nominations confirmed
by legislators

BOARD OF SUPERVISORS ADOPTS NEW REGIONAL BLUEPRINT FOR ARTS EDUCATION



Bills, ordinances
(already proposed, or
just a specific idea)

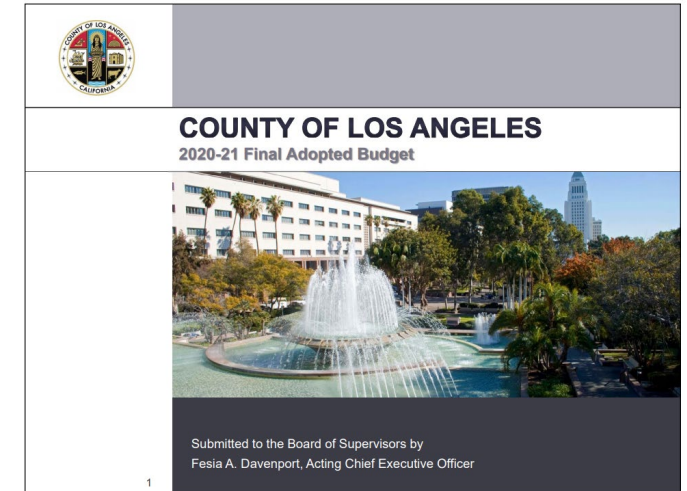
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Federal, state, &
local budgets
voted on by
legislators

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Not Legislation

- Regulations
- Executive Orders and Executive Actions
- Enforcement of Existing Laws
- Litigation

HUD Section 504 Regulations

- Federally-Assisted Programs, Services and Activities

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Not Legislators

- Police, Sheriff, District Attorney, County Prosecutor
- School boards
- Planning commissions
- Zoning commissions
- Housing authorities
- Water districts
- Other “special purpose bodies”



Not Lobbying

Working on rules, regulations, policies, and judicial decisions is **not** lobbying under IRS rules.



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For PFs and NPs
using the expenditure
test,
Grassroots
Lobbying needs
a
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TELLING TO CONTACT

legislator(s) or

PROVIDING CONTACT INFO,

like phone number, e-mail address,
mailing address, and/or other contact
info of legislator(s) or

PROVIDING MECHANISM

to enable communication
with legislator(s) or

IDENTIFYING

legislator(s)

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**DEFUND THE
POLICE.
EMPOWER
COMMUNITIES.**

www.BREATHEAct.org THE BREATHE ACT M4BL

Tell your Congressperson to support the BREATHE Act
We've seen protests across the country for weeks and the momentum is not stopping. Black Lives cannot wait. Join me & ...
🔗 p2a.co

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M4BL

Tell your Congressperson to support the BREATHE Act

Our nation is facing a turning point. We can either stand up and demand change, or we can continue watching as our Black and Brown neighbors choke on expired tear gas, disappear into unmarked vans, and bear the brunt of police brutality in this nation.

The BREATHE Act is a 21st-century Federal civil rights bill that will help communities of color not just survive, but thrive.

We're building support for the BREATHE Act from the ground up -- and that starts with showing Congress that communities across the country demand change.

Because it's not enough to just say that *Black Lives Matter* -- we need to live it. We need the BREATHE Act.

Contact your Congressional Representative today and tell them you DEMAND they support the BREATHE Act
>>

*
 *
 * city and state not required
 *

 **Send Email**

My name is [@advFirst] and I'm a constituent living [@advCity]. I am emailing in support of The BREATHE Act — a 21st-century Federal civil rights bill that will help communities of color not just survive, but thrive.

Our nation is facing a turning point. We can either stand up and demand change, or we can

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We support the Restart Act!

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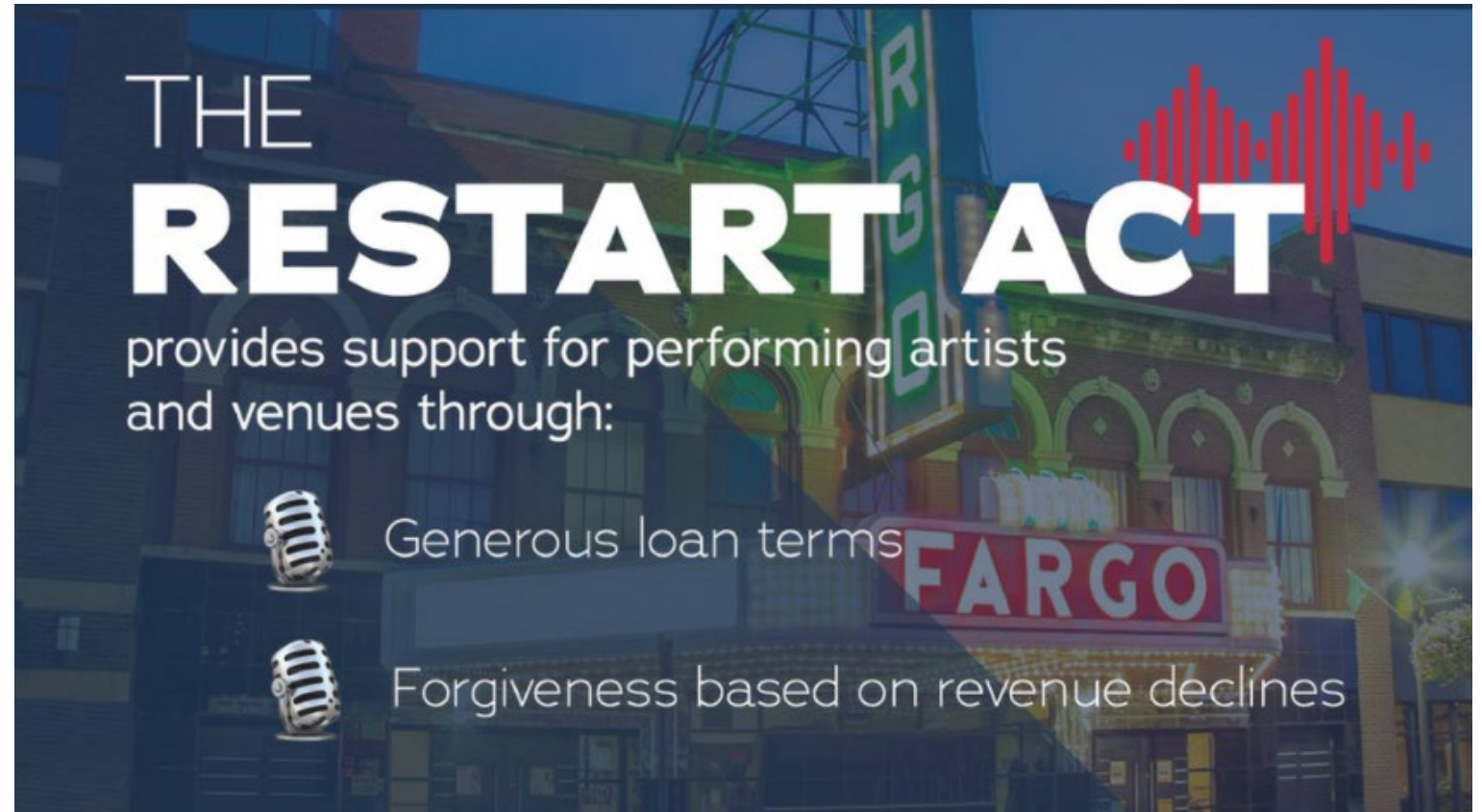
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Not Lobbying

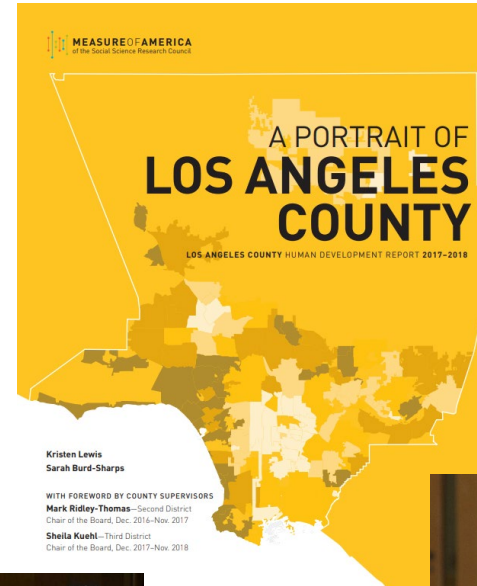
Lobbying **EXCEPTIONS**

Nonpartisan analysis,
study, or research

Request for
technical assistance

Self defense

Examinations and discussions
of broad social, economic, and
similar problems





Limits
501(c)(3)
lobbying at
all levels of
gov't



Disclose
ballot
measure
spending

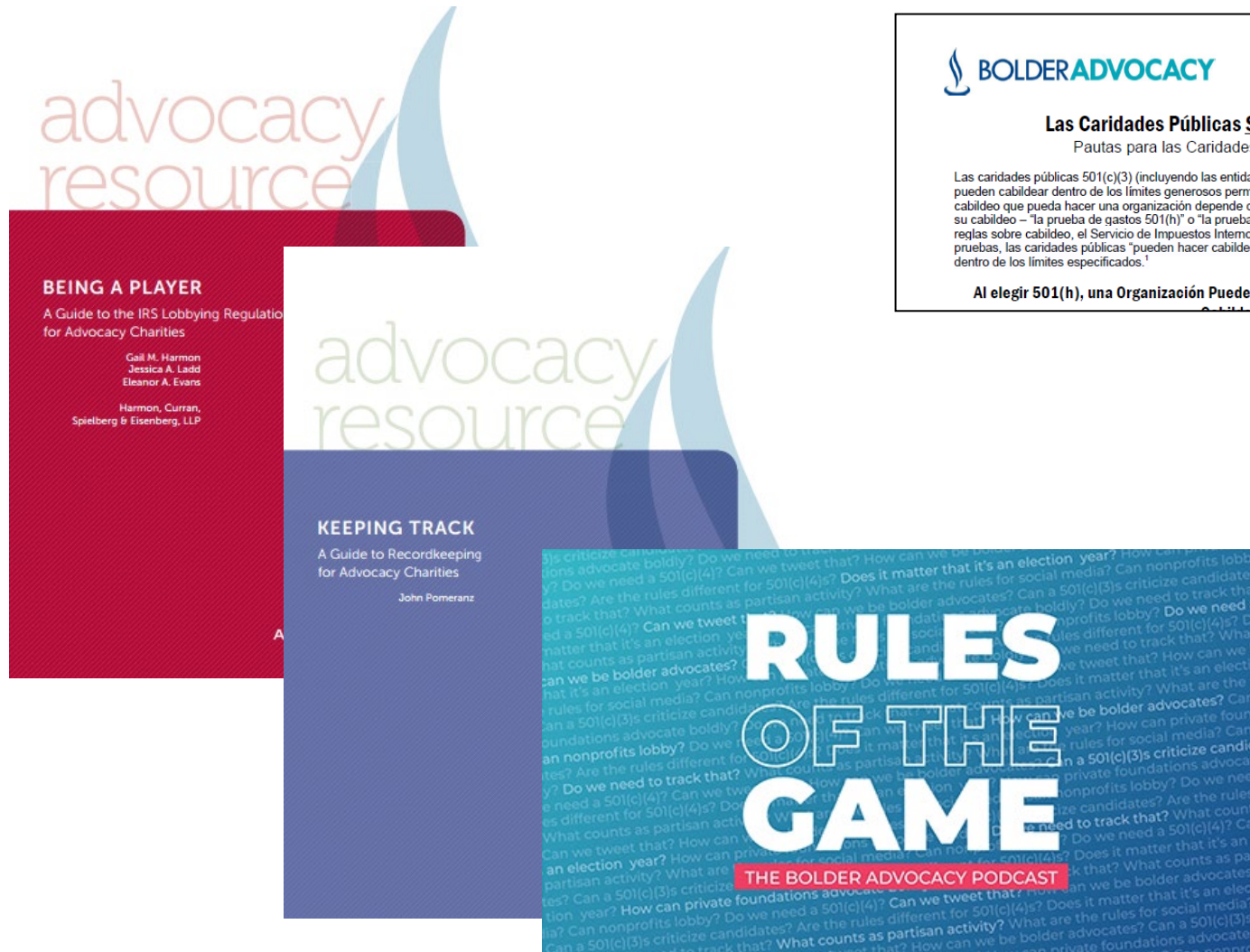


Disclose
State-level
lobbying



Disclose
Local
lobbying

For more information:



Las Caridades Públicas Sí Pueden Cabildear

Pautas para las Caridades Públicas 501(c)(3)

Las caridades públicas 501(c)(3) (incluyendo las entidades religiosas y las fundaciones públicas) pueden cabildear dentro de los límites generosos permitidos bajo la ley federal. La cantidad de cabildeo que pueda hacer una organización depende de cuál de las dos pruebas utiliza para calcular su cabildeo – “la prueba de gastos 501(h)” o “la prueba de la parte insustancial.” En promulgar las reglas sobre cabildeo, el Servicio de Impuestos Internos (IRS) declaró que bajo cualquier de las dos pruebas, las caridades públicas “pueden hacer cabildeo libremente,” con tal que su cabildeo cabe dentro de los límites especificados.¹

Al elegir 501(h), una Organización Puede Aprovechar al



Nonprofit Lobbying in Los Angeles

Are you required to register as a lobbyist & report your lobbying activities?

Do you or your nonprofit organization advocate in the City of Los Angeles? If so, you may be required to register as a lobbyist and report your activities to the City if your activities qualify as lobbying under the Los Angeles Municipal Lobbying Ordinance (LAMLO).

What is lobbying under the LAMLO?

The definition of lobbying under the LAMLO differs from the federal tax law definition.

Under the LAMLO, an individual or organization is lobbying if engaged in any of the following activities for the purposes of influencing municipal legislation:

- Direct communication with a City official;
- Drafting ordinances, resolutions, or regulations;

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Key Points:

- Public Charities can and should lobby. You just need to:
 - Stay within your annual lobbying limits;
 - Track & report your lobbying; and
 - Use funds that don't prohibit lobbying.
- Choosing the expenditure test will allow most public charities to do more advocacy.
- Knowing the definitions of lobbying will make it easier to report and get grants for advocacy work.
- Private Foundations can fund Public Charities that lobby.
- Many activities that influence policy will not even count as "lobbying."
- Contact Alliance for Justice for assistance!



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Questions?