

ADVOCACY and LOBBYING FOR 501(c)(3)s



BOLDERADVOCACY

A program of Alliance for Justice

1. What does it mean to be a 501(c)(3) organization?
2. What is “advocacy”?
3. What is “lobbying” and how much can we do?
4. Maximizing the lobbying exceptions
5. Keeping safe in an election year

AGENDA

501(c)(3) Public Charities

501(c)(4)s

527 Political Organizations

Examples



Tax Treatment

Tax-exempt
Contributions
tax-deductible

Tax-exempt

Tax-exempt

Lobbying Activities

LIMITED

UNLIMITED

RARE AND
USUALLY TAXABLE

Electoral Activities

CANNOT SUPPORT OR
OPPOSE A CANDIDATE
FOR OFFICE. MUST BE
"NONPARTISAN."

SECONDARY ACTIVITY

USUALLY SOLE ACTIVITY



What is **ADVOCACY**?

Must stay within limits set by the IRS

- Insubstantial part test
- OR
- 501(h) expenditure test



Call your senator: Remove Arctic Refuge drilling from the budget!

Remove Alaska's pristine & wild Arctic Refuge from the budget! [@campaign]
#ProtectTheArctic

P2A.CO

Public Charities may **LOBBY**

Contacting legislators, or urging the public to contact legislators, to propose, support, or oppose legislation or the government's budget process.

Advocating the adoption or rejection of legislation.

Lobbying limits not clearly defined; 5-6% probably ok

WHAT IS LOBBYING UNDER THE INSUBSTANTIAL PART TEST?

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Expresses a
view about
specific
legislation



WHAT IS LOBBYING UNDER THE 501(H) ELECTION?

GRASSROOTS

Communication

General public

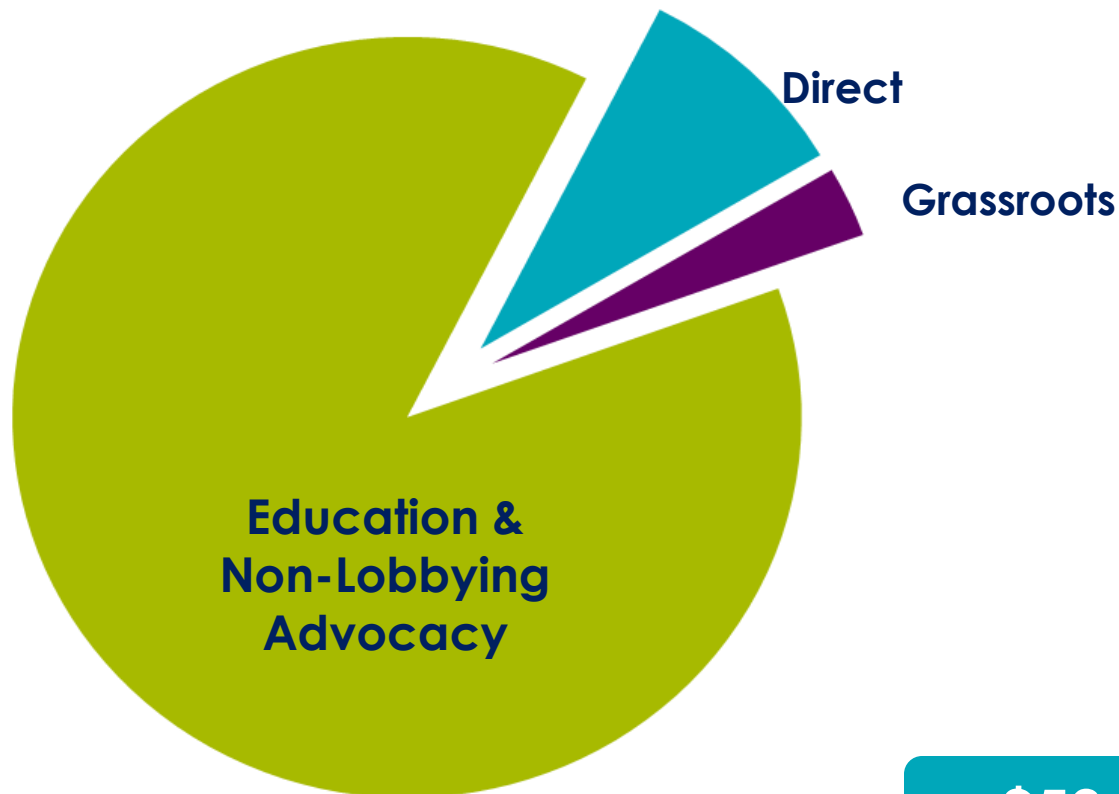
Expresses a
view about
specific
legislation



Call to action

TOTAL LOBBYING LIMITS

for 501(c)(3)s making the 501(h)
election with annual expenditures of **\$250,000**



Overall Lobbying Limit

\$50,000

Grassroots Lobbying Limit

\$12,500

1. Calculate organization's annual expenditures.

2. Overall lobbying limit:

ANNUAL EXPENDITURES	OVERALL LOBBYING LIMIT
\$500,000 or less	20%
\$500,000 to \$1 million	\$100,000 +15% of excess over \$500,000
\$1 million to \$1.5 million	\$175,000 +10% of excess over \$1 million
\$1.5 million to \$17 million	\$225,000 + 5% of excess over \$1.5 million
Over \$17 million	\$1,000,000

3. Grassroots lobbying limit is 25% of overall limit.

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Legislator

Expresses a view
about specific
legislation



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U.S. Legislators
and staff



State
Legislators
and staff



County Board of
Supervisors, City
Council and staff



GRASSROOTS
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legislation**

Call to action

For ballot measure advocacy,
the general public



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**President, governor, mayor, or
other executive official who
participates in the formulation of
legislation.**



GRASSROOTS

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General public

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view about
specific
legislation**

Call to action



The background of the slide is a faded photograph of a group of people sitting around a large conference table in a meeting room. On the left side, there is a vertical list of five entities, each preceded by a blue square. At the bottom right, the text 'NOT LEGISLATORS' is written in large, bold, blue capital letters.

School boards

Zoning boards

Housing authorities

Sewer and water districts

Other “special purpose bodies”

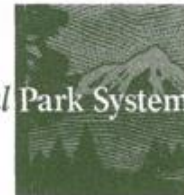
NOT LEGISLATORS



National Park System Advisory Board

National Park System Advisory Board

The National Park System Advisory Board was first authorized in 1935 under the Historic Sites, Buildings, and Antiquities Act. The Board advises the Director of the National Park Service and the Secretary of the Interior on matters relating to the National Park Service, the National Park System, and programs administered by the National Park Service, including the administration of the Historic Sites, Buildings, and Antiquities Act; the designation of national historic landmarks and national natural landmarks; and the national historic significance of proposed national historic trails. The Board may advise on matters submitted to the Board by the Director, as well as any other issues identified by the Board.



National Park System Advisory Board

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GRASSROOTS

Communication

General public

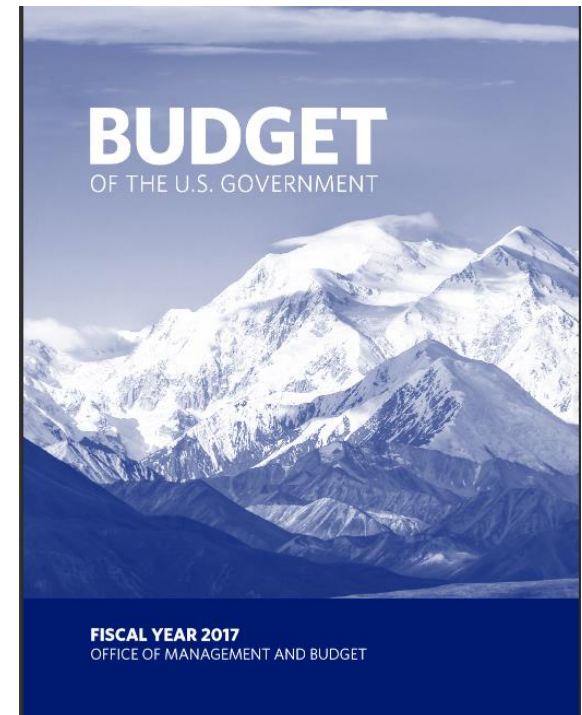
Expresses a
view about
specific
legislation

Call to action

116TH CONGRESS
1ST SESSION

H. R. 3458

To promote innovative approaches to outdoor recreation on Federal land and to increase opportunities for collaboration with non-Federal partners, and for other purposes.



Still specific legislation
even if...

- not yet introduced
- not yet written
- not fully fleshed out

116TH CONGRESS
1ST SESSION

H. R. 3879

To modify the procedures for issuing special recreation permits for certain public land units, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2019

Ms. HAALAND (for herself, Mr. CURTIS, Mr. GALLEG0, Mr. STEWART, Ms. DeGETTE, Mr. SIMPSON, Mr. NEGUSE, Mr. GIANFORTE, Mrs. DINGELL, and Mr. LAMALEFA) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To modify the procedures for issuing special recreation permits for certain public land units, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Simplifying Outdoor Access for Recreation Act” or the “SOAR Act”.



PRESS RELEASE | Feb 21, 2017

Seattle City Council Passes Resolution Asking Congress to Restore, Fund National Parks



Share



Statement recognizes Washington's parks as pillars of our region's heritage, culture and economy



FOR MEDIA INQUIRIES

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NPCA REGION: Northwest

ISSUES

💰 Ensuring Park Funding

Regulations

Executive orders

Enforcement of existing laws

Litigation

A U.S. court has dismissed Energy Transfer Partners' baseless \$900 million lawsuit against Krystal Two Bulls, Oglala Lakota/Northern Cheyenne Organizer & Activist, Greenpeace and others. It's a huge win for the Indigenous Peoples' movement and free speech.



Krystal Two Bulls

Oglala Lakota/Northern Cheyenne
Organizer & Activist



Please preserve the Bristol Bay Proposed Determination. There is no way that a mining company, ESPECIALLY a foreign-owned mining company, should be allowed to...

[View Comment](#)

NOT SPECIFIC LEGISLATION



Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; A Holistic Approach to Closure Part A: Deadline to Initiate Closure

This Proposed Rule document was issued by the **Environmental Protection Agency (EPA)**

For related information, [Open Docket Folder](#)

Comment Now!

Due Jan 31 2020, at 11:59 PM ET

Action

Proposed rule.

Summary

On April 17, 2015, the Environmental Protection Agency (EPA or the Agency) promulgated national minimum criteria for existing and new coal combustion residuals (CCR) landfills and existing and new CCR surface impoundments. On August 21, 2018, the D.C. Circuit Court of Appeals issued its opinion in the case of *Utility Solid Waste Activities Group, et al. v. EPA (USWAG)*. This rule proposes regulations to implement the court's vacatur of the provisions that allow unlined impoundments to continue receiving coal ash unless they leak, and that classify "clay-lined" impoundments as lined, thereby allowing such units to operate indefinitely. In addition, EPA is proposing to establish a revised date by which unlined surface impoundments must cease receiving waste and initiate closure, following its reconsideration of those dates in light of the *USWAG* decision.

Dates

Comments must be received on or before January 31, 2020. *Public Hearing*. The EPA will hold a public hearing on January 7, 2020.

Addresses

The EPA has established a docket for this action under Docket ID No. EPA-HQ-OLEM-2019-0172. The EPA has previously established a docket for the April 17, 2015, CCR final rule under Docket ID No. EPA-HQ-RCRA-2009-0640, and docket for the CCR Phase One Part One Rule under Docket ID No. EPA-HQ-OLEM-2017-0286. All documents in the docket are listed in the <https://www.regulations.gov> index. Publicly available docket materials are available either electronically at <https://www.regulations.gov> or in hard copy at the EPA Docket Center. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the EPA Docket Center is (202) 566-1742. You may send comments, identified by Docket ID. No. EPA-HQ-OLEM-2019-0172, by any of the following methods:

ID: EPA-HQ-OLEM-2019-0172-0001

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Document Information

Date Posted:

Dec 2, 2019

RIN:

2050-AH10

CFR:

40 CFR Part 257

Federal Register Number:

2019-24927

[Show More Details](#)

Comments

Advocacy on Regulations is NOT LOBBYING



Food & Water Watch - Virginia

April 4 at 4:06 PM · 🌐

Today we filed a petition with the EPA to regulate greenhouse gases as Hazardous Air Pollutants with dozens of national and grassroots environmental organizations.

Such a change would dramatically lower greenhouse gas emissions. If the agency refuses, we plan to file a lawsuit.



FOODANDWATERWATCH.ORG

Environmental Groups Call for Strict Regulation of Greenhouse Gases as Hazardous Air Pollutants

Administrative Advocacy is NOT LOBBYING

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-01-19

WHEREAS the State's spending on prescription drugs has increased at an unsustainable rate, including hikes of approximately 20% per year since 2012, constituting a substantial fiscal drain; and

WHEREAS a relatively small subset of high-cost drugs account for a disproportionate amount of spending, with the 25 most expensive drugs accounting for approximately half of the State prescription drug expenditures; and

WHEREAS the rising prices of prescription drugs impact not only the State and individuals enrolled in State programs—but all Californians—including small businesses and families, who are forced to make unconscionable sacrifices to access life-saving and life-preserving treatments; and

WHEREAS a major cause of skyrocketing prescription drug prices is bargaining asymmetry, by which the pharmaceutical industry, often wielding monopoly power, is left unchecked, in the absence of a strong counterparty at the bargaining table; and

WHEREAS the State can marshal public and private parties to counterbalance corporate bargaining power, not only to address rising prescription drug prices, but more broadly to promote access to affordable health care for all; and

WHEREAS establishing a single-purchaser for the highest-cost prescription drugs will yield valuable insights into the design of a broader single-payer system, and move the State one step closer to a comprehensive solution for affordable and accessible health care for all; and

WHEREAS there are opportunities to expand the negotiation and purchase of prescription drugs within existing State programs; and

WHEREAS pursuant to Government Code sections 14977 to 14982, the Department of General Services administers the Statewide Pharmaceutical Program, which enables state and local governmental entities to access bulk purchasing contracts for pharmaceuticals; and

WHEREAS the Department of General Services coordinates the California Pharmaceutical Collaborative, which convenes the State's largest public purchasers of prescription drugs, including the California Public Employees' Retirement System (CalPERS), the Department of Corrections and Rehabilitation, the Department of Veterans Affairs, and the Health and Human Services Agency; and

WHEREAS the Department of Health Care Services, which administers the largest Medicaid program in the nation, is the largest purchaser of pharmaceutical services in the State, and currently negotiates supplemental rebates for millions of low-income, disabled, and vulnerable Californians enrolled in Medi-Cal.



California governor signs EO to expand access to health care/create state Rx drug buying pool

Advocating for or against an Executive Order is
NOT LOBBYING

PRESS RELEASE | May 20, 2010

Groups Ask EPA to Enforce Regional Haze Rules and Protect National Parks

Share



Deadline for states to begin air pollution reductions approaches, but few are ready

The National Parks Conservation Association, Sierra Club, San Juan Citizens Alliance, and 15 other conservation groups have asked the U.S. Environmental Protection Agency to ensure national parks and the public's health are protected from air pollution by requiring that states take significant steps to fulfill the Clean Air Act.

"Millions of visitors to national parks and wilderness areas each year see views

FOR MEDIA INQUIRIES

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ISSUES

 Clearing the Air

Working to change the enforcement of existing
law is NOT LOBBYING

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Communication

Legislator

**Expresses a view
about specific
legislation**

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General public

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Call to action

**CALL TO
ACTION**

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Call to action

TELLING TO CONTACT
legislator(s)

PROVIDING ADDRESS,
telephone number, and/or other
contact information of legislator(s)

PROVIDING MECHANISM
to enable communication
with legislator(s)

IDENTIFYING
legislator(s)



call to action

SUSTAIN OUR HUNTING AND FISHING TRADITIONS

TELL CONGRESS TO PERMANENTLY REAUTHORIZE AND DEDICATE FUNDING TO THE **LAND AND WATER CONSERVATION FUND**. INTACT WILDLIFE HABITAT, HEALTHY WATERS THAT SUPPORT OUR WILD FISHERIES, AND ACCESS FOR HUNTING AND FISHING DEPEND ON IT.

FAIR FUNDING FOR THE GREAT OUTDOORS

The Land and Water Conservation Fund uses non-taxpayer funds earned from offshore oil and gas development to purchase, conserve and enhance access to public lands where we hunt, fish and recreate.





NLMH @NLMHlive · Apr 8

Want to voice your support for [#GreenLightNY](#) ? Contact NY State Senate Leader [@AndreaSCousins](#) to tell her you support S01747 [@MakeTheRoadNY](#) [@GreenLightNYDT](#) [#DriversLicensesNOW](#) 🚦 🚗





Tell Congress: Support Tax Relief for Working Families

Tell Congress – it's time to ensure that our economy, starting with our tax system, works for all families, especially those who need it most!

If one or both of your senators have already signed on as a co-sponsor, you will be able to send them a thank-you message instead.

Take future action with a single click.

[Log in](#) or [Sign up](#) for FastAction.

fastAction



1

Details

2

Messages

3

Confirmation

FIRST NAME

LAST NAME

STREET ADDRESS

POSTAL CODE

CITY

STATE/PROVINCE

- State - 

EMAIL

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Call to action

Not Calls to Action:

“Learn more”

“Take action”

“Support our efforts”

“Get involved”

“Join us”



NOT Lobbying

A woman with blonde hair, wearing a pink long-sleeved shirt, is sneezing into a white tissue. She has her eyes closed and her hands are holding the tissue to her face. In the background, a person in a white chef's uniform is visible, suggesting a kitchen or food service environment.

**SHE'LL BE YOUR SERVER
TONIGHT... AND SHE'S PRETTY
SURE IT'S CONTAGIOUS.**

Nearly half of all workers in Maine lack paid sick days and are forced to work through their illnesses in order to pay the bills.

Support LD 1454, the Paid Sick Days Bill.

www.MaineSneezes.org

**NO PAID SICK DAYS FOR
RESTAURANT EMPLOYEES.**



**AN “ENHANCED” DINING
EXPERIENCE FOR
RESTAURANT CUSTOMERS.**

Nearly half of all workers in Maine lack paid sick days.
Support your fellow Maine workers and their right to recover from
illness without endangering public health or losing a day's pay.

Contact your legislator and share your support of
LD 1454, the Paid Sick Days Bill.

www.MaineSneezes.org



EDF @EnvDefenseFund · Mar 17

Trump wants to cut the EPA budget by 31% -- we can't afford to go backwards. Tell Congress to reject the proposal.

edf.org/7eT



56



48



EDF @EnvDefenseFund · Mar 17



Trump wants to cut the EPA budget by 31% -- we can't afford to go backwards.

We need to take action!



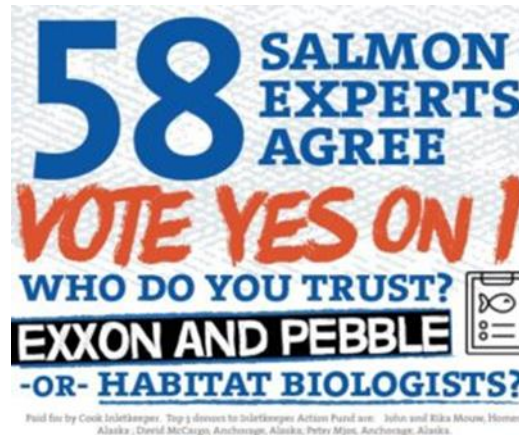
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48

There is no grassroots lobbying with ballot measures, you are engaging in direct lobbying if you:

- ✓ Make some form of communication,
- ✓ to the public,
- ✓ that expresses a view on the measure.





Nonpartisan analysis, study, or research



Request for technical assistance



Self-defense



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

LOBBYING **EXCEPTIONS**

MUST

Represent full
and fair
discussion

Be broadly
disseminated

MAY

Express a view

Contain indirect
call to action

Subsequent
grassroots
lobbying



NONPARTISAN
ANALYSIS

MUST BE

**Invited in writing
on behalf of a
governmental
body,
committee, or
subdivision**

**Available to all
members of the
governmental
body,
committee, or
subdivision**

MAY

**Express a view
on specific
legislation**



TECHNICAL ASSISTANCE

**MUST
RELATE TO**

**powers and
duties**

**tax-exempt
status**

**deductibility of
contributions**

SHOULD

**consult with
attorney**



SELF-DEFENSE

NO SPECIFIC
LEGISLATION

blue ribbon
panel

annual reports

early stages
of policy
development

NO CALL
TO ACTION

communication
does not include
call to action

EXAMINATIONS + DISCUSSIONS

Residential green space in childhood is associated with lower risk of psychiatric disorders from adolescence into adulthood



Kristine Engemann, Carsten Bøcker Pedersen, Lars Arge, Constantinos Tsirogiannis, Preben Bo Mortensen, and Jens-Christian Svenning

PNAS March 12, 2019 116 (11) 5188-5193; first published February 25, 2019 <https://doi.org/10.1073/pnas.1807504116>

Edited by Terry Hartig, Uppsala University, Uppsala, Sweden, and accepted by Editorial Board Member Susan T. Fiske January 14, 2019 (received for review May 2, 2018)

Article

Figures & SI

Info & Metrics

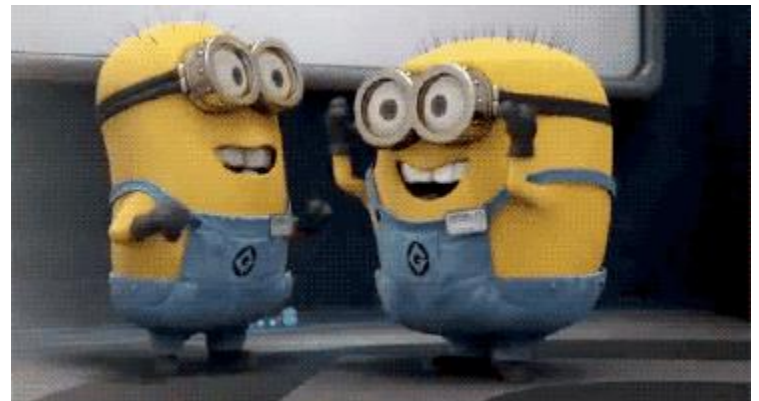
PDF

Significance

Growing up in urban environments is associated with risk of developing psychiatric disorders, but the underlying mechanisms are unknown. Green space can provide mental health benefits and possibly lower risk of psychiatric disorders. This nation-wide study

Does your **ACTIVITY**
have all the elements of
LOBBYING?

If **NO**, it's **NOT**
LOBBYING!





**limit lobbying
at all levels of
government**



**disclose
state / local
lobbying**



**disclose
federal
lobbying**

LOBBYING LIMITS V. DISCLOSURE

What system do you use for **RECORDING YOUR LOBBYING?**



I'm struggling to do my timesheet:
Do you remember if I laid an egg on Tuesday?



**KEEP
CALM
AND
PREPARE
YOURSELF**

Lobbying Expenses

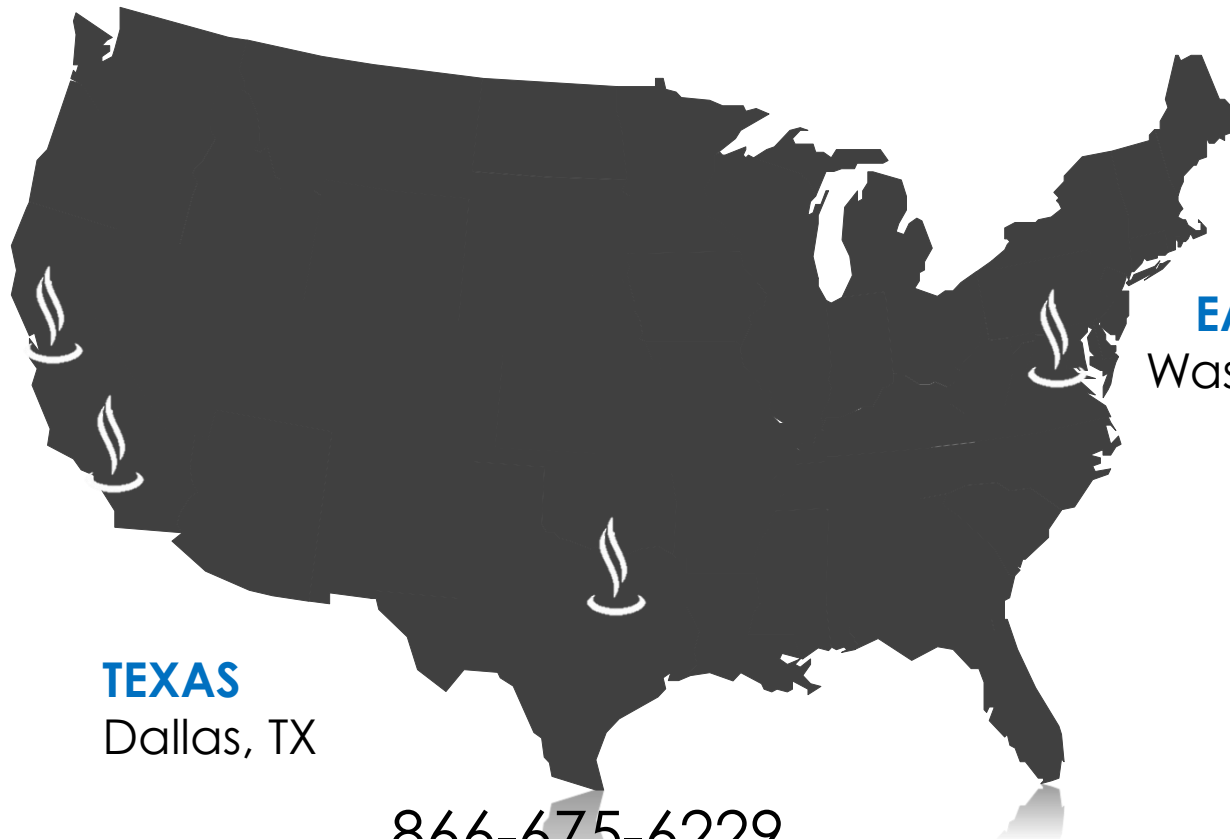
- \$10 for Taxi ride to Capitol to lobby
- \$50 for photocopies for direct lobbying
- \$100 dollars for photocopies of pre-addressed letters to be handed out as grassroots lobbying efforts





BOLDERADVOCACY

An initiative of Alliance for Justice



WEST COAST

San Francisco
Los Angeles

EAST COAST

Washington, DC

TEXAS

Dallas, TX

866-675-6229

advocacy@afj.org

www.bolderadvocacy.org

@AFJBeBold | @AFJRonnie



www.facebook.com/BolderAdvocacy



Questions?

