

# Nonprofit Advocacy 101: Mobilizing for Stronger Communities

YNPN Portland & The Nonprofit Institute

March 14, 2017

6:00 to 8:30pm

# What is advocacy?

A broad term covering a range of activities that seek to bring about systemic social change. Advocacy often seeks to address the root causes, as well as the symptoms, of social and economic problems.

# Nonprofits, lobbying, and the law.



# The Johnson Amendment.

- Regulates what tax-exempt organizations can do in the political arena
- Two bills introduced in the House (HR 172, HR 781) and one in the Senate (S 264)
  - Still in committee



# Nonprofit lobbying.

- Any attempt to influence specific legislation
- Two types:
  - Direct lobbying
  - Grassroots lobbying

## Direct lobbying.

- Any attempt to influence legislation through communication with a member of a legislative body or other government official.

## Grassroots lobbying.

- Communication with the public that is designed to influence legislation.
- Is a “call to action,” not just information.



# What is *NOT* lobbying?

- Distributing materials and other communications that provide information but are not a “call to action”
- Making available research or analysis on a legislative issue
- Responding to written requests from a legislative body
- “Self-defense” lobbying
- Discussing broad social issues, without reference to specific legislation



## The general rule vs. 501(h) election.

- General rule for 501(c)3 organizations
  - **“No substantial part”** of activities may be directed toward influencing legislation
- 501(h) sets clear definitions of financial limits and acceptable activities for nonprofits regarding lobbying
  - Nonprofits can elect to be governed by these rules rather than the substantiality rule





## Limits on lobbying expenditures for 501(c)3 organizations taking the 501(h) election.

Total expenditures on exempt purposes	Total limit on direct lobbying expenditures	Limit on expenditures for grassroots lobbying
Up to \$500,000	20% of exempt-purpose expenditures, up to \$100,000	Up to \$25,000
\$500,000 to \$1 million	\$100,000 plus 15% of excess over \$500,000	\$25,000 plus 3.75% of excess over \$500,000
\$1 million to \$1.5 million	\$175,000 plus 10% of excess over \$1 million	\$43,750 plus 2.5% of excess over \$1 million
Over \$1.5 million	\$225,000 plus 5% of excess over \$1.5 million (overall max of \$1 million)	\$56,250 plus 1.25% of excess over \$1.5 million (overall max of 25% of total lobbying expenditures)

Internal Revenue Service: Expenditure Test.



# Benefits of the 501(h) election.

- It's easier
  - A simpler reporting form
  - No detailed description of lobbying activities
- It's safer
  - More precision = less guessing
  - Larger \$ limits = more freedom
  - Protects lobbying strategies
  - Protects tax-exempt status



# Specific lobbying “no-no’s”.

- Using federal funds for lobbying
  - 3 exceptions
- Private foundations cannot lobby or earmark grant funds for lobbying
- Community foundations can earmark grant funds for lobbying but are subject to the same rules as a 501(c)3
- Churches cannot take the 501(h) election



# Nonprofits and election activities.

- **DO** remain nonpartisan at all times
- **DO** support or challenge a piece of legislation
- **DO NOT** support or criticize an elected official or candidate for office
- **DO** exercise caution in tone and language



# What nonprofits CAN do during elections.

- Voter registration
- Voter education on the voting process
- Get Out the Vote activities
- Even-handed education on candidates and ballot issues
- Publish legislative “scorecards”
- Conduct candidate questionnaires
- Hold candidate forums
- Educate candidates



## What nonprofits CAN'T do during elections.

- Endorse candidates for public office
- Make campaign contributions
- Make expenditures on behalf of candidates
- Restrict rental of their mailing lists
- Ask candidates to sign pledges on an issue
- Publish or communicate anything that explicitly or implicitly favors or opposes a candidate



# Online advocacy efforts.

- Websites = organizational communication
- Online activity = organizational communication
- Applies equally to links to other sites
- Online ads must be nonpartisan
- Lobbying via social media falls under the “substantiality” rule/501(h) election rules

# Building capacity for advocacy engagement.





# Preparing for advocacy work.

- Formalize the organization's commitment to advocacy
- Know the law re: nonprofit advocacy and lobbying
- Develop a strategic plan for advocacy work
- Identify capacity issues, build capacity
- Be issue experts – know your research and your policy issues
- Target and recruit allies and partners
- Study and prepare to respond to opponents
- Build advocacy and organizing skills

# Additional resources.

- Nonprofit Association of Oregon
- National Council of Nonprofits
- Grassroots Solutions
- Bolder Advocacy
- Massachusetts Policy and Organizing Leadership Academy – Real Clout Workbook



# Questions?

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