



Advocacy Cheat Sheet for Nonprofits

Advocacy should be viewed as a fundamental part of a nonprofit's mission. Those organizations that actively advocate have greater influence and more impactful outcomes for their program participants. Advocacy is one of the most effective ways for nonprofits to serve communities and meet their missions.

There are some prohibitions on 501(c)(3) public charities when it comes to actions taken to influence legislation. It is critical for nonprofits to understand the nuances of advocacy, lobbying and political campaigning to enable them to maximize their impact without risking their tax-exempt status.

Advocacy:

Advocacy is a political process by an individual or group which aims to influence public-policy and resource allocation decisions within political, economic, and social systems and institutions. Advocacy can include many activities including media campaigns, education on current issues, and testimony before legislative bodies.

Examples of advocacy activities include:

- Educating voters and candidates about policy issues
- Building a coalition of concerned individuals
- Providing education to and sharing data with policy makers about issues of concern.
- Discussing broad, social or economic issues, without taking a position on specific legislation
- Ensuring that underrepresented communities have a voice in the policy process

Who can advocate?

- Staff, Board and Volunteers
- Retained professional to represent a single organization or a group of organizations
- Program participants or anyone receiving services

Lobbying:

Lobbying is a form of advocacy that involves making a direct approach in an attempt to influence specific legislation.

There are two types of lobbying: direct and grass roots.

What is direct lobbying?

A direct lobbying communication is one which is made to:

- a legislator; an employee of a legislative body; or any other government employee who may participate in the formulation of the legislation (but only if the principal purpose of the communication is to influence legislation);
- refers to a specific piece of legislation; and
- expresses a view on that legislation

It is also considered direct lobbying when an organization asks its members to contact legislators in support of or in opposition to legislation. In addition, attempts to influence the public on referenda and ballot initiatives are also considered direct lobbying.

What is grass roots lobbying?

A grass roots lobbying communication is an attempt to influence specific legislation by encouraging the public to contact legislators about that legislation. In order to constitute grass roots lobbying, a communication must be:

- Directed at the public
- Express a view about specific legislation
- Include a call to action (lobbying) by the recipient

Limits on lobbying:

The IRS stipulates that 501(c)(3) nonprofits can lobby, but only up to a certain amount, and could lose their tax-exempt status if they do more than that “certain amount” of lobbying. How much lobbying the organization can do depends upon which of the two tests the organization uses to measure its lobbying:

- the “501(h) expenditure” test
- or the “insubstantial part” test

Charitable benefit nonprofit 501(c)(3)s are **NOT** allowed to endorse candidates for public office!