



**MAKE A**

**DIFFERENCE**

**FOR YOUR CAUSE**



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# DEFINITIONS USED IN THIS RESOURCE AND DISCUSSION GUIDE

- **Nonprofit** The rules in this guide and all of CLPI's resources pertain only to 501(c)(3) tax-exempt nonprofit organizations with charitable missions.
- **Public Policy** Decision-making that affects the public realm—laws, regulations, executive orders, judicial rulings, rules issued by elected and other government officials. This guide focuses on what nonprofits can do to influence legislation. Marcia Avner, Public Policy Director of the Minnesota Council of Nonprofits and CLPI's Senior Training Consultant, adds, *“Public policy is the set of decisions that we make as a society about how we will care for one another, our communities, and the land.”*
- **Advocacy** Identifying, embracing, and promoting a cause. Advocacy can influence public opinion as well as public policy. In this guide, we focus on advocacy that, directly or indirectly, affects legislation.
- **Legislative Advocacy** Lobbying as well as other advocacy activities, such as media advocacy and grassroots organizing, that can influence the legislative process.
- **Lobbying** A specific, legally defined activity that involves stating your position on specific legislation to legislators and/or asking them to support your position. Lobbying is classified as direct or grassroots.
- **Grassroots Lobbying** Communicating your position on particular legislation to the general public, and then asking the general public to contact their elected representatives to request their support of this position.
- **Legislation** Action by Congress, state legislatures, local governing bodies, or by the public in a referendum, initiative, Constitutional amendment, or similar procedure. Does not include action by the executive branch, independent administrative agencies, or judicial branch.

## ABOUT CLPI

Legislative advocacy is an important activity that nonprofits can undertake to achieve their missions and foster participation in civic life. Through lobbying and other forms of legislative advocacy, nonprofit volunteers and staff provide vital expertise and perspectives to federal, state, and local government decision-makers resulting in improved laws and policies. These beliefs and the need to preserve our democratic process led Bob Smucker to found Charity Lobbying in the Public Interest in 1998. Originally a project of Independent Sector, CLPI became a separate 501(c)(3) organization in 2000, later changing its name to the Center for Lobbying in the Public Interest.

CLPI has become a trusted resource for information, training, and network building about nonprofit engagement in public policy, particularly legislative advocacy. As a non-partisan convener, CLPI is uniquely positioned to communicate and connect with a broad range of organizations, including federal, state, and local nonprofits and coalitions; foundations; public policy research and public interest groups; and educational institutions. CLPI works with these organizations and networks around the country to encourage their active engagement in the public policy process—and to catalyze their members', affiliates', and constituents' participation—resulting in a more engaged nonprofit sector and citizenry.

### > OUR MISSION

CLPI PROMOTES, SUPPORTS, AND PROTECTS 501(C)(3) NONPROFIT ADVOCACY AND LOBBYING IN ORDER TO STRENGTHEN PARTICIPATION IN OUR DEMOCRATIC SOCIETY AND ADVANCE CHARITABLE MISSIONS.

### >> THE CLPI ACTION NETWORK

The CLPI Action Network is the web of relationships that work collectively to accelerate nonprofit engagement in the public policy process. Working collectively, the CLPI Action Network not only expands CLPI's own organizational effectiveness, but also builds connections among the participating organizations and strengthens the nonprofit sector's voice. Participants in the Network include:

- > **Strategic Partners** – national or statewide network organizations that collaborate with CLPI on public policy activities and/or advocacy trainings and capacity building.
- > **CLPI Training Fellows** – experienced trainers who use CLPI's tested resources and approach to provide legislative advocacy training to nonprofits working on a range of issues in communities across the country.
- > **CLPI Advocates** – supporters who spread the word about CLPI's mission, trainings, and resources.
- > **CLPI Ambassadors** – opinion leaders within the nonprofit sector who spread CLPI's message about nonprofit advocacy and lobbying to the sector, policymakers, funders, and the general public.

## >> ABOUT THE CLPI TRAINING APPROACH

One critical way that CLPI meets its mission is by providing trainings that accelerate nonprofit engagement in legislative advocacy—helping 501(c)(3) nonprofits make what is often thought of as extraordinary, ordinary.

CLPI recognizes that different organizations and communities are at various levels of readiness—in knowledge, skill, and confidence—and thus acquires an understanding of an audience’s current capacity prior to training. This understanding enables us to tailor trainings to audience needs and to help participants develop a realistic plan for moving forward.

The CLPI training approach includes a dual focus on **organizational capacity building and strategy**. CLPI trainings educate and engage primarily service-oriented nonprofits in the early stages of building their legislative advocacy capacity. More experienced groups can continue to hone their skills through the diverse resources available from CLPI’s online Training Resource Center ([www.clpi.org](http://www.clpi.org)).

CLPI delivers the training curriculum outlined below through its Training Fellows, who complement CLPI’s national perspective with their “on-the-ground” experience as advocates, trainers, and nonprofit practitioners on a wide range of issues.

### WHATEVER THE SPECIFIC CONTENT OR FORMAT, ALL CLPI TRAINING SESSIONS:

- > Motivate and inspire participation in legislative advocacy—without bias towards specific issues, ideologies, or campaign outcomes.
- > Educate about the legal parameters for nonprofit advocacy as well as effective advocacy strategies, so nonprofits can take full advantage of their fundamental right to advocate and lobby.
- > Create an interactive, experiential opportunity—tailored to the needs of adult learners—for lasting and meaningful impact.
- > Respect and draw upon the audience’s wisdom and help advance connections within the group so that opportunities for learning and collaboration can continue beyond the training.
- > Involve and strengthen connections with local resources that can continue building the community’s capacity for effective advocacy.
- > When possible, include elected official participation to help break down barriers between advocates and decision-makers.



# GET INVOLVED!

## >> BECOME A CLPI ADVOCATE

The Center for Lobbying in the Public Interest works toward its mission of promoting, supporting, and protecting nonprofit advocacy and lobbying by collaborating and communicating with others through the CLPI Action Network. We encourage you to participate in the Network and reap its full benefits by becoming a CLPI Advocate. CLPI Advocates not only look to CLPI as a resource on nonprofit advocacy and lobbying, but also spread the word about CLPI resources and trainings. In addition, CLPI Advocates support and advance the message that engaging in legislative advocacy can help nonprofits achieve their missions.

By registering online as a CLPI Advocate ([www.clpi.org](http://www.clpi.org)), you can gain access to the many resources on CLPI's online Training Resource Center as well as keep up to date on nonprofit advocacy issues through CLPI's newsletter and other communications.



## >> HOST A CLPI TRAINING

CLPI trainings help organizations to engage in legislative advocacy by developing action plans for their public policy efforts. CLPI trainings and resources provide basic and advanced information for nonprofit practitioners on topics such as:

- **The definitions of “legislative advocacy” and “lobbying” and why they are important.**
- **Building capacity for legislative advocacy.**
- **Planning and evaluating advocacy activities.**
- **Message development and information dissemination.**
- **Direct lobbying and administrative advocacy.**
- **Grassroots lobbying and organizing.**
- **Working in coalitions/alliances.**
- **Media advocacy.**
- **Voter education.**

For additional information or to schedule a one-day or half-day training session, contact CLPI's Program Director at (202) 387-5072 or email [info@clpi.org](mailto:info@clpi.org).

This resource and discussion guide is intended to inspire and motivate 501(c)(3) nonprofits to include legislative advocacy as a part of their core activities.

The guide has several objectives:

➤ **OBJECTIVE 1**

TO ***BUILD NONPROFITS' ORGANIZATIONAL CAPACITY*** OF KNOWLEDGE, SKILL, INFRASTRUCTURE, AND CONFIDENCE NEEDED TO EFFECTIVELY ENGAGE IN LEGISLATIVE ADVOCACY.

➤ **OBJECTIVE 2**

TO ***TELL THE STORIES*** OF A BROAD RANGE OF NONPROFITS THAT HAVE ENGAGED IN LEGISLATIVE ADVOCACY TO ACHIEVE THEIR MISSIONS.

➤ **OBJECTIVE 3**

TO ***STIMULATE DISCUSSION***, ESPECIALLY AMONG THE BOARD, STAFF, AND VOLUNTEERS OF A NONPROFIT THAT SEEKS TO ACCELERATE ITS ENGAGEMENT IN LEGISLATIVE ADVOCACY.

For information about ordering additional copies of this guide, see page 31 or visit [www.clpi.org](http://www.clpi.org) to order online.

## ABOUT THIS RESOURCE AND DISCUSSION GUIDE

# THE CLPI ROAD MAP

## FOR ENGAGEMENT IN LEGISLATIVE ADVOCACY

CLPI seeks to “make the extraordinary ordinary”—that is, to make legislative advocacy a core part of nonprofit work. To make this vision a reality, CLPI’s trainings and resources include a dual focus on organizational capacity and strategy.

Recent reports from the IRS and others show that nonprofits increasingly participate in the public policy process. The Strengthening Nonprofit Advocacy Project (SNAP), a collaborative research effort conducted by CLPI, Tufts University, and OMB Watch in 2000, also showed an increase in participation. This study, which included a survey of more than 1,700 nonprofits, reported that roughly three out of four nonprofits said they have engaged in key types of public policy activity—such as direct or grassroots lobbying or testifying at a legislative or administrative hearing—at least once.

However, SNAP also reported that the frequency of policy participation by nonprofits is generally low—not enough for deep or lasting impact on the local, state, and federal policies that affect the communities and constituents that nonprofits serve. Nonprofits reported that their top three barriers to policy participation are:

- Limited financial resources,
- Confusion regarding the law, and
- Limited staff or volunteer skills.

Clearly, nonprofits need greater capacity to engage in the public policy process in a meaningful way, particularly through legislative advocacy. Based on our experience training nonprofits as well as systematic evaluation, CLPI has identified four key components of organizational capacity and four considerations for developing a legislative advocacy strategy. The remainder of this resource and discussion guide addresses these components and considerations.

### ORGANIZATIONAL CAPACITY

#### 1 WILL (OR MOTIVATION)

- Understanding why legislative advocacy is important to meeting the mission
- Commitment to advocacy as a core activity

#### 2 KNOWLEDGE AND SKILLS (OR UNDERSTANDING)

- Rules (laws, regulations) governing nonprofit advocacy
- Legislative processes
- Rules for funding legislative advocacy
- Key policy issues related to mission
- Strategy options

#### 3 INFRASTRUCTURE

- Organizational policy on legislative advocacy activities/public policy engagement
- Governance structure for public policy engagement
- Decision-making process for public policy engagement
- Policy agenda
- Communications and tracking systems

#### 4 RESOURCES

- Financial resources
- Dedicated or designated staff
- Relationships with policymakers, government agencies, base constituencies, media, the public, other nonprofits, coalitions/alliances, etc.

### STRATEGY

#### 1 PLANNING GOALS AND EVALUATION OUTCOMES

#### 2 DECISION-MAKERS AND OPPONENTS

#### 3 MESSAGES AND MESSENGERS

#### 4 TACTICS AND ACTIVITIES



# CLPI ROAD MAP FOR ENGAGEMENT IN LEGISLATIVE ADVOCACY

## ORGANIZATIONAL CAPACITY

### DOES YOUR ORGANIZATION...

#### WILL

- 1) Understand **why** legislative advocacy is important to meeting your mission?
- 2) Have a **commitment** to advocacy?

#### KNOWLEDGE/SKILLS

- 3) Understand the **rules** governing nonprofit advocacy?
- 4) Understand **legislative processes**?
- 5) Understand rules for **funding** advocacy?
- 6) Understand key **policy issues** related to your mission?
- 7) Understand **strategy** options?

#### INFRASTRUCTURE

- 8) Have a **policy** on advocacy activities/or public policy engagement?
- 9) Have a **governance** structure for advocacy?
- 10) Have a **decision-making** process for advocacy?
- 11) Have a policy **agenda**?
- 12) Have **communications & tracking** systems?

#### RESOURCES

- 13) Have **financial resources** devoted to advocacy?
- 14) Have dedicated/designated **staff** for advocacy?
- 15) Have **relationships** with:

<ul style="list-style-type: none"> <li>• Policymakers</li> <li>• Government Agencies</li> <li>• Base Constituencies</li> <li>• Media</li> </ul>	<ul style="list-style-type: none"> <li>• Public</li> <li>• Other Nonprofits</li> <li>• Coalitions/Alliances</li> <li>• Other</li> </ul>
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## STRATEGY

### GOALS/OUTCOMES

Long-term  
Intermediate  
Short-term

### PUBLIC POLICY

### ORGANIZATIONAL

### DECISION-MAKERS

Who are the Decisions-Maker(s)?

Message(s) to Decision-Maker(s):

Messengers:

- Who
- Internal Message(s) to engage them

Tactics/Activities:

Direct Lobbying	Grassroots Lobbying
Admin. Advocacy	Grassroots Organizing
Coalitions/Alliances	Voter Education
Media	Other

### OPPONENT(S)

Who are your Opponent(s)?

Message(s)  
of Opponent(s)

Messenger(s)

Tactics/Activities

### EVALUATION

Indicators

Tools

### PUBLIC POLICY

### ORGANIZATIONAL



# THE POWER OF SPEAKING OUT

**Nonprofit organizations—with their millions of board members and volunteers—have enormous potential to improve this country’s laws and, by doing so, to improve the lives of the people they serve.**

Nonprofits can do this by speaking up and advocating for the people and causes they want to help. Time after time, when nonprofits have done this, they have had an extraordinary impact. For example:

- **Tens of thousands of lives have been saved by passing laws that improve car safety and reduce drunk driving.**
- **Hunger and disease for millions of children have been reduced by passing laws that advance public health as well as food and immunization programs.**
- **Millions of lives have been saved by disease treatment, including heart disease, cancer, Alzheimer’s, and so on, because of laws passed to fund research.**

Despite all this success and potential, tens of thousands of nonprofits avoid legislative advocacy. Only about one percent of the more than 800,000 public charities registered with the IRS in 2004 reported any lobbying expenditures. Many think it is illegal. They worry that the IRS will take away their tax exemption. They fear

that donors will withdraw their funding. And, they think that trying to influence legislation is just not something that nonprofits should do.

Lobbying and other forms of legislative advocacy are crucial ways to give a voice to people and causes that are often neglected—and they can be a nonprofit’s most effective service. Many argue that nonprofits not only have a right to help shape legislation, but also a responsibility to do so.

We hope this resource and discussion guide will help people involved with nonprofits—including board members, volunteers, staff, and funders—learn more about legislative advocacy, and lobbying as a particular activity, and the role they should play in their organizations’ work.

We are not trying to convince you to do legislative advocacy at the expense of your other work. We would like you to see legislative advocacy as one key element of your work, one that can make all of your work more effective, just as effective fundraising advances all of your work.

The question is not, “Should we provide services or do legislative advocacy?” Instead, we hope you will ask:

- **How can legislative advocacy contribute to our organization’s mission?**
- **How can legislative advocacy expand our services and make them more effective?**
- **How can telling policymakers and the public about our cause enhance other parts of our organization’s efforts, such as fundraising?**
- **What is the right balance among services, legislative advocacy, and other activities for our organization?**

Organizations that find this balance—between legislative advocacy and providing services—are the most effective advocates. They have the first-hand experience and knowledge that are so valuable when educating policymakers, and they have the potential to make a lasting difference for their community and their cause. ♦

**LOBBYING AND OTHER FORMS OF LEGISLATIVE ADVOCACY ARE CRUCIAL WAYS TO GIVE A VOICE TO PEOPLE AND CAUSES THAT ARE OFTEN NEGLECTED.**



## >> LEGISLATIVE ADVOCACY IS THE RIGHT THING TO DO!

Many people believe that even if it's legal for nonprofits to influence legislation, it isn't the right thing for them to do. Many nonprofits believe that their organization's role should be to do things such as feed the hungry, provide health care, build low-cost housing, run recreation programs, or buy and preserve land.

Without question, all these activities are important for nonprofits to do. For example, Mothers Against Drunk Driving (MADD) provides many services to the victims of crashes caused by drunk driving. "We go to court with them, provide resources, help them get counseling," explained Wendy Hamilton, former National President.

But as important as these services are to individual families, they don't attack the cause of these tragedies: drunk driving. That is why MADD also has worked

to change laws: helping raise the legal drinking age, lowering the amount of alcohol drivers can have in their bloodstream, prohibiting young people from driving with any alcohol in their bloodstream, getting bars to close earlier, and much more.

As a result, MADD has helped bring about a dramatic change in attitudes about drinking and driving. This change in attitudes led to changes in laws. MADD's lobbying has resulted in the passage of thousands of federal and state anti-drunk driving laws. MADD recently celebrated its 25th anniversary with the good news that since its inception in 1980, there has been a 44 percent reduction in alcohol-related traffic deaths and more than 300,000 lives have been saved, due in large part to MADD's efforts.

Sometimes, providing services and operating programs is not enough. Sometimes, lobbying for the people or causes you are serving can be a nonprofit's most important service. ♦

## >> THROUGH LEGISLATIVE ADVOCACY, NONPROFITS CAN MAKE A DIFFERENCE!

Many of us today think, "You can't fight city hall," or, "Money talks." Without question, money is important in legislative advocacy, but it isn't everything. Talk to politicians and their staff and they all will tell you that what really gets their attention is a flood of personal letters, calls, and visits from constituents who are directly affected by an issue.

Twenty years ago, two women who had lost children to drunk drivers started MADD. The crucial first step in advocacy, former National President Wendy Hamilton believes, is overcoming fear. "You have to give up your

fear. When we first started doing public policy, we were afraid to pick up the phone and make that call to the legislator." Countless others have overcome that fear and become advocates for change. The courageous leadership of a few can make an incredible difference for many!

"Nonprofits are terrific at lobbying. We have a personal story to tell about our experiences that can educate legislators. We have the experience. We have the passion. We just need to do it," Hamilton says.

Because nonprofits often have so many connections to people—board members, volunteers, supporters, clients, parents, residents—they have the potential to generate a huge grassroots response on an issue. ♦

# INVESTING IN LEGISLATIVE ADVOCACY PAYS OFF!

Legislative advocacy requires some investment, at least of time, often of money. Investing even modest resources in legislative advocacy can bring an enormous payoff. Consider these examples:

## Nonprofit/Government Partnerships

In November 2001, the Minnesota Commissioner of Finance issued a letter directing all state agencies to immediately freeze any new grant agreements. Although the motivation was to preserve the state's options for responding to the state's expected deficit, the effect was to freeze \$200 million in funding going to nonprofits serving extremely vulnerable populations.

Deeply concerned that the historic partnership between government, nonprofits, and philanthropy might be in jeopardy, the Minnesota Council of Nonprofits (MCN) initiated a campaign, "Think Twice Before You Cut Nonprofits," to create awareness about the problem and inspire action by the public. The Minneapolis Foundation provided support and collaborated in the effort. Due to a sophisticated public policy infrastructure already in place at MCN, the

organization was able to quickly mobilize its members to talk to their legislators about how this would affect the state's most vulnerable populations. MCN launched an ad campaign that resulted in extensive media coverage. MCN also developed Principles for State Fiscal Decisions, recommending how budget decisions should be made, with a focus on finding a combination of spending cuts and tax increases.

In the end, the Minnesota House and Senate issued a budget plan that did not target the nonprofits and the vulnerable groups they serve. Even though the Governor vetoed the budget, there was enough momentum for the House and Senate to override the veto. The added success was a national model developed for use in other states, an increased capacity by the nonprofit sector in Minnesota to respond to such crises, and a legislature that is better informed about the importance of nonprofit/government partnerships. ♦

**"IT SHOWS THAT ONE LEGISLATOR WITH A GENUINE CONCERN AND COMMITMENT CAN MAKE A HUGE DIFFERENCE, ESPECIALLY WHEN ARMED WITH GOOD DATA TO MAKE HIS CASE."**

## Civic Education

In 2003, the North Carolina Civic Education Consortium, a non-partisan coalition of more than 190 nonprofits, state and local governments, educational organizations, foundations, and the legal profession, was successful in passing civic legislation in just one session (instead of the several years it usually takes in most state legislatures). The provisions of the legislation included backing for stronger student councils, consistent exposure to interactive current events discussion in all middle and high schools, and increased school-based service opportunities for students, as well as funding necessary to implement several provisions of the bill.

A number of advocacy strategies contributed to the success of the bill, including finding one senator who had a lifelong interest in civic affairs to introduce the bill; gaining the support of numerous partners, especially foundations that were willing to support an advocacy effort; and releasing during the legislative session the Consortium's Civic Index, a statewide study of civic competencies. The Consortium sent a copy of the Civic Index to all state legislators, noting the dismal results on a question directly related to public understanding of the state legislature's responsibilities.

According to former Consortium director Debra Henzey, "We never expected to see this legislation passed as part of a very controversial and time-pressured budget bill. However, it shows that one legislator with a genuine concern and commitment, like Senator Queen, can make a huge difference, especially when armed with good data to make his case and a broad-based consortium of interested and involved groups behind him." ♦

## Child Support

A crucial reason so many single mothers find themselves in poverty is that they never receive the child support that the fathers are supposed to provide. A food pantry can help these families get through each month without going hungry. But if a way could be found to make sure that more fathers pay child support, that family may not need a food pantry.

Frustrated by her state's ineffective child support enforcement system, Geraldine Jensen got together with a few other mothers and began the Association for Children for Enforcement of Support, or ACES, in 1984. The organization now has 165 chapters in 45

states. It was instrumental in getting Congress to pass strong enforcement tools in 1996, such as withholding tax refunds from parents who refuse to pay child support.

A 1999 ACES survey showed that 77 percent of the families who contacted ACES for assistance successfully collected child support—an average of \$4,500 per year, surpassing the average annual welfare benefit of \$3,462 for a family of three. When child support payments were joined with available income, 88 percent of those previously dependent on welfare became self-sufficient. Overall, child support collections doubled between 1992 and 1999. The number of families receiving support went up nearly 50 percent. ♦

## Mississippi Health Advocacy Program

In May 2004, Mississippi Governor Haley Barbour made draconian cuts in Medicaid—the deepest cuts ever made anywhere in the US—affecting 65,000 low-income senior citizens and people with disabilities. Affected citizens received a letter in the mail informing them that they had lost their Medicaid coverage because their income exceeded the new limits, which had been reduced from \$12,600 per year to \$6,800 per year. “In other words, if you make more than \$564 a month, you're out of luck,” noted commentator Bill Moyers in his PBS coverage of the Mississippi Medicaid cuts.

For many of the affected people, it was a matter of making choices between eating or getting needed medications and medical care—like Traci Alsup, a 36-year-old mother of three who was left a quadriplegic after a car accident.

The Mississippi Health Advocacy Program (MHAP), a public interest advocacy organization that improves health policies, practices, and funding for children and families in Mississippi, was bombarded with calls from affected citizens and stepped in immediately to lead a coordinated ef-

fort to fight the cuts. A series of public forums were held where those affected by the cuts were given an opportunity to voice their concerns to state and local policymakers.

Through the efforts of MHAP and other groups, on October 1, 2004, a U.S. District Court handed down a court order to reinstate Medicaid coverage for affected recipients. Ongoing efforts led by MHAP to address the state's healthcare funding shortage long-term are to raise the state's cigarette tax, which is 18 cents per pack, compared to a national average of 84 cents per pack.

Since its inception, MHAP has effectively built partnerships between community-based organizations that work together on issues affecting low-income families. By informing low-income populations about policy proposals and encouraging them to become involved by sharing stories of their experiences with legislators and public administrators, MHAP has effectively impacted the low-income policy agenda. MHAP also has trained partnership members on how to inform the media and get media coverage of their activities. Examples of their success during the Medicaid incident include national press coverage by *The New York Times*, *The Wall Street Journal*, and Bill Moyers of PBS. ♦

## Youth Violence Prevention

Foundations can substantially increase the impact of their grant dollars by funding groups that advocate in the public policy arena. The multiplier effect of providing grant funds to groups that lobby very often results in the delivery of much more service than the same amount of money granted for funding direct services.

For example, the California Wellness Foundation supported groups to prevent youth violence, a major public health problem in California. Youths between the ages of 12 and 17 are nearly three times more likely than adults to be victims of serious violent crime. More than 300 California youth are lost each year to assault and suicide, making violence the number one killer of kids. Beginning in 1992, the Foundation has funded groups advocating the reduction of youth access to firearms and more funding for youth violence prevention programs.

Since then, the number of firearm deaths in California has dropped dramatically (48 percent over the past decade) and the California state legislature has dramatically increased funding for youth crime and violence prevention—from a mere \$2 million in 1992 to a current level of \$116 million for violence prevention programs and \$121 million for after-school programs. The Foundation also supports an ongoing public education campaign, “Choices for Youth.” In addition, many new alliances and public/private partnerships have formed at the local level to support this issue. “Keeping these programs and policies in place is necessary if we are to keep our youth safe,” said Gary L. Yates, California Wellness Foundation President and CEO. “It is literally a matter of life and death.” ♦

## >> NONPROFIT ENGAGEMENT IN LEGISLATIVE ADVOCACY—INCLUDING LOBBYING—ADDS VALUE TO THE PUBLIC POLICY PROCESS

As a nonprofit, your primary responsibility is your constituency and cause. To determine how best to meet your responsibility, ask yourself at least two questions:

- What do our constituencies or causes most need?
- What is the most effective way of meeting these needs?

Sometimes the answer may be to provide a service. Sometimes it may be to lobby a local government agency or another organization with resources to start, improve, or fund the service. Or sometimes it may be to advocate for a policy change that addresses the root cause of a problem, thus eliminating the need for the service.

Often, the answer may be all of these things and more. The key is asking the questions and being open to the possibility that the answer may involve lobbying as well as other forms of legislative advocacy.

If you don't give an organized voice to the people you are helping, if you don't make their needs known, who will?

Jon Pratt, Executive Director of the Minnesota Council of Nonprofits, which fought off a proposed \$200 million cut in support for health and human services in 2002, comments on the importance of having a voice:

“We found if you weren't at the table, you were on the table when it came to welfare reform. Decisions will be made with or without our information. Which do we prefer?”

Indeed, our democratic system needs to hear the voices and experiences of people who are seldom heard.

Policymakers need to know what it is like to care for someone with Alzheimer's disease day after day, year after year. They need to know what it is like to see the ravages of lung cancer caused by smoking. Personal stories like these can make problems real. They can suggest policies that could help. Policymakers learn from and remember stories.

The impact of personal stories on legislators can be profound. John Porter, former U.S. Representative from Illinois, who chaired the House committee

“WE FOUND IF YOU WEREN'T AT THE TABLE, YOU WERE ON THE TABLE. DECISIONS WILL BE MADE WITH OR WITHOUT OUR INFORMATION. WHICH DO WE PREFER?”

that appropriates money for health research, says he became an advocate for research funding because of the stories of people who testified before his committee. In particular he remembers a woman whose husband had Alzheimer's disease and no longer knew who his wife was. He also vividly remembers a mother who brought two children afflicted with Huntington's disease, which is inevitably fatal.

“When you see people like these,” Rep. Porter said, “and you go out and see what the scientists at the National Institutes of Health are doing, you can't help but think that medical research is the best money the federal government spends on anything.” In 1998, Porter helped boost NIH's budget by 14.6 percent, adding tens of millions of dollars to the search for cures and treatments of many dreaded diseases.

Policymakers also need to hear from charitable organizations that are working directly with people in need. Such groups often have the in-depth understanding of a problem that comes only through experience. Lobbying is not only a way to change laws, but also a very important way to educate both policymakers and the public.

In addition, nonprofit lobbying also helps counter the negative image lobbying has today as a result of corporate interests and big money. Yes, money plays a

huge role in lobbying today. Still, lobbying is at the very heart of our democratic system. It is our alternative to tyranny or revolution. It has helped keep our democratic system evolving over more than two centuries.

When people come together to lobby for a cause, the act of lobbying becomes something to celebrate rather than disdain, an ethical act, an act of public interest. ♦

# TEN REASONS

For many of us, lobbying is something other people do—people who wear fancy clothes and buy politicians lunch at expensive restaurants. But lobbying is something that anyone can do. And it is something all of us should do if we believe in a good cause and in a democratic form of government. Here are ten reasons why:

## **1 YOU CAN MAKE A DIFFERENCE.**

It takes one person to initiate change. See the story of Gerry Jensen on page 12, a single mother who helped build the Association for Children for Enforcement of Support, which has helped change child support laws across the country. One person—a single mother—made the difference.

## **2 PEOPLE WORKING TOGETHER CAN MAKE A DIFFERENCE.**

Mothers Against Drunk Driving convinced dozens of states to toughen up their drunk driving laws. The result: fewer drunk-driving deaths.

## **3 PEOPLE CAN CHANGE LAWS.**

Our history is full of stories of people and groups that fought great odds to make great changes: limits on child labor, public schools, clean air and water, social security. These changes weren't easy to achieve. Some took decades. They all took the active involvement—the lobbying—of people who felt something needed to be changed.

## **4 LOBBYING HELPS FIND REAL SOLUTIONS.**

Services provided directly to people in need, such as soup kitchens, emergency health clinics, and homeless shelters, are essential. But sometimes it's not enough. People thinking creatively and asking their elected officials for support can generate innovative solutions that overcome the root cause of a problem.

# TO LOBBY FOR YOUR CAUSE

## 5 POLICYMAKERS NEED YOUR EXPERTISE.

Few institutions are closer to the real problems of people than community-based nonprofits. You see problems first-hand. You know the needs. You see what works and what doesn't. You can put a "human face" on problems to make them real to policymakers.

## 6 THE VIEWS OF LOCAL NONPROFITS ARE IMPORTANT.

Increasingly, local governments decide how to spend federal money, giving local nonprofits even more opportunity to have an immediate, concrete impact on people in need.

## 7 LOBBYING IS EASY.

Many of us think lobbying is some mysterious rite that takes years to master. It isn't. You can learn how to lobby—whom to call, when, what to say—in minutes. Later in this guide, you'll learn the straightforward rules your organization needs to follow, as well as strategies to make you effective.

## 8 LOBBYING HELPS PEOPLE.

Some people become concerned that lobbying detracts from their mission, but quite the opposite is true. Everything that goes into a lobbying campaign—the research, the strategy planning, the phone calls and visits—will help fulfill your end goal. Lobbying can enhance your direct service. Lobbying can be your best service.

## 9 LOBBYING ADVANCES YOUR CAUSE AND BUILDS PUBLIC TRUST.

By increasing your visibility and strengthening relationships with government officials, lobbying can help you build public trust and support—essential to achieving your organization's mission.

## 10 LOBBYING IS A DEMOCRATIC TRADITION.

The act of telling our policymakers how to write and change our laws is at the very heart of our democratic system. Lobbying has helped to keep America's democracy robust for more than two centuries.



# KNOW THE RULES. USE YOUR VOICE.

A surprising number of people think that nonprofits cannot lobby. This is simply not true. Nonprofits are vehicles for democratic participation and have always had the right to lobby. In 1976, Congress affirmed this right by passing a law that gave nonprofits clear and broad latitude to lobby. When the legislation was passed, Sen. Robert Dole proclaimed, “Charities can be and should be important sources of information on legislative issues.”

This guide covers the basics of the legal issues governing nonprofit advocacy and lobbying. Be sure to consult an attorney for advice specific to your nonprofit’s circumstances and state.

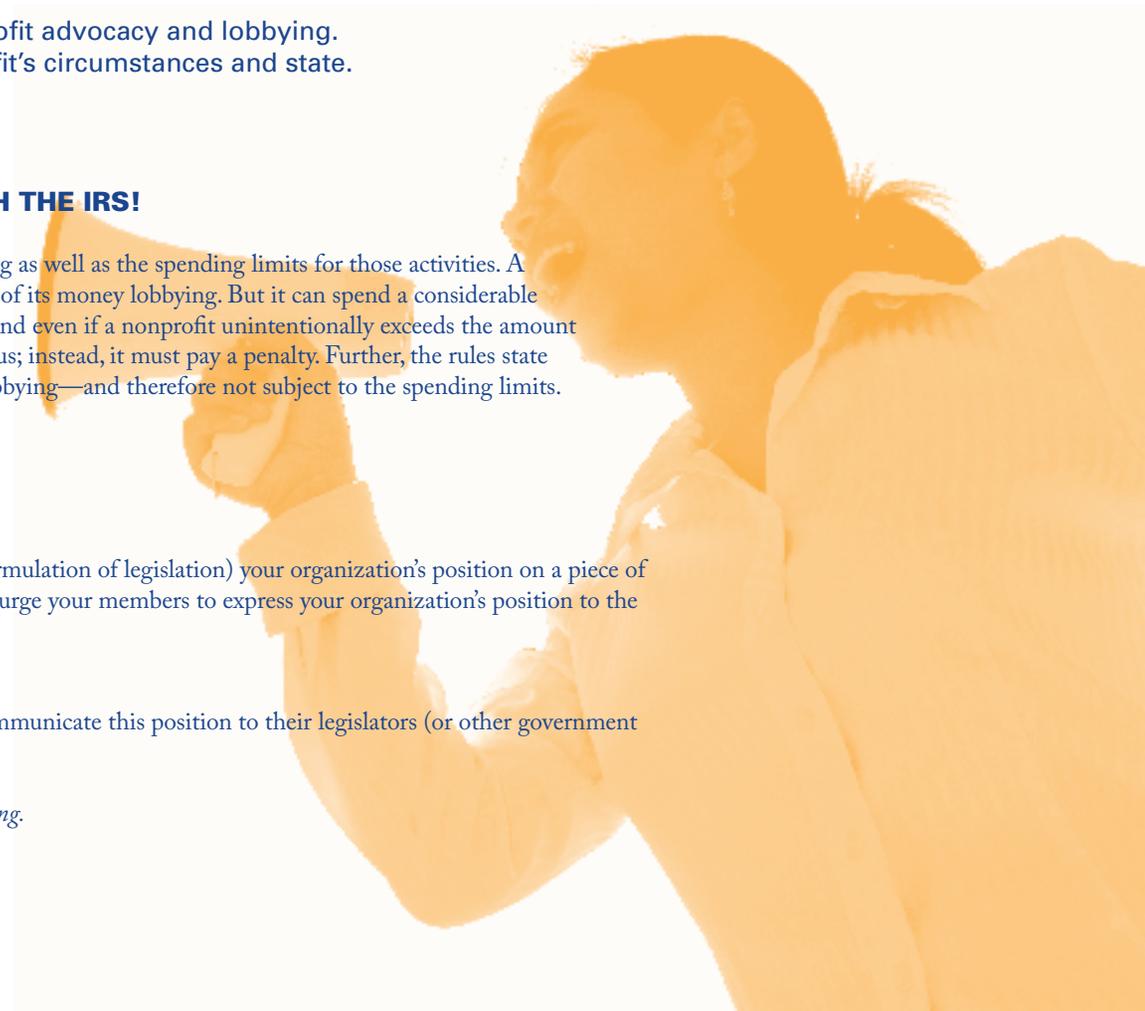
## >> LOBBYING BY NONPROFITS IS LEGAL AND OKAY WITH THE IRS!

Regulations issued by the IRS in 1990 confirm which activities constitute lobbying as well as the spending limits for those activities. A nonprofit that elects to be covered by the 1976 law cannot spend all or even most of its money lobbying. But it can spend a considerable amount, up to \$1 million a year for a large nonprofit (see the chart on page 18). And even if a nonprofit unintentionally exceeds the amount it may spend on lobbying in one year, it will not lose its 501(c)(3) tax-exempt status; instead, it must pay a penalty. Further, the rules state that many activities that might influence public policy are not even considered lobbying—and therefore not subject to the spending limits.

### What your nonprofit can do:

- **Direct lobbying**  
You can tell legislators (or other government officials who participate in the formulation of legislation) your organization’s position on a piece of legislation and/or urge them to support or oppose the legislation. You can also urge your members to express your organization’s position to the legislators.
- **Grassroots lobbying**  
You can tell the general public your position on legislation and ask them to communicate this position to their legislators (or other government officials who participate in the formulation of legislation).

*The chart on page 18 spells out the amount you can spend on direct and grassroots lobbying.*



## >> MORE PUBLIC POLICY ACTIVITIES YOUR NONPROFIT CAN DO

In addition to direct and grassroots lobbying, nonprofits that elect to come under the 1976 law can do many things that might influence public policy but are not considered lobbying and thus not subject to these limits. For example:

- Contacting government officials or legislators to try to change *regulations* (as opposed to laws).
- Communicating with your members about legislation—even taking a position on that legislation—as long as your communication does not directly ask your members or others to lobby.
- Testifying on legislation at a hearing, as long as the legislative body asked your organization, in writing, for its technical advice.
- Discussing broad social or economic issues—the need to do something about drunk driving, or the need to invest more money in finding a cure for Alzheimer’s disease, for example—as long as you don’t take a position on specific legislation.
- Making available results of non-partisan analysis, study, or research on a legislative issue—even if you take direct positions on the merits of specific legislation—as long as there is a sufficiently full and fair exposition of the pertinent facts that allows the public or an individual to form an independent opinion, and as long as the paper or materials do not directly encourage the recipient to take action or contact their legislators.
- Conducting self-defense activity—lobbying legislators about your nonprofit’s own existence, powers, or tax-exempt status. It would become lobbying if you ask the general public for support. Note: Lobbying for your nonprofit’s inclusion in a government budget is not self-defense—and thus it is lobbying and subject to the spending limits.

Furthermore, to constitute lobbying, a nonprofit must spend money on an activity. If a nonprofit’s volunteers organize a large rally at the state Capitol to call attention to an issue, only the amount spent by the nonprofit on the rally, such as printing a flyer, would count as lobbying. ♦

## >> WHAT YOUR NONPROFIT CANNOT DO

One reason many people think nonprofits cannot lobby is that they confuse lobbying with partisan political activities, such as supporting a candidate, which nonprofits are strictly prohibited from doing.

- **Nonprofits cannot endorse or oppose political candidates nor mobilize supporters to elect or defeat candidates.**
- **Nonprofits cannot align themselves with political parties. Nonprofits cannot contribute to candidates or parties.**

However, even during election seasons, nonprofits can do certain activities. Your nonprofit can educate voters about important issues, thus possibly influencing a campaign’s issues. You can register voters and urge them to vote. ♦



## LOBBYING CEILINGS UNDER THE 1976 LAW

If Your Total Budget for Exempt Purpose Expenditures Is...	Then, Your Total Ceiling For All Lobbying Activities Is...	And Your Grassroots Lobbying Ceiling Is... (one quarter of total ceiling)
Up to \$500,000	20%	5%
\$500,000 to \$1,000,000	\$100,000 + 15% of excess over \$500,000	\$25,000 + 3.75% of excess over \$500,000
\$1,000,000 to \$1,500,000	\$175,000 + 10% of excess over \$1,000,000	\$43,750 + 2.5% of excess over \$1,000,000
\$1,500,000 to \$17,000,000	\$225,000 + 5% of excess over \$1,500,000	\$56,250 + 1.25% of excess over \$1,500,000
Over \$17,000,000	\$1,000,000	\$250,000

### >> A NOTE ABOUT INITIATIVES AND REFERENDA

Communicating to the public about an initiative or referendum is treated as direct lobbying, not grassroots. Under the 1976 lobby law, IRS regulations recognize that in referenda, initiatives, and similar procedures, the public itself is the legislature. Thus, communicating with the public in these situations constitutes direct lobbying. Since the spending ceiling for direct lobbying is four times as much as the ceiling on grassroots lobbying, referenda and initiatives provide a key opportunity for nonprofit lobbying. ♦

### >> YOUR NONPROFIT MUST “ELECT” TO BE COVERED BY THESE CLEAR AND GENEROUS IRS RULES

All of these guidelines about nonprofit lobbying apply only to nonprofits that have elected to be covered by these regulations and by the lobbying law passed in 1976. This is often called “taking the 501(h) election.” Nonprofits can elect by filling out a simple, one-page form (IRS Form 5768, available on the following page) and sending it to the IRS. You only need to fill out the form once; it stays in effect unless you choose to revoke the election, using the same form. Electing nonprofits report their lobbying expenditures annually through the Form 990.

If a nonprofit does not elect to come under these rules, it can still lobby. However, its lobbying activities are governed according to the “insubstantial part” test, with vague definitions and no clear limits. If your nonprofit does not elect to be covered by the new rules, it can still lobby, but it cannot be certain how much lobbying it can do.

A June 2000 letter from the IRS to CLPI affirms the definitions of lobbying and generous spending limits (download the letter at [www.clpi.org](http://www.clpi.org)). The letter also clearly states that nonprofits making the 501(h) election do not increase their risk of an audit. In fact, if your nonprofit ever finds itself in an IRS audit, it would benefit from the clear definitions and spending limits that come along with the 501(h) election rather than relying on the subjectivity of the auditor to determine the definition of “substantial.” ♦

**Election/Revocation of Election by an Eligible  
Section 501(c)(3) Organization To Make  
Expenditures To Influence Legislation**

(Under Section 501(h) of the Internal Revenue Code)

For IRS  
Use Only ▶

Name of organization

Employer identification number

Number and street (or P.O. box no., if mail is not delivered to street address)

Room/suite

City, town or post office, and state

ZIP + 4

**1 Election**—As an eligible organization, we hereby elect to have the provisions of section 501(h) of the Code, relating to expenditures to influence legislation, apply to our tax year ending..... and all subsequent tax years until revoked. (Month, day, and year)

**Note:** *This election must be signed and postmarked within the first taxable year to which it applies.*

**2 Revocation**—As an eligible organization, we hereby revoke our election to have the provisions of section 501(h) of the Code, relating to expenditures to influence legislation, apply to our tax year ending..... (Month, day, and year)

**Note:** *This revocation must be signed and postmarked before the first day of the tax year to which it applies.*

Under penalties of perjury, I declare that I am authorized to make this (check applicable box)  election  revocation on behalf of the above named organization.

..... (Signature of officer or trustee)

..... (Type or print name and title)

..... (Date)

**General Instructions**

*Section references are to the Internal Revenue Code.*

Section 501(c)(3) states that an organization exempt under that section will lose its tax-exempt status and its qualification to receive deductible charitable contributions if a substantial part of its activities are carried on to influence legislation. Section 501(h), however, permits certain eligible 501(c)(3) organizations to elect to make limited expenditures to influence legislation. An organization making the election will, however, be subject to an excise tax under section 4911 if it spends more than the amounts permitted by that section. Also, the organization may lose its exempt status if its lobbying expenditures exceed the permitted amounts by more than 50% over a 4-year period. For any tax year in which an election under section 501(h) is report the actual and permitted amounts of its lobbying expenditures and grass roots expenditures (as defined in section 4911(c)) on its annual return required under section 6033. See Schedule A (Form 990 or Form 990-EZ). Each electing member of an affiliated group must report these amounts for both itself and the affiliated group as a whole.

To make or revoke the election, enter the ending date of the tax year to which the election or revocation applies in item **1** or **2**, as applicable, and sign and date the form in the spaces provided.

**Eligible Organizations.**—A section 501(c)(3) organization is permitted to make the election if it is not a disqualified organization (see below) and is described in:

- 1.** Section 170(b)(1)(A)(ii) (relating to educational institutions),
- 2.** Section 170(b)(1)(A)(iii) (relating to hospitals and medical research organizations),
- 3.** Section 170(b)(1)(A)(iv) (relating to organizations supporting government schools),
- 4.** Section 170(b)(1)(A)(v) (relating to organizations publicly supported by charitable contributions),
- 5.** Section 509(a)(2) (relating to organizations publicly supported by admissions, sales, etc.), or
- 6.** Section 509(a)(3) (relating to organizations supporting certain types of public charities other than those section 509(a)(3) organizations that support section 501(c)(4), (5), or (6) organizations).

**Disqualified Organizations.**—The following types of organizations are not permitted to make the election:

- a.** Section 170(b)(1)(A)(i) organizations (relating to churches),

- b.** An integrated auxiliary of a church or of a convention or association of churches, or
- c.** A member of an affiliated group of organizations if one or more members of such group is described in **a** or **b** of this paragraph.

**Affiliated Organizations.**—Organizations are members of an affiliated group of organizations only if **(1)** the governing instrument of one such organization requires it to be bound by the decisions of the other organization on legislative issues, or **(2)** the governing board of one such organization includes persons (i) who are specifically designated representatives of another such organization or are members of the governing board, officers, or paid executive staff members of such other organization, and (ii) who, by aggregating their votes, have sufficient voting power to cause or prevent action on legislative issues by the first such organization. For more details, see section 4911 and section 501(h).

**Note:** *A private foundation (including a private operating foundation) is not an eligible organization.*

**Where To File.**—Mail Form 57668 to the Internal Revenue Service Center, Ogden, UT 84201-0027.



***Kids* COUNT TOO**

## A COMPARISON OF THE RULES FOR NONPROFITS THAT LOBBY

	Nonprofit that takes the 501(h) Election	Nonprofit subject to “insubstantial part” test
What’s considered lobbying?	Clear definitions with specific exclusions for public policy activities that are not considered lobbying and therefore not subject to the spending limits	Not defined and no activities specifically excluded; therefore, a non-electing nonprofit would need to track and account for all public policy activities
Spending limits	Generous and clear—20 percent of first \$500,000 of “exempt purpose expenditures” with decreasing percentages up to a \$1 million cap	Subjective and arbitrary—lobbying cannot be “substantial,” but no established limits and “substantial” is not defined
What’s counted	Only count dollars spent—not volunteer and other cost-free activities	Count volunteer time as well as dollars spent
Recordkeeping and reporting	Document all lobbying expenses; report numbers only on annual Form 990A	Document all lobbying activities and expenses; provide detailed descriptions of the legislative activities and a classified schedule of the expenses paid or incurred on the annual Form 990A
Penalties for exceeding limits	Organization assessed a 25-percent excise tax on excess over limits in a year; no specific liability for officers/directors	Organization assessed a 5-percent excise tax on all lobbying expenses if “substantial lobbying” results in revocation; officers/directors subject to 5 percent if “substantial lobbying” deemed willfully or unreasonably authorized
Revocation of tax exemption	Occurs only if lobbying exceeds 150 percent of limits generally over 4 years	Could happen if “substantial lobbying” occurs in a single year
Risk of audit	No greater risk of audit	No greater risk of audit

### IN A NUTSHELL

Taking the 501(h) election is easy to do and provides many benefits to nonprofits that lobby:

- › Generous and easy-to-calculate spending limits
- › Clear definitions
- › Easy recordkeeping and reporting—track expenditures only
- › No single-year penalty for excessive lobbying
- › Protection for officers and directors
- › No increased risk of audit

## >> ADDITIONAL RULES GOVERNING NONPROFIT LOBBYING

### State Rules

In addition to federal rules, be aware of state requirements that affect your nonprofit. The rules can vary widely from state to state. Contact the state association of nonprofits and/or the state Attorney General and Secretary of State to learn about lobbyist registration and reporting requirements in your particular state.

### Lobbying at the Federal Level

Nonprofits that conduct a high level of lobbying at the federal level should be familiar with the “Lobbying Disclosure Act of 1995.” A summary can be found at [www.clpi.org](http://www.clpi.org).

### Nonprofits Receiving Government Funds

With few exceptions, nonprofits may not lobby with government funds. As a condition of obtaining federal grants, nonprofits must ensure that none of those funds are used for lobbying or political activity as defined by the federal Office of Management and Budget (OMB). These rules are similar to the IRS rules, but have several differences. Note that nonprofits that receive government funding can lobby with their non-government funds. See OMB Circular A-122, Cost Principles for Nonprofit Organizations, available at [www.clpi.org](http://www.clpi.org).

### Election Season Activities

As mentioned above, 501(c)(3) nonprofits cannot endorse, contribute to, coordinate with, or align in any way with candidates or political parties. However, even in elections, nonprofits can participate in many activities including candidate forums, candidate surveys/questionnaires, and non-partisan voter registration. You can learn more from CLPI’s “*Voter Education by Nonprofits During a Political Campaign*” (available at [www.clpi.org](http://www.clpi.org)) as well as the Alliance for Justice’s book *The Rules of the Game: An Election Year Legal Guide for Nonprofit Organizations* ([www.afj.org](http://www.afj.org)).

### 501(c)(4) Nonprofits and PACs

CLPI focuses on 501(c)(3) nonprofit organizations. Different rules apply for 501(c)(4) organizations and political action committees. Contact the Alliance for Justice ([www.afj.org](http://www.afj.org)) and see its publication *The Connection: Strategies for Creating and Operating 501(c)(3)s, 501(c)(4)s, and Political Organizations* for more information.

# KNOW THE LEGISLATIVE PROCESS & PLAYERS

State legislatures generally follow the federal model for considering legislation:

- 1** A bill is introduced in at least one chamber of the legislature.
- 2** It is then assigned to the committee(s) that oversees the issue addressed by the bill.
- 3** Sometimes, a committee refers a bill to a subcommittee for deeper consideration.
- 4** The committee decides whether to approve, amend, defeat, or table a bill.
- 5** If the bill goes forward (in either its original or amended form), the full chamber considers it.
- 6** If both chambers approve the bill, a conference committee works out any differences.
- 7** If both chambers approve the final bill, it goes to the executive (i.e., Governor or President) for signature or veto.

## Once a bill becomes a law,

the executive branch implements it. Nonprofits have additional opportunities to influence how legislation is implemented through administrative advocacy. Remember, for nonprofits that take the 501(h) election, efforts to influence regulations do not constitute lobbying.

In addition to learning the rules and processes for the legislative body that your nonprofit intends to lobby, be aware of the key players in the process:

- **Committee chairs and members**
- **Political caucus leaders**
- **Legislative staff**
- **Government agency staff**

# TAP FUNDING FOR YOUR LEGISLATIVE ADVOCACY EFFORTS

The law allows considerably more latitude to use foundation funds to lobby than commonly understood by many foundations and nonprofits (see the 2004 IRS letter to CLPI at [www.clpi.org](http://www.clpi.org)). Knowing the rules governing foundation support of nonprofit advocacy can help your nonprofit make strategic choices about how to raise funds to support your activities. Know these facts:

- **Use general purpose grant funds from private foundations for lobbying**—While grant funds from a private foundation cannot be earmarked for lobbying, it is perfectly legal for a nonprofit to use unearmarked general support grants to lobby.
- **Use private foundation funds for the non-lobbying portion of a specific project**—A private foundation may make a grant to support a specific project that includes lobbying, as long as the grant is less than or equal to the amount budgeted for the *non-lobbying* parts of the project and the grant is not earmarked for lobbying. For example, if a specific project has a \$200,000 budget, of which \$20,000 is to be spent on lobbying, the private foundation can fund up to \$180,000—the amount of the project that is allocated to non-lobbying uses. In fact, all funders collectively can cover the full budget, as long as no single grant exceeds the non-lobbying portion of the budget.
- **Use community foundation funds that are earmarked for lobbying**—Community foundations are tax exempt under section 501(c)(3) of the

Internal Revenue Code and are not treated as private foundations, so they are permitted the same lobbying latitude as other nonprofits. For example, a community foundation may spend part of its annual expenditures on its own lobbying activities. It may also grant earmarked funds to nonprofits for lobbying up to the limits permitted by law. A community foundation grant, earmarked for lobbying, would count towards the community foundation's own lobbying ceiling as well as towards the nonprofit grantee's ceiling.

- **Use foundation funds for non-lobbying activities that influence public policy**—Nonprofits that have elected to come under the 1976 lobby law can engage in several public policy-related activities that are not considered lobbying (see page 17). These activities can be fully funded by foundations.

- **Nonprofits that receive government funds may lobby so long as they use non-government funds for the lobbying**—Nonprofits may not lobby with government funds. Receiving government funds, however, does not preclude a nonprofit from exercising its legal right to lobby.

**Diversify your funding**—not only to support your legislative advocacy efforts, but also to sustain your organization for the long term. Effective nonprofits do not depend on any one funding stream or source. In addition to tapping foundations, as described above, for your advocacy activities, also develop these sources of unrestricted support for your advocacy efforts:

- **Individual contributions**
- **Earned income** ♦

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## UNDERSTAND KEY POLICY ISSUES RELATED TO YOUR MISSION

Data gathering and analysis are critical in the process of identifying and understanding key policy issues related to your organizational mission. However, every nonprofit does not need to develop a state-of-the-art research capacity. Most importantly, be sure to access and use research to advance internal understanding as well as to make a strong case on your issue to decision-makers.

If research is not the core work of your nonprofit, tap other groups with this expertise. Some sources include government agencies, legislative staff, non-partisan policy research groups, universities, and national organizations with expertise in a particular field. Also, consider working in coalition with other groups that bring this capacity.

# DEVELOP THE INFRASTRUCTURE & RESOURCES TO SUPPORT ENGAGEMENT IN LEGISLATIVE ADVOCACY

In order to effectively engage in legislative advocacy, particularly for the long run, make sure to set the stage with a **policy on advocacy activities**. Be sure to institutionalize your commitment to advocacy with a policy that states your overall policy goals, the kinds of policy activities in which your organization will and will not engage, and how decisions about your advocacy activities will be governed (for example, through a board committee on advocacy—in our experience, getting your board engaged in and properly informed about legislative advocacy can accelerate your organization's efforts.). Also include in the organizational policy how the policy agenda will be set and how decisions will be made on an ongoing basis. You can find sample policies on advocacy activities at [www.clpi.org](http://www.clpi.org).

Once your nonprofit's board has adopted a policy on advocacy activities, you will also need some resources to support your efforts. Note that nonprofits can begin advocacy work without substantial resources. In fact, advocacy can be a natural extension of your fundraising, communications, and even programmatic activities. The following list is a guideline for building organizational capacity.

## COMMUNICATIONS AND TRACKING SYSTEMS

– By definition, advocacy involves reaching people—decision-makers as well as the media, the general public, and your members. Make sure you have clear systems to allow you to communicate efficiently with various audiences. Also make sure you are keeping track of your advocacy activities—with whom you meet, the status of the bills you are watching, communications with members and others. Tracking allows you to build on past efforts and report on them easily. Your tracking systems can be either low- or high-tech—just make sure they are clear, easy to update, and easy to use.

**FINANCIAL RESOURCES** – Diversifying funding is not only good management practice, but also a crucial capacity to engage in legislative advocacy. While you need to allocate some financial resources to advocacy, getting involved in policy

change may actually attract funding. Nonprofits that engage in the public policy process are seen as experts, and many donors and funders are attracted to organizations that are working to address the issues they care about through policy change.

**HUMAN RESOURCES** – Before you think, “legislative advocacy is just one more thing to add to my to-do list,” remember that it can be a natural extension of the work you already do. That funder report or donor letter can be re-worked into a call to action on a policy issue and solution. A programmatic collaboration could expand to include joint advocacy on shared issues.

Often, nonprofits come into the policy arena reactively. By designating someone—either a staff person or volunteer—as your point person on public policy, you immediately increase the likelihood of being



proactive and more strategic about your legislative advocacy efforts. The SNAP research mentioned earlier showed that executive directors alone cannot carry the responsibility for legislative advocacy. An initial investment in developing staff, board, and volunteer capacity can lead to long-term gains.

**RELATIONSHIPS** – Personal relationships are the lifeblood and greatest asset of nonprofits. Take time to identify all of your resources, especially relationships that can be leveraged to advance your legislative advocacy goals. Consider not only who you know directly, but also contacts through your board members or other volunteers. Take stock of current relationships and build relationships strategically with policymakers, government agencies, the media, other nonprofits, and constituents. ♦

# PLAN AND EVALUATE YOUR LEGISLATIVE IMPACT AND BUILD YOUR ORGANIZATIONAL CAPACITY

One obvious and important goal of engaging in legislative advocacy is public policy change that reflects or advances a nonprofit’s mission. Legislative advocacy is both a core and complementary activity for any nonprofit. Indeed, engaging in legislative advocacy can advance all of your work. For example, advocacy and lobbying can:

- **Bring attention to the needs your organization addresses, thus advancing your programmatic goals.**
- **Raise your organization’s visibility with the public, thus complementing your fundraising efforts.**
- **Connect your organization as a credible resource to the media, thus providing an opportunity to build support for your organization and cause.**

Include this more multi-faceted perspective in your planning efforts—i.e., consider both your public policy goals and your organizational goals related to your engagement in legislative advocacy. Similarly, when evaluating the results of advocacy efforts, looking only at what happens to a specific piece of legislation is overly simplistic and misses other—perhaps more important—outcomes that advance your organization’s public policy goals and overall capacity.

A simple tool like the following can help your nonprofit plan for, evaluate, and leverage the full impact of your legislative advocacy efforts. These changes can take place not only for your specific organization, but also for the coalitions in which you work and the community you serve. Focus on *progress* at multiple levels, not just policy success.

CHANGE in...	Organization	Coalition	Community
Knowledge			
Attitudes			
Skills			
Relationships			
Influence			
Other Capacity			
Civic/Democratic Participation			
Policy <ul style="list-style-type: none"> <li>• Short-term</li> <li>• Long-term</li> </ul>			

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For example, engaging in legislative advocacy can lead to important changes in:

- **Public awareness, understanding, and support of your cause.**
- **New or strengthened communication and negotiation skills for your volunteers.**
- **Greater strength and diversity of relationships for your organization.**
- **Greater visibility and influence for your coalition.**

# DEVELOP YOUR LEGISLATIVE ADVOCACY STRATEGY

Once you have determined your advocacy goals, you can focus on developing the most effective strategy to achieve those goals. Focus on these elements of a good advocacy strategy:

## >> IDENTIFY DECISION-MAKERS

Who are the people and institutions you need to influence? Who has the formal authority to make decisions on your policy issue? Is your issue governed primarily by the state—and thus is the state legislature your primary target for lobbying efforts? Who in that body has the power to give you what you want—or prevent you from getting what you want?

## >> BE AWARE OF YOUR OPPONENTS

In addition to focusing on what you want to accomplish and who can give it to you, also be aware of your opponents' goals and activities. CLPI Senior Training Consultant Marcia Avner suggests remembering the various messages that intersect in an advocacy campaign:

	About Us	About Our Opponents	About the Issue
What We Say	What we say about ourselves	What we say about our opponents	What we say about the issue
What Our Opponents Say	What our opponents say about us	What our opponents say about themselves	What our opponents say about the issue

## >> ARTICULATE MESSAGES...

To reach these different decision-makers, you will need persuasive messages. Start with one core message and then tailor it to different audiences based on what they are ready to hear, their relationship to you or prior knowledge of your cause, and their self-interest.

## >> AND ENGAGE MESSENGERS

A good message will be useless unless delivered by the right messenger. Once you determine who you want to reach with your message, identify credible sources who can deliver that message to them. Remember to tap your nonprofit's relationships—constituent voices add authenticity to any advocacy campaign and personalize your efforts, while coalition, academic, or government partners can lend statistics and other research to support your cause. ♦

## >> UTILIZE A STRATEGIC MIX OF TACTICS AND ACTIVITIES

Many nonprofits will begin reading this resource guide with the misinformation that nonprofits cannot lobby. By the end of the guide, you might be convinced that you can *only* lobby. Of course, neither is the case. While we hope you are convinced of the importance of lobbying and your ability to do it well, be sure that your legislative advocacy toolkit includes a range of tactics and activities, including:

### Direct Lobbying

To advocate for or against particular legislation. Remember to stay vigilant even after a bill has been passed or defeated.

### Grassroots Lobbying and Organizing

Remember that a nonprofit's power is its people. Engage your constituents and others in your advocacy efforts to show the strength and diversity behind your cause. Engaging the grassroots is the ultimate example of nonprofits as vehicles for democratic participation.

### Administrative Advocacy

Influencing the rules and regulations that shape a law as it is implemented. Many nonprofits put all of their advocacy efforts into the legislative basket—remember that you have tremendous opportunity to shape a law's impact even after it has been passed.

If you supported the law, work with agency officials to make sure it is implemented promptly and as intended. If you opposed the law, work with agency partners to delay implementation and amend it within the legal limits.

### Coalitions and Alliances

Nonprofits do not have to go it alone. Working in coalition offers a way to lend your voice and resources to a cause that reflects your mission, without overextending any one group's resources. It also allows nonprofits to present a unified front, rather than be pitted against each other in policy—and particularly budget—debates.

The most effective coalitions have clear goals and roles, as well as members representing diverse constituents. Remember that working in coalition also requires resources, especially time. But the return on investment can be greater than working alone.

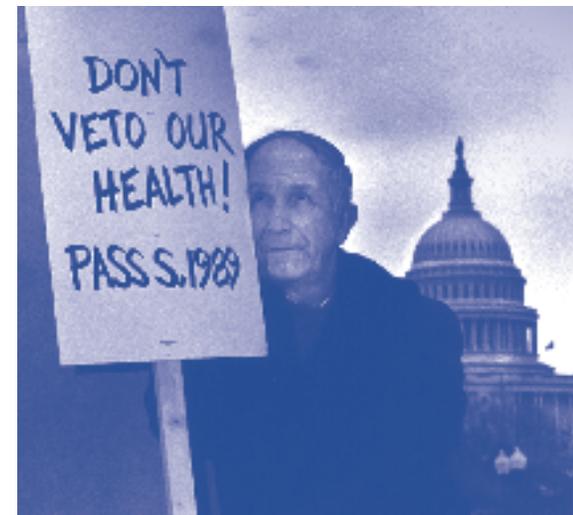
### Media Advocacy

The media (newspapers, radio, TV, Internet, etc.) can be a powerful tool for reaching decision-makers as well as the general public. In this way, the media can help you shape public opinion, which in turn influences policymakers; it can also help you reach and influence policymakers directly.

Nonprofits can generate both free and paid media. If you become a source and help local reporters on their stories when they need you, they will be more likely to cover your story when you need them. Also, write letters to the editor and op-eds to express your view on a key policy issue. When necessary, buy ad space to ensure that your message is included in media outlets that reach your key audiences.

### Voter Education

As part of your grassroots organizing efforts, be sure to regularly inform the public (i.e., voters) about your cause. Informed voters can be your greatest advocates with their elected officials. Also, creating an ongoing relationship with the public, rather than sounding the alarm only when policy issues are “hot,” helps create a culture of engagement in your community and a nest of support for your organization and its mission.



You can find more information as well as links to experts on the above topics at [www.clpi.org](http://www.clpi.org)

# QUESTIONS TO STIMULATE DISCUSSION

Congratulations! You've learned the basics of legislative advocacy—why do it, the legal definitions and limits, how to develop your organizational capacity, and strategies to engage effectively. The following discussion questions can help you share your knowledge with others in your nonprofit organization.

## 1 How do public policies affect our nonprofit's constituents and/or cause?

Government laws, regulations, and funding decisions affect every nonprofit. Some decisions directly relate to the issue or cause that you address—affordable housing, environmental protection, or child welfare, for example. Other decisions affect how your nonprofit operates—nonprofit property or sales tax exemptions, tax deductibility for donations, or your rights to lobby and advocate.

Government funding decisions affect nonprofits both directly and indirectly. About a third of the average nonprofit's budget comes from government support, allowing for a significant direct impact. In addition, government funding decisions affect the demand for nonprofit services. For example, people in need will tap nonprofits to fill the gaps created by decreasing government support for social services.

Nonprofits need to understand how public policies currently shape their programs and operations, as well as the impact of public policy changes. What new or different public policies could help your constituents by addressing the underlying issues they face? What policies would hurt your constituents?

## 2 Is legislative advocacy an appropriate activity for our nonprofit?

Each nonprofit must answer this question for itself. The key is to have an informed discussion based on a full understanding of the legal parameters as well as the capacity required to effectively engage in legislative advocacy.

CLPI believes that most nonprofits, fully informed, will see legislative advocacy as both a core and complementary activity to advance any charitable mission. Further, as vehicles for democratic participation, nonprofits have a unique opportunity—perhaps even a responsibility—to advocate for causes of importance to their community.

Some nonprofits will answer “no” to this question, based on faulty or incomplete information. Share this guide with your colleagues, access more resources at [www.clpi.org](http://www.clpi.org), and consider hosting a CLPI training in your community to dispel the myths.

## 3 What are the risks, if any, for our nonprofit if we lobby? How much lobbying can we do legally?

Despite the perception, nonprofits that lobby face few risks. A law passed by Congress in 1976 makes it clear that nonprofits can lobby. IRS rules clarify how much money a nonprofit can spend on lobbying—20 percent of the first \$500,000 of “exempt purpose expenditures” with decreasing percentages up to a \$1 million cap. And nonprofits that elect to come under the 1976 law can participate in additional activities that influence public policy but are not considered lobbying (and thus can be conducted without limit). In a 2000 letter to CLPI, the IRS stated clearly that lobbying activity would not prompt an audit of a nonprofit (see page 18).

Nonprofits that lobby can raise funds from individual donors, foundations, and the government. In fact, many individual donors are more inclined to support nonprofits that lobby for the people or causes they serve.

## QUESTIONS TO STIMULATE DISCUSSION

### MOST NONPROFITS WILL SEE LEGISLATIVE ADVOCACY AS A WORTHWHILE AND EFFECTIVE WAY TO ADVANCE THEIR MISSION.

#### **4** Should our nonprofit elect to come under the 1976 lobbying law?

Again, each nonprofit must answer this question for itself. The key is to have the discussion and make the decision based on factual information.

For almost all nonprofits, electing to come under the 1976 law—also known as “taking the 501(h) election”—is the smart thing to do. The law makes it clear how much your nonprofit can spend and what actually constitutes “lobbying.” If your nonprofit does not elect, it is subject to a vague rule that says it cannot devote “substantial” resources to lobbying.

Taking the 501(h) election is simple. Once your board makes the decision, your nonprofit files IRS Form 5768 (available in this guide and at [www.clpi.org](http://www.clpi.org)).

#### **5** Does our organization have the resources to engage in legislative advocacy? What could we do even with limited resources?

Many nonprofits struggle to raise the funds to carry out its existing work. How could they also take on legislative advocacy?

The simple answer is that it takes just a few strategic resources, probably less than you think, to engage in legislative advocacy. Download CLPI’s popular “Make a Difference for Your Cause in Three Hours a Week” at [www.clpi.org](http://www.clpi.org).

A few committed board members and other volunteers can form a committee and start the process. Often, staff members attracted to nonprofit work are natural advocates who can devote some of their efforts to legislative advocacy.

#### **6** How does legislative advocacy fit with our other activities, such as providing services, educating the public, raising funds, and managing the organization?

This question can get legislative advocacy “on the table” so it can be seen as one important activity a nonprofit should consider. Properly informed about what the law allows nonprofits to do in the public policy arena, most nonprofits will see legislative advocacy as a worthwhile and effective way to advance their mission.

As mentioned above, legislative advocacy can complement a nonprofit’s other functions. It can help educate people about the nature and scope of the issues a nonprofit addresses. It can help raise a nonprofit’s visibility and help its fundraising. It can help give your nonprofit’s constituents a chance to tell their stories in order to change policies that affect your community.



## LEGISLATIVE ADVOCACY RESOURCES

### >> **Make a Difference for Your Cause: Strategies for Nonprofit Engagement in Legislative Advocacy**

This resource and discussion guide covers the capacity and strategy that nonprofits need in order to engage effectively in legislative advocacy. The success stories show how legislative advocacy has played a crucial role in helping nonprofits achieve their missions, emphasizing the concrete benefits and services that legislative advocacy has generated for nonprofits' constituents and causes.

### >> **CLPI Information Packet**

The packet includes easy to understand "one-pagers" covering the laws related to lobbying, voter education, and how to build a sustainable lobbying component to your organization. Most one-pagers are also available for download at no charge at [www.clpi.org](http://www.clpi.org).

### >> **CLPI Web Site and Online Training Resource Center**

Visit [www.clpi.org](http://www.clpi.org) for extensive information to increase your nonprofit's engagement in legislative advocacy. Register as a CLPI Advocate on the Web site and gain access to CLPI's online Training Resource Center, which offers a wide range of information on nonprofit advocacy and lobbying. The Web site also includes "one-pagers" and tutorials on lobbying strategy and laws, as well as success stories about nonprofits lobbying for their causes.

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## ACKNOWLEDGEMENTS

CLPI would like to thank all those who contributed their hard work in producing this resource and discussion guide. Their commitment to empowering nonprofits to engage in the public policy process moves CLPI forward in fulfilling its mission to promote, support, and protect nonprofit advocacy and lobbying. CLPI would like to thank the following:

### **Gita Gulati-Partee, CLPI Senior Consultant**

Gita works with the CLPI team to weave the CLPI Action Network by cultivating Strategic Partnerships with national infrastructure groups and networks; supporting Training Fellows who extend CLPI's capacity to deliver trainings to nonprofits across the country; co-designing CLPI's annual Network Retreat for strategizing and relationship building; and developing resources on nonprofit advocacy and lobbying. Gita founded and leads the consulting practice OpenSource Leadership Strategies, Inc. ([www.opensourceleadership.com](http://www.opensourceleadership.com)).

### **Sharon Stewart, CLPI Management & Communications Consultant**

Sharon works with the CLPI team to develop and implement management and communications strategies that advance the CLPI mission. Sharon is an independent consultant specializing in project management in the areas of communications and marketing, strategic partnership development, board and committee relations, and event management for nonprofit organizations.

### **Bob Smucker, CLPI Founder**

Bob founded CLPI in 1998 and led the organization until his retirement in 2003. A tireless advocate for mental health and other charitable causes, Bob has dedicated his entire career to making nonprofit advocacy and lobbying “ordinary, not extraordinary.” Bob created the first edition of this guide along with former CLPI Co-Director David Arons and writer Timothy Saasta.

### **Tesia Love, CLPI Director of Communications**

### **Communication Visual, Design and Layout**

Washington, D.C. [www.com-vis.com](http://www.com-vis.com)

### **Photography Credits:**

Jim West, p. 10; Mary Ann Dolcemascolo, p. 15; Rick Reinhard, p. 20; Earl Dotter, p. 28

Finally, we wish to thank Mothers Against Drunk Driving, Minnesota Council of Nonprofits, North Carolina Civic Education Consortium, Association for Children for Enforcement of Support, Mississippi Health Advocacy Program, and California Wellness Foundation for sharing their stories in this guide; Marcia Avner of the Minnesota Council of Nonprofits and Lynda Dunne of Voices for America's Children for reviewing this guide; and the countless nonprofits who make a difference for their cause by engaging in legislative advocacy.





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