



For free coaching about laws impacting nonprofit advocacy: advocacy@afj.org 866.675.6229

For free tools, fact sheets, and publications

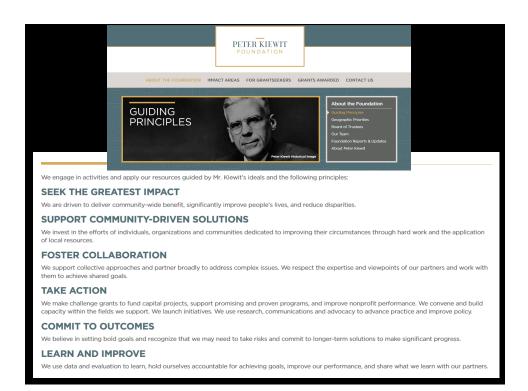


	501(c)(3) Private Foundation	501(c)(3) Public Foundation/ Charity	501(c)(4) 501(c)(5) 501(c)(6)
Examples	Weitz FAMILY	WOMEN'S FUND of OMAHA	CALIFORNIA HEALT CARE FOUNDATION
Tax Treatment	Tax-Exempt Contributions tax-deductible	Tax-Exempt Contributions tax-deductible	Tax-Exempt
Lobbying Activities	EXTREMELY LIMITED Tax on foundation and managers	LIMITED Insubstantial Part or 501(h)	UNLIMITED
Electoral Activities	Cannot support or oppose a candidate for office	Cannot support or oppose a candidate for office	Secondary activity Follow federal and state election law

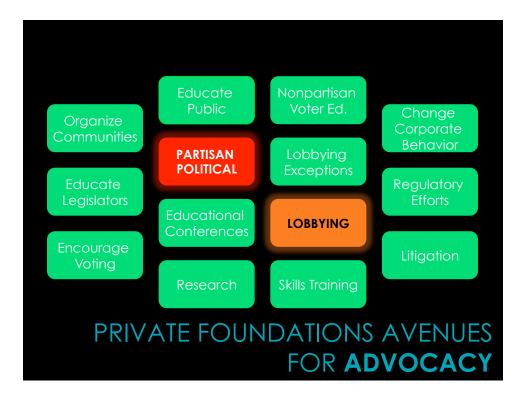


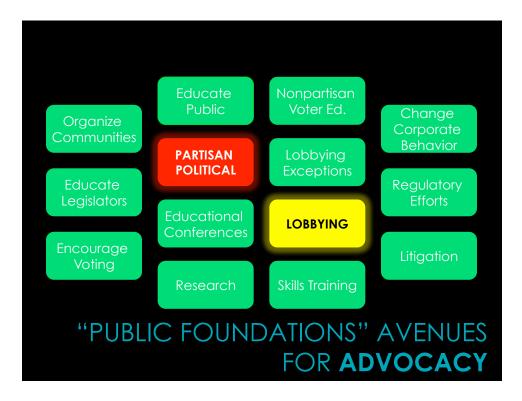
# What motivates you to be an advocate?

- Need for a response to an emergency or disaster
- Desire to maintain a regulation, law, budget allocation, or what is working
- Opposition to something in place or something being proposed
- Aspire to change people's attitudes and actions
- Intent to promote understanding of root causes, to prompt action to prevent a problem from happening



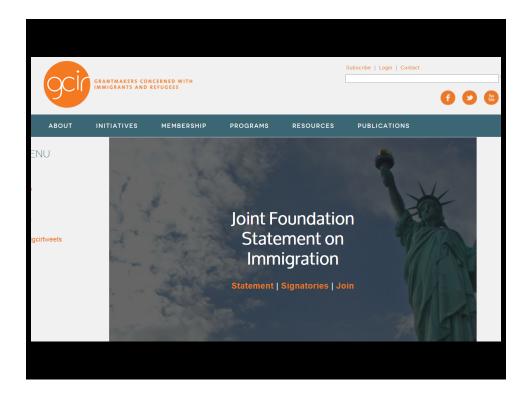


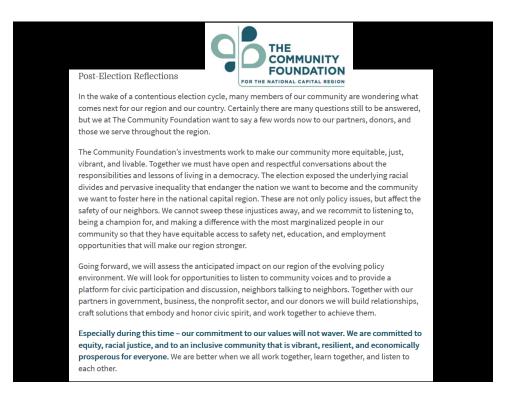






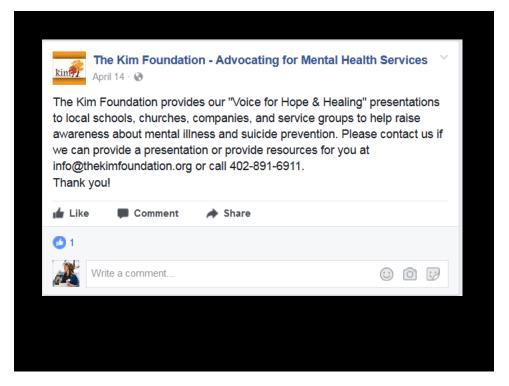


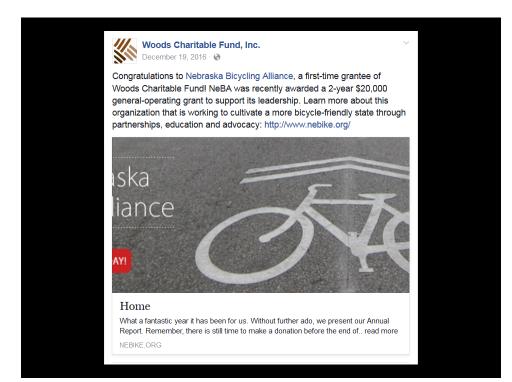


















facilitating to help employers put these retention strategies in action. View the recording. Download the slides.

#### April 25, 2017 Webinar: Philanthropy & Advocacy 101 - Investing in Change

Keely Monroe, Counsel at Alliance for Justice. This web presentation will discuss rules that funders should keep in mind to comply with federal tax law while helping to maximize the effectiveness of their nonprofit grantees' advocacy work. Learn More.

#### More Recent Events...

Please note that Workforce Matters events are reserved for grantmakers representing funding organizations, including private, independent, family, corporate, and operating foundations, corporate giving programs, United Ways, and Individual



# Six steps to advocacy

- 1. Identify your issue and goals
- 2. Be accountable and representative
- 3. Get the facts
- 4. Develop a strategy
- 5. Get to know the decision-makers and their staff
- 6. Broaden your base of support







# HOW MUCH **LOBBYING** FOR PUBLIC CHARITIES?

#### **INSUBSTANTIAL PART TEST**

- What is "insubstantial"?
   Default test
   Activities-based
  - Lobbying not defined
  - . Penalty

or ....



#### 501(h) Expenditure Test

Easy to Opt In -Form 5768

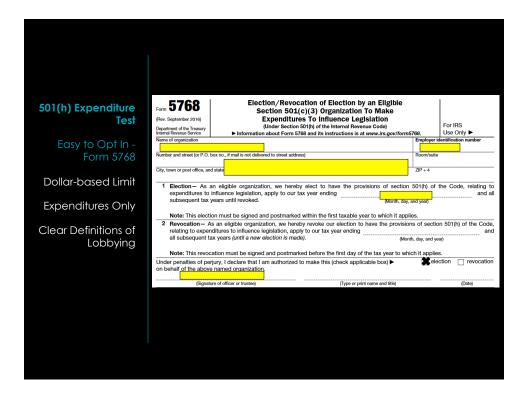
Dollar-based Limit

Expenditures Only

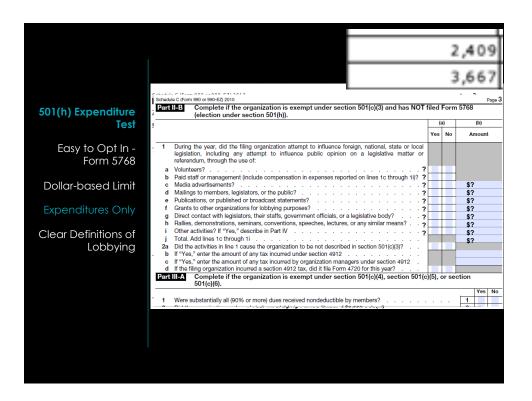
Clear Definitions of Lobbying

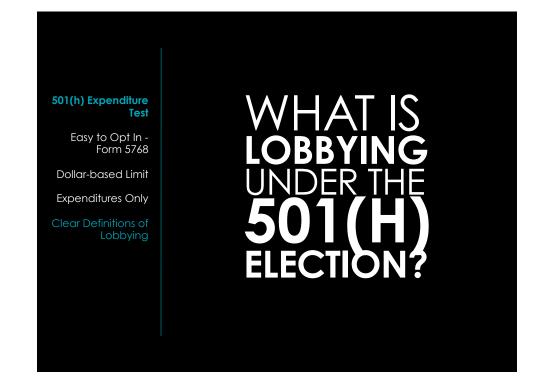
# 501(H) EXPENDITURE TEST!

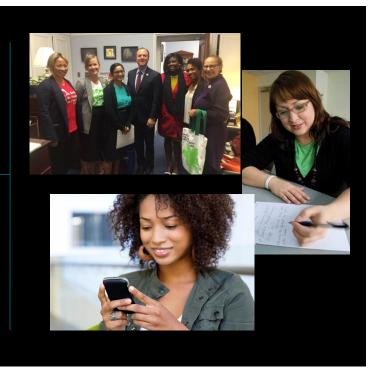
14



1. Calculate c	organization's	<b>Annual Expenditures</b> (for most organizations)
2. Overall lob	bying limit	
ANNUAL \$500,000	EXPENDITURES	OVERALL LOBBYING LIMIT 20%
\$500,000	0 to \$1 million	\$100,000 +15% of excess over \$500,000
\$1 millio	n to \$1.5 million	\$175,000 +10% of excess over \$1 million
\$1.5 mill	ion 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







#### DIRECT

Legislator

Expresses a view about specific legislation

#### GRASSROOTS

Communication

General public

Expresses a view about specific legislation

Call to action

DIRECT

Communication

Expresses a view about specific legislation

GRASSROOTS

Communication

General public

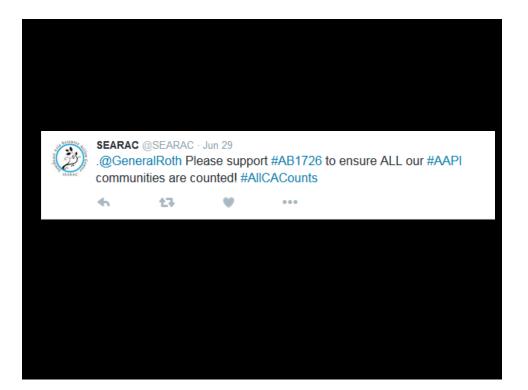
Expresses a view

about specific legislation

Call to action



Supervisors, City Council and staff





#### DIRECT

Communication

#### Legislatc

Expresses a view about specific legislation

#### GRASSROOTS

Communication

General public

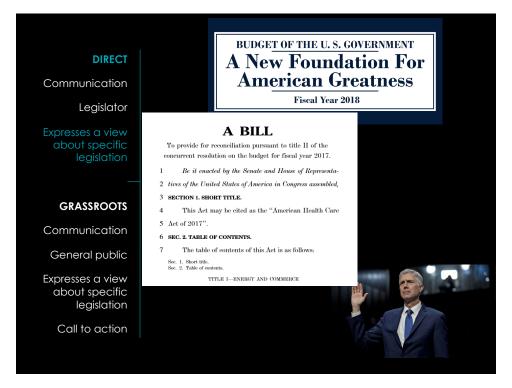
Expresses a view about specific legislation

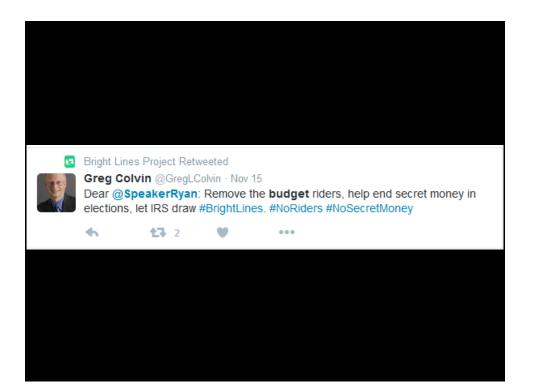
Call to action













#### 

#### Communication

Legislator

DIRECT

Expresses a view about specific legislation

#### GRASSROOTS

Communication

General public

Expresses a view about specific legislation

#### **TELLING TO CONTACT** legislator(s)

**CALL TO ACTION** 

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

#### **PROVIDING MECHANISM**

to enable communication with legislator(s)

# **IDENTIFYING**

legislator(s)

#### DIRECT

Communication

Legislator

Expresses a view about specific legislation

#### GRASSROOTS

Communication

General public

Expresses a view about specific legislation

#### DIRECT

Communication

Legislator

Expresses a view about specific legislation

#### GRASSROOTS

Communication

General public

Expresses a view about specific legislation

Call to action

### WE NEED A BUDGET THAT SUPPORTS HEALTH CARE. FOR ALL.

(f) Share (V) Tweet (D) Forward this email to a friend!

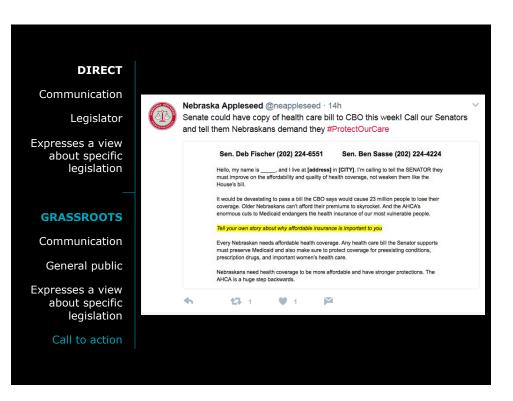
# We're looking at a downright dangerous federal budget for women, children, and families.

This week President Trump released the 2018 budget — his vision for the priorities of the US government. There are billions of dollars set aside for things like tax cuts for the wealthy and the infamous border wall with Mexico.

What Trump's vision does not include: health care, Medicaid, welfare programs, education, nutrition assistance, disability benefits, the list goes on. Who is most harmed as a result of Trump's vision: women, people of color, immigrants, and people struggling to make ends meet.

The new 2018 budget, and the vision it represents, are direct threats to the wellbeing of millions. The time is NOW to ensure that this budget does not receive a vote in Congress.

Tell Congress to Reject Trump's Budget



DIRECT									
communication	NATIONAL WOMEN'S LAWCENTER					(II)	@ (f) @	EMAIL SIGN UP	SEARCH WEBSIT
legislator		STATE BY STATE	BLO	G	PRESS R	100M A	BOUT	() TAKE ACTION	() DONA
expresses a view about specific legislation		Urge	Your Me	mber o		ress to Supp airness Act	oort the Preg	nant Workers	
		employers refus Workers Fairnes	e to give reason	able accomn	nodations to	pregnant workers wh		what happens when for them. The Pregnant their jobs when they need that	
GRASSROOTS		income most. Personalizing th	is message will	add to its imp	oact. Please	take the time to add ;	your thoughts or share	a personal story.	
communication		Take future action Log in or Sign up f	or FastAction.					fastAction 0	
general public			Details	FIRST NAM	2	Messages	3 LAST NAME	Confirmation	
general public		PREFIX (Optio	nai)	FIRST NAM	aE		LAST NAME		
		STREET ADDF	RESS						
expresses a view									
expresses a view about specific legislation		ZIP CODE			CITY		STATE		







All and a second s	re playing politics w	/ women's health. Protect Title X for capwiz.com/aclu/issues/al
<b>6 1</b>	♥ 1 🛛 🍽	
PROTECT CARE FOR 14,50	0 NEBRASKA	NS
Programs like Title X ensure that all women have reduced-fee services to at least a portion of their or provider. Changes to this program hurt low incom	lients. Many patients rel	y on these health centers as their primary health care
Proposals in the state budget seek to unnecessaril proposals put these lifesaving services at unknown		ork of Title X and these clinics. These ill-advised
Tell your state senator: low-income and rural wor and treatment, and birth control. It's about preven		roman exams, lifesaving cancer screenings, STI testinş ıre.
Message Recipients: • Your State Upper Chamber Representatives	Delivery Method: Email	Your Contact Information: This system requires that you provide your name and contact information. This information will not
Subject:		be used for any purpose other than to identify you
Subject: Stop playing politics with women's health		to the recipient.
Stop playing politics with women's health		to the recipient. Prefix (required by some officials)
	essage)	to the recipient. Prefix



#### **URGE CONGRESS TO OPPOSE PRESIDENT TRUMP'S BARRIER TO REFUGEES**

President Trump's executive orders to bar thousands of people, especially Muslims, seeking asylum from religious, political and ethnic persecution are deeply troubling. These policies are fundamentally un-American and violate our Jewish values to welcome the stranger and treat all human beings with respect.

As American Jews, we know all too well how horrible it was for the United States to turn a cold shoulder to persecuted Jews in Europe who sought refuge here during World War II. Unconscionably, we sent them back to their deaths. We cannot allow anything like that to happen again.

Tell Congress that there is no place for religious discrimination against refugees by the leaders of the United States.

#### CONTACT

• Title:

• Required fields

#### MESSAGE

URGENT: Stop Trump's Xenophobia

Dear Members of Congress:

Θ	First	Name:

#### Personalize your message

I urge you to oppose President Trump's executive order that would suspend refugee programs and bar refugees from certain countries entering the U.S., and ensure that funding for all current refugee programs continues.

These policies run counter to the best traditions of the United States of accepting and absorbing waves of immigrants, as well as international human rights law, which was adopted in response to the Holocaust. Recognizing the

a Last Namo

CENTER For Douctive Rights	
llowed. Add your name in support of	ever rule that would make it clear that political attacks on family funding are n this plan.
Contact Information	Message
<ul> <li>Required fields</li> </ul>	Protect family planning
• First Name:	Dear Secretary Burwell,
Keely	I support the proposed rule that would protect patients who rely on
• Last Name:	federal funding for family planningthe program known as Title
Monroe	Xfor basic health care by ensuring they have access to the most
Your Email:	qualified providers.
keely@afj.org	
Address 1:	Personalize your message      The X is a stilled liferation and the structure to the structure of the s
	Title X is a critical, lifesaving program that provides access to cancer screenings, STI testing and treatment, birth control.
	well-woman visits, and more. This is essential care. Many people
• Citv:	mon woman visita, and more. This is essential care, many people
• City:	choose to receive this care from the doctors and nurses they trust
	choose to receive this care from the doctors and nurses they trust at local health centers, like Planned Parenthood. Sometimes these
City: City: State / Province: Choose a State	choose to receive this care from the doctors and nurses they trust
State / Province:	choose to receive this care from the doctors and nurses they trust at local health centers, like Planned Parenthood. Sometimes these clinics are their only option for basic care.
State / Province:     Choose a State	choose to receive this care from the doctors and nurses they trust at local health centers, like Planned Parenthood. Sometimes these clinics are their only option for basic care. We can't let political agendas cut these women off from the care they need, and we can't let politicians ignore the laws that protect
State / Province: Choose a State	choose to receive this care from the doctors and nurses they trust at local health centers, like Planned Parenthood. Sometimes these clinics are their only option for basic care. We can't let political agendas cut these women off from the care they need, and we can't let politicians ignore the laws that protect people's health care access. All people should be able to visit the
State / Province: Choose a State	choose to receive this care from the doctors and nurses they true at local health centers, like Planned Parenthood. Sometimes the clinics are their only option for basic care. We can't let political agendas cut these women off from the care they need, and we can't let politicians ignore the laws that prote













# TECHNICAL ASSISTANCE



# committee

**MUST BE** 

behalf of

available to all members of committee

invited in writing on

#### MAY

express a view on Specific legislation

# LOBBYING EXCEPTIONS



# ANALYSIS + **DISCUSSIONS**



#### NO SPECIFIC LEGISLATION

blue ribbon panel

annual reports

early stages of policy development

#### NO CALL TO ACTION

communication does not include call to action

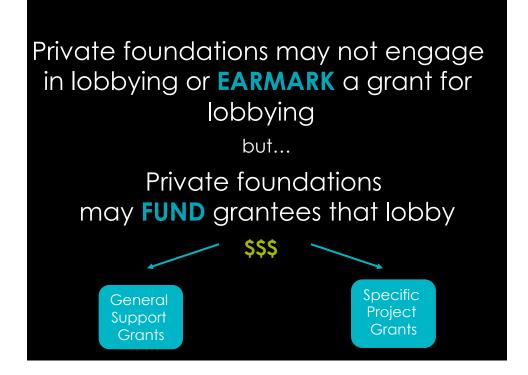
# LOBBYING EXCEPTIONS





"A grant by a private foundation is earmarked if the grant is given pursuant to an agreement, oral or written, that the grant will be used for specific purposes."

# "EARMARKED" DEFINED





and...

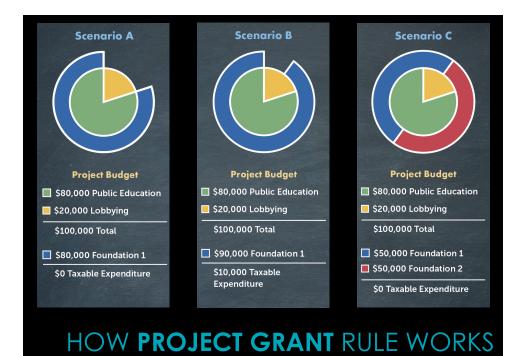
foundation is not legally responsible for its grantee's lobbying

# GENERAL SUPPORT GRANT "SAFE HARBOR"

"A grant by a private foundation is earmarked if the grant is given pursuant to an agreement, oral or written, that the grant will be used for specific purposes."

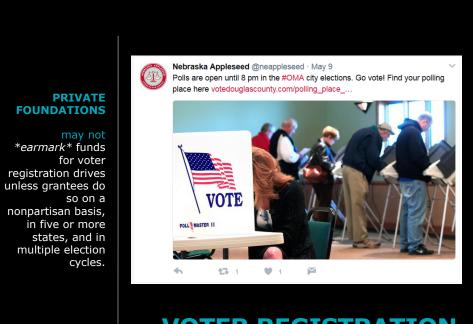
# "EARMARKED" DEFINED

<text><text><text><text><text>

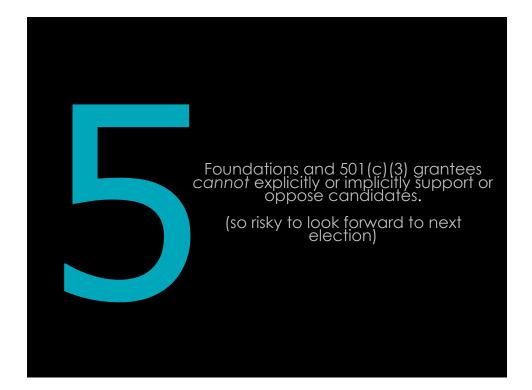






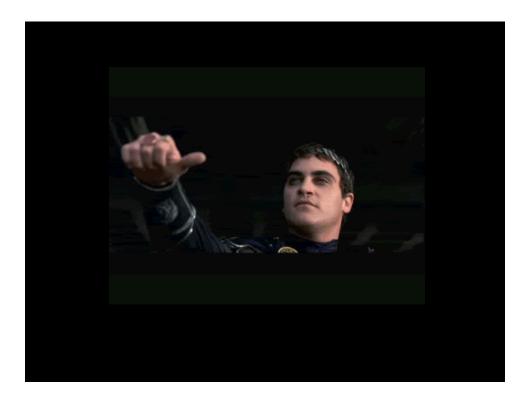


### **VOTER REGISTRATION**











# Rules that apply to print and verbal communications also apply to **ONLINE COMMUNICATIONS**



#### INDIVIDUAL PARTISAN ELECTORAL ACTIVITIES

Personal Capacity Only

Not on Company Time

Organization Cannot Ratify Acts

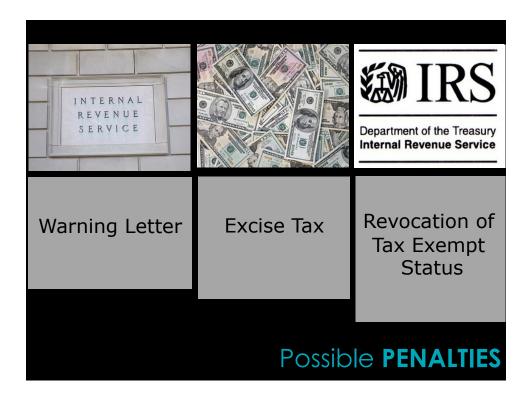
Have a Policy











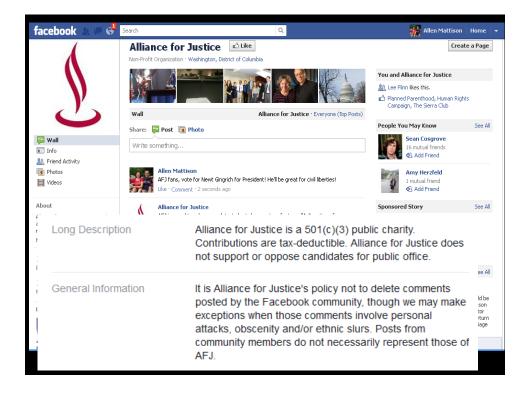




### FACTS AND CIRCUMSTANCES







#### ISSUE ADVOCACY

Lobbying/ Advocacy Campaigns

Supporting or Criticizing Incumbents

> Legislative Scorecards

IN

Candidate Education

#### In Astonishing Interview GOP @RepAdrianSmith refuses to say if Americans are entitled to eat. #Trump **SUPPORTING OR** The Washington Post CRITICIZING **INCUMBENTS** Democracy Dies in Darkness Focus on Legislative Issues Continue Ongoing Perspective | Congressman refuses to say if Americans are entitled t... Support/Criticism Rep. Adrian Smith, a GOP lawmaker from Nebraska, is a key figure on agriculture policy. Don't Support/ washingtonpost.com Criticize Personal Characteristics **1**7 ¥ $\succ$ 4. CRITICIZING **OR SUPPORTING INCUMBENTS**

**SUPPORTING OR** 

CRITICIZING

BENTS





#### RESPONDING TO CANDIDATES

Continue to Focus on Your Policy Issues, Not the Candidate

Don't Comment to Influence the Elections

> Avoiding Mentioning the Name of the Candidate

Don't Criticize Personal Characteristics

#### **December 8, 2015**

<sup>66</sup> Barring a group of people from entering our country based solely on their faith is blatantly unlawful and fundamentally un-American.

We are a nation of immigrants, many of whom came to this country to escape prejudice and discrimination.

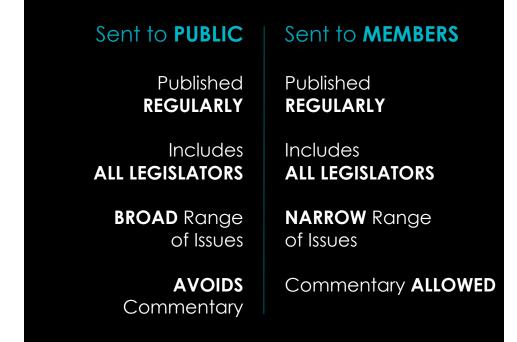
We urge all of our political leaders to categorically reject this dangerous escalation of hateful rhetoric."

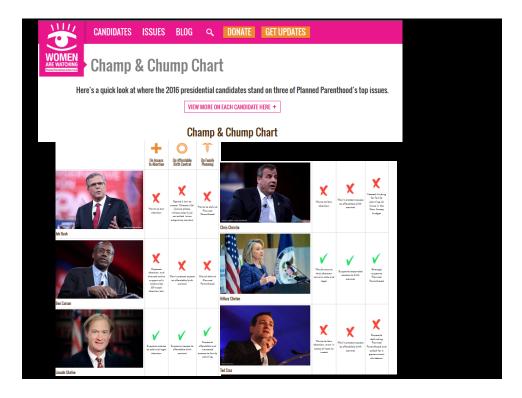
— Anthony D. Romero Executive Director, ACLU

#### ACLU

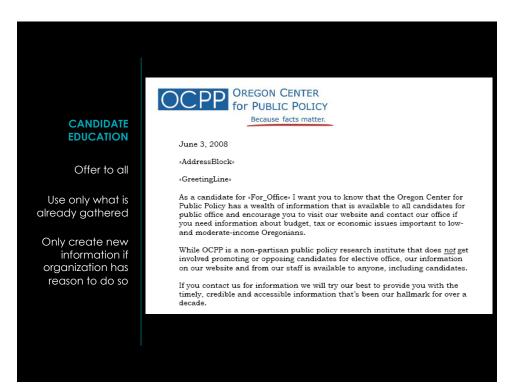
### RESPONDING TO CANDIDATES

ISSUE ADVOCACY	LEGISI SCORE	
Lobbying/ Advocacy Campaigns	2014 NATIONAL ENVIRONMENTAL SCORECARD SECOND SESSION OF THE SISTH CONGRESS	SENATE VOTES V V V V V V V V V V V V V V V V V V V
Supporting or Criticizing Incumbents		Manel         m
Legislative Scorecards		Maddowsitt's         and         and <t< td=""></t<>
Candidate Education		Biologia         Or         I
	LEAGUE OF CONSERVATION VOTERS scorecard.lcv.org	MMA         O         I









#### **VOTER EDUCATION**

candidate debates and forums

> candidate appearances

> appearances unrelated to candidacy

# **CANDIDATE** QUESTIONNAIRES

2014 VOTER'S GUIDE

Iowa Gubernatorial Candidates' **Views on Children and Families** 



#### QUESTIONS

**Unbiased Questions** 

**Open-Ended** Questions

Distribute to all Candidates

Broad Range of Issues

No Pledges

#### FORMATTING

No Editing

Present Responses Equally

Disclaimers

THE STATE BUDGET AND CHILDREN

Gov. Terry Branstad

#### As Governor, what will you do to ensure that ed in the 2014-15 budget?





State Sen he candidates answered ten questions on impo sues. All responses are printed without editing Every Child COUNTS **F**FF

#### QUESTIONS

unbiased questions

open-ended questions

distribute to all candidates

broad range of issues

no pledges

#### FORMATTING

no editing

present responses equally

disclaimers

Neither the League of Women Voters Education Fund nor any of its partners takes any position on or expresses any preference about the issues or candidates displayed on this site. The League of Women Voters does not support or oppose candidates or political parties

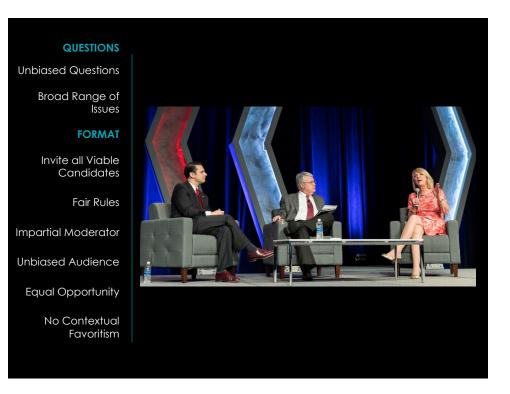
#### **VOTER EDUCATION**

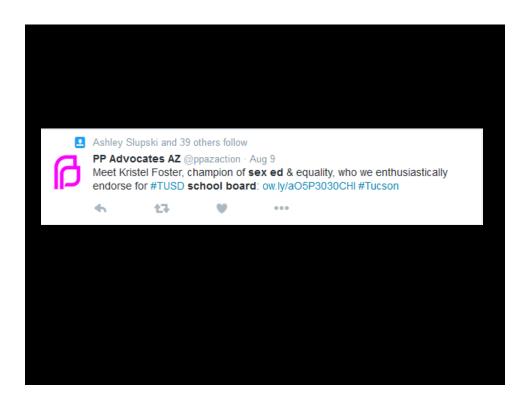
candidate questionnaires

candidate debates and forums

> candidate appearances

appearances unrelated to candidacy **DEBATES** & FORUMS





#### **VOTER EDUCATION**

candidate questionnaires

candidate debates & forums

appearances unrelated to candidacy

# **CANDIDATE** APPEARANCES



#### CANDIDATE **APPEARANCES**

Equal opportunity

Invite all viable candidates

#### **VOTER EDUCATION**

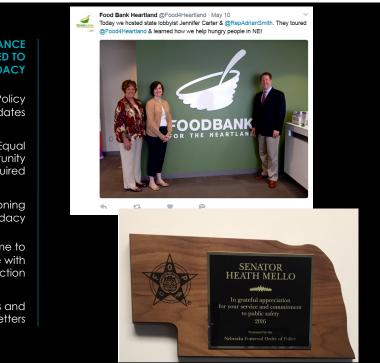
candidate questionnaires

candidate debates and forums

> candidate appearances

appearances unrelated to candidacy

## APPEARANCE UNRELATED TO CANDIDACY



#### APPEARANCE UNRELATED TO CANDIDACY

Awards & Policy Updates

> No Equal Opportunity Required

Avoid Mentioning Candidacy

> Don't Time to Coincide with Election

Disclaimers and Letters





