What’s Advocacy, What’s Lobbying, and What’s Plain Old Educating Our Policymakers

We will begin our webinar on **Thursday at 1 PM (ET)**

Call-in Number: 1-800-832-0736       Conference Room: 2884179

Please call: 202-687-0308 or email irvinema@georgetown.edu if you need any assistance during the call.
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Parent of a Young Adult with Transition Needs
Disclosure

• We are not attorneys and or tax professionals
• Always check your state laws and with your employer starting any type of advocacy or lobbying activity
POLLING QUESTION
OBJECTIVES

Discuss the difference between advocacy and lobbying

Learn effective ways to safely advocate

Learn the different IRS rules on lobbying

Learn tips and strategies for advocating & lobbying
Questions?

• Before we continue does anyone have any questions on what we covered so far?
Hot tub  
Jacuzzi
**Advocacy**

Informing individuals or groups of non specific legislation and or issues

Talking with Members of the Executive Branch of the government

Providing information to a congressional body upon receiving a written request

**Lobbying**

Addresses a specific policy or piece of legislation, or ordinance

Speaking with Members of Congress or Legislative Branch of government

Encouraging individuals contact members of congress on specific legislation

Audience & Message

Are they members of the legislative branch &

Are you addressing specific policies that are pending legislation

Center for Lobbying in the Public Interest (http://www.clpi.org/the-law/irs-rules)
Direct lobbying

Contacting your congressional offices directly from your organization around specific policy issues

Encouraging your membership to contact congressional members on specific policy issues

Grassroots lobbying

Encouraging individuals outside your membership to contact their congressional members.

Providing individuals outside your membership with tools like form letters to send to their congressional officers.

Center for Lobbying in the Public Interest (http://www.clpi.org/images/pdf/DifferenceGrassroots&Direct.pdf)
Safe Advocacy Strategies

- Develop fact sheets that educate the general public on important issues that impacts your community but that do not encourage individuals to contact their congressional members regarding these issues.
- Meet with your congressional members and their staffers. Develop those relationships and inform them of your organization and what issues are in your community, just don’t mention specific legislation or funding concerns.
- Contacting executive branch employees on issues regarding implementation of regulations and or policies.
- Making available the results of a nonpartisan analysis, study, or research
- Informing members of your organization about the issues and your stance on a specific piece of legislation, without encouraging them to contact their elected officials
POLLING QUESTIONS
Questions?

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IRS Rules

- Under the Internal Revenue Code, all section 501(c)(3) organizations are absolutely prohibited from directly or indirectly participating in, or intervening in, any political campaign on behalf of (or in opposition to) any candidate for elective public office. Contributions to political campaign funds or public statements of position (verbal or written) made on behalf of the organization in favor of or in opposition to any candidate for public office clearly violate the prohibition against political campaign activity. Violating this prohibition may result in denial or revocation of tax-exempt status and the imposition of certain excise taxes.

- Certain activities or expenditures may not be prohibited depending on the facts and circumstances. For example, certain voter education activities (including presenting public forums and publishing voter education guides) conducted in a non-partisan manner do not constitute prohibited political campaign activity. In addition, other activities intended to encourage people to participate in the electoral process, such as voter registration and get-out-the-vote drives, would not be prohibited political campaign activity if conducted in a non-partisan manner.

- On the other hand, voter education or registration activities with evidence of bias that (a) would favor one candidate over another; (b) oppose a candidate in some manner; or (c) have the effect of favoring a candidate or group of candidates, will constitute prohibited participation or intervention.

Internal Revenue Service (http://www.irs.gov/charities/charitable/article/0,,id=163395,00.html)
Can Non-profits lobby?

Insubstantial rule

Non profits are prohibited from lobbying except to an us substantial degree.

IRS will conduct a test to look at your organizations over budget and expenditures, what it considers you doing as lobbying, including the use of volunteers, and basically makes a judgment call.

As little as 5% can be deemed as substantial.

An organization can lose it’s tax exempt status and be subject to additional taxes for violating this rule
1976 law (501 (h) Election)

- Non profits can file IRS form 5768
  - Avoid the unsubstantial rule, you will be tested under different criteria
    - Volunteer time is not included
    - Much clear rules
    - Cap of $1,000,000 for lobbying efforts
  - Sets clear funding limits on Direct lobbying efforts
    - 20% of first 500,000 of exempt purpose expenditures
    - 15% of next 500,000
    - 10% of next 500,000
    - 5% of remaining
  - Grassroots lobbying is 25% of the direct lobbying limit
1976 law (501 (h) Election) continued

- Organization that are 501(h) elect that have an over all budget of $500,000 would be allowed a $100,000 limit on direct lobbying and a $25,000 limit on grass roots lobbying

Exceptions to rule

- Any example of advocacy that we have covered so far that is not considered lobbying
  - Providing testimony
  - Informing on issues that don’t address specific legislation
- Organizations can lobby to protect their own existence aka “Self Defense Lobbying.” If there is a matter that affects the existence, powers, or tax exempt status of an organization then communication with legislators would not be considered lobbying (funding issues and budgets cuts excluded)
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)

<table>
<thead>
<tr>
<th>Name of organization</th>
<th>Employer identification number</th>
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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

   (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

(Signature of officer or trustee) (Type or print name and title) (Date)

General Instructions
Section references are to the Internal Revenue Code.

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.
POLLING QUESTIONS
Questions?

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Tips and strategies for advocacy & lobbying

- Research, find data that supports your argument
- Don’t get aggressive or angry
- Be creative and avoid form letters
- Write to the one that represents you
- Don’t forget to write and thank them too
Format of letter

- The Honorable (full name)  
  _(Rm.#)_ (name of) Senate Office Building  
  United States Senate  
  Washington, DC 20510

Dear Senator:

1st Paragraph

1. Bill number & title.
2. Your name and credentials
3. The position you want them to take on the bill.
Format of letter

2nd Paragraph
1. Data and research
2. No or little emotions

3rd Paragraph
1. Action you want taken on the bill or issue
2. A thank you for their time

If you want a more in depth and detailed example of this, check out pages 16-18 Federations newsletter at

http://www.ffcmh.org/2010/10/re-claiming-children/
Questions?

• Before we continue does anyone have any questions on what we covered so far?
Contact information

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Teresa King
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Resources & References

Center for Non-Profit Management

Center for Lobbying in the Public Interest
http://www.clpi.org/the-law/irs-rules

Connecticut Association of Non-Profits

Internal Revenue Service
IMPORTANT LINKS

**EVALUATION FORM:**
https://www4.georgetown.edu/uis/keybridge/keyform/form.cfm?FormID=4410

**TA CALL WEBSITE:**
http://gucchdtacenter.georgetown.edu/resources/2012calls.html

**DATA MATTERS:**  http://www.gucchdgeorgetown.net/data/