



How Nonprofits Can Engage in Effective Advocacy



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The Importance of Nonprofit Advocacy

- Why Should Nonprofits Engage in Advocacy?
 - On the ground perspective of the impact of public policy decisions.
 - There are very few voices providing the perspective of constituents served by nonprofit organizations.
 - Advocacy can create big changes in the lives of all your constituents in a relatively short period of time and on a relatively small budget.



Rate Your Current Level of Advocacy

- I work for an advocacy organization and do this everyday!
- My organization has at least one staff member whose focus is advocacy work.
- My organization will occasionally engage in advocacy when a key issue comes up.
- My organization has never engaged in advocacy.



Goal for This Webinar



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Goals for This Webinar



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Advocacy Arenas

- Executive Branch
- Judicial Branch
- Legislative Branch
- Electoral
- Ballot Initiatives/Voters





Executive Branch



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Advocacy Arenas

- Executive Branch
 - Influencing officials in the executive branch at the federal, state or local level.
 - Commenting on rules and regulations, requesting laws be implemented or enforced, advocating for or against executive orders, shaping program implementation or administrative policy.
 - This type of advocacy is considered administrative and not legislative lobbying. There are no limits on the amount of administrative advocacy a 501(c)(3) non-profit can do.





Judicial Branch



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Advocacy Arenas

- Judicial Branch
 - Litigating claims or filing amicus/friend of the court briefs in cases.
 - Impact litigation can often change policy for a very large constituency group in one effort.
 - If you are not a legal organization, you can still participate by being an organizational plaintiff, or sharing your perspective with the court.





Legislative Branch



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Advocacy Arenas

- Legislative Branch
 - Advocating for improved public policy through legislation.
 - Not all legislative advocacy is considered lobbying under the IRS rules. Public education campaigns, convening groups and elected officials to learn about particular issues, and training people how to lobby are not considered lobbying (more on what is and isn't lobbying later!)
 - 501(c)(3)'s are allowed to lobby, there are just limits on the amount of resources that can be expended on lobbying.





Electoral



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Advocacy Arenas

- Electoral
 - Helping constituencies engage in the electoral process.
 - Voter registration, voter education and get out the vote efforts are all permissible activities for 501(c)(3) organizations.
 - However, 501(c)(3) organizations cannot engage in partisan political activities that support or oppose candidates or political parties (more on this later!).





Ballot Initiatives



Advocacy Arenas

- Ballot Initiatives
 - Collecting signatures to get an issue on the ballot or working to prevent an issue from getting on the ballot and/or working to support or oppose an issue once it is on the ballot.
 - This activity is considered lobbying and is permissible for 501(c)(3)'s as long as they stay within expenditure limits.



“Strategy without tactics is the slowest route to victory. Tactics without strategy is the noise before defeat.”



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Advocacy Strategy

- Cross-Cutting Advocacy Strategies
 - Public education, media campaigns, research, coalition building, community organizing, litigation and developing relationships with decision makers.
 - A good advocacy campaign will include more than one of these strategies, and may include more than one of the broader categories of advocacy arenas (Executive, Legislative, Judicial).



Advocacy Tactics

- Advocacy Tactics (by no means an exhaustive list)
 - Public Education: conferences, brochures, reports, bumper stickers, pins, ads, public service announcements, blog posts, facebook and twitter campaigns, candidate forums & questionnaires.
 - Media: press conferences, opinion editorials, letters to the editor, editorial board meetings, and media calls/roundtables.
 - Community Organizing/mobilization: leadership development, list building, phone banking, stop and dial, rallies, post card campaigns, email blasts, and petitions.
 - Relationship Building: legislative briefings, data books, candidate meetings, lobby days, and site visits.



Stages of Advocacy Development

- Capacity
 - If you are just getting started or are expanding what you've done in the past, you will focus on activities that build your capacity. Activities such as recruiting members/allies, developing media relationships, and getting to know policy makers build capacity.
- Developmental Progress
 - Once you have some capacity, you start to use it and can illustrate that you are making progress. Advocacy campaigns often take 3-5 years to be successful. Things like news stories in the paper, allies showing up for events, senators introducing legislation all illustrate progress.
- Outcomes
 - After a little progress and experience, you will be able to set outcome goals like: getting bills passed, regulations enforced, policy makers responding to your constituency.



Planning a Successful Advocacy Campaign

Nonprofit Advocacy Basics



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Successful Advocacy Campaigns

- Dream Big and Break it Down!
 - What is the biggest obstacle facing the constituency you serve?
 - What change could be made to eliminate that obstacle?
 - Who is the decision maker(s) who controls the outcome? (this will determine your target(s))
 - What will move that decision maker(s) to action? (this will determine your strategies and tactics)
 - What is your current capacity to move that decision maker? (this will determine your stage of development)
 - What do you need to take the next step?



Case Study: Restoring Prenatal Care

- **Obstacle:** NDHH policy to end prenatal care coverage for unborn children.
- **Goal:** Pass legislation restoring coverage for prenatal care services to all low-income pregnant women under Medicaid/CHIP.
- **Target:** State senators and the Governor
- **Movement & Capacity:** Public pressure from a diverse coalition
 - **Advocates:** Appleseed, Voices for Children, Building Bright Futures, Nebraska Right to Life
 - **Providers:** Federally Qualified Health Centers, Planned Parenthood, Hospital Association, UNMC, Nebraska Medical Association, Academy of Pediatrics
 - **Faith:** Catholic Conference, United Methodists, Unitarian Church
- **Strategy & Audience:**
 - Engage moderate Senators to get to 30 votes to override a veto.
 - Have the best spokes people approach each senator.
 - Engage coalition so the media highlights a wide range of voices.



Case Study: Restoring Prenatal Care

- **Obstacle:** NDHHS policy to end prenatal care coverage for unborn children.
- **Goal:** Obtain court ruling that overturns NDHHS policy and restores the program.
- **Target:** Governor, NDHHS, Nebraska Supreme Court
- **Movement & Capacity:** Litigation capacity
 - In-house litigation capacity.
 - Ability to identify impacted individuals.
 - Capacity to carry out media work.
- **Strategy & Audience:**
 - Use litigation as its own path to success and to support and enhance legislative strategy.
 - Audiences: Governor, NDHHS, Supreme Court, State Legislators
 - Make sure media work supports both strategies



**Don't be the noise before
defeat!**



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Nonprofit Advocacy Basics

A Closer Look at Lobbying and Political Activity



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Nonprofit Advocacy Basics

- Nonprofits, and specifically nonprofits with 501(c)(3) status, can and should **ADVOCATE** and **LOBBY** for policy change.
- 501(c)(3)s are only limited in the amount of resources that 501(c)(3)s direct to lobbying
- 501(c)(3)s cannot participate in partisan political activities!



Prohibition on Political Activity

- Nonprofits with 501(c)(3) status are prohibited from participating or using resources for political activities that support or oppose a candidate for political office.
 - This prohibition applies to official activities of the organization as well as unofficial activities such as employees using their work email or computer to send messages supporting or opposing candidates.



Prohibition on Political Activity

- You cannot say or write (or wear) anything that supports or opposes a political candidate or political party that uses 501(c)(3) resources or will be attributed to a 501(c)(3) organization.
- Events cannot be designed to suggest or lead people to one party/candidate or another, such as sending material or adds to a particular electoral district and not others.
- Coordinating activities with a campaign or a political party is strictly prohibited.



Prohibition on Political Activity

- As long as they are done in a non-partisan way, non-profits with 501(c)(3) status can:
 - Hold Candidate Forums
 - Do Candidate Questionnaires
 - Distribute Voting Records
 - Register Voters
 - Get Out the Vote Activities



Nonprofit Advocacy Basics

- What is advocacy v. lobbying?
- How much lobbying can a 501(c)(3) do?
- What is the definition of lobbying?



How Well Do You Know the Schedule H Election!

- I have heard of the Schedule H Election
- My organization has taken the H Election
- What? The letter H is running for office?



IRS Rules

- Lobbying Limits:
- IRS has two different tests:
 - Insubstantial Part Test
 - Schedule H Election



IRS Rules

- How is lobbying defined?
- There are two different types of lobbying:
 - Direct
 - Grassroots



IRS Rules

- Direct Lobbying:
- *Communication with a legislator that expresses a view about a particular piece of legislation*



IRS Rules

- Grassroots Lobbying
- Communication with the *general public* that expresses a view on a particular piece of legislation **AND** *includes a call to action*



IRS Rules

- Online Lobbying and Election Activities
 - Electronic communications such as websites, email alerts, blog posts, Facebook messages and tweets are treated just like other communications.
 - Following and friending through social media platforms is still governed by the lobbying limitations and the prohibition on political activities.



IRS Rules

- Tracking and Reporting
 - If you take the Schedule H Election you will be asked to report on your Form 990 the amount of money you spent (including staff time and an appropriate percentage of overhead) on direct and grassroots lobbying activities over the course of the year.



Nebraska Rules

- Register
- Track
- Report



Nebraska Rules

- Register
 - Oversight by Nebraska Accountability and Disclosure Commission
 - Rules of registration and costs are on the website
 - Must register/renew each year
 - nadc.nol.org



Nebraska Rules

- Track
 - Have to report lobbying on your 990 and submit reports to NE Accountability and Disclosure
 - Org should keep track of:
 - Staff time
 - Direct costs
 - Overhead



Nebraska Rules

- Report
 - IRS – 990
 - Quarterly Reports to NE Accountability and Disclosure – one for lobbyist and one for principal (organization) on expenditures for lobbyist
 - One report at the end of the session



Lobbying on a Budget!



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Effective Lobbying with Limited Resources

- Build Relationships and Preserve Them
 - Focus on senators interested in your issues and members of the committee that have jurisdiction over your issues
- Be a Resource
 - Provide helpful information and background on the issue
 - Provide draft legislative language, fact sheets, etc.



Effective Lobbying with Limited Resources

- Show up Early to be Part of the Conversation
 - Meet with members of the committee that will hear the bill
 - Work with the senator carrying the bill to identify how you can be most helpful
 - Identify and understand what other groups would be supportive or would be a persuasive voice
 - Understand what opposition to the bill might be



Effective Lobbying with Limited Resources

- Work in Coalition to Enhance your Resources
 - Many groups have common ground on certain issues
 - Working together helps you all to leverage your lobbying time and resources
 - It's stronger to have more voices on an issue with a united message
 - Can provide senators with different information



Effective Lobbying with Limited Resources

- Identify a Point Person in the Organization
 - Consistency can help in developing relationships and balancing those relationships
 - Conserves resources of other staff
 - Helps to have central points of contact for information



Effective Lobbying with Limited Resources

- Maximize In-Person Visits
 - Make appointments on key issues
 - Provide useful testimony at hearings
 - Drop by offices with new information or to check in
 - Just being there when you can often results in useful information



Effective Lobbying with Limited Resources

- Watch the Agenda, Use the Journal, Use the Website's Tools
 - Usually only present for debate when it is a key issue or when pulling a senator off the floor is best time for them to meet
 - Journal and Summary of day on the website can provide helpful information about your bills and what are the key issues in session
 - Streaming on website is fantastic and very helpful



Effective Lobbying with Limited Resources

- Resources to Help You Succeed
 - Nebraska Accountability and Disclosure: nadc.nol.gov
 - Nebraskalegislature.gov
 - Alliance for Justice
 - www.afj.org
 - Hotline: 866-675-6229
 - advocacy@afj.org



Did We Achieve Our Goals?



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Questions?



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