

Advocacy vs. Lobbying:

What are the differences for non-profit organizations?

Advocacy and lobbying are effective ways for non-profits to create awareness about how a community, industry, or organization is impacted, either positively or negatively, by public policy and to generate interest in and support for an organization's mission.

Non-profits are in an excellent position to influence public attitudes and policy as they are focused on a specific community of like-minded people. Many non-profit leaders, however, are concerned about losing their 501(c)(3) status if they lobby and lose a valuable opportunity to speak up for themselves and those whom they serve.

What is Lobbying?

- Lobbying is attempting to influence legislators to support or oppose a particular issue or piece of legislation and is allowed for non-profits within certain parameters.
- Direct lobbying is defined as communication with a legislator, legislative staff or legislative body, or any covered executive branch or other government employee who may participate in the formulation of legislation. The communication refers to a specific piece of legislation and expresses a view on that legislation.
- Grassroots lobbying is defined as an attempt to influence specific legislation by encouraging the public to contact legislators about that legislation. A communication constitutes grassroots lobbying if it refers to specific legislation, reflects a view on that specific legislation and encourages the recipient of the communication to take lobbying action. This type of communication is known as a call to action.

Lobbying is often confused with political action.

Political action is a direct act to influence a specific election through actions to assist, in favor of or against, a particular candidate or ballot initiative. Examples of political actions for a non-profit organization can consist of:

- Endorsing and supporting a candidate or ballot initiative
- Forming of a Political Action Committee (PAC), soliciting funds for distributing to other political organizations, political parties, or candidate campaign fund
- Communicating with members of the non-profit asking them to vote, contribute, endorse, or commit any direct action to influence a desired outcome



What is Advocacy?

Advocacy is defined as arguing positively in favor of a desired outcome. Advocacy is educating and creating awareness among legislators and the general public of issues facing the community and the importance of aligning public policy to address the need. Advocacy does not endorse or oppose specific legislation, but rather informs the community at large how public policy decisions impact service provision.

The following activities are considered advocacy, not lobbying:

- Providing technical assistance or advice to a legislative body or committee in response to a written request
- Making available nonpartisan analysis, study, or research
- Providing examinations and discussions of broad, social, economic, and similar problems
- Communicating with a legislative body regarding matters which might affect the existence of the organization, its powers and duties, its tax-exempt status, or the deduction of contributions to the organization (the "self-defense" exception); and updating the members of your own organization on the status of legislation, without a call to action.

Advocacy activities are a great way for non-profits to engage policy makers in discussions of issues facing their constituents.

Speaking Out Without Losing 501(c)(3) Status

- Non-profits are allowed to engage in lobbying activities, if they do not engage in excessive lobbying or spend a certain percentage of their budget on lobbying efforts.
- Non-profits may not engage in promoting or opposing political candidates or parties in any way or they risk losing their tax exemption.
- Effectively, non-profits may not use charitable resources for partisan or political activities.
- Non-profits may lobby and merely need to follow the rules for lobbying (register and report expenses, including paid staff time).

This information should not be taken as or construed as legal advice. Consult legal counsel for guidance and recommendations on the handling of your needs.