

# Yes. You Can.

## Dos, Don'ts, Tips, and Tricks for Powerful (and c3 Compliant) Policy Advocacy

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WITH

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Strategy



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## **ADVOCACY & COMMUNICATION SOLUTIONS, LLC**

# **Yes, You Can.**

## **Dos, Don'ts, Tips, and Tricks for Powerful (and c3 Compliant) Policy Advocacy**

Lori McClung, CEO and Co-Founder

# *“nonprofits”*

Unless otherwise noted, today the term will be used to mean:

→ 501(c)(3) “charitable organizations”

(because *different* rules apply to other nonprofits, like  
501(c)(3) “private foundations,”  
501(c)(4) “civic groups,”  
501(c)(5) “labor unions,”  
501(c)(6) “chambers of commerce,” etc.)

# Lobbying vs Advocacy

## ADVOCACY

is the umbrella term, and involves identifying, embracing and promoting a cause.

VS

## LOBBYING

is a specifically focused form of advocacy, with the purpose to influence legislation. Only some methods of advocacy are considered lobbying





# What is Grassroots Lobbying?

- When an organization urges the general public to take action on specific legislation.
- Key elements of grassroots lobbying:
  - Refer to specific legislation;
  - Reflect or state a point of view on the legislation's merits; and
  - Encourage the general public to contact legislators.

# The Limits of Lobbying

- All 501(c)(3) public charities are legally permitted to lobby.
- There are federal restrictions on how much and what kind of funds you can spend on lobbying
- States typically have their own restrictions for state level work
- Some municipalities have lobbying rules too.

# Lobbying \$ Limits: 501 (h)

- ▶ 20% of the first \$500,000 of annual organizational expenditures
- ▶ \$100,000 plus 15% of the next \$500,000
- ▶ \$175,000 plus 10% of expenditures between \$1 million and \$1.5 million.
- ▶ \$225,000 plus 5% of expenditures over \$1.5 million

# Direct vs Grassroots Lobbying

Charitable nonprofits may spend 25% of their total allowable lobbying expenditures on grassroots lobbying.





# May nonprofits use federal funds to lobby?

- **No.** Except in certain situations, federal grants cannot be used to lobby on legislative matters at the federal or state levels.
- Federal contract funds cannot be used to lobby at the federal, state or local levels.
- Federal funds also cannot be used for electioneering purposes.

**Lobbying isn't a privilege;  
It's your right and it's your  
responsibility!**



# So... Can We?

- *Write and encourage people to write letters?*  
**Yes!** (Both members and non-members of your organization)!
- *Meet with/speak to public officials about legislation?*  
**Yes!**
- *Testify at a public hearing?*  
**Yes!** (and if requested in writing it's not lobbying)!
- *Provide research, analysis and commentary?*  
**YES!** (and it doesn't count as lobbying)!



## **Q: What's NOT Lobbying?**

### **A: The Stuff that Helps Get the Job Done**

- Invited Testimony at Legislative Hearings
- Advocacy in Self-Defense
- Advocacy with State Agencies
- Advocacy from Board / Volunteers
- Social Media (not specific to bills)
- Community Organizing
- Old School Earned Media
- Public Opinion Polling



**Successful Advocacy Requires Lobbying and Full Set of Non-Lobby Tools**



# Selecting Your Tool



METHOD	PROS	CONS
<b>Face-to-face meetings</b>	Ability to respond to any questions and receive feedback immediately; helpful for relationship building; ensures information finds its way into the policymaker's hands; effective in conveying nuance and anecdotes.	Can be difficult to schedule; policymaker may be distracted by other events that day; can be a high-pressure situation; requires intensive preparation and follow-up for maximized impact.
<b>Phone call</b>	Easier to schedule than a face-to-face meeting; receive feedback directly during the conversation; participants from multiple locations may attend without travelling.	Policymaker may not be fully focused on the call; technical challenges can create barriers.

# Selecting Your Tool



METHOD	PROS	CONS
<b>Site visit</b> (visit to location to show policymaker a program or service in action)	High impact demonstration of your program/issue; opportunity to utilize multiple messengers; usually a longer time spent with the policymakers.	Difficult to schedule; requires intensive preparation for multiple people/groups; it may be difficult to keep all messengers on point the entire time.
<b>Social media</b>	Offers direct engagement with policymakers; available at any time; ability to use multiple messengers.	Can be difficult to always stay on message; chance of detractors jumping into the conversation.
<b>Letter</b>	Ability to revise until message is exactly what you want; can be used to reach many policymakers at once; a good method to utilize unlikely messengers as signatories.	There is no guarantee a letter will reach the policymaker directly; low impact as office receives so much mail; difficult to gather feedback about policymaker thoughts on the issue.

# Selecting Your Tool



METHOD	PROS	CONS
<b>Email</b>	Can be used at any time to reach large groups of people; easy to share template with allies; can be used to respond quickly to developing situations.	There is no guarantee it will reach the policymaker directly; low impact as offices receive so much email; difficult to gather feedback about policymaker thoughts on the issue.
<b>District forum</b> (hold a group meeting to provide the policymaker with a broad spectrum of views and give them a chance to ask questions)	Offers in-depth session on early childhood issues; can be used to reach multiple policymakers at once; opportunity for earned media.	Difficult to control the message from all of the messengers; a lot of planning and follow-up.

# Other Advocacy Tools



## INFORMATIONAL LUNCH

Meet with an expert, or someone you respect, to learn.

## GRASSTOPS

Organizational leaders, key influencers in the community

## GRASSROOTS

Everybody impacted (which for education, is everyone.)

## MEDIA MESSAGING

Earned and paid media



# Website Resources

<https://bolderadvocacy.org/>

<https://www.councilofnonprofits.org/>

United Philanthropy Forum's [PublicWorks](#) Project

Independent Sector's [Policy & Advocacy](#) landing page

[NonprofitVOTE](#)

[Stand For Your Mission](#)

# Lobbying 101

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**501(c)(3) ADVOCACY BASICS: Lobbying 101**

All 501(c)(3) public charities are legally permitted to lobby, which is a type of advocacy focused on trying to influence specific legislation. Lobbying is perfectly legal. Lobbying is your right and your responsibility. You must be aware, however, of your organization's financial limitations (see Page 2). This document outlines federal requirements. Check with your Secretary of State's office to find out about state requirements related to lobbying.

Learn more about the difference between lobbying and advocacy here: [advocacyandcommunication.org/wp-content/uploads/2018/04/Difference-in-Lobbying-and-Advocacy.pdf](http://advocacyandcommunication.org/wp-content/uploads/2018/04/Difference-in-Lobbying-and-Advocacy.pdf)

**TYPES AND EXAMPLES OF LOBBYING**

**Direct Lobbying** is when an organization attempts to influence specific legislation by stating its position to a legislator (or other government employee who participates in the formulation of legislation, such as a cabinet official) through its staff or members. Examples include:

- Meeting with a state legislator or staffer to ask them to support specific legislative priorities.
- Working for or against ballot measures, such as referenda, bond measures, and ballot initiatives (because, while voters determine the outcome at the voting booth, the voting public serves as the legislature).

**Grassroots Lobbying** is communication with the general public that expresses a viewpoint about specific legislation and includes a call to action (such as asking people to contact legislators). For an action to be considered grassroots lobbying, it must contain all the above elements (public-facing, specific viewpoint, specific legislation, call-to-action). It is not lobbying if one or more of the required elements is missing. Examples include:

- Sending an email to your contact list urging recipients to tell their elected officials to support a specific legislative proposal.
- The cost of the time to create, organize, and attend a public rally in support of a specific piece of legislation.

**501(c)(4) Lobbying**

Your organization also may have a 501(c)(4) arm. This class of "social welfare organizations" is similar to 501(c)(3)s in that they are also tax exempt, but contributions to 501(c)(4) organizations are not tax deductible. They can engage in unlimited lobbying as well as perform political activities. For more on starting a 501(c)(4) and related rules, visit [advocacyandcommunication.org/wp-content/uploads/2018/04/501c4-Startup-and-Dissolution-Guide.pdf](http://advocacyandcommunication.org/wp-content/uploads/2018/04/501c4-Startup-and-Dissolution-Guide.pdf).

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# Creating a Public Policy Plan



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## Creating a Public Policy Plan

If you determine that influencing public policy is an important avenue to achieve your goals, how do you go about it? We recommend the following five steps:

### Step 1: Establish Policy Goals

As with all planning exercises, it's critical to begin by answering the question, "What do we want?" Think about how public policy fits into your organizational goals. Which of your organizational issues most requires public policy change? How would you prioritize them? What does your community need most? Use those priorities to identify which policy goal(s) you have the capacity to pursue. For example, a policy goal might be "increase access to healthy food," or "expand workforce training programs." Keep in mind that one goal might be plenty!

Whatever goal you identify, make sure it's a "SMART" one.

Example: Increase access to healthy food for low-income children by 30% by the end of 2020. SMART goals are:

- **(S)pecific:**  
Include as much detail as you can about what you're trying to achieve, among whom, and when.
- **(M)easurable:**  
Think about including metrics like the percent of change or the number of times you will do something in your goal.
- **(A)chievable:**  
Set yourself up for success by setting realistic goals.
- **(R)ellevant:**  
Make sure your goal is about public policy rather than, for example, fundraising or academic outcomes.
- **(T)imed:**  
Include a specific date for completion of your goal. It might change but having a timeline will keep you focused on policy priorities and help you manage resources.


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# Five Steps to Effective Policymaker Engagement

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**Five Steps to Effective Policymaker Engagement**

If there's an issue you'd like to see addressed in your community, policy is part of the solution. That means getting in front of policymakers will be part of your task. Policymakers have thousands of constituents vying for their attention—how do you make sure your issue isn't lost in the noise?

One visit with a policymaker won't be enough to get their attention. Educating and engaging policymakers requires ongoing, intentional effort and strategy. [Here are five key steps](#) you can take to ensure your effort is successful. We've also included some bonus tips for troubleshooting common challenges during meetings with policymakers.

**Step 1**

**Identify Policymakers for Relationship Building**

Building relationships with allies—and opponents

1

Think strategically about your organization's priorities and determine which policymakers are most important to engage as potential allies. Also identify policymakers who may be opponents with whom it would be beneficial to build bridges.

**Step 2**

**Introduce Yourself**

Begin outreach to policymakers' offices.

Become a familiar face.

Staff matter!

Outreach and introductions

2

Add them to your mailing lists, send issue-specific letters, thank them when they take actions that are favorable to your cause, and introduce yourself to their staff.

Find others who have relationships with the policymaker and ask for an introduction, attend events where the policymaker is present, invite policymakers to your events, publish letters to the editor praising policymakers when they've involved themselves in policy that supports your issue, and stay connected with the policymaker on social media.

Get to know policymaker staff—they can be your greatest allies. They often are charged with gathering information to inform policy decisions, so they pay close attention to information provided to them. It's not unusual for policymakers to send staff to a meeting in their place, and that's ok. Staff may be more likely to consider your points thoughtfully than their bosses in these meetings. Some staff members move from one office to another over time and may have insights into policymaker priorities and relationships that can work to your advantage.

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# Make Your Case in Just One Hour a Week

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## How to Make Your Case in Just One Hour a Week

There's never enough time in a day to get everything done—especially when it comes to communicating about your organization. But you'd be surprised about how much you can accomplish with just one hour a week. (Even better—it doesn't have to be one single block of time. You can spread it out!) Whether you're trying to raise funds or raise awareness, try these six simple tips:

**1) Write a letter:**

A quick, personal letter to a key prospect or influential person can have huge impact. Whether it's an introduction or a thank you, take a few minutes and build some new inroads!

**2) Ask your co-workers for help:**

You may be surprised about the skills or interests your co-workers may be hiding. Ask for help brainstorming ways to reach out, or just sealing envelopes. When you get the conversation going internally, you help build it externally.

**3) Make one phone call:**

Just like a letter, a quick phone call to thank someone, extend a personal invitation to your event, make a new connection, or even ask a favor can pay big dividends down the road.

**4) Take someone to lunch:**

Everyone has to eat. Why not use that time to talk about your organization with someone who could become a valuable supporter, ally or ambassador?

**5) Share what you've learned with others:**

Spend a few minutes making copies of a helpful handout or sending a group email with helpful tips that your friends and colleagues can use. This small action can get people talking about your organization, and help them spread your message farther.

**6) Tell a friend or family member one great thing about your organization:**

Practice makes perfect, and the more you share great messages about your organization with your friends and family, the easier it will be to do the same thing when you're meeting with a potential donor or an elected official.

Want more suggestions on improving your communications or strengthening your advocacy work?

Contact Scarlett Boudier,  
[scarlett@advocacyandcommunication.org](mailto:scarlett@advocacyandcommunication.org).

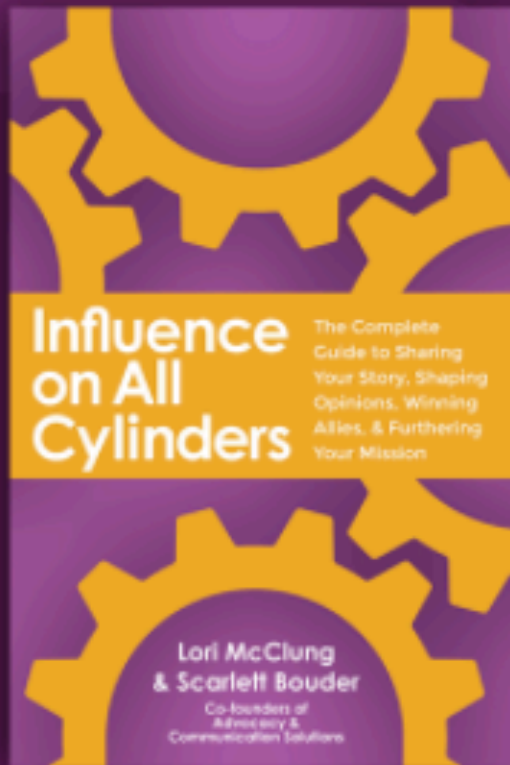
Advocacy & Communication Solutions, LLC, helps organizations use strategic advocacy and communication to advance conversations, actions and successes for the issues that are critically important to the communities they serve.

For more information contact Scarlett Boudier at  
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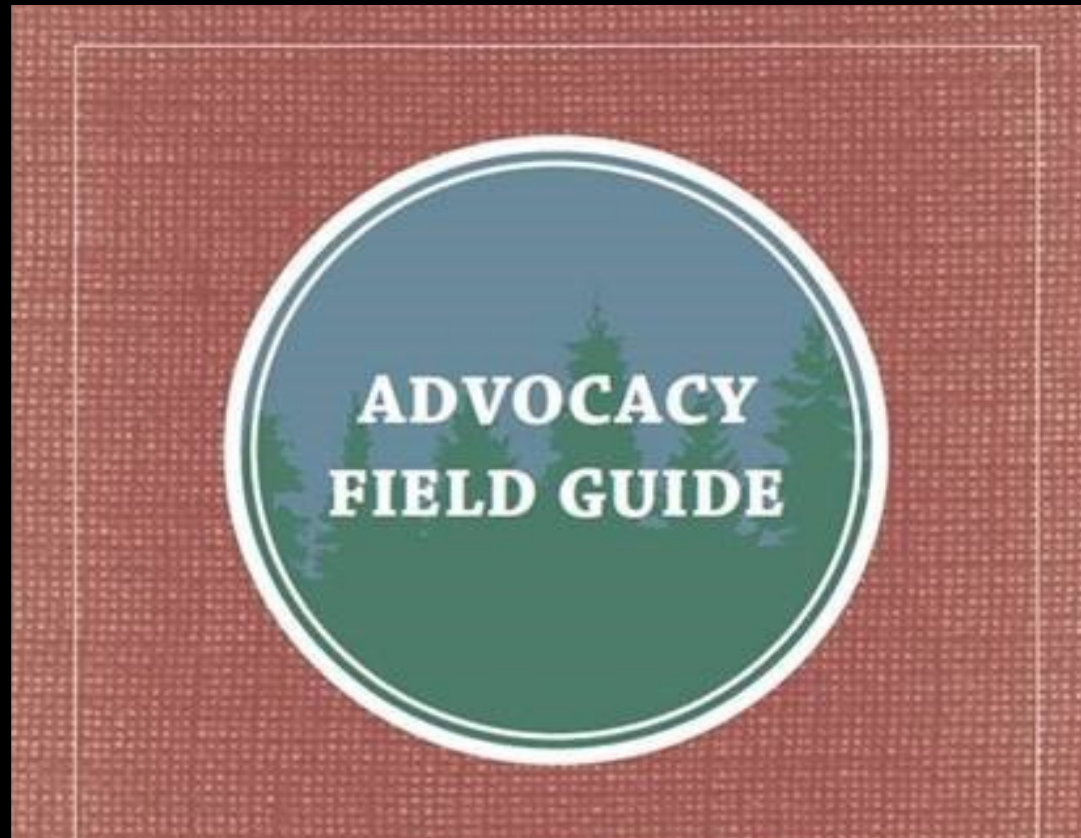
# Foundations Must Fund Advocacy (and Become Advocates Themselves)

Effective Policy Funders:

1. Focus
2. Scan and Listen
3. Maximize their Political Position
4. Support Research and Data
5. Convene Unheard and Unexpected Voices
6. Have a Clear Message and Use the Media
7. Plan for the Long Haul of Implementation



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CONVERSATION:

**Evaluating Advocacy: What are we  
accountable for and to whom?**

CONVERSATION:

**Do you go for the low-hanging fruit or  
the big kahuna? Or both?**

CONVERSATION:

**How does equity impact the strategy?  
Will the advocacy strategy we are  
using have to look different in 2021?**

## STATE VOICES



Beth Oppenheimer,  
Executive Director

**Idaho Association for the  
Education of Young  
Children**



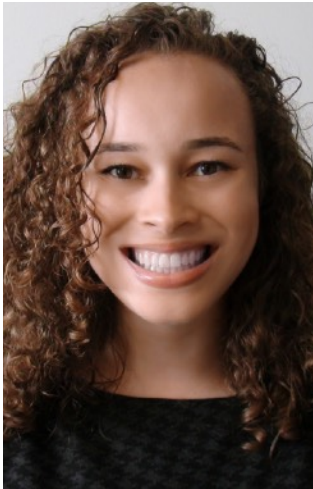
Kimberly Perry,  
Executive Director

**DC Action for Children**



# Using and Communicating Data to Advance Racial Equity in Early Childhood Policy

January 20, 2021 | 3:00 ET | [REGISTER HERE](#)



**Carlise King**  
Executive Director of the Early  
Childhood Data Collaborative

**Esther Gross**  
Senior Research Analyst

