



Know the Difference Between Lobbying and Advocacy

With the advent of social media tools, political processes in our country have become more open to more participants. It's easier to "make some noise" to generate public support for your cause and get the attention of lawmakers. But many nonprofits are still afraid that they'll run afoul of lobbying laws if they engage too exuberantly in public debate. Here are five key definitions that will help you wield your influence like a pro without fear of overstepping your bounds.

Advocacy is an umbrella term, and involves identifying, embracing and promoting a **cause**. Filling the airwaves with messages *broadly* supporting public education without targeting an elected official or a specific bill is a form of advocacy. So is educating elected officials about the importance of an issue in *general* (such as health care), offering training on how to engage in the advocacy process, conducting and sharing research, inviting a legislator to see and tour your organization, and working with the media. Every nonprofit can engage in each of these kinds of advocacy.

Lobbying is a specifically focused form of advocacy, with the purpose to influence **legislation**. Asking elected officials to support a *specific* bill about public education is lobbying. So is meeting with those representatives directly to request their support a pending piece of legislation. Nonprofit lobbying activities are defined and guided by IRS rules.

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*) through its staff or members. If your organization ask its members to meet with or send messages to an elected official asking them to support HB123 or some other piece of legislation, that's direct lobbying.

Grassroots Lobbying happens when an organization asks the general public to take action on *specific* legislation. In simplified terms, grassroots lobbying must meet three tests:

1. mentions a specific piece of legislation,
2. has a point of view on the legislation's merits *and*
3. encourages the general public to contact elected officials.

Organizing a rally to oppose a voter ID bill, or offering non-partisan voter education about a bill to conserve natural resources are all examples of grassroots lobbying.

The "(h) Election" is a special designation afforded by the IRS to nonprofit organizations that provides clear guidelines as to exactly how much money a nonprofit can spend on lobbying activities. The rules governing lobbying activities for nonprofits that do not have an (h) election are quite murky and vague, driven by an unclear directive that they can do only an "insubstantial" amount of lobbying. Nonprofits with an (h) election can spend up to 20% of their first \$500,000 of exempt purpose expenditures on lobbying.

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