


YES YOU CAN! ADVOCATING AND LOBBYING AS A NONPROFIT

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Coalition for American Heritage
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Your Right to Personally Lobby the Government is Enshrined in our Constitution

CONGRESS SHALL MAKE NO LAW *respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*

 **THE FIRST AMENDMENT
TO THE U.S. CONSTITUTION**
15 DECEMBER 1791



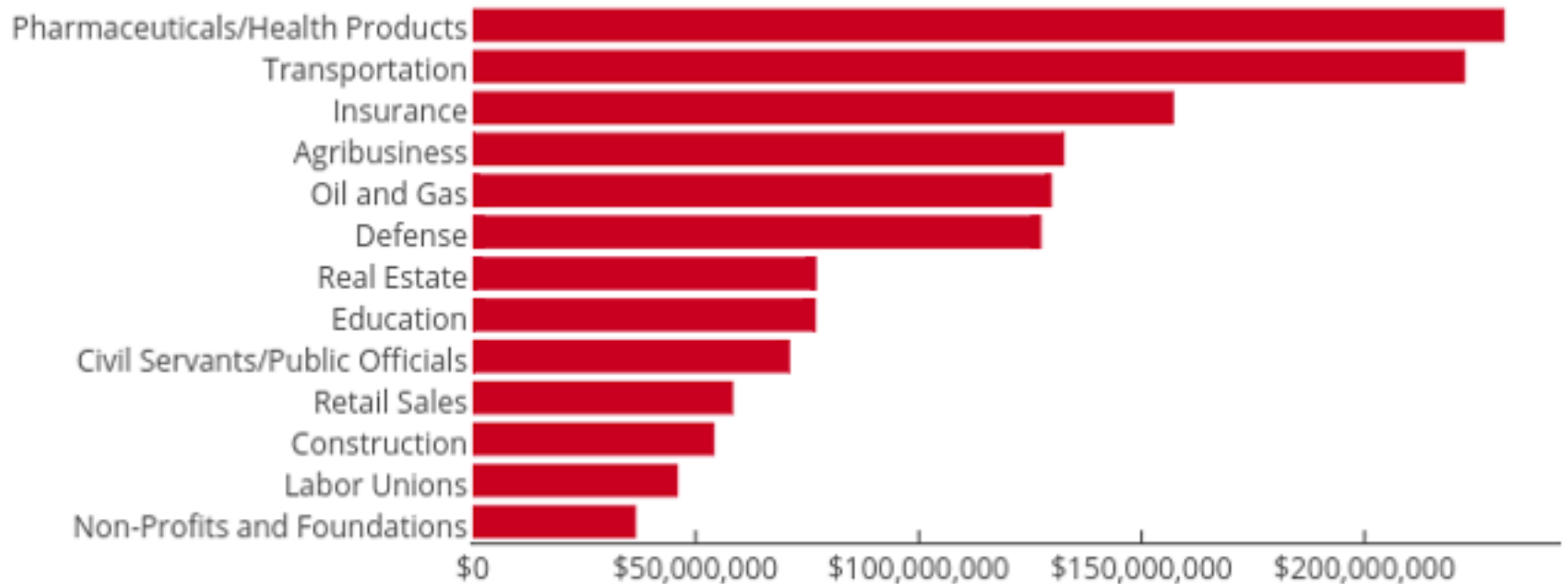
Government Investment in Today's Challenges is Critical



Nonprofits are Lobbying



2015 Federal Lobbying by Industry



NOTE: Totals shown for select industries SOURCE: Center for Responsive Politics

Types of Nonprofit Organizations

- 501(c)(1) - Corporations Organized under Act of Congress (including Federal Credit Unions)
- 501(c)(2) - Title Holding Corporation For Exempt Organization
- **501(c)(3) - Religious, Educational, Charitable, Scientific, Literary, Testing for Public Safety, to Foster National or International Amateur Sports Competition, or Prevention of Cruelty to Children or Animals Organizations**
- 501(c)(4) - Civic Leagues, Social Welfare Organizations, and Local Associations of Employees
- 501(c)(5) - Labor, Agricultural, and Horticultural Organizations
- 501(c)(6) - Business Leagues, Chambers of Commerce, Real Estate Boards, etc.
- 501(c)(7) - Social and Recreational Clubs
- 501(c)(8) - Fraternal Beneficiary Societies and Associations
- 501(c)(9) - Voluntary Employees Beneficiary Associations
- 501(c)(10) - Domestic Fraternal Societies and Associations
- 501(c)(11) - Teachers' Retirement Fund Associations
- 501(c)(12) - Benevolent Life Insurance Associations, Mutual Ditch or Irrigation Companies, Mutual or Cooperative Telephone Companies, etc.
- 501(c)(13) - Cemetery Companies
...and so on.



Two Ways to Measure Nonprofit Lobbying Activity:



- “Insubstantial part” test (time + expenditures)
- Expenditure test, aka the 501(h) election



501(h) Expenditure Test

Form 5768 (Rev. September 2016) Department of the Treasury Internal Revenue Service	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) ► Information about Form 5768 and its instructions is at www.irs.gov/form5768 .
Name of organization	Employer i
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 expenditures to influence legislation, apply to our tax year ending _____ subsequent tax years until revoked. (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 secti relating to expenditures to influence legislation, apply to our tax year ending _____ all subsequent tax years (<i>until a new election is made</i>). (Month, day, and ye	

- Fill out Form 5768
- Calculate your lobbying limit
- Spend up to ~25% of that limit on grassroots lobbying



501(h) Expenditure Test

Total Budget for Exempt Purpose Expenditures	Percentage That May Be Used for Lobbying
\$500,000 or below	10% (\$100,000)
\$500,000 - \$1,000,000	\$100,000 + 15% of amount over \$500,000
\$1,000,000 - \$1,500,000	\$175,000 + 10% of amount over \$1,000,000
More than \$1,500,000	\$224,000 + 5% of amount over \$1,500,000



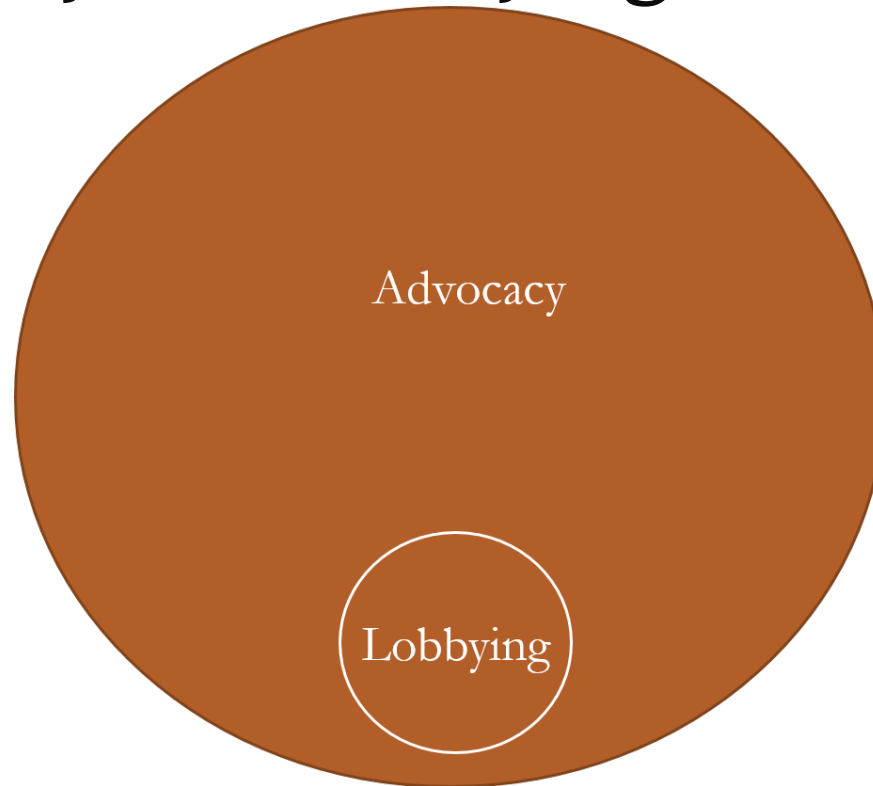
Direct vs. Grassroots Lobbying



- Direct: requesting that legislators take action regarding specific pieces of legislation
- Grassroots: urging others to contact their legislators requesting action on specific pieces of legislation



Advocacy vs. Lobbying



So, What is Advocacy?



Let's Provide some Examples of How Political Outreach Activities are Defined:

Advocacy?



Or Lobbying?



Scenario 1:

Your organization sends a monthly newsletter, and one column refers to, and reflects your organization's views on, specific pieces of pending legislation. The column doesn't state differing viewpoints, only your organization's position. It does not ask members to take any action with regards to these bills. The distribution list includes a handful of policymakers, including a Senator.

Advocacy?

Or Lobbying?



Scenario 2:

Your organization sends a monthly newsletter, the subject line of which one week reads: “President Trump’s Plan for a Monument-Free America Should be Opposed.” The email encourages readers to call their Senators and Representatives to vote against the President’s plan.

Advocacy?

Or Lobbying?



Scenario 3:

Your organization created a pamphlet regarding the merits of historic preservation, encouraging readers to send a sticker to their legislators that reads “I support historic preservation in America.” The phrase is not specifically identified with, or linked to, the handful of bills related to historic preservation currently pending in Congress. The pamphlet doesn’t refer to any of these bills, nor does the organization indicate its support for – or opposition to – a specific legislative proposal.

Advocacy?

Or Lobbying?



Scenario 4:

Your organization routinely summarizes and reports, via social media, on the status of cultural heritage-related bills currently pending in Congress. These posts identify each bill by number, as well as the sponsor's name, and often often reflect the organization's view on specific pieces of legislation. They don't, however, encourage members of your social media network to action.

Advocacy?

Or Lobbying?



Quiz 1:

Your organization is upset about President Trump's Executive Order that will review national monument designations. Your organization sends a letter to the Secretary of the Interior expressing your concern and supporting monuments. You only reference the Executive Order.

Advocacy?

Or Lobbying?



Quiz 2:

Your organization responds to the FCC's request for public comment about its efforts to revise its regulations on Section 106 of the NHPA.

Advocacy?

Or Lobbying?



Quiz 3:

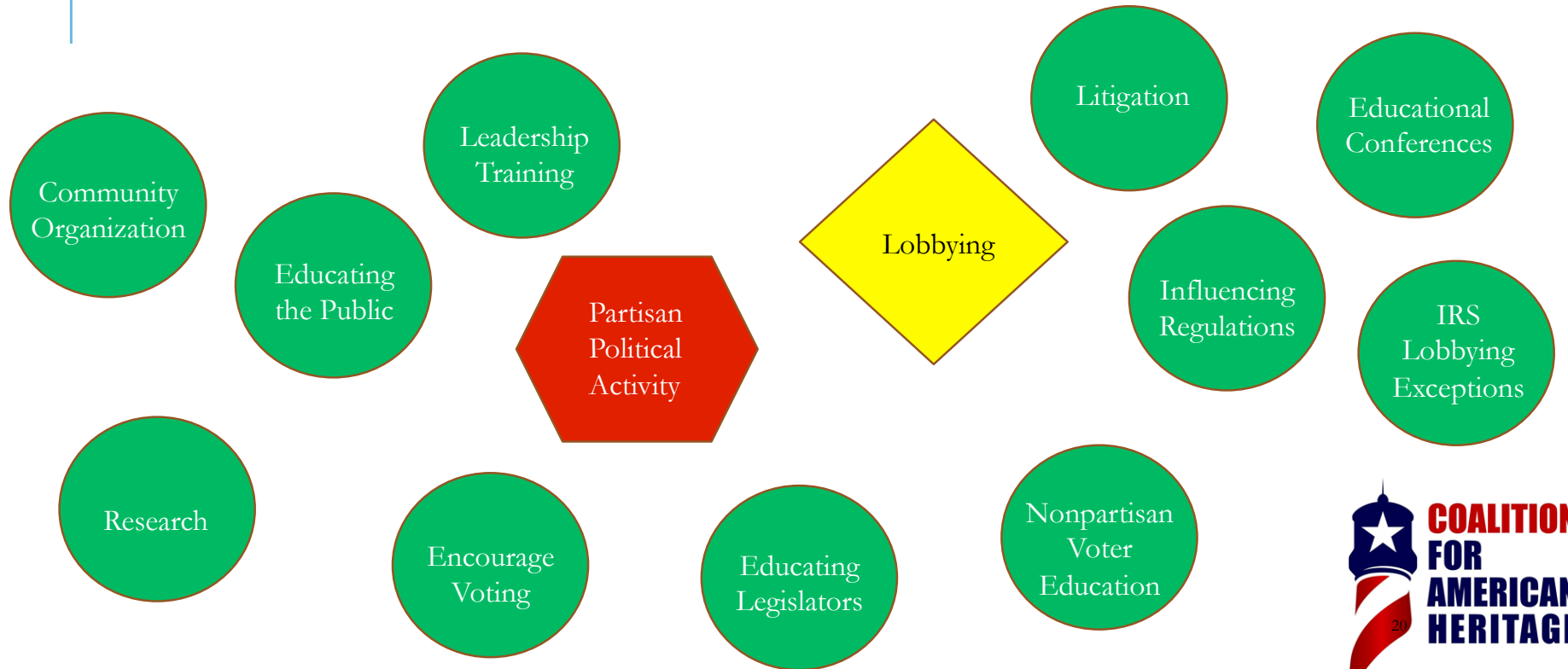
Your executive director is invited to testify before a House committee about appropriations for the Historic Preservation Fund. The executive director testifies about how additional funds are needed.

Advocacy?

Or Lobbying?



What Can't Nonprofits Do?



Unlimited Activities (NOT Lobbying!)

Praise good government policy:

- Give an award to a legislator to recognize his/her commitment to historic preservation (but not as a campaign endorsement)
- Send Congressman letter explaining how your org or issue has benefited from gov't policy:
 - “NEH supported this important research...”
 - “Because of an HPF grant, we were able to preserve this important place in your district...”



Unlimited Activities (NOT Lobbying!)

Educate Congress on historic preservation matters:

- Meet with your Congressperson to tell him/her about the value of your work that is supported by the government
- Testify when invited before Congress
- Distribute a nonpartisan report about the impact of policy on your issue



Unlimited Activities (NOT Lobbying!)

Engage and educate your members to do their own advocacy:

- Send an email to your members about how great a proposed bill is, but don't ask people specifically to support it (no "call to action")
- Let members know how a spending bill compares with previous support for historic preservation
- Tell members if their representatives are in support for eliminating a historic preservation program (without requesting a specific action)



Unlimited Activities (NOT Lobbying!)

Administrative Advocacy:

- Respond to Notices for Public Comment in the Federal Register
- Support or Oppose Executive Orders





Thanks for Listening! Questions?

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the Coalition for American Heritage here:

www.heritagecoalition.org

And follow us on Facebook and Twitter!

