

League of Women Voters of the United States

ADVOCACY ACTIVITIES THAT LEAGUES MAY UNDERTAKE USING CHARITABLE 501 (c)(3) MONIES (January 2006)

Leagues may use grants from charitable organizations (such as Education Funds and foundations) to engage, directly or indirectly, in far more advocacy than most of us realize. Federal laws allow considerable advocacy using charitable funds.

Advocacy encompasses pleading for or against causes, as well as supporting or recommending positions. Advocacy is a broader concept than lobbying. While lobbying can be part of an advocacy strategy, advocacy does not necessarily include lobbying.

IMPERMISSIBLE ADVOCACY ACTIVITIES

Federal law prohibits charitable monies from being used to support or oppose candidates for public office.

Lobbying is defined as an attempt to influence specific legislation, including both legislation that has already been introduced in a legislative body and specific legislative proposals that the League or others may either oppose or support. There are two types of lobbying:

(1) ***Direct lobbying*** includes attempts to influence legislation by communicating with legislators, their staffs and other governmental employees who may participate in the formulation of legislation and the general public regarding referenda and other ballot measures. **To constitute direct lobbying, a communication must refer to and express a view on specific legislation.**

(2) ***Grassroots lobbying*** is communication that attempts to influence legislation by urging the general public to influence legislators. **To constitute grassroots lobbying, a communication must refer to specific legislation; reflect a view on the legislation; and include a direct call to action, which is defined as a statement that directs readers to contact their legislators, or that includes contact information for a legislator or employee of a legislative body.**

LWVUS policy recommends against using Education Fund monies to engage in any lobbying, notwithstanding that, federal law permits charities to fund limited amounts of lobbying. National League policy has not changed. However, there are many forms of advocacy other than lobbying, which may be funded with Education Fund monies.

PERMISSIBLE ADVOCACY ACTIVITIES

The following advocacy activities can be funded through your Education Fund, under both federal law and LWVUS policies:

- Presenting only one side of an issue when communicating:
 - With legislators and their staffs, so long as no legislation on the issue has been introduced.
 - With the public, so long as the communication does not include a call to action.

- Sharing information on policy issues with policymakers and the public, by such means as:
 - Collecting and disseminating data to advocates and policymakers; developing public policy briefs that analyze issues and provide detailed information and recommendations for addressing them through specific reforms; and providing forums for discussing issues and educating policymakers. This includes:
 - Conducting and releasing nonpartisan analyses, studies or research. These may take a position on specific legislation, as long as all the facts related to the position are presented fully and fairly and it is possible for the reader to form an independent opinion or conclusion. The research must also be made generally available through such means as distribution to the media and other interested parties and/or presentation at meetings and conferences, etc. The research cannot include a direct call to action to the reader to contact legislators.
 - Convening a broad spectrum of interested parties, including legislators, executive officials and their staffs, around issues of concern as long as the discussions focus on topics other than the merits of specific legislation.
- Responding to written requests for technical advice or testifying at legislative hearings. In such instances, supporting or opposing specific legislation is permissible, as long as the written request comes from a legislative body rather than an individual legislator.
- Communicating to the public about general issues of concern, through public education campaigns using radio, television, direct mail and other forms of public communication. However, the messages must not include a call to action and cannot take place within two weeks of a legislative vote.

*** Please note that communications to the public that refer to ballot initiatives, referenda and similar procedures and take a stand on them are considered direct lobbying, and are not permissible.
- Using the media to shape public opinion, mobilize activists and influence decision makers, by developing messages that include both problems and solutions and gaining access to the news media by presenting issues in ways that are newsworthy and likely to be covered by media outlets.
- Addressing the implementation of existing laws, such as the promulgation of regulations, by administrative bodies.
- Gauging public opinion through polls and surveys.

If you are interested in additional information on these topics, we recommend “The Nonprofit Lobbying Guide” by Bob Smucker, which is available online at <http://www.independentsector.org/programs/gr/lobbyguide.html#pt2>.