Advocacy and lobbying
RULES FOR NONPROFITS

We'll begin at approximately 11:00AM Eastern
Technical problems? Call GoToMeeting Technical Support (888) 259-8414

AGENDA

1. Comparing nonprofits
2. What is "advocacy"?
3. What is "lobbying" and how much can we do?
4. Lobbying exceptions

Comparing NONPROFITS

<table>
<thead>
<tr>
<th>Examples</th>
<th>501(c)(3)</th>
<th>501(c)(4)</th>
<th>Political Organizations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Alliance for Justice</td>
<td>AFJ Action Campaign</td>
<td>Connected/SSF</td>
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<tr>
<td></td>
<td>LCV Education Fund</td>
<td>LCV</td>
<td>LCV PAC</td>
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<td></td>
<td></td>
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<td>Independent</td>
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<td></td>
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<td></td>
<td>Emily's List</td>
</tr>
<tr>
<td>Lobbying Activities</td>
<td>Limited</td>
<td>Unlimited</td>
<td>Rare and usually taxable</td>
</tr>
</tbody>
</table>
Avenues for **ADVOCACY**

**INSUBSTANTIAL PART TEST**

1. What is "insubstantial"?
2. Default test
3. Activities-based
4. Lobbying not defined
5. Penalty

or

**501(H) EXPENDITURE TEST**

1. Dollar-based limits
2. One-time election – IRS Form 5768
3. Expenditures only
4. Definition of lobbying
5. Penalty less severe

**How much LOBBYING?**

1. Calculate organization’s "Exempt Purpose Expenditures"
2. Overall lobbying limit

<table>
<thead>
<tr>
<th>ANNUAL EXPENDITURES</th>
<th>OVERALL LOBBYING LIMIT</th>
</tr>
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<tbody>
<tr>
<td>$500,000 or less</td>
<td>20%</td>
</tr>
<tr>
<td>$500,000 to $1 million</td>
<td>$100,000 + 15% of excess over $500,000</td>
</tr>
<tr>
<td>$1 million to $1.5 million</td>
<td>$175,000 + 10% of excess over $1 million</td>
</tr>
<tr>
<td>$1.5 million to $17 million</td>
<td>$225,000 + 5% of excess over $1.5 million</td>
</tr>
<tr>
<td>Over $17 million</td>
<td>$1,000,000</td>
</tr>
</tbody>
</table>

3. Grassroots lobbying limit is 25% of overall limit

**LOBBYING LIMITS** under 501(h)
TOTAL LOBBYING LIMITS
for 501(c)(3)s making the 501(h) election with annual expenditures of $500,000

- Direct
- Grassroots
- Education & Non-Lobbying Advocacy

Overall Lobbying Limit $100,000
Grassroots Lobbying Limit $25,000

What is LOBBYING?

DIRECT
Communication
Legislator
Expresses a view about specific legislation

GRASSROOTS
Communication
General public
Expresses a view about specific legislation
Call to action
DIRECT Communication
Legislator
Expresses a view about specific legislation

GRASSROOTS Communication
General public
Expresses a view about specific legislation
Call to action

Federal Members of Congress

State State Legislature

Local City Council, County Board of Supervisors

When is Dr. Ana M. Viamonte Ros, Secretary of the Florida Department of Health, a “legislator”?

President, governor, mayor or other executive official who participates in the formulation of legislation
SPECIAL "LEGISLATOR" RULE

Members of the general public are "legislators"
DIRECT Communication Legislator Expresses a view about specific legislation

GRASSROOTS Communication General public Expresses a view about specific legislation Call to action

Regulations
Executive Orders
Enforcement of Existing Laws
Litigation

NOT Specific Legislation
CALL TO ACTION

DIRECT
Communication
Legislator
Expresses a view about specific legislation

GRASSROOTS
Communication
General public
Expresses a view about specific legislation
Call to action

TELLING TO CONTACT
legislator(s)

PROVIDING ADDRESS,
telephone number, and/or other contact information of legislator(s)

PROVIDING MECHANISM
to enable communication with legislator(s)

IDENTIFYING
legislator(s)
DIRECT Communication
Legislator
Expresses a view about specific legislation

GRASSROOTS Communication
General public
Expresses a view about specific legislation

Call to action Not Lobbying

DIRECT Communication
With a legislator
Expressing a view about specific legislation

GRASSROOTS Communication
General public
Expresses a view about specific legislation

Call to action

DIRECT Communication
With a legislator
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Call to action
Welcome to Florida ADAP

Our Mission
To provide access and support for Florida's eligible people with HIV/AIDS.

Get the facts: In Florida

WAITING LIST

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WAITING LIST
Nonpartisan analysis, study, or research

Request for technical assistance

Self defense

Examinations and discussions of broad social, economic, and similar problems

Lobbying EXCEPTIONS

MUST
- Full and Fair Discussion
- Broadly Disseminated

MAY
- Express a View
- Indirect Call to Action
- Subsequent Grassroots Lobbying limited

Nonpartisan ANALYSIS
Technical ASSISTANCE

**MUST**
- Invitation in Writing on behalf of Committee
- Available to all members of Committee

**MAY**
- Express a View on Specific Legislation

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**QUESTIONS?**

<table>
<thead>
<tr>
<th>WEST COAST</th>
<th>EAST COAST</th>
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<tbody>
<tr>
<td>Alliance For Justice</td>
<td>Alliance for Justice</td>
</tr>
<tr>
<td>1611 Telegraph Avenue</td>
<td>11 Dupont Circle, NW</td>
</tr>
<tr>
<td>Suite 1006</td>
<td>2nd Floor</td>
</tr>
<tr>
<td>Oakland, CA 94612</td>
<td>Washington, DC 20036</td>
</tr>
<tr>
<td>510-444-6070</td>
<td>202-822-6070</td>
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