



## *Advocacy for Non-Profits*

Those electing Section 501(h)



### *What is not lobbying*

- Testifying on legislation as individuals, but not as representatives of the organization.
- Individuals submitting opinion pieces, via print or social media, but not as representatives of the organization.
- Individuals contacting their legislators regarding specific legislation.
- Operative word: Individuals (not organization)



## *Not Lobbying for a Non-Profit*

- What is **NOT** Lobbying – 4 Basic Exceptions:
  - Communication of nonpartisan analysis, study or research
    - Must pass content and distribution tests
      - Cannot refer to specific legislation or encourage direct lobbying and be provided to the general public
  - Communications examining broad social, economic or similar problems
  - Responding to requests for technical advice or assistance from legislators
  - Self-defense communications

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## *Two types of Lobbying for a Non-Profit*

- The IRS identifies two types of permitted lobbying for non-profit organizations
  - Direct Lobbying
    - Communications with a legislators
  - Grass Roots Lobbying
    - Communications with the general public

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## *Direct Lobbying*

- Communications with a legislator, employee of a legislative body or any government employee who may participate in the formulation of legislation.
  - refers to a specific piece of legislation; **and**
  - expresses a view on that legislation

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## *Grass Roots Lobbying*

- Communications attempting to influence specific legislation by encouraging the public to contact legislators about that legislation
  - refers to specific legislation;
  - reflects a view on that specific legislation; **and**
  - encourages the recipient of the communication to take lobbying action with respect to the specific legislation.

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## *Grass Roots Lobbying*

- Regulations specify that a grass roots lobbying call to action must either:
  - state that the recipient should contact a legislator or government employee;
  - provide the address, phone number or similar information of the legislator;
  - provide a means to contact the legislator; **or**
  - specifically identify the legislators who will vote on this legislation and their current position.

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## *Membership Communications*

- Certain communications between organizations and their members are treated differently from non-member communications.
  - Communications which refer to and reflect a view on specific legislation **but do not** directly encourage members to engage in direct or grass roots lobbying do not create lobbying expenditures.
  - There are other exceptions, but not pertinent at this time for our organization.

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## *Limitations to Lobbying Expenditures*

- Overall, lobbying expenditures cannot exceed 20% of the organizations total expenditures.
- Additionally, grass roots lobbying cannot exceed 25% of total lobbying expenses.
  - This limitation is actually pegged to total organizational expenses, so is not directly dependent on direct lobbying expenditure.

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## *Expenditure Examples*

- NH HWCA total 2022 projected expenses
  - \$45,000
- Total lobbying expenses cannot exceed
  - \$9,000
- Total grass roots lobbying expenses cannot exceed
  - \$2,250

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## *Lobbying Expenditures Include*

- Lobbying expenses will include:
  - Compensation paid to employees
  - Fees paid for professional services
  - Direct costs such as printing of flyers, advertising, postage, etc.
  - Indirect costs based on general overhead



## Reference:

Harmon, G. Ladd, J. and Evans, E. (n.d.)  
 Advocacy resources: Being a player. Bolder  
 Advocacy a program of Alliance for Justice.  
<https://bolderadvocacy.org/resource/being-a-player-a-guide-to-the-irs-lobbying-regulations-for-advocacy-charities/>