



501(c)(3) Advocacy Strategies:

How to Be Effective & Compliant

Laura MacCleery

UnidosUS Senior Policy Director
lmaccleery@[unidosus.org](mailto:lmaccleery@unidosus.org)

Topics

GOALS

**Clear understanding of what 501(c)(3)s
CAN do under federal law**

**Practical guidance for staying compliant
with federal rules**

**Strategies for effective advocacy within
legal boundaries**

Important Disclaimer: This guidance covers federal tax law only. Always consult your legal counsel for organization-specific advice.

Advocacy versus Lobbying

- **Advocacy** = Any action that speaks in favor of, recommends, argues for a cause, supports or defends others
 - Public education
 - Research and analysis
 - Regulatory work
 - Litigation
 - Community organizing
 - Voter registration and education
- **Lobbying** = Specific attempts to influence legislation (one type of advocacy)

**501(c)(3)s
Have
Significant
Advocacy
Rights**

You CAN:

- **Educate legislators about issues and your organization**
- **Respond to written requests from legislative committees**
- **Conduct nonpartisan research and analysis**
- **Discuss broad social issues without referencing specific legislation**
- **Engage in unlimited non-lobbying advocacy**
- **Engage in a generous amount of lobbying (with limits)**
- **Defend your organization's powers and right to exist**

First Steps for New Advocacy Organizations

Never Done Advocacy? Start Here

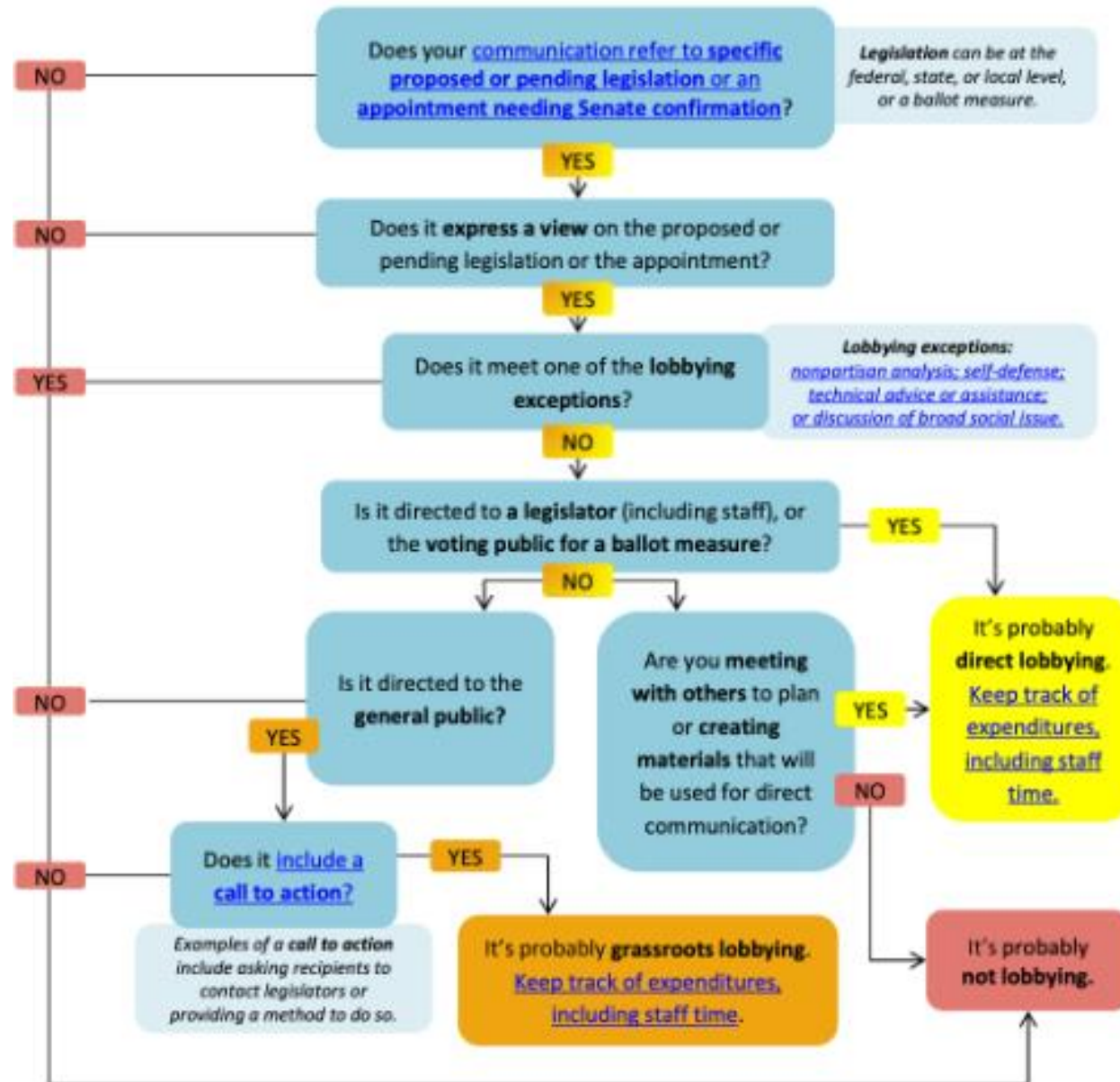
- **Assess Your Work:** Review your mission: does it address problems that could benefit from policy change? Examine programs: do you already educate officials about your community's needs? Consult counsel to identify first steps.
- **Start Small:** Invite a legislator to tour your facility (educational, not lobbying); Join existing coalitions working on issues you care about; Begin tracking any current activities that might count as lobbying; Establish relationships with policymakers as an information resource
- **Build Capacity:** Train staff on advocacy vs. lobbying distinctions; Create simple tracking systems for lobbying activities; Develop organizational advocacy policies and procedures

IRS Lobbying Flowchart

This graphic can help you determine if your communication is considered lobbying under federal tax law rules for electing 501(c)(3) organizations. It does not cover situations or communications that take place in a candidate election context.

But... is it lobbying?

(No need to memorize this!)



What You Can Do Without Lobbying

Powerful Activities that Are Generally Not Lobbying

- **Educate** legislators about your mission and community needs
- **Invite** legislators to facility tours (without discussing specific bills)
- **Provide** nonpartisan research and objective data
- **Respond** to written requests for information from committees
- **Host** educational forums on broad social issues
- **Organize** community members to share their stories

When You Choose to Lobby

Lobbying Activities to Track

- Communicate directly with legislators about specific legislation
- Organize grassroots campaigns with calls to action
- Meet with legislative staff to discuss pending bills
- Provide testimony supporting or opposing specific legislation
- Send action alerts asking supporters to contact legislators
- Gather signatures for or against ballot initiatives

Remember: Track these activities toward your lobbying limits

Words and Actions Matter

Words that suggest lobbying:

- Lobby, influence, persuade, convince, pressure, urge
- “Call your representative”
- “Support/oppose this bill”

Words that emphasize education:

- Educate, inform, provide information
- “Learn about the issue”
- “Share your story”
- Build relationships with policymakers



Your paper trail also matters - choose language carefully in written communications.



Understanding Lobbying Limits

- **Direct Lobbying**
 - Communication with legislators or staff
 - References specific legislation
 - Expresses a view on that legislation
- **Grassroots Lobbying**
 - Communication with the general public
 - References specific legislation
 - Expresses a view on legislation
 - Urges public to contact legislators
 - Both count toward your lobbying limits.



How Much Lobbying Can You Do?

- **Substantial Part Test (Default)**
 - “No substantial part” of activities can be lobbying
 - Vague standard: most advisors suggest 3-5% is safe
 - Applies to all activities, not just expenditures
- **501(h) Expenditure Test – taking the “election”**
 - Clear dollar limits based on your annual expenditures
 - More generous than Substantial Part Test
 - Only tracks expenditures, not all activities
 - Must elect this option with IRS



Practical Compliance Steps

- **Documentation:**
 - Create written advocacy plans with (c)(3)-permissible goals
 - Track lobbying activities and expenditures
 - Keep records of all communications about legislation
 - Document staff time spent on lobbying
- **Best Practices:**
 - Review communications before sending
 - Train staff on the differences between advocacy and lobbying
 - Use separate funding streams as needed
 - Consult counsel regularly



Working with Other Organizations

- **You CAN work with 501(c)(4)s and other groups, BUT:**
 - Ensure your activities remain (c)(3)-compliant
 - Don't allow your name/resources for candidate support/opposition
 - Create separate advocacy plans for your organization
 - Track your own activities independently
- **Watch out for:**
 - Targeting based on voting patterns/party
 - Activities designed to influence elections
 - Messages that support/oppose candidates

Election Year Considerations for a 501(c)3

- **DO:**

- Continue all normal advocacy activities
- Register voters (nonpartisan)
- Educate voters on issues (nonpartisan)
- Invite all candidates to forums (equal opportunity)
- Continue lobbying within your limits

- **DO NOT:**

- Support or oppose any candidate
- Rate candidates or make endorsements
- Target activities based on voting propensity
- Use your resources for candidate-related activities

Key Takeaways

- Federal law protects your right to robust advocacy
- You have set up legal and generous limits for lobbying activities
- Careful language and documentation protect your organization
- Most of your advocacy work doesn't count as lobbying
- You can work effectively in coalitions while staying compliant

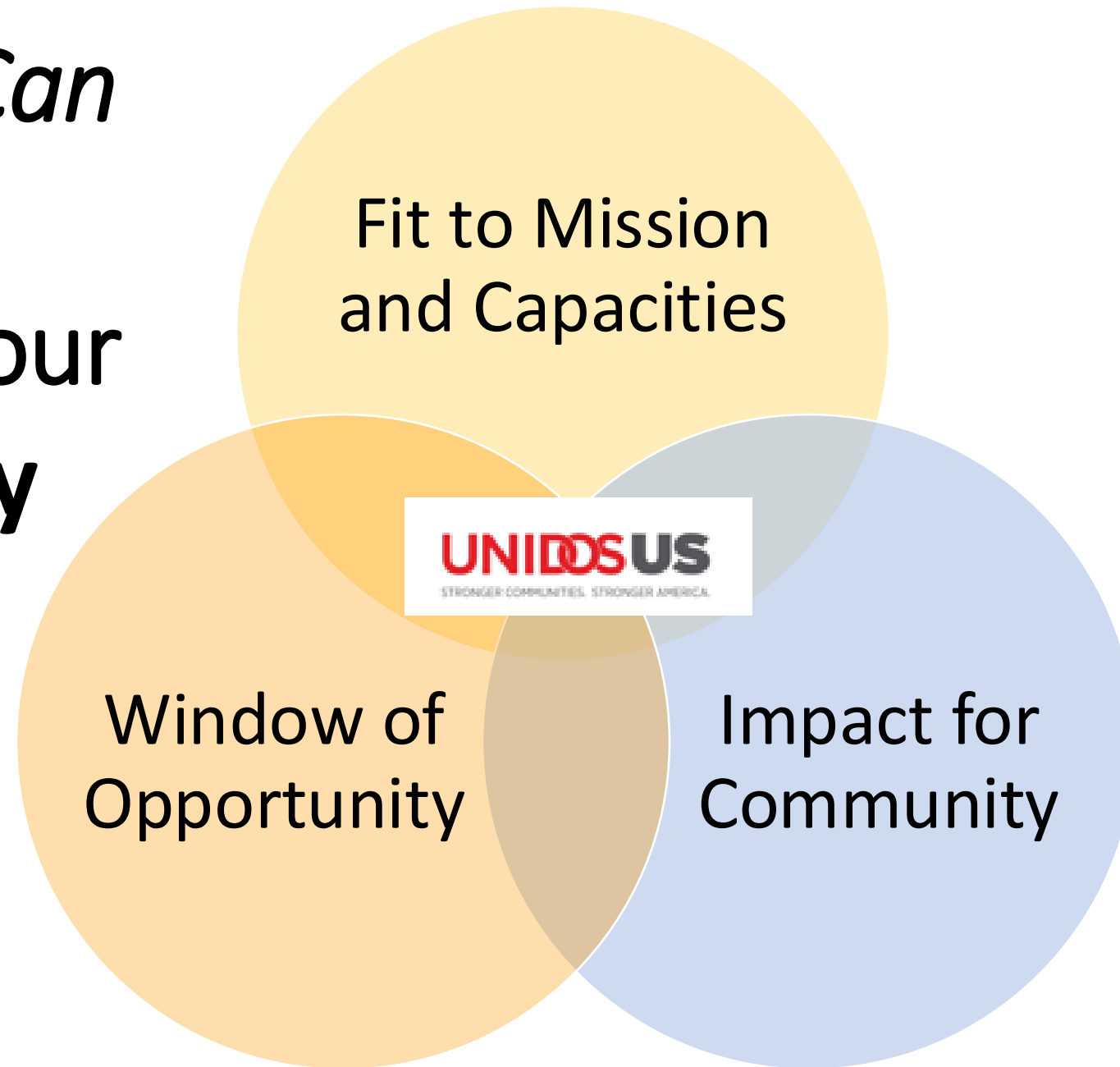
Remember:

The federal rules provide a floor, not a ceiling. *State and local laws may have additional requirements.*

Get Help When You Need It

- **Bolder Advocacy Technical Assistance Hotline**
1-866-NP-LOBBY (1-866-675-6229); advocacy@afj.org
- **Key Resources (all available at bolderadvocacy.org):**
 - IRS Lobbying Flowchart
 - Keeping Track: A Guide to Recordkeeping for Advocacy Charities
 - Public Charities Can Lobby: Guidelines for 501(c)(3) Public Charities
 - Lobbying Under the Insubstantial Part Test
 - What is Lobbying Under the 501(h) Election?
 - Advocacy and Lobbying Do's and Don'ts
 - Free online Advocacy Capacity Assessment Tool

What *We Can* *Do Best:* Focusing your **Advocacy**



Portrait of an Effective Advocate



Be prepared, confident, and grounded in your own work:

- **Familiar with the decisionmakers and their pressure points**
- **Clear view of the stakes for Latinos, and equally clear about her right to be in the room**
- **Knowledgeable about the community**
- **Understanding the point in time and options**
- **“Cuts through” policy speak to highlight impacts for people**
- **Organized and mindful of deadlines**
- **Intellectually curious**
- **Observer of leaders, organizations and political moments**
- **Seeks to build trusting relationships**
- **Understands alignments and differences with both allies and opposition**
- **Respectful, while being clear about impacts for our community**

How to Make a Truth Sandwich

START BY STATING YOUR VALUES.

ACKNOWLEDGE THE DISINFORMATION WITHOUT REPEATING OR LINKING TO IT!

ADD A THICK LAYER OF TRUTH.

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ASK YOUR NETWORK TO AMPLIFY.

Immigrants and Public Safety

Diverse, welcoming communities flourish. Inclusive neighborhoods create **safer, more vibrant environments for all** of us.

Yet **some leaders** are spreading **unfounded claims linking immigration with higher crime**, cherry-picking data and ignoring the facts.

FBI data shows that the average homicide rate of 11 border cities was [lower than the national average](#). Undocumented immigrants are [33% less likely](#) to be incarcerated than those born in the U.S. In other words, **immigrant communities enhance both our security and our quality of life.**