



Lobbying and Nonprofit Status

Domestic violence programs can lobby under federal law. Federal laws allow for nonprofit organizations to lobby as long as their activities stay within generous lobbying limits. However, it is important to understand the allowable activities and the prohibitions on using federal funding to lobby.

What is lobbying?

Lobbying is specific definition for a type of advocacy, and includes both direct and grassroots lobbying. Direct Lobbying is defined as: *Communication with a Legislator that expresses a View about Specific Legislation.* Grassroots Lobbying is defined as: *Communication with the Public that expresses a View about Specific Legislation and Includes a Call to Action.* In order for an action to be considered direct lobbying or grassroots lobbying under the federal lobbying limitations, it must contain all of the above elements. It is not lobbying if one or more of the required elements is missing.

Lobbying	NOT Lobbying
Sending a letter to your United States Senators and Representative that explicitly asks them to support VAWA funding.	Giving a tour of your shelter to a Member of Congress or Congressional staff person.
Calling your Member of Congress's office and asking their staff to vote "yes" for VAWA funding.	Sending your agency newsletter to your Senators and Representatives offices.
Asking your board members to call or write your Members of Congress and ask for their support for more funding for VAWA.	Announcing at your fundraising event that your Congressional delegation supported full funding for VAWA.

How much can my program lobby?

The Internal Revenue Service sets limits on the amount of lobbying that 501(c)(3) organizations can engage in depending on which of two sets of rules the organization chooses to fall under -- the "501(h) expenditure test" or the "insubstantial part test." The 501(h) expenditure test allows nonprofits to calculate the amount of their budget that can be spent on lobbying by filling out IRS Form 5768 and using a formula (for example, up to 20% of the first \$500,000 of the annual budget can be spent on lobbying). Under the insubstantial part test, a nonprofit may engage in lobbying so long as it does not account for a substantial part of their activities. Both tests allow for generous amounts of lobbying.

Can we use federal funding to lobby?

No. Nonprofits that received funding through federal grants, contracts or cooperative agreements may not use that federal funding to lobby. However, even if you receive federal funding, you can use other funding in your budget to cover lobbying expenses.

What activities would not count as lobbying?

Activities that you, your staff, your family and friends engage in on your own time and with your own resources do not fall under the lobbying restrictions. For example, if you receive action alerts from NNEEDV on a personal email account and forward those to your friends and family, this does not count as lobbying. Also, if your staff use their personal cell phones during non-work time to call their member of Congress and ask for their support for VAWA funding this is not lobbying.

Bottom Line: Lobbying is one more way that domestic violence programs can represent the interests of battered women. Participating in meetings with your members of Congress, emailing and calling your members of Congress and their staff, and asking your board members, volunteers and other supporters to contact Congress do not violate federal law.

For more detailed information on lobbying and public advocacy for nonprofit organizations, visit the Alliance for Justice at www.allianceforjustice.org or call 1-866-NPLOBBY. This fact sheet is intended to provide information and is not a substitute for legal advice or counsel.