

Advocacy/Lobbying Policy and Procedure

Policy

It is the policy of Together to advocate for policies/legislation that positively impact the lives of our clients in the areas of Food Insecurity, Affordable Housing, and Economic Security. In order for Together to live out its mission of preventing and ending homelessness, Together must operate successful programs AND work to impact the systems and policies that create barriers to a better tomorrow for people experiencing food insecurity and homelessness.

Definitions

Advocacy means to speak up, to plead the case of another, or to fight for a cause. Derived from the Latin word *advocare*, which means "coming to the aid of someone," advocacy is an important function of most nonprofit organizations. It describes a wide range of expressions, actions and activities that seek to influence outcomes directly affecting the lives of the people served by the organization. All nonprofits advocate to varying degrees. For some, advocacy is the focus of their work, while other organizations may use advocacy to respond to issues pertaining to their mission.

Advocacy should not be confused with *lobbying*. Lobbying, as defined by the Internal Revenue Service, involves attempts to influence legislation at the local, state or federal level. Lobbying always involves advocacy, though advocacy does not always involve lobbying.

Lobbying. Direct lobbying is attempting to persuade legislators to enact or not enact a bill. Grassroots lobbying involves encouraging the constituency of legislators to exercise their influence with such legislators on behalf of or against some legislation. Political campaigning consists of working for or against candidates' election to office.

Is It Advocacy or Is It Lobbying?

Under these definitions, there is in fact a great number of activities an organization can engage in that are neither campaigning nor lobbying, thereby eliminating the concern for legal repercussions that lobbying might have on the tax exemption of a "public charity."

For example, the following activities are not lobbying:

- Efforts to make an administrative agency of the government change its policies, rules or regulations, or to adopt new ones, are not considered lobbying.
- An exempt organization may engage a political executive (e.g.: a mayor or governor) so long as the political executive is not asked to promote, discourage or veto legislation.
- An exempt organization can develop a general policy position directed at issues as long as the issues have not been reduced to a specific legislative proposal.
- Testifying before a legislative committee on a matter for which the organization has received a written request from the committee to testify.

- Non-partisan voter registration drives are also allowable, as is voter educational material so long as such material: 1) states the position of all candidates without any evaluation of the candidates, 2) covers a broad range of issues without any particulate bias toward such matters, and/or 3) describes the candidates' positions in ways that do not show bias on the issues or a preference.

Focus Areas

Food Insecurity: Together wants to support efforts/policies/legislation that provide access and remove barriers to food, nutrition programming, and urban agriculture.

Affordable Housing: Together wants to support efforts/policies/legislation that provide access, remove barriers, and increase the quantity and quality of affordable housing.

Economic Security: Together wants to support efforts/policies/legislation that provide opportunities for living wages, affordable healthcare, and education.

Elected Officials

Engaging our elected officials is an integral part of Together's advocacy efforts on behalf of our clients to ensure their voice is heard. This engagement should NEVER involve the support or implied support of a specific candidate. Our intent is to support specific public policy that positively impacts the lives of our clients in the areas of Food Insecurity, Affordable Housing, and Economic Security.

For example, it is ok to engage elected officials at our facility, but it is not OK for them to use the visit to promote their campaign. (Campaign materials should not be present during or after the visit.)

501(h) Election and Substantial Part Test (Together has submitted the 501(h) election)

Public charities may engage in a limited amount of legislative lobbying under either the "substantial part" test or by electing to operate such activities under the Section 501(h) of the tax code. The IRS evaluates the "substantial part" test on the basis of the facts and circumstances, such as the time (by both paid and volunteer workers) and the expenditures devoted to lobbying by the organization.

Under the 501(h) expenditure test, public charities may spend:

On Direct Lobbying: 20% of the first \$500,000 of its exempt purpose expenditures, 15% of the next \$500,000, and so on, up to one million dollars a year.

On Grassroots Lobbying: 5% of the first \$500,000 of its exempt purpose expenditures, 3.75% of the next \$500,000, and so on, up to \$250,000 a year.

Direct lobbying is defined as an attempt to influence legislation by stating a position on specific legislation to legislators or other government employees who participate in the formulation of legislation or urging your members to do so.

Grassroots lobbying is defined as an attempt to influence legislation by stating a position on specific legislation to the general public and asking the general public to contact legislators or other government employees who participate in the formulation of legislation.

The term "**lobbying**" does not include the following activities:

- Providing technical assistance or advice to a legislative body or committee in response to a written request;
- Making available nonpartisan analysis, study or research;
- Providing examinations and discussions of broad social, economic and similar problems;
- Communicating with a legislative body regarding matters which might affect the existence of the organization, its powers and duties, its tax-exempt status, or the deduction of contributions to the organization (the "self-defense" exception); and,
- Updating the members of your own organization on the status of legislation, without a call to action.

Nebraska Revised Statute 49-1483.03

(1) Any lobbyist or principal who receives or expends more than \$5000 for lobbying purposes during any calendar month in which the Legislature is in session shall, within fifteen days after the end of such calendar month, file electronically a special report disclosing for that calendar month all information required by section 49-1483. All information disclosed in a special report shall also be disclosed in the next quarterly report required to be filed. The requirement to file a special report shall not apply to a receipt or expenditure for lobbyist fees for lobbying services which have otherwise been disclosed in the lobbyist's application for registration.

(2) Any lobbyist who fails to file a special report required by this section with the Clerk of the Legislature or the commission shall pay to the commission a late filing fee of \$100 for each of the first ten days the report remains not filed in violation of this section. After the tenth day, such lobbyist shall pay, for each day the report remains not filed, an additional late filing fee of one percent of the amount of the receipts and expenditures which were required to be reported, not to exceed ten percent of the amount of the receipts and expenditures which were required to be reported.

Procedures

All advocacy and lobbying efforts need to be approved by the Executive Director before the organization or any of its employees or representatives attempt to influence efforts/policies/legislation.

Any employees or representatives of the organization engaging in lobbying efforts must seek prior approval to any such efforts using the Lobbying Approval and Reporting Form. (Appendix A)

Any employees or representatives of the organization engaging in lobbying efforts must track the expenses associated with the lobbying effort using the Lobbying Timesheet and Expense Form. (Appendix B)

All expense forms and approval forms need to be turned in to the Executive Director upon execution of Lobbying effort.

Advocacy Task Force

The Advocacy Task Force is charged with researching and being informed about upcoming public policy issues that will affect our client base in a positive or negative way. Secondly the task force will develop a strategy and position for addressing the potential public policy issues identified. Additionally, the taskforce is responsible for communicating to the Board of Directors at regularly scheduled meetings updates regarding Together's strategy and position regarding certain public policy issues. Finally, the task force is responsible for engaging elected officials on both sides of the aisle to ensure a non-partisan approach and perception.

The Task Force will be comprised of representation from the Board of Directors, Together Staff, and our financial stakeholders.

APPENDIX A: Lobbying and Approval Reporting Form

Please complete this form if you engage in or provide support for an activity that you believe might constitute lobbying. If you are not certain whether or not the activity is lobbying and the activity involves expressing a view on a matter of public policy, complete this form. If you have questions about how to complete this form, contact the Executive Director.

Your Name: _____

Date of Activity: _____ Time Spent (nearest half hour): _____

Briefly describe the activity (including subject matter, bill number (if applicable), actions taken, individuals contacted, work product produced (attach copy if applicable)):

Briefly describe any reimbursable expenditures or payments to outside vendors associated with this work (e.g. travel expenses, printing costs, etc.):

Circle the appropriate answer(s) for the questions below and provide additional information as requested:

1. **What type of decision is this work an attempt to influence?**
 - a. Something voted on by a legislative body
 - b. Something decided by an administrative agency or the executive branch, without legislative involvement
 - c. An issue to be put before the voters (a ballot measure, such an initiative or referendum)
 - d. Something else/mixed purposes/not sure (explain on attached sheet)

2. **What level of government is this work an attempt to impact the policy of (circle all that apply)?**
- a. Federal
 - b. State (which state or states?) _____
 - c. Local (which locality or localities?) _____
 - d. Other (explain on attached sheet)
3. **What was the ultimate audience for this work (circle all that apply)?**
- a. Legislators, legislative staff, or other public officials
 - b. The public, the media, or others who are not public officials (answer next question)
 - c. Organization staff (describe what they expect to do with the work on attached sheet)
 - d. Mixed/not sure (explain on attached sheet)
4. **If you circled 3.b above, does the work product include (circle all that apply)?**
- a. Language urging recipients to contact a public official
 - b. Contact information (phone, address, email, etc.) for a public official
 - c. A way to send a message to a public official (a web-based form, a fill-in postcard, a petition, etc.)
 - d. Indication that a public official is opposed to, undecided on, or in a position to vote on the policy issue discussed
 - e. A paid ad that ran or will run in the mass media (TV, radio, newspaper, magazine, or billboard)
5. **Circle any of the following that apply:**
- a. The work will result in a work product that presents a complete and fair discussion or analysis of the subject (attach or describe)
 - b. The work was done at the request of a public official (state the substance of the request, provide the name and title of the official, and describe the form in which the request arrived (written, oral, etc.))
 - c. The work involves a policy that will directly affect our organization's existence, powers, duties, tax-exempt status, or the deductibility of contributions made to our organization (not simply an issue we care about)

Approval: _____
Executive Director

Date: _____

APPENDIX B: Timesheet and Expense Form

Name:

Week of _____ to _____

Non-Personnel Expenses		
Mileage		
Meals		
Air Travel		
Transportation		
Supplies		
Postage/Printing		
Total		

	Total Hours	Together		
		General	Direct lobbying	GR lobbying
Monday	0			
Tuesday	0			
Wednesday	0			
Thursday	0			
Friday	0			
Saturday	0			
Sunday	0			
Total	0	0	0	0

Total Personnel Expenses for Lobbying _____

Total Non-Personnel Expenses for Lobbying _____

Grand Total Lobbying Expenses _____

Approval _____

Date _____

President and CEO _____