

Lobbying by Nonprofits and Charities

Brian E. Foss

Because of their tax-exempt and nonpartisan status, many people think that charities and other nonprofits are breaking the law if they lobby. Nothing could be further from the truth, and many tax-exempt charities exist primarily for the purpose of changing laws.

Who do you think brought us clean water, eliminated smoking in public places, makes sure our manatees have a fighting chance, convinced legislators to mandate seatbelts, and saved small town historic districts from the wrecking ball? Many of the organizations that you and your family have supported for generations, including the March of Dimes, American Cancer Society, Audubon, Goodwill, YWCA, and Mothers Against Drunk Driving have tirelessly lobbied local, state and federal government to enact laws that have changed the quality of our lives, for the better.

People mistakenly think of nonprofit “lobbying” and “advocacy” as being analogous to supporting a candidate for public office. Charities can never endorse candidates. Just remember the phrase, “people no, legislation and issues yes.” Nonprofits can’t support people for public office, but they can support issues.

Some nonprofits exist for the sole purpose of influencing public policy while others provide services as well as advocating their cause. The environmental and conservation organizations you support are focused on changing laws to protect land, water, air, species, or eco-systems. A blending of service and advocacy makes good sense for many social service agencies that work with troubled youth, homelessness, persons with disabilities, diseases, and the challenges of poor seniors. Their boards and staff develop expertise in these fields, and it is a logical extension of their mission and programs to try to reshape public policy and practices to eliminate the problems they are addressing. After all, the ultimate goal of any social service provider ought to be to put itself out of business by eradicating the need for its services. At times, we have been successful in eliminating a problem such as polio, or drastically reducing the problem, such as smoking or water pollution.

Most communities have organizations that do a good job in lobbying and advocacy. Contact your local YMCA, Habitat for Humanity, community foundation, council of churches or any human service provider to find out which groups in your area are focused on lobbying your county commission or state legislature on housing, healthcare, jobs, and the basic needs of your community. At times, groups tackle a

highly focused area of concern. For example, child home safety issues, eradicating the import of exotic reptiles, elimination of asbestos, eradicating algae blooms – important work that can save lives.

The reason some people get hot under the collar about lobbying is that they don't support the changes that are being advocated. Examine the range of issues that have been appearing on our state and local ballots and you can almost feel the passion they create – pro and con. Whether it is permitting slot machines and casinos to generate new revenues (with nonprofits on both sides of the issue), legalizing medical marijuana, or term limits for elected officials (with nonprofits on both sides), some issues are controversial – and perfectly legal for nonprofits to attempt to influence.

One of the special aspects of lobbying by nonprofit organizations is that the diversity of thought on major issues by the American people is mirrored by charities. Pick a topic and you will find that it is impossible to generalize “how do charities feel about this?” because there are likely to be nonprofit organizations lobbying from very different perspectives. Having organizations with diverse views is important to a free society and democracy. As John W. Gardner, a former U.S. Cabinet member and Founding Chairperson of Independent Sector stated so eloquently, “If you can't find at least one organization with which you totally disagree, then something has gone wrong with our pluralism.”

A challenge that some charities face is not only that their donors are unaware that charities are legally permitted to lobby on issues, but when a donor finds themselves in opposition to the position of a charity, they sometimes threaten to withhold future financial support. Board members and staff need to be prepared to share with donors the process – and thinking – that goes behind any positions taken on issues that come before a local, state, or federal legislature.

With the passing of decades, many problems that charities have addressed have moved from controversial to mainstream thinking: the right for women to vote, child labor laws, civil rights for African Americans, minimum wage laws, preserving our heritage through historic preservation ordinances, mandatory public education for all, and opportunities for persons with disabilities in the workplace.

Are there rules and limits to what nonprofits can do in lobbying? Of course! Board and staff leaders would be wise to stay within the law by studying the regulations and can access them on the Center for Effective Government (foreffectivegov.org) or the National Council of Nonprofits (councilofnonprofits.org). Until then, enjoy the clean air and the right to vote brought to you by nonprofit organizations.

Brian E. Foss is a confidential strategic thinking partner to CEOs of nonprofits that want to maximize the effectiveness of their programs and mission. He is also the author of three books on nonprofit management and governance, and a member of the Board of Directors of the Martin County Community Foundation.