



UCF

Nonprofit Management

Advocacy Toolkit

2017

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Introduction:
Why Engage in Advocacy and/or Lobbying?

Definition and Origins of Advocacy and Lobbying

The origins of advocacy date back to ancient Rome and Greece, when well-known orators had performed as advocates pleading someone else's cause. At the beginning, advocacy had been considered a "personal" courtesy helping another. It was an action that people did to stand up for someone who had been marginalized in terms of the law, health, and social care.

As societies advanced, advocacy became a more public support. In modern history, the earliest advocacy groups originated in England during the mid-18th century aiming to deal with political and socio-economic challenges and needs.

During the 19th century, a significant industrialization process took place in the United States bringing a number of social side effects, and individuals and groups were organized to influence the great reform movements. The organized form of advocacy began to take shape in the latter half of the 20th Century, and today has become a global responsibility. It has acquired a more specific connotation by describing organized individuals, or groups aiming to influence public opinion and public policy (Pekkanen, Smith & Tsujinaka, 2014).

According to the Merriam-Webster (n.d.), the word advocate has three meanings:

1. One who pleads the cause of another (before a tribunal or judicial court);
2. One who defends or maintains a cause or proposal;
3. One who supports or promotes the interests of a cause or group.

Nonprofit scholars define advocacy in different ways. For some, it consists of actions aimed to draw the community's attention to a specific issue, while for others it is aimed to change the policies and programs of government. However, they agree that advocacy can be a social change process affecting attitudes, social relationships and power relations, which strengthens civil society and opens up democratic spaces (Save the Children Fund UK, A handbook for planning advocacy, 2000).

Role of Nonprofits in Advocacy and Lobbying

The nonprofit sector is one of the most important components of American life.

Nonprofit organizations serve as vital intermediary institutions that help maintain the quality of a democratic government and its responsiveness to the needs of all its constituents. Many political theorists have argued that advocacy is one of the most important roles played by nonprofit organizations in a democracy (Salamon, 2002; Boris & Krehely, 2002).

Every single day, nonprofits engage in advocacy. One of the most frequently cited definitions of advocacy within the nonprofit field is provided by Jenkins (2006) **advocacy** is “any attempt to influence the decisions of institutional elite on behalf of a collective interest” (p. 266).

Others have offered definitions that focus on the conflict inherent in advocacy, suggesting that “advocacy organizations make public interest claims either promoting or resisting social change that, if implemented, would conflict with the social, cultural, political, or economic interests or values of other constituencies and groups” (Andrews & Edwards, 2004, p. 481)

A significant amount of nonprofit advocacy is conducted by core advocacy organizations. However, service organizations might advocate representing a voice for marginalized groups they serve.

Although advocacy and lobbying are used interchangeably (both influence or improve policies and achieve structural changes), there is a distinction between the two. **Lobbying** is a specialized form of advocacy that includes all attempts to influence legislators and officials, whether by other legislators, constituents, or organized groups.” (Merriam Webster Vocabulary, n.d.). Others, make a distinction between policy advocacy and lobbying and define lobbying as a specific subset of policy advocacy that involves communicating the organization’s positions to policymakers either directly or by mobilizing the general public (Pekkanen, Smith & Tsujinaka, 2014; Salamon & Geller, 2008).

For Avner and Wise (2006), lobbying builds public policies that improve people’s lives and the places they live. It enriches a nonprofit’s ability to fulfill its mission and fosters citizen actions. Lobbying is an essential act in democracy. Nonprofit organizations can advocate to affect aspects of society, and lobby to attempt to influence legislation.

Examples of advocacy activities:	Examples of lobbying activities:
<ul style="list-style-type: none"> • demonstrations • petitions • press releases - press conferences • newspaper articles, columns • media campaigns • lawsuits 	<ul style="list-style-type: none"> • personal letters • meetings with decision-makers • working visits with decision-makers • personal exchanges • drafting of joint strategies • proposing legislation

For this discussion, it is important to clarify what the nonprofit sector is. The **nonprofit sector** refers to the diverse set of organizations that are neither profit making, nor governmental. These entities are organized for public purposes, are self-governed and do not distribute surplus revenues as profits (Powell & Steinberg, 2006).

Some advocacy scholars define nonprofit organizations as organizations registered as 501(c)3 “charitable organizations” with the IRS. Others, include organizations registered as tax- exempt “social welfare organizations” under IRS Sections 501(c)4-6 (lobbying organizations, unions, and professional and trade groups). Still others, include also small organizations that are not required to register with the IRS and groups that are not incorporated as formal organizations, such as coalitions that include multiple nonprofit organizations (Foley & Edwards, 2001; Andrews & Edwards, 2004; Krehely, 2001).

The definitions of which organizations qualify as “**advocacy organizations**” also vary. Advocacy organizations can include interest groups, social movement organizations, and traditional direct service nonprofit agencies (Andrews & Edwards, 2004). Some advocacy researchers focus on organizations whose core mission comprises advocacy (e.g., Reid, 2006; Rees, 1998), while others focus on direct service organizations that engage in advocacy as a secondary organizational activity (e.g., Donaldson, 2008; Gibelman & Kraft, 1996).

There are two broad types of nonprofits organizations: member-serving organizations (such as such as labor unions, business associations, social clubs, and second, public-serving organizations, such as hospitals, universities, social service agencies...etc.) (Salamon, 2015).

Andrews and Edwards (2004) have identified the following dimensions of the policy process where nonprofits can have a significance influence:

- (a) **Agenda setting**: many scholars of social movements and public interest groups believe that agenda setting is the arena where advocacy organizations will have their greatest influence, through demonstrations, education campaigns, lobbying, and advocacy;
- (b) **Access to decision-making arenas**: the direct or indirect participation in decision making indicates a level of legitimacy and recognition for advocacy organizations that differs from agenda setting.
- (c) **Achieving favorable policies**: the most visible and appreciated indicator of the influence in the policy process.
- (d) **Monitoring and shaping implementation**: another important dimension aiming at the implementation of the policy according to the interests of the group they represent.
- (e) **Shifting the long-term priorities and resources of political institutions**.

Siadel (2001) emphasized the **impact of advocacy organizations** for the political engagement by the following dimensions:

1. Activation of individuals to consider participating in political action;
2. Mobilization of coordinated individuals and resources; and
3. Political participation.

Nonprofit Functions and Characteristics Influencing Participation in Advocacy

While advocacy by core advocacy nonprofit organizations is highly visible and often recognized as effective (Berry, 2001; Boris & Krehely, 2002), the nonprofit direct service organizations appear to participate in advocacy at relatively low levels.

Besides the legal restrictions on advocacy activities, this low level of advocacy activity could be explained due to nonprofits characteristics and their key functions.

There are four key functions of nonprofit organizations: (Solomon, 2015)

1. Advocacy function
2. Expressive function
3. Community-building function
4. Value guardian function

The relationship between nonprofit organizations and government, especially focused on funding, also influence the advocacy participation. Nonprofit organizations receiving government funding may be less likely to participate in advocacy (Chaves et al., 2004; Child & Gronberg, 2007). They may be reluctant to take controversial positions opposed by the government agencies on which they rely for funding.

Other scholars propose a partnership theory that emphasizes the complementary and cooperative relationship between nonprofits and government, which work together to bolster support for policies and secure resources. While the influence of size and maturity of nonprofits organization on advocacy is ambivalent, for Salamon (2002) as nonprofit organizations become larger and more professionalized, their organizational self-interest in maintaining status and growing will tend to show less participation in progressive advocacy.

Other studies have shown a positive correlation between the level of government funding nonprofits receive and the level of their advocacy activities. Larger nonprofits have the resources to support advocacy, and they engage in advocacy because they have a stake in the dialog with government to promote the interests of their constituencies as well as their own organizational interests (Chaves, Stephens, & Galaskiewicz 2004, Hwang & Suárez 2008).

The research of Salamon and Geller (2008) had showed that only a few nonprofits organizations had devoted many resources to advocacy and lobbying activities. Only 14% of those organizations had spent 2% of their overall budget on these activities.

Chapter 1: Developing a Plan for Advocacy and/or Lobbying

Chapter 1: Developing a Plan for Advocacy and/or Lobbying

1.1 Some Basic Helpful Steps

- *Clarify the objectives of the organization and launch the discussion.*
 - There is a need for a consensus on the relevance of lobbying and advocacy. Organize regular discussions with staff about the role of advocacy and the added value it brings to the organization, the network or the coalition in society.
- *Define your target group.*
 - An organized and informed target group will enhance opportunities for effective consultation and participation in lobby and advocacy campaigns and will strengthen the legitimacy of your efforts.
- *Choose your lobby and advocacy goal.*
 - Lobbying and advocacy goals and objectives should be as specific as possible. A lobbying objective aims to change the policies, programs or positions of decision-makers.
- *Define the decision-makers.*
 - For any lobbying and advocacy campaign to be successful, it is essential to find out who the decisions makers are, and to identify their positions, interests and needs.
- *Identify other stakeholders.*
 - As a community lobbyist you need to take the actions of stakeholders into account as they may support / strengthen your efforts (allies) or start a counter lobby (opponents). Moreover, the neutrals are of particular interest as these may be influenced in such a way that they become allies.
- *Select the planning team and establish a clear set of responsibilities.*
 - The public policy planning team should represent the interests of leaders and stakeholders who will inform your policy work and who will be critical to the adoption and implementation of the plan.
- *Get approval to develop a public policy plan.*
 - It is important to secure the commitment of the key leaders of the organization for adding public policy to your organizational agenda. Frame the reasons why lobbying is important for the organization; elaborate information about the issue and its link with the mission of the organization and provide clear expectations about the time and resource commitments.
- *Develop a lobby and advocacy plan.*
 - You need a clear lobbying and advocacy action plan to be able to work strategically. Define the methods you intend to use, and the resources you have available. Set a clear timetable and define responsibilities. Identify lobby and advocacy activities and messengers/spokespeople that may influence those in power.

1.2 Create a Planning Process and Team

Investing time in planning is crucial to make your public engagement and influencing work successful.

Planning is a strategic way of deciding what you want to achieve, setting out what needs to happen to achieve this goal, deciding how you will go about achieving this change and sequencing when you will implement activities to achieve the most effective result.

Planning is not a one-off linear process. Issues and context will change constantly, so that continuous re-strategizing will be required.

Moreover, advocacy and lobbying are not static, but a set of activities aimed at achieving a change which is aligned with your organization's vision.

As the first step of the planning process, you should appoint the team's planning coordinator and facilitator for the whole process. This is a key role in both coordinating and monitoring the process (Avner & Wise, 2006).

1.3. Develop a Policy Vision and Goals

Review the organization's mission.

Nonprofit organizations exist to fulfill community needs. People do not engage because organizations have needs, but because they meet needs. The mission of the organization should embrace values, thus describing the purpose of its existence. It should describe not only what the organization does, but why does an organization exist (Grace, 2005). It is very important to review the mission of the organization so the policy advocacy and lobbying will be in line with the mission statement of the organization. The core values will serve as guidelines to elaborate the policy vision and goals for the advocacy plan, which will be a tool for realizing the mission of the organization.

Brainstorm how the public policy advocacy and lobbying can accomplish the mission of your organization.

There are many ways and activities that can fit together under the mission of the organization and its policy and advocacy plan. Every member of the group must be engaged in the brainstorming meetings and each contribution should be welcomed and evaluated. The planning team members should have the right skills to elaborate different creative ideas, but they also must be passionate about what are they doing and how they are promoting the well being of the community. It is important to be aware of how the plan will serve to transform these ideas into concrete activities and maximize the results. A successful plan must relate to the needs of the community it's going to promote or elevate, and each member must be aware also of the current financial resources devoted to the advocacy plan (Avner, M., & Wise, J, 2006).

Create a statement of the vision for the organization's public policy advocacy work.

Scholars emphasize that the vision should communicate the dreamed conditions for the community and how things would look if the issues important to you were perfectly addressed. It conveys the community's dreams for the future and must be understood and shared by members of the community. The vision describes what success would look like. It articulates how the mission of the organization will be advanced by advocating for public policy (Avner & Wise, 2006).

Identify your organization's public policy goals.

As stated earlier, the organization exists to meet the needs of the community, the public policy goals are related to the community and to specific programs. After identifying what you want to achieve, these dreams should be broken down into a series of goals and objectives. Once you are clear about the change you want to see, then you can elaborate the goals that will help you achieving your dream.

Two approaches to public policy:

Take the initiative: The organization can develop and advocate for new and improved policies that will address issues and promote the general welfare. Or they can introduce a new legislative idea, or promote solutions to an issue of concern by taking the leadership role in the process. In this case, the organization will elaborate an advocacy or a lobbying plan and will lead the process.

Be responsive: The organization can be part of the lobbying process initiated by others either by supporting a lobbying idea, or stopping a new law. They can encourage debate, monitor legislative activity, increase awareness about future proposals and inform the community and persuade decision makers to develop policies.

1.4. Develop a Policy Agenda: Establish Criteria and Identify Issues

Based on the mission and vision of the organization, the team members should establish the criteria that would be used to identify which issues to advocate or lobby. There are many issues, and the organization cannot advocate for all of them. First because not all issues are in line with its values, and secondly because of the scarcity of resources. Moreover, raising awareness and proposing public policies requires expertise in the field and needs community support.

The criteria for an advocacy plan should be simple, mission-focused and limited in number. Once they are set, the planning team should identify issues that are important for the community they serve and to accomplishing the mission of the organization. There are many issues of concern, but few make them it onto the public policy agenda. Moreover, the community may not know the issue exists, or that it can be affected by a new law, or public policy.

Thus, identifying specific public issue priorities is an important process which should first start with formal and informal research aiming to identify three types of issues:

1. Issues already in discussion in the public policy environment;
2. Issues anticipated to be on the agenda of state or local decision makers;
3. Issues you want to initiate in the public policy debate.

Participation in the process should include the planning team, the programs directors, staff, clients, other advocacy groups and other key stakeholders. The scope of the involvement of so many individuals depends on the size of the organization and its budget.

1.5. Set Objectives and Priorities

After outlining the issues, the planning team should use the criteria to decide which issues to advocate for and to rank them accordingly. They should take into consideration two elements: how closely each issue matches their mission, and the potential that the issue will actually be addressed by decision makers.

Then the issues that need to be addressed should be broken down into a set of clear objectives to describe the changes they want to achieve. The advocacy objectives should be SMART (specific, measurable, achievable, realistic and time frame), but at the same time they should be ambitious.

The issues chosen to advocate or lobby for should be important also for the community you serve, and you should bring awareness of the issue to the community, since they may not know the issue exists. Then, you should make clear to the community the implications of the issue, so that the seriousness of the issue is clearly understood.

Once people are aware of and understand the issues, the next step is to foster their concern about them. This involves making sure that people understand how issues affect them directly or indirectly, and play out in their communities. It's when they realize their own link to the issue that they'll begin to see it as something that's not only serious, but that needs to be addressed locally.

In order to decide upon the issue to advocate or lobby for, the planning team should answer the following questions:

- What is our public policy objective?
- Which changes or new initiative do we want to achieve?
- To accomplish the policy objective, are we going to support the current proposal, or do we want to offer an alternative proposal?

Target and Identify Areas of Influence

The next task for the planning group is to review the areas of influence where the issues might be decided; identify a primary area of influence and get informed more about the local and state legislative areas.

If the organization will be working to influence government decision makers, the areas of influence are the following: legislative, executive and judicial system.

- ***Legislative branch:*** The organization will use the legislative arena to influence the funding priorities and appropriations decisions of state and local government; shape broad policies and pass laws. It is important to review the legislative process; the informal rules of the process as well as the formal steps you will need to take.
- ***Executive branch:*** The organization will use the executive arena to influence the elaboration and the implementation of policies, programs and the related budgets. The organization should be familiar with the state constitution, county or city charter; official rules, units of government and also the people involved. They could be: legislative leaders' and staff, executive officials, lobbyist, political analyst, engaged citizens. Moreover, the planning team should be familiar with the political and fiscal environment.

- **Courts:** The organization can address the complex long, debated issues in the courts, if the legislative bodies have no authority to act or refuse to act; if federal state and local legislative decisions are contradictor, etc. (Avner & Wise, 2006).

1.6. Define Strategies and Tactics

Nonprofit organizations have two primary sources of power: valuable information and the voice of people who care about your legislative priorities. Thus, there are two approaches to advocacy and lobbying: **direct lobbying** and **grassroots organizing**.

Direct lobbying: is the action that your organization takes to persuade elected and appointed officials to adopt a position and vote by providing information that shapes the public debate over the issue and working with them in positive and respectful way to influence their decisions. The information and the expertise you have, can make you a valuable resource that elected officials and their staff will turn to as they shape their priorities and positions.

There are some tactics within the direct lobbying strategy:

1. Build positive relationships and trust with elected officials
2. Monitor the legislative process and identify activities that affect your issues
3. Provide expertise to elected officials
4. Persuade legislators to support your position

Grassroots organizing: involves educating and activating the public to persuade elected and appointed officials to vote to support your positions enhancing your overall effectiveness. It involves developing first a base of supporters; keeping them informed and updated and then mobilizing those who care about the issue and who are willing to have their voices heard. The tactics within the grassroots organizing are:

- Build your base of supporters in the public sphere
- Build your base of supporters among the people that you serve
- Mobilize and/or organize your supporters

1.7 Design the Organizational Infrastructure

Once you decide on your strategies and tactics you should discuss the roles, responsibilities, and the decision making process for the team.

To ensure that policy decisions are made with adequate information and by those with the authority to set the organization's policy, your organization needs to establish decision-making roles. You may consider the public policy job descriptions to adopt to your organization's particular structure and culture. Typical roles might be the following:

- **The Board of Directors:** Has the final authority over the policy agenda and resources by ensuring that the policy effort is in line with the mission of the organization.
- **Staff:** Will carry out the lobbying activities.
- **Public Policy Advisory Committee:** Composed of a mix of stakeholders interested in the public policy dimension of your work. This committee is your link to other organizations working on related issues, and it may be made up of community members, donors, clients, etc.

Moreover, your organization needs to determine the lobbying costs necessary for the development of the plan. Some organizations may support the lobbying activities with unrestricted funds, while other prohibits lobbying with grant funds.

Once the plan is created, it should be presented to secure organizational commitment, the final stage of the planning process (Avner & Wise, 2006).

**Chapter 2:
Legal Framework for Nonprofits to Operate Under**

2.1 Lobby Law

There is a lack of understanding about what a nonprofit organization is allowed to do and if it can be involved in lobbying activities.

A **501(c)3 charitable organization** can be engaged in advocacy activities and even in lobbying without any risk to its tax-exemption so long as these efforts are not a substantial part of its activities. A 501(c)3 charitable organization is not allowed to take part in a political campaign on behalf of any candidate for public office.

Therefore, if a nonprofit organization plans to do a substantial amount of lobbying, they should consider establishing a 501(c)4 organization, where there are no limits imposed. A 501(c)4 organization is tax-exempt, but contributors are not eligible for the charitable deduction afforded to the contributors to a 501(c)3 organization.

When planning to develop a significant political agenda, a 501(c)3 organization might establish a “sister” (c)4 organization. This organization can be supported only by after-tax money and could not receive support from its sister organization (including both direct and in-kind support). These rules apply only to the organization and not to individuals. Staff, or board members can advocate individually or join volunteer advocacy groups if acting in their individual capacity and not as a representative of the organization.

2.2 Regulations on Advocacy by Tax-Exempt Organizations

The 1976 Lobby Law delineated clear guidelines for lobbying expenditures by establishing that 501c3 organizations can spend up to a defined percentage of their budget without threatening their tax-exempt status. The Internal Revenue System ((IRS) in 1990 published final rules on implementing the Lobby Law.

Private organizations and churches, which are 501c3 organizations are treated in a specific way by the IRS tax code. They cannot file the IRS Form 5768, the form used to file for coverage under the 1976 Lobby Law.

If your organization will choose to be covered by the Lobby Law, you should do the following:

- Take formal steps to elect to fall under the 1976 guidelines: file the IRS form 5768
- Know the lobbying limits

The 1976 Tax Reform Act divides lobbying into direct lobbying and grassroots lobbying:

- **Direct lobbying** occurs when an organization acts directly with legislators, legislative staff...relative to legislative proposals.
- **Grassroots lobbying** occurs when an organization calls to action the public to support, oppose or influence legislation by contacting elected and appointed officials.

Lobbying limits under the expenditure test (Avner & Wise. (2006).

Exempt Purpose Expenditures	Total Lobbying	Grassroots Lobbying
Up to \$500,000	20%	5%
\$500,000 to \$ 1,000,000	\$100,000 +15% of excess over \$ 500,000	\$25,000 +3.75 % of excess over \$ 500,000
\$1 million to \$1.5 million	\$175,000+10% of excess over \$ 1million	\$43,750+2.5% of excess over \$ 1million
\$1.5million to \$17 million	\$225,000 + 5% of excess over \$1.5 million	\$56,250 + 1.25% of excess over \$1.5 million
Over \$ 17 million	\$ 1million	\$250,000

There are some activities that are not considered lobbying under the 1976 Lobby Law as following:

- Contacts with elected officials or executive branch representatives about proposed regulations
- Lobbying by volunteers
- Communication with the organization's members on legislation as long the is no call to action
- A nonprofit's response to written request from a legislative body for technical advice on pending legislation
- Self-defense lobbying such as lobbying on issues that affect the organization's existence relative to tax status, powers or lobbying rights

2.3 Legal Restrictions on Campaigning and Lobbying

There are restrictions on the activities that certain classes of nonprofits can engage in and on the use of public funds and tax-deductible private donations for some types of advocacy (Avner & Wise, 2006).

The restrictions are imposed through the conditions for registration as nonprofits, eligibility for tax exempt status (particularly regarding the tax-deductibility of donations), the conditions set by some funders, and by other legislation related to electoral activity and the work of professional lobbyists.

The Internal Revenue Code restrictions refer to —political work (or —campaigning) and —legislative activities (or —lobbying), which consequently have specific legal definitions -- campaigning means working on behalf of or in opposition to a specific candidate for elective office, while lobbying is an attempt to influence the passage of specific legislation, referendums or ballots (IRS, 2010).

Other restrictions on advocacy may be imposed by funding sources (e.g. federal grants and contracts generally cannot be used for lobbying), by registration requirements for professional lobbyists (e.g. federal, state, and most large local governments require organizations that spend a threshold amount of time and funds on seeking to influence legislators to register as lobbyists), by laws and regulations related to the electoral process (e.g. the Federal Election Commission and state Election Boards set the conditions for financing elections), or by other specific legislation (e.g. the Lobbying Disclosure Act prohibits 501(c)4 organizations from receiving federal grants, loans, or awards if they engage in lobbying).

Moreover, any 501(c)3 organization that has doubts about whether its advocacy activities will be viewed as substantial enough to violate restrictions can always make the 501(h) election. If that is not sufficient, the organization can choose to operate with multiple legal identities and operate different units or entities as 501(c)3, 501(c)4 and 527 organizations. Many advocacy organizations are in fact multiple legal entities.

2.4 Reporting Lobbying Expenditures

All 501(c)3 organizations (with the exception of churches, associations of churches and integrated auxiliaries) must report lobbying expenditures to the IRS. Nonprofits that do not elect to fall under the 1976 Lobby Law, the IRS requires detailed descriptions of a wide range of activities related to lobbying.

Nonprofits that elect, must only report how much they spent on lobbying and how much of the total amount for the year was spent on grassroots lobbying (Avner & Wise, 2006). It is important to keep track of lobbying expenditures on direct and grassroots lobbying. Unpaid time does not count toward the lobbying limits. The organization should compile the individual employee expenditures along with the additional administrative overheads.

2.5 Ballot Measures and the Lobby Law

501(c)(3) public charities may legally express positions on ballot initiatives, referenda, state constitutional amendments, city charter amendments, bond measures, and other policies put to a direct vote of the public (although they must be careful not to suggest support or opposition to any candidates for public office).

A ballot measure advocacy activity will qualify as direct lobbying if it includes a communication to the general public expressing a view about a specific ballot measure. 501(c)(3) public charities may collaborate with non-501(c)(3) entities on ballot measure advocacy efforts, as long as they remain 501(c)(3)-appropriate by never showing support or opposition to any candidates for public office.

In general, regardless of how it measures its lobbying, a 501(c)(3) public charity may:

- publicly endorse or oppose ballot measures
- propose ballot measures
- draft language for ballot measures
- organize volunteers to gather signatures on petitions
- send staff to gather signatures or conduct other ballot measure campaign work
- contribute money to ballot measure campaigns
- loan money to ballot measure campaigns
- host ballot measure campaign events at their offices
- register people to vote and encourage them to vote for or against a ballot measure

501(c)(3)s are always prohibited from supporting or opposing candidates for public office. A 501(c)(3) cannot use its support of or opposition to a ballot initiative as a way to indirectly support or oppose a candidate. (Avner & Wise, 2006).

2.6 Nonpartisanship and Election Law

The IRS has a basic rule that limits the activity of 501(c)3 organizations. They must be nonpartisan. They may do nothing to influence the outcome of an election by supporting a candidate or party.

While 501(c)3 nonprofits are required to be scrupulously nonpartisan, the IRS recognize that they have a critical role in engaging the electorate in the democratic processes and can realize and participate in the following activities:

- Engage in lobbying on ballot measures
- Conduct nonpartisan voter-registration drives
- Mobilize voters. Conduct nonpartisan get-Out-the-Vote drives
- Educate all candidates on the issues
- Work with political parties to get issues involved in all party platforms
- Conduct voter-protection activities

Chapter 3: Civic Participation and Advocacy

Chapter: 3 Civic Participation and Advocacy

3.1 Developing a Community Network of Support

Nonprofit organizations enhance civic participation and contribute to the democracy by helping to create habits of trust and reciprocity that in turn contribute to the sense of community. Thus fostering sentiments of trust, social obligation, and belonging both among their own members and between these members and others in society, they consequently function as "schools of democracy" and of community (Solomon, 2000).

Community networks must integrate as well as empower, and they need to work strongly and strategically with other community institutions and organizations. Developing community networks of support might include developing different community partnerships such as:

- **Community action partnerships** in which the partnership forms to address a specific problem or pursue a specific opportunity
- **Community organization partnerships** in which a set of organizations in a similar service sector agree to collaborate for mutually agreed upon goals
- **Community development partnerships** in which a partnership attempts to increase participation by people and organizations in collaborative activities that advance the community on multiple fronts or that contribute to community assets and services in multiple areas (Center for Community Health and Development, 2017)

Research and experience suggests that there are seven essential factors that contribute to community change:

1. **Clear vision and mission:** Those initiatives with a clear and specific focus bring about much higher rates of change than broad "healthy communities" efforts which lack a targeted mission and clear objectives.
2. **Action planning:** Identifying specific community changes to be sought may be the single, most important practice that can be implemented. The action plan should be quite precise, specifying with whom, by whom, how and by when each action step should be carried out.
3. **Leadership:** A change in leadership can dramatically affect the rate of change brought about by a community group. The loss of strong leadership can be particularly difficult for an organization.
4. **Resources for community mobilizers:** Hiring community mobilizers or organizers can aid in following up on action plans.
5. **Documentation and feedback on the changes brought about by the organization:** It's very important that people keep a record of what they have done and how they have done it.
6. **Technical assistance:** Outside help with specific actions, such as action planning or securing resources, is also a way to support a group's efforts to transform its community.
7. **Making outcome matter:** Grant makers also have the ability to increase rates of community and systems change through offering incentives or disincentives to their grantees (Center for Community Health and Development, (2017). The Community ToolBox).

Reasons Why Community Foundations Get Involved in Advocacy and Civic Engagement

1. ***It's the mission.*** By removing barriers to much-needed policy involvement, community foundations can exercise community leadership with and on behalf of their constituents and missions.
2. ***Its enlightened.*** Community foundations are governed by public laws, and their missions are affected by government tax, budget and regulatory decisions. Moreover, being involved in public policy can increase the foundation's visibility, influence and fundraising.
3. ***It's solving social problems.*** Charities and philanthropy cannot solve society's most pressing challenges alone. They must partner with government and businesses, and hold them accountable, in order to create systemic change. Nonprofit advocacy and civic engagement have been critical to social and economic progress throughout the history of our nation.
4. ***It's democracy.*** An informed and responsive democracy requires that a wide range of voices and interests be heard in shaping and implementing public policy. Community foundations and their constituents have knowledge and expertise that policymakers want and need to make government work. Nonprofits are well-positioned to experiment, innovate, evaluate and educate. Nonprofits are among our nation's best vehicles for civic participation (Center for Lobbying in the Public Interest, 2010).

3.2 Identifying a Champion Individual or Organization

There are *five basic steps to build community partnerships* serving as a model for community change:

1. Community context and planning
2. Community action and intervention
3. Community and system change
4. Risk and protective factors and widespread behavior change
5. Improving more distant outcomes (the long-term goals)

This model is meant to be fluid, interactive, and to be a continuous cycle. Working together for the good of the community is a constant part of everyone's lives (Center for Lobbying in the Public Interest, 2010).

There are *nine recommendations for promoting community development*:

1. Develop a social marketing plan to promote involvement in community work.
2. Develop partnerships where people can work together to improve their community.
3. Provide information to help focus efforts on issues with the greatest effects.
4. Support action planning to improve the community.
5. Provide investments in collaborative partnerships.
6. Use a variety of methods to build capacity for doing community work.
7. Document the process of community and system change to improve community work.
8. Make outcomes matter.
9. Develop collaborative partnerships to increase the support for people working to improve their communities (Center for Community Health and Development, 2017).

3.3 Utilizing Social Media to Communicate and Inform

The internet knows no borders, and it is almost the most democratic medium ever devised. Its size and scope are such that anyone who can get online can learn nearly anything. No one is denied the right to say what she wishes, to contact whomever she wishes, or to go almost anywhere she wants electronically, limited only by the restrictions of the Internet itself.

Furthermore, the internet eliminates not only the physical barriers of time and space, but social ones as well. Anyone's words can be sent to anyone else, and judged solely by their content, rather than by the sender's appearance or apparent social standing. Everyone is equal, at least in some respects, at the keyboard.

Given these two outstanding characteristics of the internet — its huge size and its democratic nature - there are a number of reasons why internet-based tools have enormous potential for community engagement and development.

The internet does the following:

- Gives access to knowledge and information to everyone, helping to build the capacity for people to work out the solutions to their concerns.
- Makes it possible for people to change their lives and communities themselves, without having to depend on others more educated or sophisticated to "save" them.
- Helps to distribute power and control more equitably throughout societies.
- Helps combat ignorance and misinformation, as well as disinformation.
- Makes it easier for people to understand how they can affect social change, and therefore to be more willing to attempt it.
- Gives people models to follow.
- Increases the ease and effectiveness of advocacy, particularly for those who might otherwise have no voice.
- Increases access to elected and appointed officials. Most of these officials now have websites, Facebook pages, Twitter accounts, and email, and can be contacted directly through them.
- Helps to assure the accountability of those officials and of oversight bodies.
- Shortens the response time to community emergencies or to addressing community needs.
- Provides the opportunity to raise money for causes and advocacy initiatives.
- Can be used to share client stories, increasing awareness and developing calls to action in a personal and empathetic way.
- Encourages and facilitates collaboration among individuals and organizations at all levels (Center for Community Health and Development, 2017).

Who might use internet-based tools to do community work?

- Professionals and professional organizations use newsgroups and websites to discuss issues, conduct advocacy, plan and organize conferences and collaborate on research and other work.

- Grass roots and community-based organizations use the Internet to inform the community about their services, to communicate with one another, to search for best practices, to seek and apply for funding, and to keep current on political situations that affect them.
- Larger nonprofits and initiatives use the Internet to publicize their issues, highlight their challenges and successes, and to raise money.
- Community activists use the Internet for organizing and for researching their issues.
- Political activists use the Internet to mobilize for or against candidates and issues they care about.
- Participants in and beneficiaries of community service organizations and initiatives use the Internet to communicate, to learn about political and social issues that affect their organizations, and to practice advocacy.
- Students and everyday citizens use the Internet to learn about their world.

When might you use internet-based tools?

- When you want to build the community's capacity to solve its own problems
- When you're starting a program, initiative, or other effort with little information
- When you need to communicate with a large number of people (and decide or embark on an action) quickly.
- When you need to learn about or understand laws or regulations
- When you need information for a grant proposal or other funding possibility
- When you want to get your own message out, or set up a place where everyone involved in your organization or effort or issue can communicate

For nonprofits, ***social media*** had become ***a major component for media advocacy***. (Avner & Wise, 2006), while it presents three unique opportunities:

1. Allowing the organization to communicate with a large audience on a regular basis
2. Providing two-way communication in real time to evaluate the effectiveness of the message
3. Serving as a rapid response system to make known its position

Social media is any form of communication that allows the people you're communicating with to communicate back. Thus, it comprises a set of online tools and sites that allow instant two-way communication such as: blogs and articles with comment section; Twitter, Facebook, Instagram, Snapchat, Google+; Pinterest, etc.

According to Avner and Wise (2006), the following steps are necessary to conduct a successful advocacy and lobbying activities by utilizing social media:

- Identify your target audience.
- Set clear boundaries about the information delivered.
- Engage with your audiences — use shareable content, articles, live photos and videos.
- Have caution and use discretion about the content — be mindful of sharing sensitive information that could make people unsafe or intrude on their privacy.

Chapter 4: Implementing the Advocacy and/or Lobbying Plan

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4.1 Putting the Plan in Place — Building Capacity

According to Avner and Wise (2006), implementing the advocacy and lobbying plan involves five steps:

1. **Assign roles, responsibilities and decision making structures as defined in the workplan.**

The board members will be the key decision makers on public policy issues, and a Public Policy Advocacy Committee should be established. The Advocacy Committee could be composed of board members, stakeholders, and staff, who will be managing, planning, implementing and supporting the organization's advocacy efforts. The Policy Committee could be part of the organization's formal governance structure or could have advisory nature and will have the following core functions:

- **Planning:** A critical role aiming to ensure that the organization's policy efforts are aligned with mission and focused on the issues and strategies.
- **Implementing:** The committee can implement the advocacy plan in active partnership with staff, board and volunteers by carrying out the lobbying, grassroots organizing, education and any other activity that supports advancing the advocacy goals.
- **Supporting:** The policy committee is designed to support the organization's leadership and staff to advance the advocacy activities by putting their expertise and credentials for the benefits of the organization, or facilitating relationships with key decision makers.

2. **Provide training to motivate your organization, especially board, staff and volunteers.**

The public policy training should involve the whole organization including its clients, allies and other stakeholders. Training might include a briefing about the advocacy plan and responsibilities and assignments. The goal is to build enthusiasm and commitment about the opportunity to match the organization's mission with advocacy efforts in particular issues.

3. **Create and implement the internal information and communication system.**

Systems for outreach and building advocacy efforts:

- Maintain a database to include all contacts with enough details to identify supporters and audiences.
- Map districts at the state and local level aiming in the future to increase civic engagement.
- Build and maintain lists of target audiences in addition to your supporters: the media, decision makers, allied organizations and community leaders.
- Put in place communication tools to reach specific audiences.
- Determine the ways you want to receive inputs from those who communicate with you.
- Assign responsibility for the design and maintenance of communications systems and lists of target audiences.

Systems for tracking information:

- Set up files for systematically collecting and disseminating information aiming to have accurate information about the issues and activities in the policy making process.
- Subscribe to informal resources such as governmental bodies; research centers; organizations working on your issues, etc.
- Develop systems for tracking legislative activity:

- Maintain records of lobbying activity for reporting to the IRS and regulatory agencies.
- Set up a system for recording and sharing information about elected officials and contacts with them.
- Maintain files for each lobbying issue.

4. Secure the finances necessary to make the plan go.

Realizing major initiatives for policy advocacy requires additional financial resources. To secure the necessary funding, the organization should consider the following options:

- Reallocation of existing unrestricted funds and staff time
- Requests for grants from philanthropic sources for information and education components of the advocacy plan
- A public policy fundraising campaign to members and supporters

5. Activate the public policy advisory committee.

Once the organizational infrastructure is in place, the Public Policy Advocacy Committee should be activated by setting a schedule of Committee meeting for the year, including the following agenda items:

- A briefing on the substantive issues that are your lobbying priorities ensures that all members have a solid grounding in the issue;
- Providing updates and discussions on current activities by giving information and asking feedbacks and advice on how to shape the lobbying activities
- Thoughtful discussion, debate, and networking where creativity is welcomed and encouraged (Avner & Wise, 2006)

4.2 Build a Base for Support and Get the Issue on the Local Agenda

The basic structure for building an advocacy campaign is: lobbying, organizing a base of supporters and media advocacy.

Public support is an ongoing process and is crucial for a successful advocacy or lobbying activity. Public support lends credibility to your efforts, helps you gain further support, provides strength for action or political pressure, and creates community ownership of and responsibility for measures to deal with the issue.

How do you gain public support in order to ensure that an issue is addressed?

- You have to make sure that the community knows the issue exists.
- You have to educate community members about the issue, and help them understand its importance.
- You have to convince people of the issue's relevance to them and the community.

Public support is important for a number of reasons:

- Public support lends credibility to your campaign for community change.
- The more support you gain, the more you'll continue to garner.
- The more public support you have, the more your action seems not only reasonable, but appropriate.
- Public support means that you can apply more pressure to politicians and officials;
- Public support means that the community has taken ownership of the issue and once the issue is in the community consciousness, it won't disappear (Center for Community Health and Development, 2017).

In order to gain public support, the organization should conduct a **stakeholder analysis** and prioritize them according to the policy issue. Stakeholders of the public policy should be identified in the following ways:

- ***People and groups that will benefit from the proposed policy or law*** including customers, clients, individuals and groups who struggle with the issue. These people can demonstrate that the problem is real and emphasize how the proposed solution will improve a certain issue.
- ***People and groups that will benefit from the organization's success*** including board members, staff, donors, funders, allied organizations who can support the cause to decision makers.
- ***People and groups that influence opinion and make decisions*** including community leaders, political leaders, elected officials, media members, etc. They might support, oppose or vote the proposal thus shaping the policy dialogue and make policy decisions (Avner & Wise, 2006).

When should you try to gain support?

Gaining public support for your issue is an ongoing process, but there are in fact times and circumstances when a push to gain support can be particularly productive if:

- There's a crisis involving the issue
- The issue has reached a point where it can't be ignored
- The number of people affected by the issue reaches critical mass
- New information calls attention to the issue
- A publication, or a media story not initiated by you, highlights the issue
- A crucial event makes your issue more visible
- The political time is right

How do you activate supporters?

- Provide briefings, stories, and informational materials
- Offer training on the legislative process and communicating with legislators
- Identify what you want them to do and suggest steps to follow
- Develop effective communication tools
- Ask supporters to write to their legislators
- Bring people together and get comfortable meetings with the elected representatives
- Share victories and be grateful

Placing the issue on the local agenda can be realized by the following three steps:

- ***Influencing public opinion.*** Public opinion is an essential factor in setting the local agenda. Issues become items on the local agenda when they reach a certain level of public consciousness, and the community starts to consider them worthy of attention. Once it's clear that the public is concerned about these issues, politicians and other officials will take notice.
- ***Affecting unofficial public policy.*** Policy is usually referring to the laws, or regulations that formally structure how particular issues are considered and handled. Much of the time, however, especially at the local level, the policies that structures public affairs are informal, and depend on the assumptions, pressures, biases, and influences that form the opinions of elected and appointed officials. Affecting this informal policy is a large part of getting an issue on the local agenda.
- ***Changing individual responsibility.*** A final aspect of getting an issue on the local agenda is getting it on the agendas of key individual community members. When a community reaches a critical mass of individuals taking responsibility for an issue, that issue is on the local agenda (Center for Community Health and Development, 2017).

When is the best time to get issues on the local agenda?

- When an important issue surfaces that needs to be addressed immediately
- When an already-troublesome issue reaches critical proportions
- When an external source calls attention to your issue
- When new information reveals or underlines a serious issue
- When political conditions make it easy or appropriate

There are at least three ways to influence public opinion:

- Contact the public directly. Use posters and fliers, social media, website, presentations, community forums and meetings — any way you can think of to directly reach people.

- Partner with the media. The media can be incredibly helpful in educating the community about the issue itself, and about your organization or initiative. By publishing statistics and editorials, covering human interest and other relevant stories, and presenting entertainment that deals with the issue, local newspapers, radio, and TV can raise consciousness and help change attitudes about your issue.
- Partner with trusted intermediaries. Clergy, widely-respected community leaders, local sports figures, average citizens who are trusted in the community - all can help you influence public opinion.

Initiate advocacy and lobbying activity.

According to Avner and Wise (2006), organizations should combine six tools to accomplish their public policy goals and will need to know:

- How to propose new legislation
- How to support legislation that has already been proposed
- How to defeat proposed legislation
- How to lobby the executive branch
- How to build and mobilize grassroots support
- How to advocate through the media

How to propose new legislation:

- 1. Research and write a proposal for a bill:**
 - Know the current law in a variety of ways.
 - Identify the problem and explain how the proposal will address it.
 - Learn about the important stakeholders for the lobbying activities.
 - Review what you know about the Legislative arena.
 - Write your proposal.
- 2. Gain the support of your bill’s chief author in the legislature.** Nonprofits should not draft the technical language for the bill. In the state legislature there are two chief authors who might use your proposal as the starting point for having a bill drafted by legislative staff. Thus, the organization should:
 - Find legislative authors for its proposal that have passion, position, power and persuasiveness.
 - Work with someone that knows and trusts your organization.
 - Invite a mix of co-authors reflecting support from all political parties.
 - Look for gender balance and full representation in the list of authors.
 - Seek leaders as authors.
- 3. Lobby for passage by the following steps:**
 - Introduce the bill: before the full legislative body by urging the legislator to have the bill introduced and assigned to a committee early enough in the session to give it time to be heard and to meet any committee deadlines; identify and mobilize supporters and stakeholders; build in time for unexpected delays or legislative maneuvers; meet with lawmakers in the district before the session starts to educate them on your bill.

- Move the bill through committee: learn about the members and meet with each of them prior to committee hearings aiming to inform them about the proposed legislation and the solutions offered. Ask for their vote for the proposal, and if possible find out why they might oppose the legislation and be prepared to address their concerns.
- Influence decision makers after your bill passes in committee while your lobbyist and your grassroots supporters need to reach every legislator.
- Be there on the voting day to get a final reminder to each elected officials; getting a supportive editorial from a newspaper; have supporters present in the house and senate galleries and avoid any recriminations if they have failed to support the proposal.

- 4. Celebrate success, learn from failure:** At the end of any legislative campaign, convene those most heavily involved in the legislative effort for a debriefing. Then write a report with the findings and celebrate the good work, even though the bill might not have passed that time.

How to support legislation that has been introduced:

There are five steps in supporting legislation proposed by others:

1. Do the necessary research to affirm that you agree with the proposal;
2. Identify if your participation will bring an added value;
3. Determine whether you will work in collation with others or alone;
4. If you will be collaborating, find out your specific role and responsibilities.
5. If your organization decides to support an existing legislative proposal, you might decide to join the organization, or the coalition of supporters. Working together, sharing a common objective and lobbying strategies will build power and increase the policy outcomes, and coalitions build mutual accountability.

How to defeat proposed legislation:

If the organization decides to defeat a proposed legislation, besides the above mentioned steps, two additional steps should be considered:

- Before launching a campaign in opposition to a proposal, make overtures to proponents of the measure if possible.
- Work with the executive branch, while the governor can exercise veto authority over legislative proposals.
- Identify the lawmakers who are members of the committee your opposed bill will be moving through. Meet with the chairs and vice chairs of these committees and ask that they not hear the bill in their committee meeting.
- Consider the amendment process: if there is a bill you wish to oppose but cannot stop it, see if there are ways to amend the bill so it's impact is not as harsh.

How to lobby the executive branch:

The executive branch has a key role in shaping public policy, and a lobbyist can have direct access to governors, commissioners, majors, but also to regulatory agencies that develop and fund proposals. It is very important to establish a trusting relationship with the executive branch, so that nonprofits have the opportunity to facilitate and advance issues that matter to the community (Avner & Wise, 2006).

The following activities should be realized in order to ask for their support on the issue:

- **Work from the bottom up:**
 - Be informed about the agencies that have policy and funding authority in the issue.
 - Build relationships with those who control your funds.
 - Become a trusted resource to administrative offices.

- **Work from the top down:**
 - Know the chief executive's priorities and positions.
 - Know the chief responsibilities and deadlines.
 - Know the chief executive's staff.
 - Understand the organizational chart.

- **Maintain systematic communications:**
 - Send regular updates on your issue.
 - Call for new information.
 - Provide honest feedback on disagreement with an executive decision.
 - Express hope and willingness to be able to work together.
 - Send letters of appreciations and invitations to meetings or events.

How to advocate through traditional media:

Media advocacy and social media advocacy are key to accomplish the advocacy goals especially if implemented by the following principles:

1. **Be media ready**, meaning building the organizational infrastructure by:
 - Assigning someone to be in charge of media relations to facilitate the communications and maintain an internal system for media advocacy
 - Building relationships with key individuals in the media community by maintaining levels of integrity and trust; being respectful and responsive and by not being naïve about the ways the media work
 - Producing your own media from newsletters, websites, blogs to social media
2. **Clarify your positions, goals, and audiences.**
3. **Use media that will accomplish your goals.** The organization needs to develop a strong relationship with the press not only to promote the issue of concern, but also to become a resource to the press by providing information and insights about the proposal (Avner & Wise, 2006).
4. **Train spokespeople.** Identify spokespeople for your issue and train them to speak to media. Spokespeople can include residents who would be directly impacted by the legislation, board members, senior staff, or community experts.

Chapter 5: Challenges for Advocacy and Lobbying

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There is a wide consensus between the political theorists that advocacy is one of the most important roles played by nonprofit organizations in a democracy. However, nonprofit organizations in the United States' policy arena are facing an ongoing ambivalence. They are torn between considering nonprofit advocacy as a constitutional right, versus considering advocacy as an unacceptable use of public funds.

Nonprofit advocacy has evolved over the last decades. There has been a considerable rise in the number of nonprofit organizations and an increasing tendency to work in coalitions that bring together diverse stakeholders. Nonprofit organizations are more likely to display the following roles and drawbacks than other types of organizations, although many of them may play other roles as well.

The five widely-cited potential contributions of nonprofit organizations according to Salamon & Chinnock (2000) are the following:

- **The service role.** Because of its nonprofit-distributing character, the nonprofit sector can be expected to perform a crucial service-providing role that involves a "public" or collective character. You will find nonprofit organizations involved in the provision of health services, education, personal social services, and cultural services of various kinds. The defining features of these organizations are: high quality services, greater equity in service delivery, lower costs, increased efficiency and specialization.
- **The innovation role.** Without the pressure of the "bottom line," nonprofit organizations are potentially more flexible and adaptable than other types of organizations. Theoretically they are able to take risks and to be more innovative in formulating new approaches to solving societal problems.
- **The advocacy role.** Nonprofit organizations can be expected to push for changes in government policy or in societal conditions providing a way to bring group concerns to broader public attention.
- **The expressive and leadership development role.** Advocacy is just one form that the representational activities of nonprofit organizations can be expected to take. In addition, because they offer vehicles for individual self-expression, nonprofit organizations encourage leadership development. Through this expressive role, nonprofit organizations should be instrumental in promoting the value of pluralism and diversity in society, providing outlets for the development of new leadership opportunities.
- **The community-building and democratization role.** These organizations can be expected to perform a unifying role as well by encouraging social interaction. Nonprofit organizations help to create habits of trust and reciprocity that in turn contribute to a sense of "community." Such habits also help to support democratic values.

Moreover, these are the five widely-cited potential drawbacks of nonprofit organizations according to Salamon & Chinnock (2000):

1. **Particularism.** Nonprofit organizations can be discriminating in their operations, providing benefits only to people sharing the religious, or ethnic, or cultural values of the members and denying benefits to others.
2. **Paternalism.** Nonprofit organizations cannot establish "rights," only privileges and thus reinforce dependence on the part of those who rely on their services. This dependency can, in turn, be used to force those without alternative recourse to accept religious, moral, or political convictions they would not otherwise choose to embrace.

3. **Excessive amateurism or professionalism.** Volunteer input and private charitable support can be both a source of innovation and independence, but also a prescription for ineffectiveness.

4. **Resource insufficiency.** An inherent limitation of the voluntary sector is the difficulty it encounters in generating resources on a scale that is both adequate and reliable enough to operate. In addition, the available resources are frequently not available in the areas where the problems are most severe.

5. **Accountability gap.** A fifth key vulnerability of nonprofit organizations results from their lack of sufficient accountability mechanisms. The principal vehicle for accountability in the nonprofit sphere is the trustworthiness of agency managers.

Nonprofit organizations are key players in a democratic society as advocates of the public good when the market and government fail to address key social and environmental issues that impact the quality of life for all citizens. Advocacy is a powerful tool for nonprofit organizations to use in achieving their missions addressing pressing societal issues. This toolkit has been developed to help nonprofit organizations consider advocating for their missions and for those they serve. Tools and resources have been provided to help them begin the process of planning for advocacy and then implementing their plans.

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