



Legislative Advocacy 101 for Nonprofits

**Sarah Inman, Principal Strategist –
Community Investment,
Brown County United Way
sarah@browncountyunitedway.org**

Topics

This presentation will provide:

- **An overview of the various methods of advocacy, with a focus on legislative advocacy.**
- **Guidelines for nonprofits engaging in advocacy, including lobbying.**
- **Best practices for individuals and organizations.**



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What is advocacy?



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In general, “advocacy” is an action or activity by an individual or group that communicates information about or argues for a cause; supports or opposes an action or policy; or pleads on behalf of others.

Why advocate?



STEWARDSHIP

Champion the work
Support your mission
Protect your organization



IMPACT

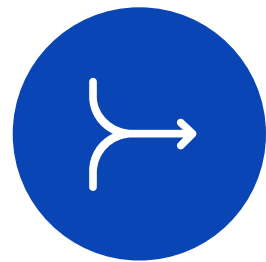
Raise awareness
Address root causes
Drive impact



ACCESS

Build influence
Leadership level relationships with
policymakers & stakeholders

CRITERIA FOR ADVOCACY PRIORITIES



Aligned

In alignment with your organization's mission, vision, and values



Feasible & Impactful

Can be feasibly influenced; there is an affected constituency; there will be a measurable, positive impact



Nonpartisan

Maintaining nonprofit tax-exempt status requires being nonpartisan



Proactive

Your organization can play a proactive role & add value to the effort

FORMS OF ADVOCACY



ORGANIZE

Find & align
peers & allies



EDUCATE

Gather & share
information



COMMUNICATE

Raise awareness:
Who cares & why?



POLICY WORK

Craft solutions &
share with
decision makers*



ENGAGE

Ask for change
(including lobbying)

*Policy change can be governmental or nongovernmental/private sector.

What can nonprofits do?

There are no legal limitations to engaging in nonpartisan advocacy that is not defined as lobbying. There are federal, state, and sometimes local laws and regulations on lobbying.





Three elements define direct lobbying: **1)** Directly communicating, orally or in writing, with specific public officials and/or their representatives; **2)** about a specific legislative action; AND **3)** conveying a for/against position on the legislative action (e.g., proposed and introduced legislation, administrative rules, ballot measures).

This includes legislatures from Congress to city councils, executive branches, and governmental agencies, but not special bodies such as school and zoning boards.

501(c)(3) public charities can lobby within the generous limits allowed by federal law.

The Internal Revenue Code limits the amount of lobbying activities in which section 501(c)(3) public charities may engage. Charities may choose one of two standards by which the IRS will measure their compliance.

1. The “**insubstantial part test**” requires that “no substantial part of a charity’s activities...be carrying on propaganda or otherwise attempting to influence legislation.” This means that nonprofits can participate in advocacy, and even lobbying, as long as it is not their primary function, and they don’t use a significant amount of resources toward this goal.
2. The “**section 501(h) expenditure test**” sets specific dollar limits, calculated as a percentage of a charity’s total exempt purpose expenditures (i.e., 20% of the first \$500,000), on the amount charities electing to follow this method may spend to influence legislation without incurring penalty taxes or losing their exempt status.

Specific to engagement with state government officials:

Wisconsin has a **five-day limitation/threshold within a six-month period** (January-June; July-December) with respect to individual employees' direct, oral and/or written communications with any state agency official, elected state official, or state legislative employee that attempts to influence legislative or administrative actions (direct lobbying).

If an employee of an organization whose duties are not limited exclusively to lobbying has four days of lobbying communication on a specific legislative or administrative action, that individual must register with and obtain a license as a lobbyist from the Wisconsin Ethics Commission, and the organization must register as a principal and authorize that individual to lobby on its behalf if they communicate before a fifth day. This is permissible for nonprofits within federal lobbying guidelines if your organization chooses to do so.

Exceptions to these limitations:

- General-public communications such as organizing a letter-writing campaign (grassroots lobbying).
- Hosting legislative breakfasts or similar events is permissible for organizations that do not employ a lobbyist, within certain guidelines.
- “Technical assistance” is oral or written assistance provided in response to a written request by or on behalf of a governmental body, legislative committee, or subcommittee (not lobbying).

Note: When engaging with state government officials, employees, and candidates for public office, be aware that they cannot accept anything of pecuniary value from individuals or organizations, such as coffee, lunch, transportation, gifts, etc.



What about volunteers?

Unpaid volunteers' nonpartisan advocacy activities, which use neither organizational funds nor resources such as staff time, are not counted toward/are exempt from lobbying limits.

501(c)(3) charitable organizations may engage in nonpartisan voter registration, voter education, and get-out-the-vote activities so long as they are not coordinating their activities with political campaigns, political parties, or political action committees.



Political Endorsement

501(c)(3) organizations may not support or oppose candidates for public office.

Volunteering at the Polls

Volunteering at polling places is a nonpartisan advocacy activity in which 501(c)(3) employees may engage. This does not include partisan “poll watching,” which is not permitted because it is an activity typically performed on behalf of a political candidate or political party.

Voter Registration

Voter registration drives are nonpartisan, community-based efforts that encourage and assist people in registering to vote, in accordance with applicable laws.

Note: Wisconsin law expressly prohibits offering any incentive of monetary value **exceeding \$1** that may influence voting, including registering to vote (e.g., stipends, gifts/giveaways, prizes, transportation, food and drink, etc.).

ADDITIONAL CONSIDERATIONS



Internal Documents:

- Review your organization's bylaws and employee handbook for any language regarding advocacy, including lobbying and elections.
- If your organization decides to engage in advocacy, establish internal protocols and guidelines.

Grants:

- Government funding such as grants is not commonly permitted to be invested in lobbying or partisan political activities. Review applicable grant materials carefully to ensure compliance.

BEST PRACTICES



Conduct Research

Before engaging with an elected official verbally or in writing, research their interests, affiliations, and positions on related issues.

Provide a One-Page Handout

Be specific, straightforward, and succinct. Provide your rationale (evidence). Include local data - who is affected and why (head). Tell a real-life story behind the data (heart).

Staff Members are Gatekeepers

When interacting with legislative or agency staff, be aware that they are key advisers for their employer.

Communicate Clearly & Respectfully

Who are you? Are you a constituent of theirs, and/or is your workplace located in their district?

Follow Up

Follow up in writing summarizing your in-person or written communication and provide any additional information that was requested.

PUBLIC HEARINGS



The following information is based on how public hearings typically function in the Wisconsin Legislature. There will be similarities and differences regarding how public hearings are conducted at local and federal levels of government.

- People from all walks of life will attend public hearings (e.g., local elected officials, lobbyists, advocacy organizations, nonprofits, private citizens and citizen interest groups, etc.).
- Public hearings on major legislation tend to be crowded and seating limited.
- Prominent public hearings and other public proceedings will likely be live-streamed and archived on WisconsinEye.

PUBLIC HEARINGS



There will be hearing slips at or near the entrance that should be filled out, unless you are planning to observe anonymously. When completing a hearing slip, your name, affiliation, and position become part of the public record of committee proceedings.

Options:

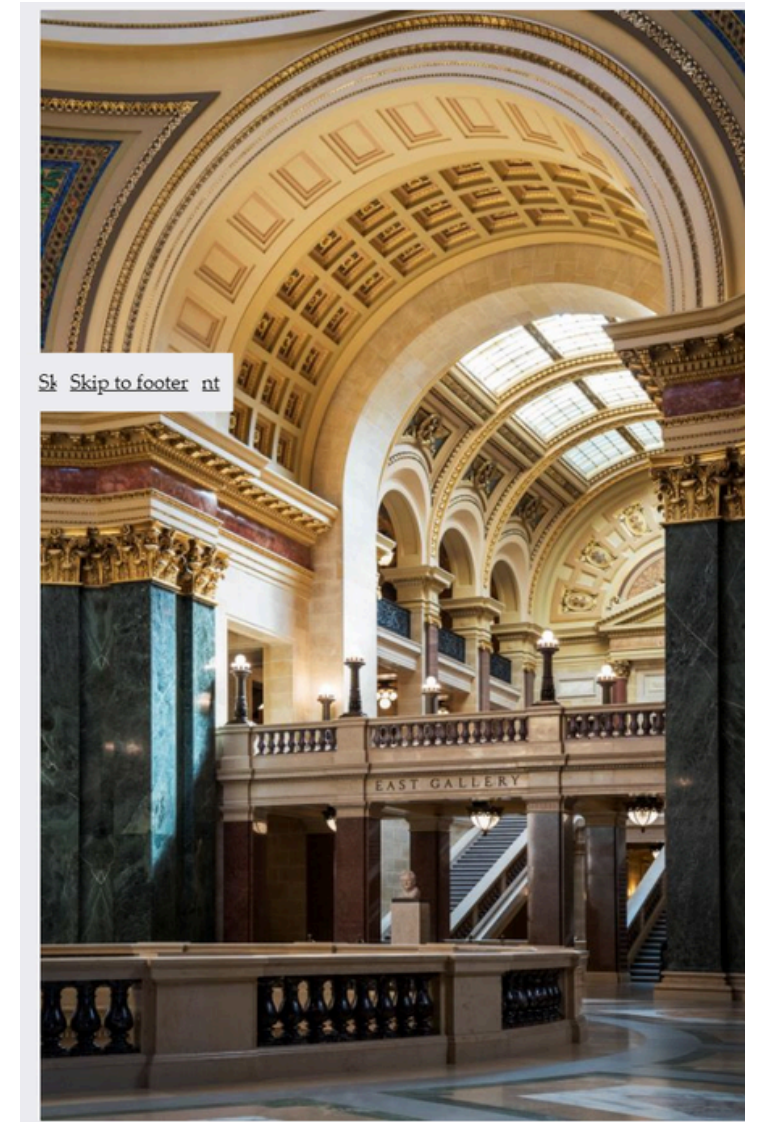
- Register in favor, against, or for information on the bill you are interested in.
- Testify/speak in favor, against, or for information on the bill you are interested in, unless the agenda is designated as “invited speakers only.”
- You must complete a hearing slip if you wish to testify or you will not be called on.
- You can usually testify either individually or in a small group.
- The committee chair(s) determine the order in which people are called to testify.



PUBLIC HEARINGS

If you testify

- Be prepared to be brief. The committee chair(s) will set a strict time limit, usually anywhere from 2-5 minutes if attendance is high.
- State your name and affiliation.
- Bring written copies of your full testimony for distribution to the committee, which you should bring with you when called to speak and give to committee staff for distribution to the committee. Your testimony will become part of the public record of committee proceedings.
- For major legislation such as the state budget, committee chairs may choose to establish an online public comment portal.
- Committee members may ask questions of you. If you don't know the answer, say so (it's okay) and follow up with the requested information after the hearing.



IRS Code

Refer to Chapter 501 of the Internal Revenue Code for more information about federal lobbying laws for 501(c)(3) nonprofits.

State of Wisconsin Ethics Board

Call (608) 266-8123, ext. 2 for free, confidential advice about Wisconsin's lobbying laws.

State of Wisconsin Elections Commission

Call (608) 266-8005 with questions about nonprofit participation in elections and Wisconsin election laws.

Eye on Lobbying

The Wisconsin Ethics Commission maintains a searchable webpage of state level lobbying activities (e.g., who is registered to lobby and what they are lobbying on).

Wisconsin Legislature

The Wisconsin Legislature's website contains a wealth of information about state legislators, committees, legislation, statutes, etc.

WisconsinEye

Wisconsin's version of C-SPAN.

Special Interest Groups

Consider partnering with nonpartisan special interest groups with shared advocacy goals.



Online Resources

Local, state, and federal entities maintain useful online resources which include contact information for elected officials and regarding public meetings. Examples include:

- [The White House](#)
- [U.S. House of Representatives](#)
- [U.S. Senate](#)
- [Wisconsin Governor](#)
- [Wisconsin Legislature](#)
- [Brown County](#)
- [City of Green Bay](#)

RESOURCES



Online Resources

The Wisconsin Legislature's website includes many easy-to-navigate tools, such as a [Find My Legislators tool](#), a free [Notification Service](#), legislative session calendars, information on all nonpartisan service agencies, committees, law and legislation, administrative rules, and more.



Welcome!

Welcome to the Wisconsin Ethics Commission's Lobbying web site.

Online Resources

- [Eye on Lobbying](#)
- [WisconsinEye](#)
- [C-SPAN](#)

2025–2026 Legislative Session

You do **not** have to create a user account to use this site if you want to search and view lobbying information that is available to the public.

Wisconsin law generally requires an organization that employs an individual whose duties include trying to influence state legislation or administrative rulemaking to register as a lobbying principal. Individuals who are paid to lobby are required to obtain a lobbyist license.

Please see [About Lobbying In Wisconsin](#) for more information.

Users with accounts can:

- Register a lobbying principal or amend a current registration
- Obtain a lobbyist license or amend a current license
- Complete a 15 day notification or 6 month report
- Subscribe to the FOCUS notification service

Who Is Lobbying?

Explore the individuals and principals associated with lobbying efforts.

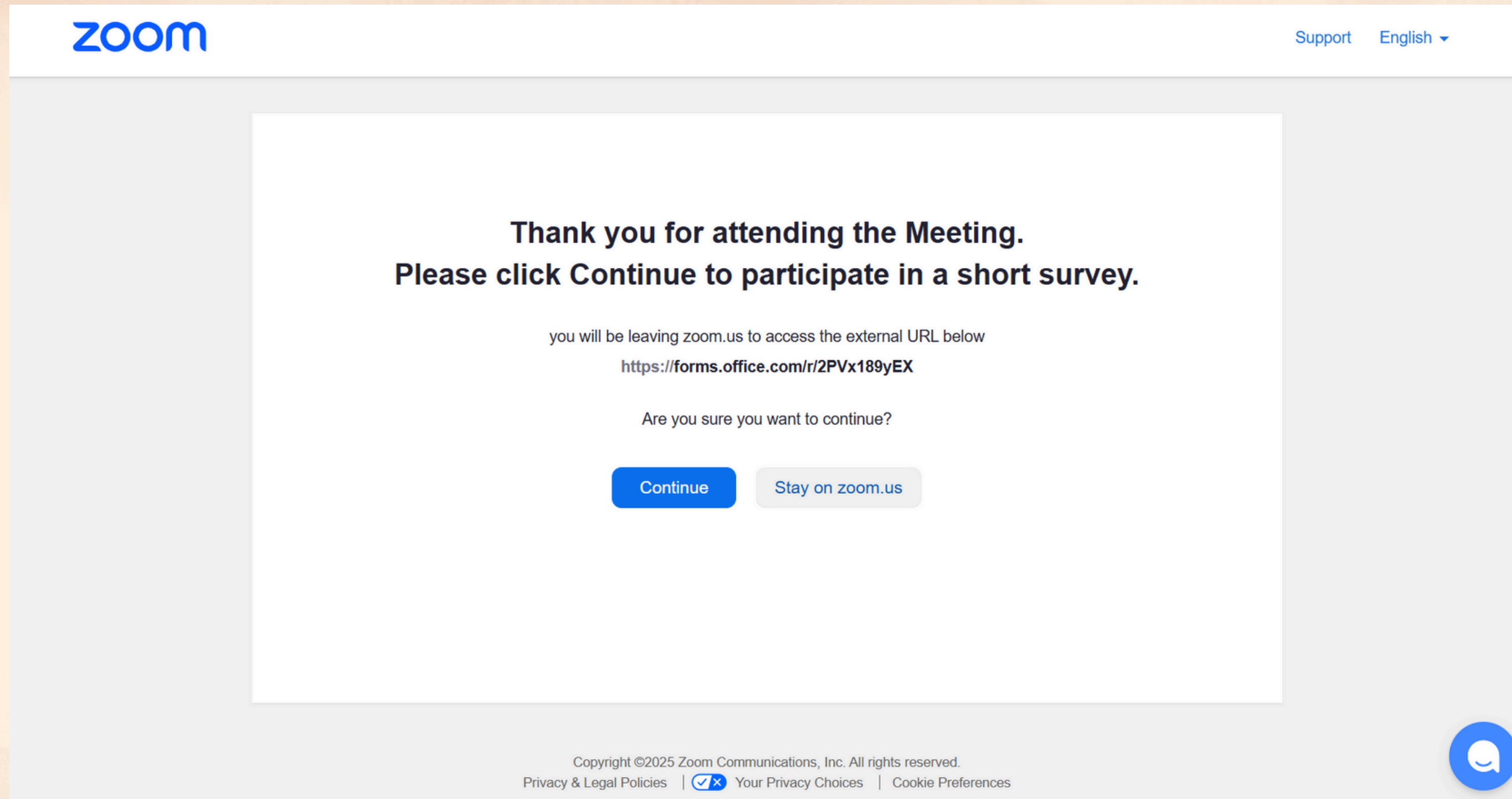
[Learn More](#)

What Are They Lobbying About?

Explore the topics behind lobbying efforts.

[Learn More](#)

Complete our survey, please!



Thank you!

To see our fall conference schedule and register for sessions:
<https://wislit.org/FallConference>

