

## ACNA Lobbying/Advocacy with 501c3 status

### Are nonprofits allowed to lobby and advocate?

#### The answer is YES!

1. **Nonprofits are not allowed to urge their members to support or oppose legislation.** The association as a body may participate in a small amount of lobbying, but [lobbying activities](#) may not exceed a certain amount of the organization's total expenses.
2. **Political campaign activity.** A nonprofit organization may not financially support or endorse any political candidates verbally or in writing. They may not oppose candidates either. This rule applies to candidates at every level — local, state and federal.

However, people sometimes confuse advocacy with lobbying—then quickly shy away from any activities that might jeopardize their nonprofit status or the federal funding they receive. Regardless, there are many ways nonprofits can advocate to improve policies, programs, and services—without lobbying and the rules and recordkeeping associated with it.

In general, no organization may qualify for section 501(c)(3) status if a substantial part of its activities is attempting to influence legislation (commonly known as **lobbying**). A 501(c)(3) organization may engage in some lobbying, but too much lobbying activity risks loss of tax-exempt status.

**Legislation** includes action by Congress, any state legislature, any local council, or similar governing body, with respect to acts, bills, resolutions, or similar items (such as legislative confirmation of appointive office), or by the public in referendum, ballot initiative, constitutional amendment, or similar procedure. It does not include actions by executive, judicial, or administrative bodies.

### Advocacy vs. Lobbying: What's the Difference?

There are many large gray areas in terms of advocacy and lobbying.

Advocacy is the process of stakeholders making their voices heard on issues that affect their lives and the lives of others at the local, state, and national level. It also means helping policymakers find specific solutions to persistent problems. Most nonprofits can and do engage in significant advocacy to achieve their goals.

Lobbying, on the other hand, involves activities that are in direct support of or opposition to a specific piece of introduced legislation. While nonprofits can engage in some lobbying, the IRS has strict rules about what portion of their budget can go toward these activities. There are also

prohibitions on the use of federal funds for lobbying, as well as a range of rules at the state level.

## **Examples of Association Advocacy vs. Lobbying**

### ***Advocacy***

- Encouraging members to contact their Congressional representative how legislation impacts them as a professional nurse and their constituents.
- Encouraging members to educate a member of Congress about the effects of a policy on their constituents.
- Inviting a member of Congress to visit the organization so that he/she may see firsthand how federal funding or a policy affects day-to-day operations and the difference it makes.

### ***Lobbying***

- Asking members to contact their congressional representative and ask them to vote for or against, amend, or introduce legislation.
- Emailing a “call to action” to the association membership urging them to contact their congressional representative to request activity on introduced legislation or pending regulations.
- Preparing materials or organizing events in support of lobbying activities.

An organization will be regarded as attempting to influence legislation if it contacts, or urges the public to contact, members or employees of a legislative body for the purpose of proposing, supporting, or opposing legislation, or if the organization advocates the adoption or rejection of legislation.

However, organizations may inform its members of current state or federal legislation and invite them to share their personal experience by means of a letter or testimony without stating if they should support or oppose specific legislation. Members who choose to do this must not claim or even imply they are engaging in submitting a letter or testimony on behalf of or as a representative of the American Cannabis Nurses Association.

Organizations may also involve themselves in issues of public policy without the activity being considered as lobbying. For example, organizations may conduct educational meetings, prepare and distribute educational materials, or otherwise consider public policy issues in an educational manner without jeopardizing their tax-exempt status.

## **How Can You Be an Advocate?**

You can be an advocate by educating policymakers about the needs of your organization or the nursing profession, and the people you serve. You can develop a relationship with your congressional representative in which you are a trusted voice on policy issues and a helpful resource for Congressional casework. You also can organize supporters on issues of importance and educate a wider audience about your accomplishments. Some examples include:

- Emailing or calling your elected officials.
- Organizing meetings or site visits with your legislators and their staff.
- Making your views known to policymakers and your community through traditional and social media.

Keep in mind that these activities cross the line into lobbying **if they call for action on introduced legislation or a pending regulation.**

## **Can you lobby?**

Yes, separate from the American Cannabis Nurses Association you may choose to lobby. However it is vital that you do not present yourself as a representative of the American Cannabis Nurses Association by stating you are a member, participate as a committee member, or hold a leadership position within the American Cannabis Nurses Association.