



Permissible Election Activities Checklist

501(c)(3) public charity organizations are strictly forbidden from engaging in any political activity in support of or in opposition to any candidate for public office. The IRS will consider all of the facts and circumstances surrounding an activity to determine whether the activity violates this prohibition. However, 501(c)(3) public charity organizations can engage in nonpartisan voter education activity and in a limited amount of lobbying.

501(c)(3)s MAY:

- engage in limited lobbying, including work on ballot measures
- conduct nonpartisan public education and training sessions about participation in the political process
- educate all of the candidates on public interest issues
- publish legislative scorecards (with certain restrictions)
- prepare candidate questionnaires and create voter guides (with certain restrictions)
- canvass the public on issues
- sponsor candidate debates (with certain restrictions)
- rent at fair market value mailing lists and facilities to other organizations, legislators, and candidates (with certain restrictions)
- conduct nonpartisan get-out-the-vote and voter registration drives
- establish a controlled 501(c)(4) organization
- work with all political parties to get its positions included on the party's platform (with certain restrictions)

501(c)(3)s MAY NOT:

- endorse candidates for public office
- make any campaign contributions
- make expenditures on behalf of candidates
- restrict rental of their mailing lists and facilities to certain candidates
- ask candidates to sign pledges on any issue (tacit endorsement)
- increase the volume or amount of incumbent criticism as election time approaches
- publish or communicate anything that explicitly or implicitly favors or opposes a candidate

Note: This handout provides general guidelines only, and is intended to serve as an overview. Because the application of law is fact-sensitive and context is critical, it should not be relied upon as legal advice. Organizations should consult with their attorney to receive guidance on special rules governing their conduct.



LAND TRUST ALLIANCE

NORTHEAST PROGRAM

Building Advocacy Partnerships with Legislators

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The Importance of Advocacy Partnerships

Public policy has become an area of increased focus by land trusts—at both state and national levels. We now have federal tax incentives for easement and land donations, purchase of development rights programs, and state-funded grants because land trusts persuaded elected officials that adding to the land protection toolbox was in the public interest. These accomplishments didn't just happen. To a large extent, they were the result of positive relationships between individuals in the land trust community and key legislators.

Successful advocacy relationships sometimes develop as an issue gains momentum in state houses or in Congress, and the chair of a key committee adopts it as a priority and begins working closely with its proponents. But, more often, the relationship predates the issue. The legislator understands how an evolving land protection initiative relates to his or her district's needs and the desires of constituents, to local organizations and ongoing projects and, importantly, to the interests of the legislator's chief supporters.

Land trusts should never put themselves in the position of endorsing or contributing to a candidate for public office (to do so would endanger their tax-exempt status). But it is very much in their long-term interest to develop positive relationships and effective communications with legislators once they are in office. In this way, **land trusts can build advocacy partnerships that will help the movement make tremendous gains in enlightened public policy and public funding for land conservation.**

Reaching Out to State Legislators

Do you know who your state legislators are? Or, more important, do they know who YOU are? Depending on the size of your land trust's focus area, one or more Representatives (or Assembly members) and one or more Senators represent you at your state's capital, where critical decisions regarding funding for land conservation are made. Here's how to begin building advocacy partnerships with them.

- **Start with a letter.** Write each of your legislators a short personal letter introducing your organization and describing your most significant conservation initiatives. Enclose a brochure, press release, map, or other information—the more colorful, the

better. Your letter will be read by staff and perhaps by the legislator, too, depending on how busy he or she is. You will almost certainly receive a reply.

- **Reach out to district office staff.** If legislators in your state maintain district offices, make a point of introducing yourself to the staff directors for your area. Arrange for them to meet with several board members. Follow up with notes and phone calls. Develop an ongoing cordial relationship. These individuals may become some of your most important allies.
- **Establish relationships with key staff.** Find out who on the legislator's staff works on issues related to land conservation. Write to this person as well. He or she will likely have seen what you sent to the legislator, but will appreciate the personal contact.
- **Build on existing relationships.** Do any of your board members have ongoing connections with legislators and/or their staff? If so, ask them to serve as key contacts for you.
- **Keep in touch.** Add legislators to your mailing list for newsletters, press releases, and other member communications and public announcements. If possible, avoid adding them to lists that are used to solicit donations. It enhances the communication when you add a brief personal note conveying how much you appreciate the legislator's interest in your work.
- **Call on your legislators when you're at the state capital.** In many states, environmental coalitions and conservation groups sponsor an annual "Lobby Day" when their members descend on the state house for contacts with individual members' legislators. Your participation in these will further your cause. But you can also visit with your legislators when you're there on other business.
- **Send thank-you notes.** Legislators are human—they like to be appreciated. Get into the habit of thanking your legislators for legislation that supports conservation, good budget decisions, and state-funded grants your land trust has received.
- **Casual personal connections.** Encourage members of your staff and board to introduce themselves to legislators at community events and public hearings and to chat about the work of your land trust. This works especially well if they can combine it with a message of positive feedback, such as "I want to thank you for your support of the Environmental Protection Fund," or "Thank you for co-sponsoring the bill that increases tax incentives for land protection." These contacts help give the impression

that there are a lot of you and that you notice and appreciate what the legislator is doing.

Encouraging More Direct Involvement

The more a legislator understands and feels invested in the work of your land trust, the more likely he or she will be willing to go to bat for your legislative initiatives. Direct involvement fosters the strongest, most enduring relationships. Here are some ways of encouraging it.

- **Involve legislators in celebrating your accomplishments.** When you celebrate a completed transaction, recognize a special donor, or hold a gala anniversary party or other special event, invite your legislators. Send an invitation to each legislator's local district office as well as to the main office at the state capital (a legislator will often send a staff person if he or she can't make it). Follow up the invitation with a phone call. If you send out a press advisory about the event, enclose a copy with the invitation to legislators. This lets them know that local press might cover the event, increasing their own motivation to attend. Get into the habit of sending press releases to local papers that report on events after they happen. If legislators attend, be sure to mention it in the release. Better yet, send out a photo of legislators at your event along with your press release and print the photo in your newsletter. Send a copy of the photo with your thank-you to each legislator who attended.
- **Involve legislators in public discussions of land conservation issues.** If you hold a public meeting or community discussion, invite your legislators. Help them understand that as a land trust, you are grounded in the community and are responsive to community needs and preferences. If they attend, use the techniques described above in reference to celebrations to recognize and thank them for their efforts.
- **Use relationships with municipal officials to build legislative support.** Effective legislators are highly responsive to the needs and desires of local governments. Be sure to let them know that you are working with local officials. Communications to legislators from local officials can be especially helpful in supplementing your own advocacy efforts.
- **Help legislators take credit where credit is due.** Did your land trust benefit from a grant, a change in the tax laws, or enhanced resources for open space acquisition? Was a local legislator instrumental in pulling together a community planning initiative or working with a developer or local officials to advance land conservation? Then let them know how much you appreciate their efforts. Thank them in personal letters, in newsletter articles, and in letters to the editor.

CAUTIONARY NOTE: Non-profit organizations are prohibited from endorsing candidates or otherwise participating in political campaign activities. Use your judgment, especially during campaign season. It's OK to thank legislators publicly, but scrupulously avoid any communication that appears to be urging folks to vote for—or against—their!

This material is furnished as an example and not as a definitive recommendation. It is provided with the understanding that the Land Trust Alliance is not engaged in rendering legal, accounting or other professional counsel. If legal advice or other expert assistance is required, the services of competent professionals should be sought. The Land Trust Alliance makes no assurances that land trusts using this example will be granted accredited status by the Land Trust Accreditation Commission.