



Lobbying Do's and Don'ts for Land Trusts

Land Trust Alliance Rally 2008

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LOBBYING DO'S AND DON'TS OUTLINE

1. INTRODUCTION
2. IRS LOBBYING
3. QUIZ
4. STATE LOBBYING COMPLIANCE
5. CAMPAIGN FINANCE
6. QUESTIONS AND ANSWERS



INTRODUCTION

- Lobbying's Upside
- Lobbying's Downside
- What Land Trusts Can Do



IRS LOBBYING



DIRECT LOBBYING

Efforts to influence legislation through:

- 1: a communication . . .
- 2: to a legislator, legislative staff, governmental official who may participate in the formulation of legislation, or to the general public in the case of a ballot measure . . .
- 3: that expresses a point of view . . .
- 4: on a specific item of legislation.



GRASSROOTS LOBBYING

Efforts to influence legislation through:

- 1: A communication . . .
- 2: to the general public . . .
- 3: that expresses a point of view . . .
- 4: on a specific item of legislation . . .
- 5: where the recipient is encouraged to take action on the legislation.



PREPARING TO LOBBY = LOBBYING

- Time spent preparing for a meeting with a legislator at which you will be lobbying is counted as lobbying.
- Time and money spent on preparing a publication that is used for lobbying is a lobbying expense.



EXCEPTIONS TO LOBBYING

1. Policy advocacy – No specific legislation
2. False start – No communication
3. Information – No opinion
4. Technical assistance – Invited opinion
5. Nonpartisan analysis – Justified opinion



WHAT LAND TRUSTS CAN DO TO LOBBY

- Hire lobbyists
- Give to or raise money for ballot measure campaigns
- Endorse or oppose legislation, including ballot measures
- Make in-kind contributions of staff time, office space, etc.
- Commission public opinion polls
- Rally the public to support or oppose legislation



WHAT LAND TRUSTS CAN **NOT** DO

- Support or oppose candidates for office
- Give endorsement, contribution, or land trust resources to candidates
- Violate state or local laws regulating lobbying or campaign finance
- Spend more than the IRS permits on lobbying
- Use government funds to lobby



IRS LIMITS ON LOBBYING BY PUBLIC CHARITIES

1. “Substantial part of activities” may not be lobbying, OR
2. Section 501(h) election:
 - file a simple 1-page form
 - simple formula to determine limits



501(h) LIMITS

Exempt Purpose Expenditures	Allowable Lobbying Expenditures
Up to \$500,000	20% of EP expenditures
\$500,000 - \$1 million	\$100,000 plus 15% over \$500,000
\$1 million - \$1.5 million	\$175,000 plus 10% over \$1 million
\$1.5 - \$17 million	\$225,000 plus 5% over \$1.5 million
Over \$17 million	\$1 million



DIRECT VS. GRASSROOTS LOBBYING

- Grassroots limit is only 25% of total limit
- Example:
Total expenses of \$500,000
Fundraising expenses \$100,000
EP Expenditures of \$400,000
Lobbying ceiling is 20% = \$80,000
Grassroots limit is 25% of ceiling = \$20,000
- Spending on ballot measures is DIRECT



RAISING FUNDS FOR LOBBYING

- Never use government funds to lobby
- Contributions from individuals earmarked for lobbying not tax deductible
- Private foundations may not earmark grants for lobbying
- Community foundations may lobby and grant for lobbying
- Policy advocacy, education, technical assistance are not restricted
- Funds raised for ballot measures subject to state campaign finance laws



Quiz Time!



There is a bill pending before the State Senate on riverway funding. You meet with a State Senator to convince her to vote yes on the bill.

Are you lobbying?



You send a letter to citizens in your area encouraging them to call their State Representatives to object to a bad open space bill.

Are you lobbying and , if so, what kind of lobbying is it?



You call the Director of the State Department of Environmental Protection and Conservation and try to convince her to dedicated \$750,000 from the State Land Acquisition Fund to your project.

Are you lobbying?



The City contacts your Land Trust about a property they want to acquire. You meet with the City Council to discuss what assistance you could provide.

Are you lobbying?



You're meeting with the County Commission and you advocate for a \$2.5 million bond measure to acquire land. You tell them you're going to do a poll of county voters and you confer with them on the questions in the poll.

- Are you lobbying?
- What if you have received a technical assistance letter from the County Commission?



You are involved in a county ballot question campaign and have written an op-ed for the local newspaper to run the week before the election. The article extols the virtues of the ballot question and urges a “yes” vote on it.

- What if you didn’t urge a “yes” vote?



- You hold a fundraiser and solicit donations to help pay for the cost of acquiring the land.
- You hold a fundraiser and solicit donations to pay for campaign signs and a direct mail piece.
- You apply for a grant from the State to pay some of the costs of acquiring the land.



Senator Jones is an environmental leader in the state and a good friend of your land trust. He is running for reelection. He was instrumental in helping fund an important deal just before he announced for re-election.

- Can your land trust contribute to his campaign?
- Can the land trust endorse him?
- Can you run an ad congratulating him for help on project?



Katahdin Lake





STATE AND LOCAL LOBBYING COMPLIANCE

- Registration
- Reporting
- Steer clear of electioneering
 - campaign contribution requests
 - implied endorsements



CAUTION!

Federal, state and local statutes defining the scope of reportable lobbying differ from the IRS definition:

- Safe harbors
- Administrative lobbying
- IRS exceptions don't apply



CAMPAIGN FINANCE – BALLOT QUESTION CAMPAIGNS

- Register with state or county
 - Name, treasurer, bank account
- File reports
- Terminate, final report
- Tax return



HOW LAND TRUSTS CAN SUPPORT CAMPAIGNS

- Monetary contribution to committee
- In-kind contribution to committee
- Serve on committee
- Endorse ballot question
- Communicate with your members



OTHER CAMPAIGN LEGAL ISSUES

- Mail
 - Nonprofit bulk rate may be used for campaign mail
 - Rules: Devise, Design, Pay for
- Disclosure on Advertising



QUESTIONS OR COMMENTS?



Thank You!

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**The Trust for Public Land
Conservation Finance Program**

www.TPL.org