ADVOCACY TOOLKIT: Communicating with Elected Officials

Updated July 2020

By Rhonda Sincavage, Director, Content & Partnerships, National Trust for Historic Preservation

The National Trust for Historic Preservation and Main Street America advocate for effective policies for historic preservation and community revitalization through training, technical assistance, and promotion of effective advocacy tools. The Advocacy Toolkit, including this chapter, was initially published through the generous support of the Jessie Ball duPont Fund. To connect with the National Trust for Historic Preservation, visit savingplaces.org or email forum@savingplaces.org. To connect with Main Street America, visit mainstreet.org or email mainstreet@savingplaces.org.

Introduction

Communicating with elected officials is a key component of any advocacy endeavor. Just as it is your responsibility as a citizen to exercise your right to vote, it is just as important to communicate regularly with officials once they take office. Let them know your communities' concerns and interests. Stakeholders promoting many different interests are in regular contact with elected officials, and the downtown revitalization and historic preservation community must be continuously active on this front as well.

Why It Is Necessary to Communicate with Elected Officials

Main Street and historic preservation need the support of elected officials because they determine policies that affect the economic vitality, diversity, and resiliency of our communities. For example, elected officials at the federal, state, and local levels make decisions on funding measures and grant programs (e.g. funding of state-wide Main Street programs); support incentives to encourage building reuse and community revitalization (e.g., federal and state historic tax credits); and enact legal protections to protect historic buildings and sites.

Regular communication with elected officials will help secure policies that benefit revitalization and will establish a relationship with decision makers as partners. Relationships with elected officials are a two-way street. By cultivating these relationships, you gain an ally in a decision-making position, and conversely, your advocacy efforts provide updates and information about what is happening "on the ground" with their constituents to officials.

Know Your Decision Makers

It is important to do some research on decision makers before starting to build relationships with them and communicating preservation priorities. Knowing what motivates elected officials can be helpful in advocating for a particular cause. Most state governments as well as individual legislators have websites with information on voting records, personal history of elected officials, campaign platforms, and so on.

Consider researching the following questions:

- What is the official's background: hometown, school, previous career, outside interests? This helps to identify possible allies who have worked with the official in the past and issues that are important to the official.
- What district does the elected official represent? What Main Streets and historic resources are in this district?
- What committee memberships does the official hold? What is the official's seniority? This will help advocates determine what types of policy the official directly impacts and the official's relative influence among his or her colleagues.
- What are the official's positions on the issues that relate to Main Street and the preservation community? What is the official's voting record on these matters?
- What other issues does the official support? This information will help link your preservation priorities with the issues that are at the forefront of an elected official's policy agenda.

Effective Communication with Elected Officials

There are many different ways to communicate with elected officials, and the most appropriate depends on each unique situation. In general, communication with elected officials can take place via e-mail, social media, mail, telephone, virtual meetings or face-to-face meetings.

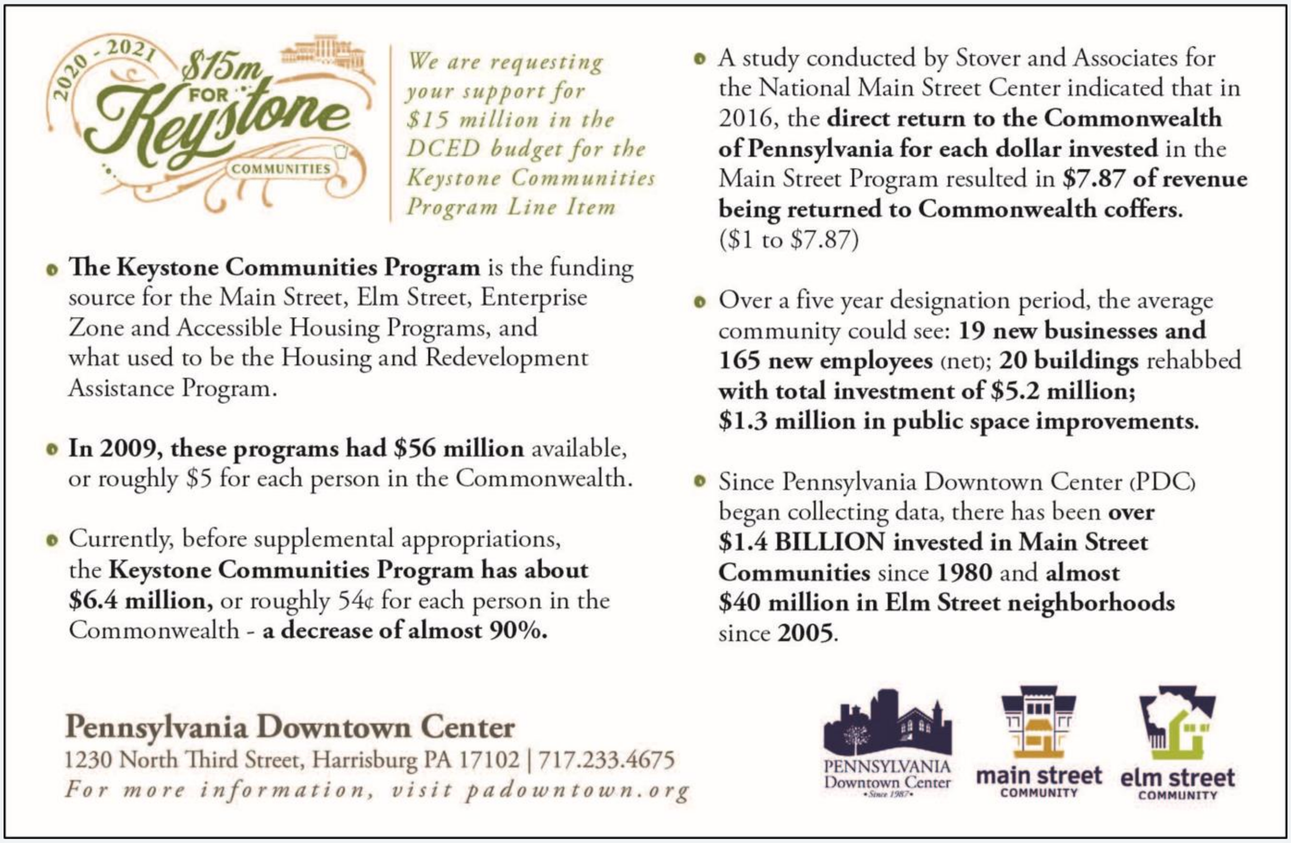
U.S. Representative Richard Hudson (NC-8), right, stands with **Diane Young**, executive director of the Concord Downtown Development Corporation, and **Patrick Riley**, principal at Rehab Development, in an apartment in the Hotel Concord renovation project. Hudson toured the facility as well as Lofts 29 to discuss historic tax credits.

PHOTO COURTESY OF DIANE YOUNG

Meet Regularly in Multiple Locations

Face to face meetings can take place in their offices back in the district or neighborhood and at city hall, in the state legislative offices, and on Capitol Hill. Tours of historic districts, individual buildings or projects, and Main Streets are one of the most effective advocacy tools because officials can see the problems encountered, ways that they can assist, and the jobs being created. Successful meetings include knowledge experts (e.g., architect or business owner), policy experts (e.g., someone who can explain what assistance is needed from the official), trusted advisors or long-time acquaintances of the official, and constituents. Each person conveys a talking point or two that represents their constituency's concerns. Officials greatly appreciate multiple constituencies coming together to jointly support a recommendation.

Because personalization to the greatest extent possible is desired, face-to-face meetings are usually preferable, but that doesn't mean that other forms of communication can't be effective. The method you use to communicate is not nearly as important as your message. A thoughtful, personalized, and well-written e-mail, tweet or letter sent electronically that explains how a preservation issue will directly impact constituents and/or the elected official's district can have nearly the same effect as a personal visit. Avoid form letters or a formulaic response. Make the message your own and have it reflect your genuine passion for the subject. Regardless of the method, elected officials care most about the concerns of their constituents because they want to represent them well and also to get reelected! Communications that hold the most weight with elected officials are from those they represent, so advocates should state clearly in any communications that they are a constituent.



2020 - 2021 $15m FOR Keystone COMMUNITIES

We are requesting your support for $15 million in the DCED budget for the Keystone Communities Program Line Item

- **The Keystone Communities Program** is the funding source for the Main Street, Elm Street, Enterprise Zone and Accessible Housing Programs, and what used to be the Housing and Redevelopment Assistance Program.
- **In 2009, these programs had $56 million** available, or roughly $5 for each person in the Commonwealth.
- Currently, before supplemental appropriations, the **Keystone Communities Program has about $6.4 million,** or roughly 54¢ for each person in the Commonwealth - **a decrease of almost 90%.**
- A study conducted by Stover and Associates for the National Main Street Center indicated that in 2016, the **direct return to the Commonwealth of Pennsylvania for each dollar invested** in the Main Street Program resulted in **$7.87 of revenue being returned to Commonwealth coffers.** ($1 to $7.87)
- Over a five year designation period, the average community could see: **19 new businesses and 165 new employees** (net); **20 buildings** rehabbed **with total investment of $5.2 million; $1.3 million in public space improvements.**
- Since Pennsylvania Downtown Center (PDC) began collecting data, there has been **over $1.4 BILLION invested in Main Street Communities** since **1980** and **almost $40 million in Elm Street neighborhoods** since **2005**.

Pennsylvania Downtown Center
1230 North Third Street, Harrisburg PA 17102 | 717.233.4675
For more information, visit padowntown.org

PENNSYLVANIA Downtown Center • Since 1987 •
main street COMMUNITY
elm street COMMUNITY

Main Street advocates in Pennsylvania use talking points with statistics prepared by the Pennsylvania Downtown Center to convey the need for increased support for community revitalization funding across the state.

IMAGE COURTESY OF PENNSYLVANIA DOWNTOWN CENTER

Advocates can start building their relationship with elected officials with general information about their Main Streets or preservation programs. From there advocates can advance to specific requests and then—following the hoped-for success—to recognition events. Even if it is necessary to jump in immediately with a request on a specific issue, advocates should continue to follow up with information about their efforts to strengthen the relationship.

Communicate on Multiple Channels

First communicate the importance of preservation to officials and their staff. Elected officials want and expect to hear from constituents and appreciate their efforts. If elected officials don't know priorities, they can't effectively represent their constituents or make informed decisions on issues regarding historic preservation and community revitalization. Remember that decision makers are constantly balancing interests of concerned citizens, so make sure elected officials are familiar with preservation issues. A few ways in which to engage elected officials include:

- providing them with current information through newsletters and social media,

- inviting them to speak at or attend meetings, and
- ensuring that they are included at Main Street and preservation events in their district, such as groundbreakings or ribbon-cuttings.

Educate

Next, become a reliable information resource to elected officials on matters concerning historic preservation and Main Street. Although elected officials and their staff tend to have general knowledge on a wide variety of subjects, they rely on experts in the field to guide and educate them when it comes to the specifics. You should aim to be the "go-to" person for decision makers when they have a question. Some examples of helpful information to provide to your elected officials include:

- background on the history and significance of your community
- general information on state and local Main Street and preservation organizations
- annual copies of economic benefit studies and reinvestment statistics
- updates on projects in your community or district

Dos and Don't's for Communicating with Elected Officials

DO:	DON'T:
• Conduct your research ahead of time	• Give false or misconstrued information
• Mention you are a constituent	• Focus on too many priorities
• Make clear, concise arguments	• Be overly wordy or go into too much detail
• Provide relevant examples	• Be intimidated
• Be polite, address officials properly	• Threaten or be demanding
• Make a specific request	• Expect an immediate response
• Be aware of the official's interests and priorities	• Be disappointed to be referred to legislative staff
• Include your contact information	• Use technical jargon
• Follow-up with additional information	• Forget to answer any questions they asked
• Say thank you	• Forget to recognize them for their support

Make "The Ask"

Once a relationship with elected officials is established and they are familiar with Main Street and preservation concerns, the next step is to approach them on specific ways they can advance a policy agenda. Typical requests include asking officials to support or sponsor legislation that would benefit preservation, to vote a certain way on a measure, to include historic preservation in a legislative platform, or to attend an event. Regardless of the request, make sure you clearly communicate what you want them to do and use local examples to show how their support for the action you are requesting would benefit the official's state, district, or community.

Former **Speaker of the House Paul Ryan** heard **Mark Frietag**, City Manager of Janesville; **Jonathan Beck** of The Alexander Company; **Matt Jarosz**, Wisconsin professor and National Trust Advisor and **Renee Kuhlman** with the National Trust share many reasons for retaining and improving the federal historic tax credit. The successful national advocacy campaign to retain the incentive during tax reform involved communicating frequently with elected officials.

PHOTO COURTESY OF RENEE KUHLMAN

Recognize Contributions

It is important to recognize elected officials when their time or actions have benefited historic preservation. In addition to directly thanking decision makers for their efforts, advocates should take the opportunity to acknowledge their support in a more public way. This can be done at a variety of occasions such as tours, ribbon cuttings, or a press conference. Other options include bestowing an award or honor on the elected official, or by acknowledging decision makers in the press through a letter to the editor or social media. In any case, it is important to let elected officials know that the preservation community appreciates their support of historic preservation and can be counted on to publicly recognize them, whenever it is appropriate.

What to Communicate

Whether by e-mail, letter, phone, or on a tour, a carefully crafted message conveys to decision makers that historic preservation and Main Street is very important to your community. Be sure all communication is clear, concise, and direct.

Some effective communication strategies include:

- Identify spokespeople who would be effective at communicating your message.

- Develop a short (no more than one-page) briefing to summarize the benefits and expected outcomes of key policies. This can be useful for any type of stakeholder: an elected official, a member of the press, a potential volunteer, or a potential funder.

- Prepare case studies showcasing successful or potential preservation projects in an elected official's district complete with images.

- Have handy a brief "elevator speech" that summarizes your concerns in case you run into an elected official or stakeholder and have the opportunity for a very brief conversation.

- Distribute sign-on letters with multiple signers or letters from key individuals, businesses or organizations that reiterate the requested action. Identify possible coalition partners and evaluate their potential.

Conclusion

Successful Main Streets, deserving projects, and other worthy preservation causes depend on support from elected officials that can enact policies. Your voice matters in our legislative process and effective communication ensures that the preservation message is heard by decision makers. Preservationists envision a future where leaders who make decisions impacting our built environment consider the reuse of historic buildings an essential strategy to create more inclusive, prosperous, and resilient communities. That message is a compelling one so promote your cause with determination and persistence. Your community and its heritage deserve nothing less.

Resources

A Blueprint for Lobbying by Susan West Montgomery, National Trust for Historic Preservation

Advocacy Resources, American Alliance of Museums

Everyday Advocacy Resources, National Council of Nonprofits

The Legislative Process, United States House of Representatives

Main Street America has been helping revitalize older and historic commercial districts for 40 years. Today it is a network of more than 1,600 neighborhoods and communities, rural and urban, who share both a commitment to place and to building stronger communities through preservation-based economic development. Main Street America is a program of the nonprofit National Main Street Center, Inc., a subsidiary of the National Trust for Historic Preservation.

MAIN STREET AMERICA®

The National Trust for Historic Preservation is a privately funded nonprofit organization that works to save America's historic places. From our headquarters in Washington, D.C. and our field offices, we take direct, on-the-ground action when historic sites are threatened. Our work helps build vibrant, sustainable communities. We facilitate public participation in the preservation of sites, buildings, and objects of national significance or interest. We advocate with governments to save America's heritage, and we strive to create a cultural legacy that is as diverse as the nation itself so all of us can take pride in our part of the American story.

National Trust *for* Historic Preservation®

The Watergate Office Building
2600 Virginia Avenue NW Suite 1100
Washington, DC 20037

SavingPlaces.org

ADVOCACY TOOLKIT:

Working with an Advocacy Coalition

Updated June 2020

By Renee Kuhlman, Senior Director of Outreach and Support at the National Trust for Historic Preservation.

The National Trust for Historic Preservation and Main Street America advocate for effective policies for historic preservation and community revitalization through training, technical assistance, and promotion of effective advocacy tools. The Advocacy Toolkit, including this chapter, was initially published through the generous support of the Jessie Ball duPont Fund. To connect with the National Trust for Historic Preservation, visit savingplaces.org or email forum@savingplaces.org. To connect with Main Street America, visit mainstreet.org or email mainstreet@savingplaces.org.

Introduction

Working with a coalition of advocates can greatly increase the chance of getting a preservation or revitalization policy successfully adopted or passed by a governmental body. Coalitions can also have a positive impact when organized for defensive reasons (e.g., protecting a historic site or maintaining funding for a state-wide Main Street program). Identifying partners who can be of assistance and working with them in an equitable and responsible manner can increase the coalition's stature in the eyes of elected officials as well as the public they serve.

What is an Advocacy Coalition?

Coalitions formed for advocacy purposes generally consist of individuals, businesses, associations, and nonprofit groups. Representatives of government agencies can also participate by providing data or information that can be used by the coalitions. Many times, coalitions are formed to address a single policy issue, although in some instances, coalitions seek to address a range of issues and develop a joint policy agenda. Whether they are permanent or formed for a temporary purpose, all effective coalitions share a common trait – they are action-oriented and work toward achieving a specific goal.

Benefits of Working with a Coalition

Coalitions offer several benefits. The old adage, "many hands make light work," is true. With additional resources focused on achieving the preservation policy objective, you can now share the burden of planning events, working with the media, and educating the public, officials, and grassroots constituencies. Likewise, sharing costs for activities such as hiring a lobbyist or hosting events will be lower for each coalition member than if a single organization had undertaken an advocacy campaign on its own.

In addition to pooling financial and human resources, coalitions also offer the opportunity to increase credibility for your public policy purpose. Coalitions demonstrate a broad base of support to officials and help create a compelling message that reaches a larger audience. Working in coalitions offers members the opportunity to make new contacts and learn new techniques from other organizations. It also will help increase awareness of preservation and community revitalization concerns among the partners.

Successful coalition-driven policy changes include the passage, protection, and amending of state rehabilitation tax credit programs. For example, recognizing the impact of historic tax credit programs in neighboring states, the Revitalize West Virginia's Downtowns Coalition worked to increase the West Virginia historic rehabilitation tax credit from ten percent to twenty-five percent. Begun with just four organizations represented, the coalition grew to include 38 cities and their mayors, county executives, brownfield activists, business owners, local Main Streets, developers and the National Trust for Historic Preservation. While an initial attempt stalled in the legislative process, continued advocacy by the coalition proved essential, and the increase passed in early 2018.

Other examples of public policy issues that could benefit from the efforts of a coalition include promoting amendments to a state affordable housing allocation process to encourage more creation of affordable units in historic buildings and increasing appropriations funding for Main Street coordinating programs and State Historic Preservation Offices.

How to Get Started

Before creating or joining a coalition to work on a public policy issue, consider all of the ramifications. Talk through objectives in advance with potential partners to avoid misunderstandings among members during the advocacy campaign. The first meeting of the coalition provides an opportunity to discuss the proposed policy, reasons for becoming involved, and plans for reaching the policy goal.

The Palace Furniture Building in Clarksburg, West Virginia received Preservation Alliance of West Virginia's 2019 award for Best Use of Historic Tax Credits. With the increase of the West Virginia State Tax Credit, this project was able to move forward, creating 40 affordable residential units downtown for seniors

PHOTO BY PRESERVATION ALLIANCE OF WEST VIRGINIA

The following suggestions will help you create an effective advocacy coalition.

Identify possible coalition partners and evaluate their potential. Not surprisingly, the interdisciplinary nature of preservation and Main Street revitalization means you have allies in many different fields. Consider approaching other types of organizations, in addition to the typical preservation partners such as architects, developers, and planners, when planning a coalition. For example, landscape architects, historical societies, chambers of commerce, housing advocates, and environmentalists often share common interests and goals. For example, reuse of historic buildings means less waste in landfills and that outcome is a shared goal with environmentalists.

Coalition Partners

Common partners in preservation and Main Street coalitions include:

- Statewide and local preservation organizations
- Local Main Street organizations
- Housing advocates
- Business / property owners
- Community and neighborhood organizations
- Tourism Associations / Convention & Visitors Bureaus
- Educational institutions
- Historic sites
- Chambers of Commerce
- State historic preservation office / Main Street coordinators
- Local elected officials
- Real estate/economic development professionals
- Architects and planners
- Environmentalists
- Religious Institutions
- Cultural/Affinity Interest groups
- Smart growth organizations
- Other organizations that have allied goals

The list of potential partners depends on each situation and may change over time, so brainstorm new partnership opportunities periodically. You might partner with a group during a specific legislative campaign and then find yourself partnering in the future with someone who took the opposite side in the previous campaign. Although there will always be someone or some groups opposed to your issue, remember that you might find them as allies down the road. Be careful not to burn bridges, even if there are disagreements.

Before approaching possible coalition members, consider the following questions:

- Would the potential partners benefit from participating in this advocacy campaign? If so, describe the benefits in a way that would appeal to their interest using familiar terminology. Preservation in and of itself is not always an obvious benefit that attracts a coalition partner. Often, you might find that preservation benefits a partner in another way. For example, revitalization of downtown commercial districts attracts many concerned about development of entrepreneurial ecosystems, the protection of outdoor recreation assets, and creation of high-wage local jobs to retain the local workforce.

- What's the reputation of the possible coalition partner? Are you comfortable to be associated with the potential partner in the media?

- Building successful working coalitions takes time and may come at the expense of other programs. Potential partners should understand the expected time commitment.

- What does the partner bring to the table? Does the partner have supporters who will become engaged in an advocacy campaign? In what manner and how often does the partner communicate with its advocates? Does the partner have different or better connections with elected officials? Does it have a reputation within the policy arena for being effective? Does it have additional financial resources or access to other resources?

Agree on how to approach potential partners. After considering all the possible partners and evaluating their ability to contribute to your advocacy effort, decide how to approach the partner you have identified. In some instances, you can easily accomplish this with a phone call to the person in charge. Often however, board-level approval is needed before an organization can commit to joining an advocacy coalition. State your reasons for being involved and outline the reasons why you think the change would also help the partner reach its goals.

Write it down. Although logistics may seem insignificant in the beginning, the best coalitions put things in writing. Jointly develop a written document that identifies the common campaign goals shared by all the coalition members, defines the strategic action steps, clearly identifies the responsibilities and expectations of coalition members, and establishes a schedule or timeline. Having the goal and action plan in writing will help potential coalition members understand the expected duration of the working relationship and will address potential areas of conflict and get them resolved before the campaign starts to avoid misunderstandings down the road.

Hold regular meetings. Agree to meet regularly, and when possible face-to-face. Keep notes of meetings and who is responsible for follow-up on assigned tasks. Determine who has the best contacts and skills and divvy up the tasks accordingly. Thank coalition members for their work often and in a timely manner.

Create a coalition name. The name of the coalition should be succinct and memorable (e.g., Connecticut Places Coalition). Be sure any resulting acronyms are favorable to the coalition (e.g., Georgians for Preservation Action or GaPA). Long coalition names are forgettable and do not help convey the common goal. A current listing of coalition members should be accessible to the public so it can see the broad-based support behind the issue.

A coalition may be formed to work as an advocate on behalf of a state-wide agency. The New Mexico Coalition of MainStreet Communities agrees upon a common communications message and advocacy materials that can be used to support the work of the state-wide Main Street program.

IMAGE BY NEW MEXICO COALITION OF MAINSTREET COMMUNITIES

Financing. If raising and spending money is part of the responsibilities of being a coalition member, have a formal written agreement drawn up stipulating how much money each coalition member must contribute and how it will be spent. Some coalitions may spend money to hire a lobbying firm or a public relations company, offer educational workshops, or organize advocacy events. Stipulate what to do with any remaining funds at the end of the campaign and what will happen if there are financial shortfalls.

It is not necessary for coalitions to form a separate 501(c) 3 organization. But the coalition should discuss the complexity of the financial arrangements and length of time it will take to address the issue and then decide if forming a 501(c) 3 organization is appropriate. To protect the coalition's interests, be sure to seek legal counsel regarding fund-raising and lobbying restrictions.

Working Together

Create team-approved educational materials. To save money, develop general educational materials that explain all of the benefits to each coalition's constituency. With diverse groups involved, the educational materials should have broad appeal. To increase the coalition's chance of success, understand the issue and its consequences thoroughly. All coalition partners should understand the supporting data and be able to articulate the main message on the issue.

Host joint events. To educate elected officials about their issue, coalitions often host events. For example, Missouri Main Street Connection Inc, hosts an annual Main Street Capitol Day in Jefferson City to celebrate the achievements of participating communities and to share insights about the program's impact with state legislators. These types of events give legislators a chance to hear the reasons for supporting the policy from a variety of perspectives. The elected officials get to see the strength in numbers behind the desired preservation policy. These events also allow the members of the different constituent groups to become more familiar with revitalization goals and policies, as well as their supporters within the state.

Learn from mistakes and share success. Another benefit of working with an advocacy coalition is that you can get a variety of feedback to evaluate the success of each tactic. With multiple partners offering advice, the

Missouri Main Street Connection Inc, (MMSC) hosts an annual Main Street Capitol Day in Jefferson City, MO, to gather communities across the state to visit with legislators to celebrate the achievements by communities participating in the Missouri Main Street state-wide revitalization program. Pictured here are Senator Jamilah Nasheed with David Ottinger - Bevo, John Chen - Downtown Dutchtown, and Keith Winge – MMSC.

PHOTO COURTESY OF MISSOURI MAIN STREET CONNECTION coalition can quickly alter its tactics. In addition to sharing missteps, coalitions also share in the success of their advocacy effort. Tout all successes–whether it's a halfway benchmark or the final achievement. Small successes along the way buoy and encourage coalition members. By sharing credit among all the partners, you ensure goodwill for possible future advocacy coalitions.

Share information widely about your coalition and its efforts. From the general public to possible funders, everyone likes to see people working together. Officials enjoy seeing several of their constituent groups coming together to tackle policy issues – it exemplifies broad-based support on particular policy or issue. Coalitions offer the media several avenues to appeal to their readership.

Engage the media. One of the most important responsibilities undertaken by the coalition will be engaging the media. With the input of all the members, the coalition will be able to develop a more compelling message that appeals to a wider audience. Ensure that all members of the coalition agree on the advocacy message and use it consistently. Clear the materials released to the public by all the members of the coalition. Be sure to use the logos of all the organizations involved – create a separate letterhead if necessary. Identify a general spokesperson that can speak to all interests of the coalition members. Provide the media with press releases that describe the policy as being beneficial to a wide range of interests.

Common Mistakes

Some coalitions work better than others. The coalitions that are successful share a common purpose, are committed to working together, can work out differences in opinion amicably, spend money wisely, and stick to a game plan that is written down and agreed to by all parties. Some coalitions work long enough to achieve their stated goals and can be resurrected if another need arises. When coalitions fail, they fail for a variety of reasons.

Some common pitfalls include failure to meet regularly and making poor choices of partners. Sometimes, coalitions do not work because one or more of the members change their minds mid-stream about the goal. They are either unwilling to compromise or withdraw when the rest of the coalition wants to continue working on the issue. By not being clear in the beginning about the limits each member will or will not accept, the coalition is not as cohesive and endangers the effort to pass or adopt the policy. Other times coalitions fail because they were not able to work out an equitable workload, share the expenses fairly, or one member took credit for the work of the entire coalition.

Often, unsuccessful coalitions fail to put things in writing; there is no plan, no agreement among members, and no joint fact sheet detailing the purposes of the recommended policy. Try to document the group's decisions and any amendments to the agreed-upon strategy. Often adjustments are needed as a strategy unfolds. Documenting these decisions helps ensure that everyone remembers the new strategy and the reasons for the change.

Coalitions can also get unwieldy when they grow too large. Consider having different partnership "levels" where an organization can simply sign on to show its support but does not share in the strategy-making process.

Conclusion

Successful advocacy coalitions take hard work, but the results are worth the investment of time and energy. One such coalition, Iowa's Smart Growth Development, formed to promote preservation and smart growth practices, including state historic tax credits. With a diverse composition including developers, Main Streets, architects and preservationists, the coalition successfully raised the cap on the state historic tax credit in 2009 and continues to advocate for improvements. To help educate lawmakers, the group commissioned a report on the effectiveness of historic tax credits both locally and across the country. By creating a similarly effective coalition, advocates can put in place policies and programs that encourage the revitalization of our historic communities.

Glossary

Advocacy - the act or process of pleading in favor of or supporting a cause or proposal

Coalition – a temporary alliance of distinct parties or persons for joint action

Legislative Advocacy – the act or process of pleading in favor of a specific public policy

Resources and Organizations

A Blueprint for Lobbying by Susan West Montgomery, National Trust for Historic Preservation

Advocacy Resource: Coalition Checklist, Bolder Advocacy

Coalition Work Tools
CoalitionsWork

Getting to Yes: Negotiating Agreement Without Giving In by Roger Fisher and William L. Ury (book)

Connecticut Places Coalition

Georgians for Preservation Action

Iowa Smart Growth Development

Missouri Main Street Connection

New Mexico Coalition of Main Street Communities

Preservation Alliance of West Virginia

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The Watergate Office Building
2600 Virginia Avenue NW Suite 1100
Washington, DC 20037

SavingPlaces.org

Developing a Grassroots Network

Updated July 2020

By Rhonda Sincavage, Director of Content & Partnerships, National Trust for Historic Preservation

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Introduction

Engaging in the political process and communicating with elected officials are essential components to successfully promote historic preservation and revitalization policies. Elected officials want and need to hear from their constituents. As they develop their priorities, they take into consideration opinions of both trusted experts and their supporters. As preservationists, it is our responsibility to communicate directly with decision makers and to help them understand the benefits and value of historic preservation.

What is Grassroots Advocacy?

Grassroots advocacy is collective citizen action to influence decision makers. Its goal is to activate a broad group of people to take action on an issue and to give those people the tools to communicate to their elected officials effectively. This “bottom-up approach” allows the voice of every American to be taken into account in the political process.

Why a Grassroots Network is Important?

Building a grassroots network is a key element to promoting preservation policies. First, there is truth to the saying that there is strength in numbers. If preservation has popular support and is seen as a priority to the general public, then elected officials will be more likely to take it into consideration when acting on policy measures. Having a large number and wide range of supporters lends credibility to the preservation policy for which

The Historic Macon Foudnation in Macon, GA promotes preservation in a positive light through the “Macon is Preservation” campaign. To show the diversity of their efforts and broad community support for revitalization of historic structures, the campaign partners with local organizations to create media and buzz for positive, proactive preservation.

PHOTO BY MARYANN BATES

you are advocating. A strong grassroots network will also help to build the preservation movement by engaging interest from new audiences. People are more likely to become engaged when they are aware that advocating on behalf of a specific issue will have a positive impact on the quality of life in their community. A grassroots network that can be counted on for quick action is also helpful when potential threats arise to historic and cultural resources. Finally, developing a grassroots network empowers people by helping to exercise their voice in the political process.

How to Get Started

To develop a grassroots network, you must identify potential advocates, enlist their assistance in meeting the advocacy goal, identify the best way to communicate and track information with advocates, and identify when and why to initiate contact with elected officials.

Who are advocates?

Anybody who supports community redevelopment and historic preservation can be an advocate. An advocate is someone who speaks on behalf of a particular person, idea, or issue. To build a strong grassroots network, develop a group of supporters that represent a wide-ranging and diverse constituency. In addition to targeting traditional supporters, try to identify potential advocates by engaging bigger, issue-based coalitions that may have similar interests. Elected officials tend to respond positively to groups that represent more than one interest.

How do you sign up advocates?

Be creative in where and how you spread your message and be sure to capture the contact information of people who are interested in your causes whenever possible.

Potential Advocates May Include:

- Statewide preservation organizations
- Main Street organizations
- Business / property owners
- Community and neighborhood organizations
- Affordable housing groups
- Cultural associations for underrepresented history
- Tourism Associations / Convention & Visitors Bureaus
- Educational institutions
- Historic sites
- Chambers of Commerce
- Small business support organizations
- State historic preservation office / Main Street coordinators
- Local elected officials
- Real estate/economic development professionals
- Architects and planners
- Environmentalists
- Outdoor recreation groups
- Religious Institutions
- Affinity Interest groups
- Smart growth organizations
- Other organizations that support preservation goals

Some methods include:

- Exchanging contact lists with other organizations.
- Asking those who join online forums and online events to sign up to become advocates.
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IIMAGE CREDIT RENEE KUHLMAN

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Conclusion

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National Trust *for* Historic Preservation®

The Watergate Office Building
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SavingPlaces.org

Growing a Grassroots Network

Updated July 2020

By Rhonda Sincavage, Director of Content & Partnerships, National Trust for Historic Preservation

The National Trust for Historic Preservation and Main Street America advocate for effective policies for historic preservation and community revitalization through training, technical assistance, and promotion of effective advocacy tools. The Advocacy Toolkit, including this chapter, was initially published through the generous support of the Jessie Ball duPont Fund. To receive support with your policy issue or to access additional resources, contact the National Trust for Historic Preservation (forum@savingplaces.org) or Main Street America (mainstreet@savingplaces.org).

Introduction

Engaging in the political process and communicating with elected officials are essential components to successfully promote historic preservation and revitalization policies. Elected officials want and need to hear from their constituents. As they develop their priorities, they take into consideration opinions of both trusted experts and their supporters. As preservationists, it is our responsibility to communicate directly with decision makers and to help them understand the benefits and value of historic preservation.

What is Grassroots Advocacy?

Grassroots advocacy is collective citizen action to influence decision makers. Its goal is to activate a broad group of people to take action on an issue and to give those people the tools to communicate to their elected officials effectively. This "bottom-up approach" allows the voice of every American to be taken into account in the political process.

Why a Grassroots Network is Important?

Building a grassroots network is a key element to promoting preservation policies. First, there is truth to the saying that there is strength in numbers. If preservation has popular support and is seen as a priority to the general public, then elected officials will be more likely to take it into consideration when acting on policy measures. Having a large number and wide range of supporters lends credibility to the preservation policy for which

The Historic Macon Foudnation in Macon, GA promotes preservation in a positive light through the "Macon is Preservation" campaign. To show the diversity of their efforts and broad community support for revitalization of historic structures, the campaign partners with local organizations to create media and buzz for positive, proactive preservation.

PHOTO BY MARYANN BATES

you are advocating. A strong grassroots network will also help to build the preservation movement by engaging interest from new audiences. People are more likely to become engaged when they are aware that advocating on behalf of a specific issue will have a positive impact on the quality of life in their community. A grassroots network that can be counted on for quick action is also helpful when potential threats arise to historic and cultural resources. Finally, developing a grassroots network empowers people by helping to exercise their voice in the political process.

How to Get Started

To develop a grassroots network, you must identify potential advocates, enlist their assistance in meeting the advocacy goal, identify the best way to communicate and track information with advocates, and identify when and why to initiate contact with elected officials.

Who are advocates?

Anybody who supports community redevelopment and historic preservation can be an advocate. An advocate is someone who speaks on behalf of a particular person, idea, or issue. To build a strong grassroots network, develop a group of supporters that represent a wide-ranging and diverse constituency. In addition to targeting traditional supporters, try to identify potential advocates by engaging bigger, issue-based coalitions that may have similar interests. Elected officials tend to respond positively to groups that represent more than one interest.

How do you sign up advocates?

Be creative in where and how you spread your message and be sure to capture the contact information of people who are interested in your causes whenever possible.

Potential Advocates May Include:

- Statewide preservation organizations
- Main Street organizations
- Business / property owners
- Community and neighborhood organizations
- Affordable housing groups
- Cultural associations for underrepresented history
- Tourism Associations / Convention & Visitors Bureaus
- Educational institutions
- Historic sites
- Chambers of Commerce
- Small business support organizations
- State historic preservation office / Main Street coordinators
- Local elected officials
- Real estate/economic development professionals
- Architects and planners
- Environmentalists
- Outdoor recreation groups
- Religious Institutions
- Affinity Interest groups
- Smart growth organizations
- Other organizations that support preservation goals

Some methods include:

- Exchanging contact lists with other organizations.
- Asking those who join online forums and online events to sign up to become advocates.
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Media Communication for Advocacy Campaigns

Updated July 2020

By Virgil McDill, former communications manager at the National Trust for Historic Preservation

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Introduction

An advocacy campaign benefits greatly from a well-run media outreach program.

A media campaign represents an organization’s single best opportunity to be in touch with its intended audience. Communicating through the media can be an excellent—and low-cost—advocacy tool. However, because many advocacy campaigns rely on “earned media”—as opposed to ads and other “paid media”—an organization should plan carefully to ensure that the message that appears in the newspaper or on the evening news is the one that it wants the target audience to see.

Why It Is Necessary to Communicate

The goal of a media campaign—like the objectives of the overall advocacy effort—should be to change people’s behavior in some way. Ideally, an organization will communicate with the target audience in order to inspire people to undertake a specific action—whether it’s writing a letter to an elected official, attending a planning meeting, or raising awareness in the community that a particular building is threatened.

Communicating via the news media allows an organization to tell members of the public how an advocacy campaign will directly benefit them. News coverage of a specific preservation issue will also help an organization attract the attention of policy makers or other decision makers who will ultimately determine the outcome of the organization’s advocacy efforts.

Is Media Communication Always a Good Idea?

When contemplating a media campaign, the first thing an organization should do is ask itself some preliminary questions. Will the issue actually benefit from receiving media attention? Then what happens if you get it? Too often, there is a tendency to simply fire off a press release about whatever issue the organization is

The 1933 Art Deco Hinchliffe Stadium in Paterson, N.J., is one of the few remaining stadiums in the country associated with Negro League Baseball. In order to create community support and engagement, the National Trust, the city of Paterson, and the Hinchliffe Steering Committee designed a one-day event to clean up the stadium in April 2014. Beyond engaging 700 volunteers, this event proved crucial to the overall campaign success by bringing public awareness and media impressions. Through a 62-month campaign, the National Trust removed Hinchliffe Stadium’s impending threat of demolition and vacancy; directly leveraged $3,141,700; and secured over 300,000,000 media impressions.

PHOTO BY DUNCAN KENDALL

currently engaged in, assuming that whatever media attention it gets will be a good thing. This is not always the case. In some instances, the issue may not rise to the level of something a reporter would cover.

An organization should also consider the intended audience. If it only needs to convince a legislator or a key staff member to support an issue, a media campaign may be a distraction or a misallocation of the organization’s resources. Media relations take time and effort, so decide in advance if a full-scale media campaign is the right approach.

How to Get Started

Fortunately, getting started on a media campaign can be a relatively inexpensive endeavor. With a computer, a phone, the internet, and a media outlets list, a media campaign has all the tools it needs to get underway.

Appoint a Spokesperson

Organizationally, a critical first step is to choose one person to serve as the primary media contact. This is especially important if there is a coalition of groups working together on the advocacy campaign and it may not be apparent to a reporter which group to contact for comment. From the perspective of the reporter, having one person to turn to with questions or to get comments greatly simplifies the job (especially when a story is breaking and there isn’t time to make several calls to find the appropriate person). And from the perspective of the organization or coalition, it is far easier to stay “on message” when just one person delivers it. Ideally the primary media contact should be the board president or coalition chair that is empowered by the board to speak for the group. For most issues, having a volunteer spokesperson as the media contact, rather than staff, reinforces the grassroots nature of the advocacy effort.

Set an Action-oriented Goal

What do you want people to do with the information you are putting out there? This question is especially important. An organization should always include an action item in its communication that asks people to take a concrete action step. If the goal of the campaign is to “raise awareness”—a ubiquitous goal in the fields of historic preservation and community revitalization —try and drill down beyond

In response to the devastating impacts of the coronavirus and pandemic-related businesses closures on historic commercial districts, Main Street America launched a campaign to petition Congress for direct support for Main Street programs and small businesses. By creating easily sharable social media graphics, the campaign’s message reaches a broader audience.

PHOTO BY MAIN STREET AMERICA

this somewhat vague goal to ask: "Let's assume we raise awareness, then what?" What do you want people to do? Sign an online petition? Visit a web site? Write their elected officials? There should always be an action item that suggests real, measurable ways to support a specific goal.

Identify the Target Audience

With limited resources to allocate toward a communications campaign, the organization's communications strategy should focus on the people who are best-positioned to take action on the issue. Who are you trying to convince? If, for example, you want to convince people to attend a local planning board meeting to voice support for a preservation ordinance, the intended audience would obviously be local residents.

Develop a Message

The message is the heart and soul of any communications campaign. It should be as specific as possible, and it should be delivered in the clearest possible language. The message should contain no more than three or four points and be no longer than one paragraph.

Above all, the message should be designed to resonate with the public. The organization should use the message to demonstrate how its advocacy efforts apply to the lives of the intended audience. Do not aim your message for the already converted. Instead, ask what message would resonate most strongly, and most widely, with the people you are trying to convince. Why should people care about this issue? What messages would make people see this issue from the organization's point of view?

It is important not to overcomplicate the process of message development. One good way to develop a message is to brainstorm with a handful of people who know the issue best, throw out ideas for a while, and see what kind of pattern emerges. In all likelihood, the best message will tie together the ideas that emerge from this kind of discussion.

One rule of thumb to keep in mind when developing and disseminating a message is SRR: Simple, Relevant and Repeat. Keep it simple, make it relevant to the intended audience, and then repeat it as often as possible.

Planning a Media Campaign

The actual day-to-day strategy and tactics of the media campaign will vary greatly depending on the overall objectives of the advocacy campaign. Some stories are great for television (including "visual" events, such as rallies, vigils, or protests), whereas others are more conducive to print media (a speech, testimony at a committee meeting, etc.). In some cases, you may want to target specific online journalists and bloggers.

When planning the media campaign, the bottom line consideration should be to ensure that the media tactics that you employ (such as press releases, letters to the editor, press conferences, op/eds, media advisories, and even staged media events such as rallies and speeches) serve the overall strategic goals of the advocacy campaign. Tactics are the day-to-day, on-the-ground actions and activities that advance the strategic goals of the media effort, which in turn advance the overall aims of the advocacy campaign. At all times, think about what types of media outreach will most effectively reach your target audience. For example, if you are running a petition drive to oppose teardowns in your neighborhood, the local neighborhood paper may well be a better venue than a newspaper with a statewide focus.

Types of Communication Tactics

Press Release

The press release is the most common form of communicating with the media, and it should include the following basic elements:

- Name of the issuing organization at the top—preferably accompanied by a logo.
- Name and contact information for the organization's principal media contact.
- Headline. The headline is a critical part of the news release. It is the first thing that reporters read, so it should grab their attention and compel them to read on.
- Dateline. To ensure that reporters know that the information in the release is new, put the current date at the top, along with the words "For Immediate Release."
- Body of text, with a quote. This is where you tell the story of the event or issue you are promoting. Lead with the biggest news—the item most likely to catch the reporter's attention—and follow it up with a punchy quote (either from the lead person in your organization, or the person who knows the issue best) that fleshes out the issue.

Consider putting together a "content rich" press release with links to additional information. You may embed it, for example, with links to a YouTube video that your organization put together or a link to a PowerPoint presentation that reinforces the message in the release.

Media Advisory

Media advisories are generally sent to inform reporters about an event that you would like them to attend. An advisory should be short and to the point. An advisory can be a simple listing that explains the importance of the event and when and where it will be held.

Op/Ed

Op/eds—a term that means "opposite the editorial page"—are a great way to help shape public opinion on an issue. The longer word lengths that many newspapers permit for op/eds (generally 500 to 800 words) allow your organization to go into greater depth—especially important for complex, nuanced issues.

Editorials

Because they are written by a newspaper's editorial page staff, editorials are effective in demonstrating that your issue has the institutional buy-in of the paper itself. The trick, obviously, is convincing the editorial page board that your issue is of sufficient importance to warrant an editorial. The best way to accomplish this is by meeting with the editorial board and presenting your arguments to it directly.

Letter to the Editor

Letters to the editor, particularly when sent in large volume from a grassroots network, can be a very powerful communications tool to demonstrate broad-based support for an issue. Especially in smaller community newspapers, people tend to read the letters to the editor to see what their friends and neighbors are saying. The letters should be individually written rather than mass-generated.

Pitch Letter

Often sent directly to a particular reporter via e-mail and sometimes accompanied by the press release, the pitch letter is another way of framing the issue for that specific reporter. A pitch letter may reference past articles that the reporter has written on the topic and then explain how the current issue might interest that particular reporter. (See "How to Pitch a Reporter" below.)

Statement

A statement is basically a stand-alone quote that reflects the organization's position on a certain issue. Statements are a useful method of responding to major developments and breaking news, helping to ensure that your organization's point of view makes it into a reporter's story.

Backgrounder

A document that spells out the organization's position on an issue in more detail than a press release, backgrounders are made available to reporters to increase their understanding of an issue.

Press Conference

The organization should hold a press conference when it has significant news to announce and when it believes that reporters will want to ask follow-up questions. Be sure that whatever news the organization is announcing is sufficiently important to justify a reporter's time spent attending the press conference.

Teleconference/Webcast

Reporters can cover a teleconference or webcast from their desk—which could increase the number of journalists who listen to your message.

Blog

More and more organizations have started blogs to give the public—and the media—an ongoing one-stop shop to check on new developments within the organization. Recent surveys find that reporters get more story ideas from blogs than any other single source.

How to Pitch a Story to a Reporter

All reporters are different, and preferences vary widely as to how they like to receive information. The best way to find out how to pitch a story idea to reporters is to simply ask them; call them up, introduce yourself, and ask if they prefer to hear from you via phone, e-mail, fax, or another method.

If that is not possible, simply contact a reporter with a brief phone call, and then send your story idea via e-mail (though, for some reporters, the reverse is true, which is why it is always good to ask up front). In general, reporters have more time to talk in the mornings than in the afternoons when they are usually on deadline to file that day's story. Whenever you call a reporter, always ask at the beginning of the conversation if the reporter is on deadline or if he or she has time to talk.

Talking to Reporters

When speaking to a reporter, always assume that everything you say is "on the record," even if it's a casual conversation that may not feel like a formal interview. Reporters' definitions of "on the record" and "on background" and "not for attribution" tend to differ, so to be safe, always assume that whatever you say to a reporter can show up in the news.

Talking to a reporter can be a delicate balancing act. While you want to convey your message and stick closely to your talking points, it's also important not to sound canned and wooden. The reporter is looking for a good quote, and if you sound overly scripted, the reporter may not turn to you again.

In the end, keep in mind that reporters, by and large, are just looking to get the story right, and they want to work with the people they are writing about to make sure that the information in their story is accurate and informative to their readers. If there are questions you do not feel prepared to answer, it is perfectly acceptable to say you don't know but will get back to them with an answer.

If there are certain reporters who will be covering your issue on an ongoing basis, work hard to establish a good relationship with them. In addition to being a good source, try and cultivate them in other ways; Call or e-mail them to thank them for a good story, send them information they might find useful, even when it may not relate directly to a story idea.

Conclusion

As the adage goes, if you don't define yourself, your opponents will do it for you. Too often, preservationists find themselves in public debates with developers, private property rights groups, or other opponents who seek to paint the preservation movement as stuck in the past, averse to change, and/or unwilling to recognize the market forces that want to tear down a historic building. And all too often, our opponents are better funded and able to spend their resources on paid media campaigns.

The media represent the single best way to counter these arguments and communicate a positive message to the target audience.

Resources

8 Tips for Preservation Advocacy on Social Media, by Tim Mikulski for the National Trust for Historic Preservation, 2017.

An Evolving Approach to Social Media: Leveraging Social Media for Advocacy, by Tim Mikulski for the National Trust for Historic Preservation, 2017.

"Media Advocacy," chapter in the Community Tool Box by Kansas State University.

Main Street America has been helping revitalize older and historic commercial districts for 40 years. Today it is a network of more than 1,600 neighborhoods and communities, rural and urban, who share both a commitment to place and to building stronger communities through preservation-based economic development. Main Street America is a program of the nonprofit National Main Street Center, Inc., a subsidiary of the National Trust for Historic Preservation.

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National Trust *for* Historic Preservation®

The Watergate Office Building
2600 Virginia Avenue NW Suite 1100
Washington, DC 20037

SavingPlaces.org

ADVOCACY TOOLKIT:

Lobbying and Political Action

Updated July 2020

Originally written by Michael Smith, former assistant general counsel in the Law Department at the National Trust for Historic Preservation

The National Trust for Historic Preservation and Main Street America advocate for effective policies for historic preservation and community revitalization through training, technical assistance, and promotion of effective advocacy tools. The Advocacy Toolkit, including this chapter, was initially published through the generous support of the Jessie Ball duPont Fund. To connect with the National Trust for Historic Preservation, visit savingplaces.org or email forum@savingplaces.org. To connect with Main Street America, visit mainstreet.org or email mainstreet@savingplaces.org

Introduction

Elected officials have a responsibility to represent their constituents in federal, state, and/or local government. The constituents who elected them also have a responsibility to ensure they provide their elected officials with the most up-to-date information so their officials craft responsible, forward-thinking legislative policies.

As a historic preservation and community revitalization advocate, you are the voice of historic preservation, planning and economic growth to elected officials, and lobbying is your means for reaching them. Lobbying is a critical component of effective advocacy. It helps to educate legislators about your community's concerns and encourages them to promote the protection of historic properties and reinvestment in Main Streets.

Contrary to what many people believe, tax-exempt organizations under Section 501(c)(3) of the Internal Revenue Code *can* lobby without losing their tax-exempt status. Such organizations must abide by certain restrictions established by federal tax laws. (Note that there may be additional state restrictions on tax-exempt organizations.) While 501(c)(3) organizations may lobby within the limitations noted below, they are strictly prohibited from engaging in "political activity" (that is, activity to influence the election campaign of a candidate for public office). The lobbying limitations and political activity prohibition applies at the federal, state, and local levels.

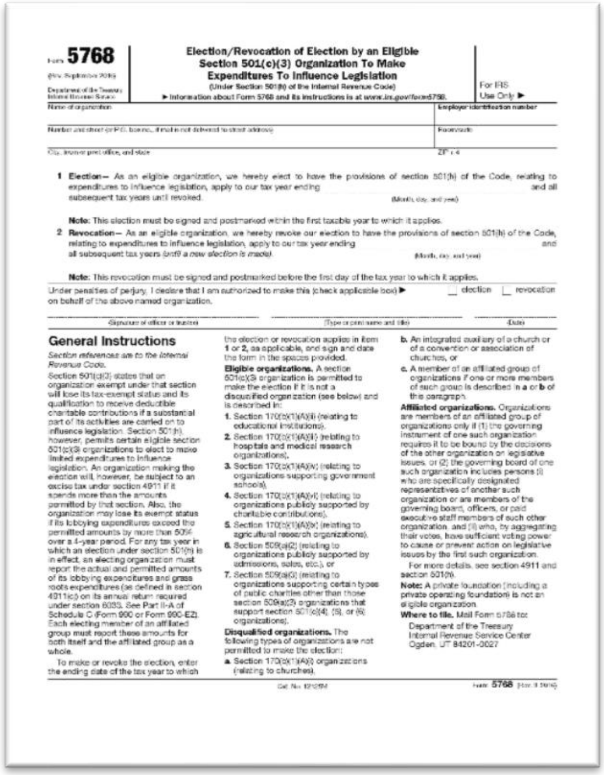
Advocates look on as former Illinois Governor Bruce Rauner signs SB3527 creating the Historic Preservation Tax Credit Act. Advocacy efforts by concerned citizens ensured that the legislation included a 25 percent state income tax credit for qualifying rehabilitation projects of historic structures throughout Illinois.

PHOTO COURTESY OF LANDMARKS ILLINOIS.

Lobbying Limitations

In general, 501(c)(3) organizations are limited in lobbying by the requirement that "no substantial part of the activities be used for carrying on propaganda or otherwise attempting to influence legislation." Because this vague rule was difficult to interpret and apply, Congress modified the tax code in 1976 to permit certain 501(c)(3) organizations to "elect" to lobby under prescribed limits, providing a "safe harbor" for the lobbying activities of 501(c)(3) organizations. "Safe harbor" means that a 501(c)(3) organization can participate in lobbying activities without losing its tax exempt status, but must adhere to specific limitations which are discussed below. An organization that chooses not to elect to follow the safe harbor limits of the tax code can still lobby, but only if lobbying does not constitute a substantial part of the activities of the organization. There is no definition for "substantial," thus the organization should be cautious if it decides not to elect the safe harbor option.

If an organization elects to participate in lobbying activities under the safe harbor provisions of the tax code, it must file Form 5768 with the Internal Revenue Service. The organization is then subject to specific expenditure limits for lobbying activities rather than the more vague "no substantial part" rule. The expenditure limits under the election rules are graduated beginning at 20 percent of the first $500,000 of the organization's annual expenditures for "exempt purposes," plus 15 percent of the second $500,000 of "exempt purposes," plus 10 percent of the third $500,000, plus 5 percent of any additional expenditures, subject to a maximum of $1,000,000 for total lobbying expenditures in any one year. "Exempt purpose expenditures" include the total of an organization's annual amount paid


Form 5768

Election/Revocation of Election by an Eligible Section 501(c)(3) Organization To Make Expenditures To Influence Legislation

(Under Section 501(h) of the Internal Revenue Code)

► Information about Form 5768 and its instructions is at www.irs.gov/form5768.

For IRS Use Only ►

Name of organization | Employer identification number

Number and street (or P.O. box no., if mail is not delivered to street address) | Room/suite

City, town or post office, and state | ZIP + 4

1 **Election—** As an eligible organization, we hereby elect to have the provisions of section 501(h) of the Code, relating to expenditures to influence legislation, apply to our tax year ending (Month, day, and year) and all subsequent tax years until revoked.

Note: This election must be signed and postmarked within the first taxable year to which it applies.

2 **Revocation—** As an eligible organization, we hereby revoke our election to have the provisions of section 501(h) of the Code, relating to expenditures to influence legislation, apply to our tax year ending (Month, day, and year) and all subsequent tax years *(until a new election is made)*.

Note: This revocation must be signed and postmarked before the first day of the tax year to which it applies.

Under penalties of perjury, I declare that I am authorized to make this (check applicable box) ► election revocation on behalf of the above named organization.

(Signature of officer or trustee) (Type or print name and title) (Date)

General Instructions

or incurred to accomplish its stated mission, such as administrative expenses, but excludes amounts paid or incurred to or for an organization's separate fundraising unit. Expenditure limits differ depending on whether the lobbying activity is direct or indirect ("grassroots"). (See What Activities Constitute Lobbying?) Organizations that exceed these expenditure limits will be subject to a 25 percent excise tax based on the lobbying expenditures for the year in question.

A 501(c)(3) organization that elects to participate in lobbying activities must include the following types of expenditures as contributing to the calculated limit:

- Compensation of employees engaged in lobbying, based on the percentage of time devoted to lobbying.
- Costs associated with communication intended to influence legislation—

printing, postage, telephone calls, etc. This must also include the staff and facility costs to prepare lobbying communications and materials.

- Overhead expenses proportionate to the percentage of an employee's time spent lobbying.

- Payment to another organization to do lobbying on its behalf.

In addition to federal regulations, regulations on lobbying activities to state elected officials vary from state to state. Some states look at the number of hours spent and some states look at the amount of money spent so if you are lobbying in your state capitol, be sure to check those rules as well.

What Activities Constitute Lobbying?

It is important to understand which actions constitute "lobbying." Lobbying activities are those that seek to influence specific legislation. Any action by Congress, state legislature, local council, or similar governing body, or by the public in a referendum, initiative, constitutional amendment, or similar procedure is considered "legislation." An "action" by Congress refers to the introduction, amendment, enactment, defeat, or repeal of acts, bills, resolutions, or similar items. Influencing legislation is deemed to be "(a) any attempt ... to affect the opinions of the general public or any segment thereof, and (b) any attempt ... to communicate with any member or employee of a legislative body, or with any government official or employee who may participate in the formulation of the legislation." 26 U.S.C. § 4911(c)(d)(1)(A)-(B).

The Internal Revenue Code recognizes two forms of lobbying: direct lobbying and indirect

Examples of Activities

LOBBYING:

- Encouraging your organization's members to contact the member's legislators regarding pending legislation.
- Advocating that a city council with the authority to adopt comprehensive zoning ordinances repeal a zoning variance.
- Encouraging the general public to contact elected officials regarding the support of or opposition to pending legislation (grassroots).

NOT LOBBYING:

- Communications with your members with respect to legislation of direct interest to the organization that does not directly encourage members to communicate with a legislative body regarding specific legislation or attempt to influence the general public.
- Advocating that a historic preservation review board deny a demolition permit.
- Mass media communication opposing specific legislation, as long as it does not encourage the general public to take action on the legislation.
- Providing technical advice or assistance to a governmental body or a committee or other subdivision thereof in response to a written request.
- Making results of nonpartisan analysis, study, or research available.
- Appearance before, or communications to, any legislative body with respect to a possible decision of such body that might affect the existence of the organization, its powers and duties, tax-exempt status, or the deduction of contributions to the organization.

lobbying ("grassroots" lobbying). Direct lobbying includes contacting members and employees of legislative bodies, such as members of Congress, senators, state legislators, city council members, their staffs, or others who formulate legislation. To constitute direct lobbying, the organization's communication must refer to specific legislation and express an opinion about the legislation.

Grassroots lobbying, by comparison, is an attempt to influence the general public on specific legislative matters. Communication with the general public constitutes grassroots lobbying if it references specific legislation, reflects a view of the legislation, and encourages the general public to take action regarding the legislation. Within the limits on lobbying expenditures, a separate limitation is placed on "grassroots" lobbying. Only 25 percent of the permitted lobbying expenditures may be made on "grassroots" lobbying.

A 501(c)(3) organization's public policy activities are not always considered lobbying. For example, an organization may provide nonpartisan analysis, study, or research regarding legislation as long as it is intended to be educational; it is available to the public, governmental bodies, officials, and employees; and it does not attempt to influence legislation or advocate the adoption or rejection of legislation. An organization may also advocate for actions by executive, judicial, or administrative bodies that do not fall within the definition of legislation, and, thus, are not considered lobbying. Of course, it depends on what the organization is asking of an executive or administrative body. For example, if a 501(c)(3) organization is asking an executive or administrative body to support or oppose legislation, then the activity constitutes lobbying.

Pictured center is Wisonsin State Senator Dan Feyen with Amy Hansen, Executive Director, Downtown Fond du Lac Partnership. To her right are Fond du Lac City Council President Karyn Merkel, State Representative Jeremy Theisfeldt and Craig Molitor, President of the the Fond du Lac Convention and Visitors Bureau. These officials were convened as part of Wisconsin Main Street Day celebrations.

PHOTO COURTESY OF AMY HANSEN

Is Participation in "Political Activity" Prohibited?

It is critical for nonprofit organizations to understand the distinction between "lobbying" and "political activity." While 501(c)(3) organizations may lobby within the limitations noted above, they are prohibited from engaging in political activity and may lose their tax-exempt status if they do so. Political activity is defined as participating in or intervening in any political campaign on behalf of or in opposition to any candidate for public office. This is true at the federal, state, and local levels.

A 501(c)(3) organization may participate in certain activities as long as the participation is nonpartisan and could not be perceived as intervening in support of or in opposition to a candidate. Whether an organization's activity constitutes participation or intervening in any political campaign supporting or opposing a candidate is dependent on the facts and circumstances of the activity. A 501(c)(3) organization *can* have some involvement in political activities under specific circumstances and with strict limitations. A 501(c)(3) organization cannot work directly for or advertise support of the election of a single political candidate, but such an organization can provide candidates and/or elected officials with information about its position on policy issues and urge candidates and/or elected official to support or oppose certain issues. The executive director of a 501(c)(3) organization cannot make partisan comments in official organization publications or at the organization's functions but can make partisan comments at a non-organizational function as long as he or she is not speaking as a representative of the organization. (See IRS, Rev. Ruling 2007-41 at www.irs.gov/pub/irs-drop/rr-07-41.pdf [June 1, 2007] for additional information on what does and does not constitute political activities.)

Distinction Between a 501(c)(3) and 501(c)(4) Organization

501(c)(3) organizations are "[c]orporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary or educational purposes, ... or for the prevention of cruelty to children or animals." 26 U.S.C. § 501(c)(3). 501(c)(4) organizations are "[c]ivic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, or local associations of employees, the membership of

Lobbying Nontaxable Amounts

The lobbying nontaxable amount for any organization for any taxable year is the lesser of (a) $1,000,000; or (b) the amount determined under the following table from 26 U.S.C. § 4911(c)(2):

If the exempt purpose expenditures are:	The lobbying non-taxable amount is:
Not over $500,000	20 percent of the exempt purpose expenditures.
Over $500,000 but not over $1,000,000	$100,000 plus 15 percent of the excess of the exempt purpose expenditures over $500,000.
Over $1,000,000 but not over $1,500,000	$175,000 plus 10 percent of the excess of the exempt purpose expenditures over $1,000,000.
Over $1,500,000	$225,000 plus 5 percent of the excess of the exempt purpose expenditures over $1,500,000.

Grassroots (indirect) lobbying nontaxable amount for any organization for any taxable year is 25 percent of the lobbying nontaxable amount established by the above chart.

which is limited to the employees of a designated person or persons in a particular municipality, and the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes." 26 U.S.C. § 501(c)(4).

501(c)(4) organizations, unlike 501(c)(3) organizations, may lobby without limits and may participate in political activities, but will be taxed on expenditures for political activities. One practical distinction is that donations to 501(c)(4) organizations are not tax deductible for the donor as a charitable contribution. Additionally, a qualifying 501(c)(4) must operate for the promotion of social welfare by promoting the common good and general welfare of the people of the community; i.e., it may not carry on a business with the general public similar to a for-profit operation as its primary activity. By comparison, a 501(c)(3) can operate like a for-profit as long as its primary purpose is to raise funds for charity.

It is possible for a 501(c)(3) organization to incorporate a separate 501(c)(4) entity for the purpose of carrying on the organization's lobbying. However, this can be tricky for many reasons, including (1) charitable contributions from the 501(c)(3) organization cannot be used by or comingled with the 501(c)(4) entity, and (2) the organization must pay taxes on all expenditures considered to be political activities. See IRS, Rev. Ruling 2004-6 at www.irs.gov/pub/irs-drop/rr-04-6.pdf (Jan. 26, 2004). A 501(c)(3) organization seeking to incorporate a separate 501(c)(4) entity should seek the advice of a knowledgeable tax attorney.

In Summary

- A 501(c)(3) organization can lobby.
- Whether a 501(c)(3) organization should consider filing Form 5768 with the IRS will depend on whether and how much it plans to lobby. If the organization chooses not to elect to lobby, it must keep its lobbying activities to a minimum.
- An election to lobby will require the organization to do close accounting of expenditures that support the lobbying activities and be cognizant of the expenditure limits.
- An organization must segregate its lobbying expenditures into direct or grassroots.
- Participation in political activity by a 501(c)(3) organization is strictly prohibited. A 501(c)(3) organization should carefully consider whether or not its activities constitute a political activity.

Resources

A Blueprint for Lobbying by Susan West Montgomery, National Trust for Historic Preservation

Tax Information for Charities and Other Nonprofits, Internal Revenue Service

The Nonprofit Lobbying Guide by Bob Smucker, Independent Sector

IRS, Rev. Ruling 2007-41 (June 1, 2007) provides examples of what does and does not constitute political activities.

The Lobbying and Advocacy Handbook for Nonprofit Organizations: Shaping Public Policy at the State and Local Level by Marcia Avner

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