

Accountability Advocacy for 501(c)(3)s

Nonprofits can hold their elected officials accountable for how they serve their constituents. Too often, nonprofits assume that “accountability” efforts is inherently political, and therefore prohibited. However, there are a variety of activities in which nonprofits may engage to remind legislators that their issues matter, educate constituents about legislators’ positions and actions, and demonstrate to legislators that their votes will not go unnoticed.

How 501(c)(3)s can hold elected officials accountable

501(c)(3)s may hold elected officials accountable, as long as doing so does not cross over into supporting or opposing their re-election. Therefore, 501(c)(3)s’ accountability activities should center on educating and mobilizing members of the public to help them understand where their elected representatives stand on the issues, the actions elected officials take, and how the positions of officials impact the communities they represent. While 501(c)(3)s cannot support or oppose any candidates in an election, educating their communities about the stances and actions of their elected officials and candidates is information voters need to make informed voting decisions.

Build accountability into your 501(c)(3)’s advocacy agenda

501(c)(3)s should build accountability into their advocacy agenda. Building accountability strategies into your advocacy initiatives so that they complement the methods by which you’re trying to influence legislators will strengthen your impact. Not only will these efforts help to educate the community about a legislator’s stances and actions, but having a track record of speaking on the issues, and criticizing or praising a legislator’s policy positions, will help show that advocacy in an election year is part of an on-going advocacy agenda as opposed to an effort to influence the outcome of an election.

Under the IRS’s “facts and circumstances test,” which is used to evaluate whether a communication was intended to influence the outcome of an election, a track record of speaking on an issue tends to indicate that the communication is not a political activity. Some ways to build accountability into your advocacy agenda include the following:

- **Include “thanks and spans” for key actions** or inactions in your communications plans so your supporters and the public are aware of their elected officials’ actions and conveying to their legislators that they are paying attention. When engaging in “thanks and spans” actions, an organization would encourage its supporters to thank the legislators who voted in line with the organization’s advocacy agenda, and to criticize those who did not. Many

organizations will use their social media platforms for “thanks and spansks” advocacy activities.

- **Publish annual legislative records** that list all legislators’ votes, on a broad range of issues that were voted on, and is prepared in a manner that does not indicate which votes the organization considers “good,” or “bad.” If a 501(c)(3) only makes the legislative voting records available to its members, it still needs to include the votes of all legislators but can focus on a narrower range of issues and indicate which votes are “good,” or “bad.”
- **“Bird dog” elected officials** by showing up at their offices, town halls, or events to respond to their positions and to make the public aware of stances, particularly before and after key votes. Representatives of organizations may also ask questions of officials at public events or when they are in public places and then publicize the official’s answer.
- **Stage public demonstrations**, rallies, or marches to highlight support for or opposition to a policy or action by an elected official. Make sure to invite the press and encourage journalists to cover your event.
- **Pre-plan rapid response actions**, such as a twitter storm or ask supporters to attend a rally planned to coincide with a legislative vote or other policy action.
- **Alert your supporters to the policies you will be watching** – and ask them to take action when the legislature advances, blocks, or fails to take action on your priority issues. This can be especially important if you are working within a set time frame, such as the end of a legislative session.
- **Use personal stories to help make policies and their impacts real to the public.** Hearing the story of someone who is affected by a policy, or lack of policy, helps to make an issue more tangible by showing how someone has been positively or negatively affected.
- **Call for town hall meetings** in which you encourage your elected representative to appear to discuss current legislative issues and answer constituents’ questions.
- **Hold your own town hall meeting** to discuss problems and policy solutions. This can be an especially useful and visible tactic when your representative refuses to meet with the public.
- **Call for oversight hearings.** You can ask legislative committees to use their investigative power to delve deeper into an issue such as the development of new regulations, including whether there was improper influence or information that should have been divulged to the public.
- **Use social media.** Tag legislators in your social media posts, comment on legislators’ social media sites. Create graphics that identify all legislators who support or oppose your position. Social media, either free or paid, is a low-cost way to spread your organization’s message, make the public aware of policy

issues as they happen, and rally supporters.

- **Get in the press**—hold press conferences, send out press releases, prepare talking points or statements for various outcomes before they happen.
- **Creatively highlight the impact of a policy**, such as by delivering a spoon reflecting every person that will be harmed by cutting funding for food stamps.

Accountability in Election Season

501(c)(3)s wanting to hold officials accountable in an election year need to keep in mind that 501(c)(3)s must ensure their activities and communications are nonpartisan. To remain nonpartisan when working with political parties or candidates, 501(c)(3)s should work with all candidates and parties in a race, and when working with voters, must ensure that actions are neutral and are not designed to support or oppose any candidates. While 501(c)(3)s may target their civic engagement to their natural constituency or those that are under represented at the polls, their work with voters must remain nonpartisan, with services offered to all on an equal basis. Permissible nonpartisan election year activities for 501(c)(3)s include the following:

- **Educating candidates about the issues** and encouraging them to support your policy agenda. Your organization could prepare a candidate briefing book that educates candidates on the issues your organization works on, how the issue affects the community, and offer various policy solutions for consideration. Groups should make the briefing book available to all candidates in the race, and while you may encourage candidates to support your issues, you may not ask a candidate to sign a pledge.
- **Encouraging the major political parties to adopt recommended policy positions** in their party platforms. You should provide your policy platform to all major political parties. It would also be a best practice to include a disclaimer that the materials are provided for educational purposes, and that your organization does not support or oppose any parties or candidates for elected office.
- **Registering voters.** 501(c)(3)s can register voters, provided their voter registration activities are conducted in a nonpartisan manner, meaning the organization does not target their efforts toward voters of just one party or in a way that promotes or opposes the election of any candidate. Remember to check your state's laws for any state-specific requirements and do not offer any incentives to people for registering or voting.
- **Educating voters about a broad range of issues** by preparing voter guides that provide information on candidates' stances on the issues or sharing legislators' voting records. A broad range of issues should be discussed and the 501(c)(3) should not indicate which are good or bad positions.
- **Encouraging voters to learn about candidate positions**, including preparing questions that voters can ask of their candidates. While it may be risky for a 501(c)(3) to publicize candidates' responses, a 501(c)(3) may prepare questions

for the public to help them obtain information on candidate stances. If a nonprofit does not have the capacity to create a voter guide or host a debate, this activity will still help voters learn about how the candidate's positions on issues could impact their lives.

- **Sponsoring candidate debates.** Nonprofits can host a debate that features all viable candidates in a race and asks candidates about their positions on a variety of issues that matter to the community. Debates should be conducted in a nonpartisan manner that does not favor or oppose any individual candidate.
- **Encouraging citizens to vote,** including informing voters about voting processes, when to vote, and location of polling places. Keep in mind, these activities must be nonpartisan, meaning you can't target your GOTV activities in a manner designed to support or oppose a candidate, but you can target your activities to your natural constituency, the community you work in, or individuals who have been historically under represented at the polls (meaning they are not registered or are inconsistent voters).

Putting it into action

How does a 501(c)(3) build accountability into its advocacy agenda? The following is a hypothetical example of how an organization can enhance its effectiveness by engaging in nonpartisan accountability advocacy activities.

EXAMPLE: SAVE THE PUPPIES EDUCATION FUND

Save the Puppies Education Fund works to end the sale of puppies that were bred in puppy mills. Through surveys, Save the Puppies Education Fund learned that members of the public support this goal, but were not aware a bill to ban the sale of puppy mill dogs was pending in the legislature. Therefore, Save the Puppies Education Fund engaged in the following campaign to hold legislators accountable for their inaction through education and advocacy.

Recognizing the need to educate the public and legislators about the puppy mill issue, Save the Puppies Education Fund developed an advertising campaign that highlighted the health problems of puppy mill dogs. They ran ads on social media and in local newspapers and posted flyers around the city. The group also tabled at community events and encouraged members of the public to sign a petition that urged the legislature to pass the bill to ban the sale of puppies bred in puppy mills. They tracked the costs of the signature gathering as a grassroots lobbying expense. Save the Puppies Education Fund regularly updated its list of supporters on the bill's progress in the legislature and the actions taken by legislators.

Despite the strong showing of public support, the legislation did not pass when it was voted on. Save the Puppies Education Fund encouraged supporters across the state to hold rallies at the district offices of legislators who voted no on the

bill to express their displeasure. Save the Puppies Education Fund sent out press releases in advance of each event, generating several news articles about the public's disappointment over the legislature's failure to pass the bill.

Because it was an election year, Save the Puppies worked with community partners to host candidate debates so the public could learn where the candidates stood on a broad range of issues, including puppy mills. The coalition of organizations also created a voter guide that showed voters where the candidates stood on a broad range of issues. While Save the Puppies Education Fund could not support or oppose any candidates for public office, they did use the election year as an opportunity to educate candidates and the public on the puppy mill problem. When the next legislative session starts, Save the Puppies Education Fund expects that the broad show of public support for the bill will make it a legislative priority.

For more information on 501(c)(3)-permissible election year activities, see Bolder Advocacy's [election year advocacy resources](#).

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