

Table of Contents

This co-branded guide was written with Bolder Advocacy guest contributor, Dr. Sara Watson, founder of Watson Strategies LLC.

Watson Strategies LLC specializes in designing effective advocacy campaigns, with a focus on the role of philanthropy and public-private partnerships. She was previously the Senior Director, Policy at the Bainum Family Foundation; founder and Global Director of ReadyNation/ReadyNation International; and Senior Officer at The Pew Charitable Trusts. She holds M.P.P. and Ph.D. degrees from the Harvard Kennedy School. swatson.office@gmail.com

THE IMPORTANCE OF LANGUAGE

- 1 Benefits of Careful Wording
- 2 General Language for Proposals
- 2 Phrases or Concepts Emphasizing Lobbying versus Non-lobbying Advocacy Activities



**DO
GOOD
SEEK
JUSTICE
CORRECT
OPPRESSION**

riod



The Importance of Language

“What’s in a name? That which we call a rose by any other name would smell as sweet.”

Well, maybe not. **Language matters.**

Foundations cannot achieve the long-term goals to which they aspire without public sector involvement – private funds simply aren’t sufficient to effect broad change. So, one of the most important uses of philanthropic funding is to **support policy reforms at the local, state, or federal levels.**

Depending on their structure and grant-making, funders can allow 501(c)(3) public charity grantees to use their funds to conduct unlimited amounts of (non-lobbying) advocacy and limited amounts of (non-earmarked) lobbying. (Lobbying is a type of advocacy, but for the purposes of this document “advocacy” means actions that **do not** meet the definition of lobbying). A particular grant could allow the grantee to conduct both advocacy and lobbying activities, or just one of these. Likewise, a comprehensive advocacy campaign that a grantee may want to describe in a funder proposal or report could include both advocacy and lobbying activities. It could get confusing determining which is which!

Any major initiative will generate an enormous paper trail of working documents – proposals, reports, memos, interoffice communications, etc., that convey the intent and content of actions. Therefore, it’s vital for grantees to use language in any products and oral communications – but especially in funder proposals and reports – that carefully distinguishes between these different activities. This is especially important if a particular grant unfortunately and unnecessarily prohibits any funds to be used for lobbying (such prohibitions are not legally required with domestic public charities).

Careful wording to describe funded actions has several benefits:

- It signals that both funders and grantees know and abide by local, state, and federal rules.
- It helps remind staff of what they can and cannot do with a particular funding source.
- It contributes to a paper trail of intention to illustrate that both the funder and the grantee intended to, and did, use funds appropriately.
- Even if the funding vehicle does allow the grantee to use some funds for lobbying, using the non-lobbying terminology as appropriate sends the message that not all of the particular project is lobbying (consistent with rules about lobbying being an “insubstantial part” of any nonprofit’s activity).

Please note: these recommendations are not legal advice.

General Language for Proposals

It is often helpful to include a statement that you understand the rules. This language in proposals is helpful as a quick boilerplate to acknowledge understanding of the lobbying rules and make appropriate assurances that you are compliant. Feel free to use your own version or the example below.

The substantial majority of [organization's] activities are educational in nature and do not involve lobbying as defined by state or federal laws. [Organization] has sufficient flexible funds to support any lobbying activities and will comply with all funder requirements regarding use of funds for lobbying. No activities will support or oppose candidates for public office.

Phrases or Concepts Emphasizing Lobbying versus Non-lobbying Advocacy Activities

In addition to the general language above, it's important to use careful language when describing specific activities. There are very few specific rules based on federal or state law; however, some phrases and concepts are frequently tagged by foundation legal counsel. The phrases in the left column tend to send a message that the activities referenced are meant to influence legislation - i.e., lobbying. The phrases in the right column emphasize the type of public, nonpartisan education that generally does not fit the definition of lobbying.

Phrases or concepts that can imply lobbying	Phrases or concepts that convey non-lobbying policy advocacy activities
Lobby, influence, persuade, convince, pressure, push, urge, request action by, solicit support from, ask for support from legislators.	Educate, inform, provide information on the issue, show the importance of the issue. Build relationships with policymakers. Introduce policymakers to the issue. Establish the organization as a reliable source of good information.
Develop and disseminate data designed to convince policymakers to adopt a particular bill.	Provide rigorous, objective, nonpartisan data on the benefits of a particular policy, and the impacts if it is or isn't adopted. Provide individual stories on experiences with a particular policy. Prepare a broad analysis of social issues or topics.

Phrases or concepts that can imply lobbying	Phrases or concepts that convey non-lobbying policy advocacy activities
Recruit people to lobby for a policy change.	<p>Build public awareness and support for the issue.</p> <p>Raise the visibility of the issue.</p> <p>Call attention to the issue.</p> <p>Engage different stakeholders to provide their perspectives on an issue.</p>
Build coalitions to strategize on lobbying.	Build coalitions to share ideas and information.
Prepare to lobby; build lobbying capacity.	Prepare to advocate; build advocacy capacity.
Sponsor a lobbying event or day at the capitol.	Sponsor an event to help community members and others share their expertise with policymakers.
Organize a rally to fight for passage of legislation.	Organize, convene, train, prepare community members to communicate effectively to share their perspectives or stories about how the current law impacts their family.
Develop a petition to oppose legislation.	Develop a database of community members interested in the issue or to join the coalition.
Win legislative victories, enact or defeat laws, or gain increases in funding.	<p>Advance a policy issue or create optimal conditions for policy consideration.</p> <p>Identify community leaders.</p> <p>Train community members in storytelling.</p>
Invite legislators to visit a program to persuade them to support specific legislation.	<p>Invite legislators to visit a program to illustrate conditions or provide information on the impact of or need for policies.</p> <p>Convene stakeholders, including legislators, in roundtable discussions on broad social and economic topics to discuss best practices and solutions from other jurisdictions and subject matter experts.</p>

Phrases or concepts that can imply lobbying	Phrases or concepts that convey non-lobbying policy advocacy activities
Carry out targeted, selected, private dissemination of materials.	Carry out widespread, public dissemination of materials.
<p>Provide individual legislators with information to support their position.</p> <p>Respond to individual legislators' requests for information.</p>	<p>Provide public, educational testimony at hearings to all committee members.</p> <p>Provide information or technical assistance in response to written requests from legislative committees.</p>

Say what you mean and mean what you say. Using the appropriate language will help the grantee staff keep in mind the difference between advocacy and lobbying; it will reassure the funder that funds will be used appropriately; and it will send a signal that both funder and grantee are aware of the appropriate rules and abide by them. Funders need to support policy advocacy as part of their portfolio; careful use of language will help them along that path.

Need More Guidance?

Bolder Advocacy is here to help!
Just call our Technical Assistance hotline at
1-866-NP-LOBBY, email us at advocacy@afj.org,
or visit our website at bolderadvocacy.org.
Please share this with your funders, and
encourage them to call us with questions.



This work is licensed under a Creative Commons-Attribution-NonCommercial-NoDerivatives 4.0 International License.

The information contained in this fact sheet and any attachments is being provided for informational purposes only and not as part of an attorney-client relationship. The information is not a substitute for expert legal, tax, or other professional advice tailored to your specific circumstances, and may not be relied upon for the purposes of avoiding any penalties that may be imposed under the Internal Revenue Code. Alliance for Justice publishes plain-language guides on nonprofit advocacy topics, offers educational workshops on the laws governing the advocacy of nonprofits, and provides technical assistance for nonprofits engaging in advocacy. For additional information, please feel free to contact Alliance for Justice.