

Can You Lobby for a Cause You Believe In?

Is it legal for a nonprofit to try to change the law?



Q Our organization is a 501(c)(3) nonprofit that holds land for public purposes. It has the usual bylaw prohibition against lobbying to influence legislation. The organization would like to promote the idea of a park district. Would that be a violation of the bylaws or of the law against lobbying by nonprofits?

A Check your bylaws. Unless your organization is a private foundation, it would be unusual for your bylaws to prohibit lobbying; 501(c)(3) public charities are permitted to lobby so long as doing so isn't a substantial part of their activities.

Unfortunately, a lot of people don't understand that public charities can lobby. Some nonprofits put a prohibition against lobbying into their bylaws, thus imposing an unnecessary, and, in my view, a terribly self-defeating restraint on their

activities. If you're a 501(c)(3) nonprofit, you're allowed to lobby, and your bylaws ought to reflect that opportunity. If they don't, you ought to change them.

Whether seeking to establish a park district would constitute "lobbying" depends on whether creating such a district would require a new law or ordinance. If it could be done administratively (perhaps simply by reorganizing the county parks department without legislative authorization), it would be outside the federal tax definition of lobbying.

If promoting the park district is important to you, you ought to get involved. As I've often said, a public charity that isn't lobbying is probably not doing its job.

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Also see articles at NonprofitWorld.org, including "Are Lobbying and Electioneering O.K.?" (Vol. 17, No. 3).

Should You Ask Donors for an Exact Amount?

Is it better to solicit a specific or a general amount of money?

Q Is there any difference in response rates between asking for an explicit amount (say, \$74.56) versus a more general, rounded number (such as \$75)?

A There probably will be a difference in response rates between these two asks — but you won't know what it is unless and until you test it.

My colleagues and I have tested this sort of thing on several occasions in the past. Sometimes asking for a general, rounded-up amount worked best. Sometimes it was the other way around. That's why I suggest testing. It's really the only way to be sure what will work for you, with your donors.

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