

ADVOCACY AND LOBBYING: SPEAKING UP FOR THE ARTS

ad-vo-ca-cy: The act of pleading or arguing in favor of something, such as a cause... or policy. (*The American Heritage Dictionary of the English Language*)

lob-by-ing: Activities aimed at influencing...members of a legislative body on legislation. (*Merriam-Webster's Dictionary of Law*)

what is advocacy? what is lobbying?

The words advocacy and lobbying are often confused. Advocacy encompasses a wide range of activities. Lobbying is a small part of advocacy; advocacy does not always involve lobbying.

Advocacy is something all of us should do if we believe in the value of public support for the arts; it is democracy in action. Advocacy is building familiarity and trust between you and your elected officials. It is providing reliable information to legislators. Advocacy is offering a personal perspective where public policy decisions are made. Arts advocacy means speaking up for what we believe is important and talking about the arts with the people whose support and influence can help our cause.

Lobbying is about making positive change to laws that affect us and the causes we serve. Lobbying is trying to influence the voting of legislators; it is urging the passage (or defeat) of a bill in the legislature. Lobbying is citizen action at any level of government. It is part of the democratic process.

Examples of advocacy vs. lobbying:

- Making general arguments about the importance of public support for the arts is **advocacy**. Asking a legislator to vote for an increase in public arts funding in an appropriations bill is **lobbying**.
- Informing legislators about the role of the arts in education is **advocacy**. Requesting a legislator's support for legislation that would mandate arts education in the school curriculum is **lobbying**.
- Explaining to a legislator about the value of encouraging artists' gifts of their work to a museum is **advocacy**. Urging a legislator to support a bill to allow artists a full value charitable deduction for the donation of their work is **lobbying**.

Almost all important changes in public policy and legislation begin with nonlobbying advocacy and end with lobbying the legislature. Building a relationship is the foundation for advocacy and lobbying. Your elected officials need to hear from you before



there is a crisis, before you have a problem to solve. Developing that relationship with a legislator and creating an understanding, through advocacy, about the role of the arts in a community can lead to successful lobbying for legislation that will help support the arts.

Many nonprofit arts organizations, including their board members, need a better understanding of the importance of public policy participation, of advocacy and lobbying. Sometimes when people hear the word lobbying, they say, "It's illegal for nonprofits to lobby" or "Lobbying is for organizations with enormous resources" or "Lobbying is for paid experts with insider information." These are among the myths about lobbying in the interest of public policy.

Nonprofit arts organizations need to understand that participation in developing public policy is as important as their other day-to-day program, management and governance activities. To succeed as advocates for the arts, arts organizations should

Charities Lobbying in the Public Interest: What the Law Says

Recognizing the value of the research and information provided by nonprofit groups, Congress enacted legislation in 1976 enabling charities to lobby freely for their causes, and for the communities and individuals they serve. This law is clear about the lobbying activities available to a nonprofit, tax-exempt charitable organization. The federal tax law defines lobbying specifically and narrowly as (1) a communication with a legislator, (2) in reference to a specific piece of legislation, (3) with a request to support or oppose that legislation.

Federal tax code regulations, issued by the IRS in 1990, reiterate the policy of providing wide latitude for charities to lobby. Generally, charities have been allowed to spend no more than 5 percent of total expenditures—less than a "substantial" amount, determined as a rule of thumb from a federal court ruling—on lobbying. Under the 1990 IRS regulations, nonprofit organizations that are tax exempt under section 501(c)(3) of the IRS code and that select to conduct their lobbying under the 501(h) provisions of the tax law are allowed expenditures up to 20 percent of their annual budget for their lobbying activities.

Nonprofit organizations that select 501(h) status under the lobby law may spend 20 percent of the first \$500,000 on lobbying (\$100,000) and 15 percent of the next \$500,000. Because lobbying by nonprofit groups is rarely expensive—involving the cost of communications, some staff time, and considerable volunteer activity—arts groups and other charities are not likely even to approach overspending the legal limits on lobbying. What's more, attempts to influence the governor or mayor—executive branch officials—or government administrative agencies are not considered lobbying under the IRS tax code because those public officials are separate from the legislature.

build the advocacy capacity of their board members. That means training in how to be an effective advocate and in lobbying restrictions under government grant and tax rules. It also means developing an organizational support for advocacy.

becoming advocacy leaders

The federal government supports lobbying by charities because nonprofit organizations are an effective channel for citizen participation in the legislative process. The leaders and supporters of nonprofit organizations have proven themselves to be effective and respected players in shaping public policy. The boards of nonprofit arts organizations often include politically active community leaders who are able to connect legislators with the local arts constituency.

Remember these two rules:

- The most powerful advocacy contacts are made by constituents.
- Programs that demonstrate a grassroots constituency get priority attention.

According to the National Conference of State Legislatures, "Programs with proven results fare better." Explain what the arts do for your community. It will make the difference. For example, NASAA encourages arts organizations to develop relationships with their public officials by making every arts event an advocacy event. That simply means extending an invitation to legislators to festivals, opening nights at museum exhibitions, concerts and performances. Then, legislators are able to see firsthand how the arts serve a community and how the arts are of value to the public. Show what you do.

It's the hometown voice that gets the message through in the calls, letters and office visits to legislators. When legislators talk about policy issues, they inevitably report on what their constituents are saying. They end up bragging about you—the arts advocates—but first you have to show them what's happening at home.

It is important through all of advocacy to remember that the local point of view counts the most with politicians. Arts advocates succeed with stories about

- arts in the schools
- rural arts programs
- making the arts available to more people
- how the arts changed the lives of young people in trouble
- how the arts revitalized dying communities
- how the arts attracted businesses and created jobs

It is the responsibility of board members to take time to educate their legislators at home,

ADVOCACY AND LOBBYING: SPEAKING UP FOR THE ARTS

in the state capital, and in Congress about what public spending on the arts really accomplishes in their states, and what the arts mean to their communities. That's why advocacy belongs in the job description of every board member of every arts organization.

advocacy as a job description

The leaders of a community's arts organizations should be at the forefront of building public understanding and legislative support for the arts. Board members bring impressive credentials to advocacy: position and experience. Their standing in the community and their personal knowledge about the needs of the community add up to a powerful ability to persuade politicians and encourage others to take action on an issue.

five reasons to be an advocate for the arts and lobby for your cause

1. **One person can make a difference.** Asking an elected official for support can produce results that serve the public and bring the arts to more people. A single arts advocate—a respected individual in the community—has been able to bring together like-minded people to convince a key member of Congress to support increased federal arts funding.
2. **Advocacy is essential to our democratic form of government.** The First Amendment to the United States Constitution protects the right of the people to petition the government—the simple act of informing our policy makers about important public issues. Arts advocates visit their state's capital and the nation's capital each year, telling their legislators about the benefits of public arts funding.
3. **Lobbying is easy.** There is nothing mysterious about lobbying. At the heart of lobbying is the simple act of telling a story and being persuasive. An arts advocate can make an important difference in a legislator's position on arts legislation by explaining through personal experience how the arts bring value to the community.
4. **Policy makers need your expertise.** Legislators depend on solid information to help make their decisions, and they want to hear from the people they represent. Become a reliable source of information for your legislators about the arts in your state and in your community. Policy makers tell us that the local perspective is what counts. You, the advocate, are the expert on the issue.
5. **Nonprofit arts organizations are important players in developing public policy.** Our government seeks the views and participation of the nonprofit sector. The expertise and experience of nonprofit arts organizations in serving the public are essential to telling legislators what is needed and what will work best for their constituents. When members of Congress are considering measures affecting the arts, they often contact NASAA and other nonprofit arts service organizations for our advice on legislation.

advocacy and your state arts agency

The leaders of the nation's state arts agencies (SAAs) understand the importance of advocacy. They value the advocacy responsibilities taken on by the board members of the arts organizations in their states. Board members are in a unique position to understand the role of public support for the arts. They can explain why public money is important in bringing the arts to more Americans.

Train the board members of your own state arts agency on the how-tos of advocacy. Use arguments that resonate with board members, such as the creative economy or arts in education, to draw them into a comfort zone for advocacy and open their eyes to the importance of public funding.

Integrate advocacy into your procedures and operations. Put advocacy on every board meeting agenda. Present information on recent advocacy actions and give specific assignments to board members for next steps.

Carry the responsibility for advocacy to your own grantees. Talk about advocacy up front. During the draft application process with a potential grantee, underscore the importance of your grantees' involvement and communication with their policy makers. Require your grantees to send letters of appreciation to their individual state representative and senator regarding your funding for their organization. Encourage the boards of your grantees to create an arts advocacy committee. Send out a "call for action" through e-mails and newsletters that go out to your grantees and arts advocates encouraging their contact with legislators.

Create a check presentation ceremony at which your legislators and grantees can gather. Offer a photo opportunity for legislators and arts organizations. Legislators get the press and constituents get to show legislators how their grant can provide public value to the community.

Work in tandem with your advocacy organization. Your citizens advocacy organization may be the lead organization in encouraging leaders of arts organizations to become good advocates. Collaborate on training arts organization leaders in the importance of advocacy. Schedule advocacy training and briefings as part of your annual statewide advocacy day in the capital.

Call on NASAA

Call on NASAA to provide advocacy training, or enlist your state's arts advocacy organization or arts lobbyist, or a public interest advocacy group in your state to do the training. When new board members are appointed, schedule a training session and use NASAA's Arts Advocacy Checklist to help them evaluate their level of advocacy involvement.

resources

Charity Lobbying in the Public Interest

www.clpi.org
centerforlobbying@clpi.org

Illinois Arts Alliance The Advocacy Project (TAP)

www.artsalliance.org/al_tap.shtml
info@artsalliance.org

The Grantsmanship Center

www.tgci.com/magazine/law.asp
info@tgci.com

South Carolina Arts Alliance

www.artsonline.org
bjpscaa@infoave.net

The NASAA Advocate: Strategies for Building Arts Support

This compendium of rationales, models, strategies and analysis is for anyone interested in building legislative support for the arts. The following previous issues are available on line at www.nasaa-arts.org/publications/advo.shtml:

Forty Action Strategies

Advocacy for Public Support of the Arts: A Civic Responsibility

The Arts in Public Policy: An Advocacy Agenda

Advocacy by Arts Organizations: Tax Laws and Lobbying

Access to Power: Building Political Clout for the Arts

Ten Ways to Convert Legislators into Arts Advocates

Advocacy and Term Limits: Developing Arts Support in the Legislature Early

Facing Controversy: Arts Issues and Crisis Communications

Ten Ways to Convert Legislators into Arts Advocates

Arts Advocacy Checklists

NASAA's checklists can help state arts agencies and arts organizations evaluate the level of their advocacy involvement against a broad range of activities aimed at enhancing the political environment for the arts in public policy (available on line at www.nasaa-arts.org/publications/advo.shtml).

also available from nasaa

Critical Evidence: How the Arts Benefit Student Achievement

Why is it so important to keep the arts strong in our schools? How does the study of the arts contribute to student achievement and success? These and other important questions are addressed in a booklet published by the National Assembly of State Arts Agencies in collaboration with the Arts Education Partnership. *Critical Evidence: How the Arts Benefit Student Achievement* responds to the needs of policy makers, educators, parents and advocates for fact-based, nontechnical language documenting the most current and compelling research on the value of arts learning experiences. It offers impartial, to-the-point reporting of the multiple benefits associated with students' learning experiences in the arts. In short, it "makes the case for the arts" based on sound educational research.

To obtain copies, visit www.nasaa-arts.org/publications/critical_evidence.shtml.