



Advocacy vs. Lobbying

As Presented at the 2017 ACSO Annual Conference

Mitch Menchaca

Executive Director

Association of California Symphony Orchestras

mmenchaca@acso.org

About



The Association of California Symphony Orchestras (ACSO) was founded in 1969 by a small group of committed orchestra managers who believed in the power of local networking.

Almost 50 years later, ACSO remains the hub of California's vibrant classical music community by providing a variety of services to its members including networking, mentorship, resource sharing, **advocacy**, and professional development.

In 1976, ACSO was the leading statewide organizations **advocating** for the founding of then California Arts Commission, now the California Arts Council. ACSO is still one of the leading proponents for government funding to the arts, especially orchestras and other classical music providers.

Introduction

If you are involved in an orchestra in any capacity, and you care about the future of your orchestra and the community it serves, being an effective public policy advocate is essential.



Advancing the Orchestral Experience for All



Session Objectives

1. Understand the difference between lobbying and advocacy
2. Learn basic strategies for developing an advocacy plan, connecting with elected leaders and effectively communicating your needs
3. Learn about best practices and dos and don'ts in advocacy
4. Discuss key issues affecting orchestras today
5. Resources and Q&A



Lobbying or Advocacy

- What is lobbying?
- Who lobbies?
- What is advocacy?
- Who can advocate?
- When should we advocate?

Lobbying

Lobbying is the act of attempting to influence decisions made by officials in the government.

A **lobbyist** is an “individual who is paid to communicate with federal public office holders in an attempt to influence government decisions.” (Lobbyist Registration Act)

The targets of lobbying are usually your elected officials, but can include the news media, your audience, and the public in general.

As a private citizen, you have the right to freely express yourself on government policy. However, for a non-profit (501 c 3) organization, such as an orchestra, there are some specific rules to follow, but compliance is very easy.



Lobbying

It is lobbying if you try to influence the development of law, to repeal an old law, to modify legislation, or to approve new legislation. It only applies if you communicate directly with an elected official.

It is not lobbying if you discuss the needs or interests of your organization in general ways or sending a season brochure to an elected official.

“Grassroots” Lobbying

This is when the orchestra uses the nonprofit’s resources to call for public action in support of a legislative goal. The trigger for this activity to be considered grassroots lobbying is:

1. Urging people to action to influence specific legislation;
2. The expenditure of orchestra funds (the limits on these allowable expenses are so high that you would have to do an extraordinary number of it to get anywhere near the limit.

“Grassroots” Lobbying

According to the IRS, the expenditure limits for nonprofits are determined by the organization’s budget size:

If the amount of exempt purpose expenditures is:	Total lobbying nontaxable amount is:
≤ \$500,000	20% of the exempt purpose expenditures
>\$500,00 but ≤ \$1,000,000	\$100,000 plus 15% of the excess of exempt purpose expenditures over \$500,000
> \$1,000,000 but ≤ \$1,500,000	\$175,000 plus 10% of the excess of exempt purpose expenditures over \$1,000,000
>\$1,500,000 but ≤ \$17,000,000	\$225,000 plus 5% of the exempt purpose expenditures over \$1,500,000
>\$17,000,000	\$1,000,000

501 (h)

- Filing the 501 (h) form costs nothing and it will determine how much you can lobby. The process couldn't be simpler; the one-page form (5768) can be obtained from the IRS.
- It simply requires that you provide a signature from a member of the orchestra's governing body and send it back to the IRS.
- There is no expiration, and no further filing or reporting are required.

Advocacy

Advocacy is the act or process of supporting a cause or proposal.

An **advocate** is someone who speaks on behalf of a cause or proposal. The advocate may be an **individual** or an **organization**.

Advocacy is the broader of the two terms and can refer to general efforts to advance a point of view or make your case.

Advocacy takes place, for example, through traditional and social media, at conferences, and in communications with any individuals or groups. When you're telling a donor, reporter, or civic leader what your orchestra does and why it matters, you're engaging in advocacy.



Road Blocks of Advocacy

- Lack of comfort with the advocacy process
- Don't know where to start
- Don't know where to get help
- Don't feel you are "expert" enough to advocate
- Not understanding that rules/laws of advocacy

Advocacy Strategy

Identify the issue - what is your need, concern, or problem to be addressed?

- Is it a local, state or federal issue?
- Is it a legislative issue or an administrative one?
- Who can address the issue for you in the correct venue?

Develop your request – make it clear and succinct, provide a clear rationale and support your request with evidence, statistics, and reports.

Set goals – what is your desired outcome? What outcomes or alternatives would be acceptable?

Craft your Message

- Clearly and specifically state your request – **what** do you want them to do (e.g. vote for a bill or change a regulation)?
- Provide a sound rationale – **why** do you want them to do it (e.g. what good or bad result will occur)?
- Explain the implications for constituents – **who** will be helped (e.g. patient care will be improved in the official's district because X, Y or Z).
- If the request will cost money, explain the costs and how you expect your request to be funded.

Make Your Message...

- Clear
- Concise
- Compelling
- Personal



Connect with your Elected Leaders

- Know who your government leaders are at the local, state and federal levels
- Make them know who you are and get to know them on an ongoing basis
- Let them know how you can help them; show them that you are a resource of information
- Explain how they can help you, as elected officials want to be responsive to their constituents

Connect with your Elected Leaders

What do you know about your elected leaders? Learn the basics such as:

- Key committee assignments
- Arts voting records (and non arts)
- Staff email and contact information (key aides, local directors)
- Social media channels
- Biographical information

You also need to determine:

- Have they been donors or subscribers to your orchestra or other local arts organizations?
- Are they known to your trustees and/or volunteers?
- What issues do they care the most about?

Starting and Keeping a Relationship

After every election, make a point of introducing the orchestra to newly elected or re-elected officials by:

- Sending a letter express interest in working together in the years ahead.
- Providing brief background information on your orchestra (i.e. season brochure).
- Putting elected officials on your press list and getting on their lists.
- When you are ready, request a meeting.
- Invite them to a concert.

Rules

In **lobbying**, private citizens may lobby as much as they want; **however**, if you are doing this as a private citizen then use your personal emails, addresses, etc.

In **advocacy**, your organization can make the choice to advocate for business emails and addresses. Advocacy is not just the role of the CEO; **however**, ensure your leadership is aware that communication is being sent via orchestra emails, letterheads, etc.

Electioneering is strictly prohibited for 501 (c) 3 organizations. The relationship between nonprofits and political parties and candidates for public office is governed by a specific tax code. You may not endorse or oppose candidates or partisan political activities. **The arts are bipartisan!**



Rules

Orchestras can participate in campaigns on referenda or issues on the ballot in an election. This is different from elections for candidates for office.

Your orchestra may advocate/lobby even if you get government funding; however, you can't use those government funds to advocate/lobby.

Options for Communicating

- Written communications - emails, letters, advocacy alerts
- Oral communications - calls, meetings:
 - In their local/district office
 - In their State or Federal offices

A combination of written and oral communications is most effective.



Communicating your Request or "Ask"

1. Determine the individuals or groups to whom you will you make your request.
2. Coordinate your request. Determine who else will you notify who may be able to influence the outcome (i.e. staff).
3. Determine when and how you will follow up – respectful persistence often carries the day.
4. Develop timelines and assignment of responsibilities.

Coalitions

- Garner support from within your orchestra and other arts/non arts supporters in your vicinity. If your request is to state leaders, enlist the support of your state advocacy association.
- Keep your team informed of your progress along the way.
- Look to develop relationships with organizations of common interest. Share information or join in more formal coalitions.

Benefits...

- Access to more resources – information, labor, perspective, expertise, etc.
- Avoid “reinventing the wheel”
- People with same interests are more likely to be effective by collaborating

Advocacy Tips

- **Be confident**
- Tell your story and **share your experiences** with your elected leaders
- **Be knowledgeable** of the issues
- Be **honest** and use plain language; be **polite**
- Speak from the heart, but **don't over-tell** your story
- Stay on message and ensure the story **matters** to the elected leader (i.e. district concerns)

Make the most of technology to:

- research a particular position;
- monitor government positions;
- organize, mobilize, and communicate with members;
- promote a viewpoint, attract supporters and organize campaigns.

Key Issues Affecting Orchestras

NATIONAL ENDOWMENT FOR THE ARTS:

Through direct grants, support to state arts agencies, and national leadership initiatives, the National Endowment for the Arts (NEA) is a critical source of federal support for orchestras nationwide. The NEA's FY16 Grants to Organizations included 112 grants to orchestras and the communities they serve.

We urge Congress to support \$155 million in FY18 funding for the NEA for the creation, preservation, and presentation of the arts in America through the NEA's core grant-making programs and research initiatives.

Key Issues Affecting Orchestras

TAX INCENTIVES FOR CHARITABLE GIVING:

Orchestras, in close partnership with the broader nonprofit community, seek to protect and improve incentives for charitable giving. As Congress considers tax reform, and the IRS intensifies its focus on potential new regulations for nonprofit governance, administration, and demonstrating community benefit, the League makes the case for the public impact of orchestras.

We urge Congress and the White House to protect the full scope and value of charitable giving incentives and to increase the capacity of nonprofit organizations to serve community needs.

Key Issues Affecting Orchestras

EDUCATION:

Orchestras work at the national, state, and local levels to build support for music education in schools. The League is a leader in national efforts to preserve Arts Education program funding and to improve arts education policy through federal, state, and local implementation of the Every Student Succeeds Act.

We urge Congress to fully support the arts as it funds and guides the implementation of the Every Student Succeeds Act; fully fund the Arts Education programs in the FY18 Labor-HHS Education appropriations bills; and require the U.S. Department of Education to comprehensively report the status of arts education in America's public schools.

Resources

Association of California Symphony Orchestras Advocacy Center

www.acso.org/advocacy

League of American Orchestras Advocacy Resources

www.americanorchestras.org/advocacy-government.html

Performing Arts Alliance

www.theperformingartsalliance.org

Independent Sector

www.independentsector.org

State Arts Action Network

www.americansforthearts.org/by-program/networks-and-councils/state-arts-action-network

Congress

www.congress.gov

Q&A – Thank You

Mitch Menchaca

Executive Director

Association of California Symphony Orchestras

800-495-2276 – mmenchaca@acso.org

www.acso.org

