

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, which might not always include lobbying. Lobbying is only a small part of advocacy, yet lobbying is an essential part of advocacy. Lobbying always involves advocacy, but advocacy does not necessarily 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. Advocacy 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 who have the power to support 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. Participation in democracy includes a responsibility to lobby.

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 citizens to participate in the process and discussion of policy and legislation. The leaders and supporters of nonprofit organizations have proven themselves to be effective and respected players participating in advocacy and 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,

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.

recruiting advocates for the arts: the role of state arts agencies

State arts agencies, often working in partnership with the arts advocacy groups in their states, seek to recruit and train trustees and board members of their states' cultural organizations as advocates for public arts funding. State arts agency leaders recognize that a few hours of training can provide a platform for effective arts advocacy in the future. The board members of arts organizations are urged to see themselves as advocates who are able to

- influence legislative decisions by building relationships with elected officials
- inform legislators about the public benefit of the arts with information about the funding and programs of their state arts agency
- encourage legislators to participate in the arts in their community

Following are examples of how state arts agency leaders in two imaginary states—"Terpsichore" and "Euterpe"—have taken on the responsibility of recruiting arts advocates from the boards of their states' arts organizations. In a third state, "Calliope," the statewide arts advocacy organization takes on the role of developing advocates and training arts organization board members in advocacy.

Terpsichore: The State Arts Agency Chair As Advocacy Recruiter

The chair of the Terpsichore Arts Council has made advocacy a focus, meeting with arts boards, talking about the state arts agency's contribution to their activities and encouraging board members to join Terpsichore Citizens for the Arts. The advocacy pitch begins with the state arts agency. The Terpsichore Arts Council chair charges every member of the state arts council board with

- becoming a member of the state's arts advocacy organization
- responding to advocacy alerts to contact their legislators
- mobilizing support for the arts in their communities

In Terpsichore, the SAA chair takes on the responsibility of attending as many meetings as possible of the state's local arts council boards, museum boards and other arts organizations receiving state funding. The chair's presentation stresses the importance of active involvement in advocacy. Board members are charged with supporting the efforts of the state's arts advocacy organization. They are urged to respond to advocacy alerts when the legislature is in session.

State arts agency board members are assigned to do the same in their own communities. Terpsichore Arts Council members are encouraged to speak to local civic clubs, the boards of local arts councils and the boards of arts groups receiving support from the state arts agency. SAA staff supplies arts council members with statistics showing the support the Terpsichore Arts Council provides in their communities, and information about the

impact of state funding on the state's economy, on tourism and on education in the state. Thus equipped, council members are able to educate leaders in their communities about the value of public arts support and to enlist the advocacy support of their board member peers in contacting their own legislators when necessary.

Euterpe: The State Arts Agency Director Teams with the State Arts Advocacy Director To Enlist Advocates

The Euterpe Cultural Council conducts an organized campaign to inform the state's arts organizations' boards about the state arts agency's work, how it is funded and what can be done to advocate for more support.

Typically, a member of the board of the Euterpe Cultural Council with a connection to a local arts organization contacts the board chair of that arts organization asking for an opportunity for the SAA director and the advocacy director to get on the agenda for a future board meeting. If possible, the Euterpe Cultural Council board member then attends the meeting to make the introduction, serving as a peer to the local arts organization's board members.

In a presentation of 10 to 15 minutes, the SAA executive director talks about the programs of the Euterpe Cultural Council, the scope of SAA support in that particular community, and, if possible, the amount of SAA funding that has gone to that organization over the years. The conversation shifts slightly to talk about the state arts agency's current budget situation and what advocacy efforts are underway to improve the arts funding support from the state.

At that point, the director of Euterpe Advocates for the Arts talks about the work of the state advocacy group and how membership in the advocacy organization could advance the cause. The arts organization is encouraged to appoint an advocacy committee of its board, and to form an e-mail network so that advocacy e-mail alerts sent by Euterpe Advocates for the Arts are forwarded to as many supporters as possible.

The experience of this advocacy recruitment campaign in Euterpe has been positive. The boards of arts organizations seem to find the presentation interesting and informative. Many of them were unaware of the extent of the work of the Euterpe Cultural Council, or did not even know about the existence of Euterpe Advocates for the Arts. As a result of these meetings and the advocacy presentations, local arts board members have agreed to be the point persons for advocacy in their organization. Many of the state's cultural organizations now put action alerts in their programs or make speeches from the stage to their audiences, particularly when advocacy is needed around a budget vote in the legislature.

Calliope: The State Arts Advocacy Director Engages Advocates

The director of the Calliope Arts Alliance carries the statewide responsibility for orient-

ADVOCACY AND LOBBYING: SPEAKING UP FOR THE ARTS

ing arts board members to become engaged in advocacy. Traveling the state, the arts alliance director speaks to school boards, arts organizations, arts management classes and at professional development conferences to promote support for public arts funding and to recruit arts advocates. The arts alliance also annually presents several regional workshops around Calliope on advocacy in the arts.

The arts alliance director always starts off with an update on the current arts issues in the Calliope state legislature, with attention to the state arts agency's budget, the advocacy community's strategies for the year and some ideas on how new advocates can become involved in the advocacy efforts of the Calliope Arts Alliance.

The presentation focuses on teaching community leaders how to build relationships with public officials and other policy makers. The advocacy expert encourages them to create occasions to communicate with their legislators such as an invitation to a luncheon meeting with other constituents, to speak at a conference or a board meeting, or to attend an arts event. The objective is to give legislators an inside view of their constituents' involvement in the arts, to expand legislators' base of arts experience and to develop their personal connection to the arts.

Finally, the Calliope Arts Alliance director advises new arts advocates to meet with their legislators to find out what their policy priorities are and to address those priorities with stories about how the arts bring value to public issues and concerns. In the end, the arts advocates emphasize to their legislators that the public is the constituency, connecting the work of the local arts organization with the needs and values of their legislators and their constituents.

resources

Charity Lobbying in the Public Interest

www.clpi.org
2040 S Street, NW, Suite 301
Washington, DC 20009
202-387-5149
centerforlobbying@clpi.org

The Grantsmanship Center

www.tgci.com/magazine/law.asp
P.O. Box 17220
Los Angeles, CA 90017
213-482-9860
info@tgci.com

Illinois Arts Alliance

The Advocacy Project (TAP)

www.artsalliance.org/al_tap.shtml
200 N. Michigan Avenue, Suite 404
Chicago, IL 60601
312-855-3105
info@artsalliance.org

South Carolina Arts Alliance

www.artsonline.org
201 East Main Street
Rock Hill, SC 29732-4442
803-325-2435
bjpscaa@infoave.net

Many state arts agencies have excellent advocacy resources on their Web sites. For a directory of state arts agencies, visit www.nasaa-arts.org/aoa/saadir.shtml.