
CAN MY LAND TRUST LOBBY?

Yes! If your organization has a stake in increasing tax incentives or funding for conservation (and it does), you should lobby! Hundreds of land trusts, from The Nature Conservancy to all-volunteer organizations, lobby their state and federal legislators to help them conserve more land.

What is lobbying, anyway? "Lobbying" is defined as *any activity intended to influence legislation.*

"Legislation" includes any action by Congress, the state legislature, a local legislative body, and, in the case of ballot initiatives or referendum, the general public. The IRS defines two types of lobbying:

- "Direct" lobbying is any attempt to influence a member or staff of a legislative body about a specific bill. Asking your members to contact legislators is also considered direct lobbying.
- "Grassroots" lobbying is any activity that explicitly encourages the general public to contact legislators about a specific bill.

Your land trust (and any 501(c)(3) nonprofit) can lobby the municipal council, the state government, and even Congress, *but there are important factors to be aware of:*

1. Federal (IRS) Lobbying Regulations:

- **Spending Limits:** The IRS default rules allow nonprofits to spend an "insubstantial part" of their budget on lobbying. But there are many good reasons to make a "substantial" investment, so we encourage land trusts to take a 501(h) election, provided that an attorney or accountant agrees that this is the right decision.
- **Taking the 501(h) election:** By taking a 501(h) election, a land trust agrees to come under the 1976 lobbying law for public charities, which allows nonprofits to spend up to 20% of their first \$500,000 in exempt expenditures on direct lobbying, and up to 25% of that direct lobbying limit on grassroots lobbying. To take the election, a land trust must file IRS [Form 5768](#) and report expenditures (expenses and staff time) on their 990.
- **Volunteers:** The IRS does not regulate lobbying work done by volunteers (including your board), unless your budget covers their expenses.
- **Contributions to Ballot Measure Committees:** A 501(c)(3) organization may make a contribution to a ballot measure committee (committees supporting or opposing ballot initiatives or referenda), but it must include such contributions in its lobbying calculations for purposes of determining whether a substantial part of its activities consist of [attempting to influence legislation](#).

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2. **State Lobbying Regulations:** Connecticut state law requires that any group or individual with more than \$2,000 in state lobbying expenditures in a calendar year must register for that year with the State Ethics Commission.
3. **Local Lobbying Regulations:** If two or more individuals or groups organize to promote or oppose a local referendum measure, they must register as a political action committee with the State Elections Enforcement Commission. If the parties will spend less than \$1,000, check with SEEC about filing an exemption form.
4. **Not all work you do with government is lobbying:** Here are several examples of the kinds of activities that are subject to the regulations listed above.

Lobbying	Not Lobbying
<ul style="list-style-type: none"> • Your land trust takes out an ad in a newspaper urging voters to approve a local open space bond referendum. • Your land trust attempts to influence a town council to pass a land use regulation. 	<ul style="list-style-type: none"> • Your land trust tries to get a town agency to enforce an existing law or submits comments to a local commission on a development proposal. • Your land trust works with agencies on a grant proposal or on proposed regulations. • Your land trust broadly discusses social issues (i.e., sprawl, or protection of open space) without identifying specific legislation.

5. **Important!** 501(c)(3) organizations *are never allowed* to endorse political candidates, or otherwise engage in action which can be construed as assisting or opposing a candidate for public office.
6. **Staying up to date:** Sign up for CLCC's eNews and Listserv at www.ctconservation.org.

Please note that this overview is for informational purposes only. Specific questions regarding lobbying should be directed to your land trust's counsel.



HELPFUL ADVOCACY RESOURCES

We're grateful to The Land Trust Alliance for sharing the foregoing information with us.

- For more advocacy tools and tips from the LTA, visit www.lta.org/issues-action

Nonprofit Lobbying Guidelines and Strategies

- CT Community Nonprofit Alliance: www.ctnonprofitalliance.org/
- Alliance for Justice: www.bolderadvocacy.org
- National Council of Nonprofits: www.councilofnonprofits.org/everyday-advocacy
- Internal Revenue Service: www.irs.gov/charities-non-profits/lobbying

State Legislative and Ballot Campaign Resources

- Connecticut Elections Enforcement Commission: www.ct.gov/seec
- Connecticut General Assembly: www.cga.ct.gov
- Campaign contribution data: www.followthemoney.org and www.opensecrets.org
- National Assembly of Sportsmen's Caucuses: www.congressionalsportsmen.org/caucuses/nasc-state
- Ballot Initiative Strategy Center: www.ballot.org
- The Trust for Public Land: www.tplactionfund.org, www.conservation Almanac.org, and www.landvote.org

Information about Congress and Federal Legislation

- Congressional websites: www.congress.gov, www.house.gov, and <http://www.senate.gov>
- Congressional district maps: www.govtrack.us/congress/members/map

Resources from the Connecticut Land Conservation Council

- Advocacy Toolkit: www.ctconservation.org/resources/advocacy-toolkit

Contact the Connecticut Land Conservation Council:

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