

CONNECTICUT
Land Conservation Council

Can My Land Trust Lobby?

Yes – and there are many good reasons to do so!

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 in a single township, lobby their state and federal legislators to help them conserve more land.

Your land trust (and any 501(c)(3) nonprofit) can lobby the city council, the state government, and even the Congress, *if* you follow some relatively simple rules.

1. **Decide what is in your land trust's best interest:** Clarify your organizational goals, and communicate them in a pro-active, non-confrontational way. Asking your legislators for help is in many ways no different from asking any other donor for help.
2. **Not all work you do with government is lobbying!** 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. Generally, executive agencies, such as CT DEEP or a town department, and administrative bodies, such as a local planning and zoning commission, are not considered legislative bodies. 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 legislative proposal. Asking your members to lobby or contact legislators about a specific bill is also considered direct lobbying.
 - **"Grassroots" lobbying** is any activity which explicitly encourages the general public to contact legislators about a specific bill. In most cases, if a newsletter article merely describes a bill, but does not actually ask members to contact legislators, it is not considered lobbying.
3. **Other examples:**
 - **Lobbying:** Your land trust takes out an ad in a newspaper urging voters to approve a local open space bond referendum.
 - **Lobbying:** Your land trust attempts to influence a town council to pass a land use regulation.
 - **Not Lobbying:** 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.
 - **Not lobbying:** Your land trust works with agencies on a grant proposal or on proposed regulations.
 - **Not lobbying:** Your land trust broadly discusses social issues (i.e., sprawl, or protection of open space) without identifying specific legislation.
4. 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 elect to come under the 1976 lobbying law for public charities.** It 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 amount on grassroots lobbying.
5. **Contributions to Ballot Measure Committees:** A section 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](#).
6. **How to elect:** First consult an attorney or accountant to be sure that this is the right step for your land trust. Then file IRS [Form 5768](#) and keep track of expenditures (expenses and staff time) to report on your 990.
7. **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 specific candidate for public office.
8. **Keep informed** – Sign up for CLCC eNewsletters and alerts at www.ctconservation.org. Join CLCC's Advocates for Land Protection and Stewardship program by contacting CLCC Executive Director Amy Blaymore Paterson at abpaterson@ctconservation.org. Please don't hesitate to reach out for advice – we're eager to help!

Helpful Advocacy Resources

Resources from the Land Trust Alliance

- Advocacy tools & tips: www.lta.org/issues-action

Nonprofit Lobbying Guidelines and Strategies

- Alliance for Justice:
 - <https://www.bolderadvocacy.org/>
- National Council of Nonprofits
 - www.councilofnonprofits.org/everyday-advocacy
- Internal Revenue Service:
 - www.irs.gov/pub/irs-tege/eotopicp97.pdf

Information about Congress and Federal Legislation

- Congressional websites: www.congress.gov, www.house.gov and www.senate.gov
- Congressional district maps: www.govtrack.us/congress/members/map
- Congressional profiles: www.whorungov.com/
- Campaign contribution data: www.opensecrets.org

State Legislative and Ballot Campaign Resources

- Connecticut Elections Enforcement Commission: www.ct.gov/seec/site/default.asp
- Connecticut General Assembly information: <https://www.cga.ct.gov/>
- Campaign contribution data: www.followthemoney.org
- State sportsmen's caucuses: www.sportsmenslink.org/caucuses/nasc-state/
- Ballot Initiative Strategy Center: www.ballot.org/
- Resources from The Trust for Public Land:
 - www.conservationalmanac.org/
 - <https://www.tplactionfund.org/>
 - www.landvote.org/

[CLCC Advocates for Land Preservation & Stewardship \(ALPS\)](#)

- [Advocates Toolkit](#)

Contact the Connecticut Land Conservation Council: Amy Blaymore. Paterson, Executive Director (860-852-5512) abpaterson@ctconservation.org

Note: This handout is meant to be informational only. Specific questions regarding lobbying should be directed to your land trust's counsel.

Thanks to the Land Trust Alliance for sharing the foregoing information with us. Additional material may be found at <https://www.landtrustalliance.org/issues-action>