



# Advocacy Rules of the Road

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AMERICANS  
for the  
**ARTS**



# Lobbying, Issue Advocacy, Ballot Initiatives & Electioneering – What's What?

## Two Forms of Lobbying

- **Direct Lobbying**

–when an organization attempts to influence specific legislation by stating its position to a legislator or other government employee who participates in the formulation of legislation, through its staff or members.

- **Grassroots lobbying**

–When an organization urges the general public and its members to take action on specific legislation.



# Lobbying, Issue Advocacy, Ballot Initiatives & Electioneering – What’s What?

## Issue Advocacy

- Issue Advocacy is NOT lobbying and it’s not electioneering. Unlimited percentage of time and money can be spent on this. It’s unregulated.
- Issue advocacy is part of every nonprofit’s mission to educate the general public, its members, and decision-makers on the public value and contributions of their charitable programs to the general welfare of the community and country.
- *Example:* Census Counting Advocacy

# Lobbying, Issue Advocacy, Ballot Initiatives & Electioneering – What’s What?

## Ballot Initiatives & Referenda

- Proposed statutory changes or constitutional amendments put on election ballots for public vote.
- Not Electioneering – prohibition applies only to work “for or against candidates for public office.”
- Is Lobbying – passing laws.
- 501(c)(3)s can lobby.
- Ballot Initiative Work is Direct Lobbying

# Lobbying, Issue Advocacy, Ballot Initiatives & Electioneering – What’s What?

## Basic Rule on Electioneering

Section 501(c)(3) nonprofit charitable organizations may engage in ***educational*** activities related to the electoral process as long as:

- *They do not engage in any political activity in support of, or in opposition to, a candidate for public office.*
- *They do not participate or intervene in any political campaign*

Section 501(c)(4) nonprofit social welfare organizations may engage in ***political and electoral*** activities as long as it’s below 50 percent of their total time and budget.



# Permissible Nonpartisan Election Activities

**All these activities come with restrictions and guidelines**

Visit the Alliance for Justice for detailed guidance at <https://www.bolderadvocacy.org>

- Voter Registration and Get Out the Vote GOTV
- Meeting with candidates for issue advocacy
- Candidate questionnaires
- Candidate forums
- Officeholder voting records
- Web and social media



# Restrictions & Guidelines

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## Voter Registration and GOTV

- Must be nonpartisan
- Not directed at voters only likely to support a particular candidate



# Restrictions & Guidelines

## Meeting with Candidates for Issue Advocacy

- Must be nonpartisan
- Ask to meet with all candidates
- Ask the candidates to take a policy position, but not a pledge
- Drop off same materials and discuss similar points
- Don't coordinate talking points and research...just give your prepared points

# Restrictions & Guidelines

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## Candidate Questionnaires

- Variety of issues, not just your arts issues, if you plan to distribute the answers
- All candidates asked to participate
- All responses published, unedited
- No indication of preference
  - Editorial opinion
  - Comparison to organization's positions

# Restrictions & Guidelines

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## Candidate Forums

- All candidates invited
- Range of issues addressed
- Equal opportunity to respond
- No indication of preference
  - Editorial comments

# Restrictions & Guidelines

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## Officeholder Voting Records

- Voting records of current officeholders, includes both incumbents running for re-election and those perhaps retiring, etc.
- No indication of preference
- Variety of issues
- Method and timing of distribution is important
  - Demonstrated history of publishing voting records
  - Don't publish 3 months before the election

# Restrictions & Guidelines

## Web and Social Media

- C3 organization can post nonpartisan “news” items to their website, blogs, Facebook, Twitter and other social media accounts.
- C3 can “follow” incumbent’s official governmental social media, but not their campaign social media. However, the C3 should not “like” any postings or accounts linked to a politician.
- C3 employees can use their PERSONAL social media accounts to promote a candidate IF it is rarely used for work-related posts.
- Social media followers are NOT your bonafide members.



# Prohibited Electoral Activities

## **501(c)(3) charities are prohibited**

***BUT 501(c)(4) social welfare organizations are allowed***

- Endorsement of a candidate
- Fundraising appeals
- Rating of candidates
- No monetary or inkind contributions to candidates
- Distribution of materials and photos prepared by candidates
- Establishment of a PAC, political action committee

# Electioneering Quiz

**Question:** A candidate wants to use my 501(c)3 organization's stage for an event. Can they?

**Answer\*:** Not for free, but YES if

\* You rent the facility at market rate and give all other candidates the opportunity to rent the space.



# Electioneering Quiz

**Question:** A board member of my organization is running for city council. They want to send an email to my organization's database asking for member's support. Can they?

**Answer\*:** Not for free, but YES if

\*Your organization already has an email list rental policy, charges the candidate market rates and makes the email list rental available to all candidates

Legal vs. Political: While this might be legal, it might not be wise thing to do. You can always say "no."





# Electioneering Quiz

**Question:** As the Executive Director of your 501(c)3 organization, a candidate asks that you be on the host committee for a fundraiser. Can you?

**Answer:** Yes\*

\*Provided your monetary donation is from your personal funds and you do not use office time or materials to promote the event. If your title and org is listed, then it needs to say “for identification purposes only.”



# Electioneering Quiz

**Question:** Your organization is asked to partner with several other 501(c)3 organizations to host a candidate forum. Can you?

**Answer:** Yes\*

\* Provided you invite all eligible candidates and the forum covers a range of issues.

# Electioneering Quiz

**Question:** A few employees want to use their Twitter accounts to promote a specific candidate. Is this ok?

**Answer:** Yes, unless\*

\* If the employees use their Twitter account for work purposes as well or it's at least half and half, then no because it will appear as if they are representing the charity.



## ArtsVote 2020 with BenFolds

A podcast series on arts & politics



### Organized by:

"ArtsVote 2020 with BenFolds" is a podcast program of the Americans for the Arts Action Fund (Arts Action Fund). The Arts Action Fund is a nonpartisan 501(c)(4) nonprofit organization, whose 400,000 members are dedicated to educating federal candidates on beneficial public policies to advance the arts in our communities, arts education in our schools, and charitable tax policies in our nonprofit sector.

### Hosted by:

Each podcast will be hosted by [Ben Folds](#). Ben is a highly acclaimed singer-songwriter, and board member of the Arts Action Fund and Chair of ArtsVote 2020. Ben will engage each political leader and presidential candidate in a lively conversation of how the arts played a role in their personal lives with poignant stories.

### Accompanied by:

The Honorable **Mark Begich** joins Ben Folds in the podcasts to also engage each guest into a public policy discussion about the arts, arts education, and charitable giving. Senator Begich is the former U.S. Senator of Alaska and Mayor of Anchorage.

### About Arts Vote 2020 with Ben Folds podcast series:

The Arts Action Fund is launching the new podcast series "ArtsVote 2020 with BenFolds" in order to generate a national discussion with 2020 presidential candidates and political leaders about the arts, arts education, and tax policies to advance nonprofit charities in America. The Arts Action Fund is specifically inviting every Presidential Candidate to have a one-on-one, 30-minute conversation with **Ben Folds** about their personal background in the arts and arts education, their observations and previous policy efforts to transform through the arts the communities and states that they represent, and their vision for advancing support for the arts and the charitable sector in the future.

Ben will conduct the podcast series live or by phone with candidates and other political leaders as they travel across the country on the campaign trail. All podcasts will be posted online at [ArtsActionFund.org/podcast](https://www.ArtsActionFund.org/podcast) and available to the public on the Anchor app or your favorite podcast app. These podcasts are conversations about public policy and the arts and are not an endorsement for or against a candidate and will not include any solicitations on behalf of a candidate.

### Questions:

For more information about the Arts Action Fund or its podcast series, please visit [www.ArtsActionFund.org](https://www.ArtsActionFund.org) or contact Arts Action Fund Executive Director **Nina Ozlu Tunceli** at [ntunceli@artsusa.org](mailto:ntunceli@artsusa.org) or call 202-371-2830.



Candidate:   
Party:   
State:   
District:



**Question:** What is your personal background and experience in the arts? (check all that apply)

Instrumental  Vocal  Visual  Dance  Theater  Photography  Literary  Other

Additional Comments (optional):

**Question:** What arts activities have you attended, participated in, or supported in the last year?

Music  Theater  Visual Arts  Dance  Literary Arts  Other  None

Additional Comments (optional):

**Background:** The budget of the National Endowment for the Arts (NEA) was cut in half during the 1990s. With its current funding of \$155 million, the NEA spends just 47 cents per American—half the cost of a pack of gum.

**Question:** Would you support a plan to increase federal arts funding to the NEA to \$1 per American, so that arts organizations in your state or district can present even more accessible arts programs for all its residents?

Strongly Agree  Agree  Disagree  Undecided

Additional Comments (optional):

**Background:** With the implementation of *Every Student Succeeds Act* (ESSA), states now have more responsibility for providing a well-rounded education – including the arts. Support for arts education can best be done when states are provided adequate funding and resources to administer, research and provide accountability for arts education programs.

**Question:** Would you support full funding (\$1.6 billion) of the Well-Rounded Education provisions of ESSA, including data collection of arts education programs by the states and advocating for the integration of the arts into STEM education?

Strongly Agree  Agree  Disagree  Undecided

Additional Comments (optional):

**Background:** As a result of tax reform changes in 2017, the charitable tax deduction incentive is now only available to high income bracket individuals who still itemize their deductions. The pool of itemizers has now been significantly diminished.

**Question:** Would you support an across-the-board charitable tax deduction for ALL—not just the taxpayers who itemize their deductions—so that individuals at all income levels will be encouraged to make tax-deductible charitable donations to their favorite charities?

Strongly Agree  Agree  Disagree  Undecided

Additional Comments (optional):

**Background:** Currently, the creative economy is an impressive \$788 billion industry, representing 4.3% of the nation's Gross Domestic Product. However, the artists, entrepreneurs, small businesses and nonprofit organizations that support them are often disconnected from our nation's economic development and assistance programs.

**Question:** Would you help create a national service Artists Corps and support legislation for artists, nonprofit arts organizations, and small businesses in the creative sector to fully access federal economic development programs?

Strongly Agree  Agree  Disagree  Undecided

Additional Comments (optional):

For more detailed information on these arts policy issues, please visit [www.ArtsActionFund.org/LegislativePriorities](http://www.ArtsActionFund.org/LegislativePriorities).

Completed By:

Date:

For questions or to send survey responses, contact the Arts Action Fund at [akruszel@artsusa.org](mailto:akruszel@artsusa.org).



# Political Landscape

Americans will elect the next president of the United States on November 3, 2020. Twenty-six notable elected officials and public figures—24 Democrats and two Republicans—have entered the race or formed a presidential exploratory committee:

## Democrats

- [Michael Bennet](#) (D)
- [Joe Biden](#) (D)
- [Bill de Blasio](#) (D)
- [Cory Booker](#) (D)
- [Steve Bullock](#) (D)
- [Pete Buttigieg](#) (D)
- [Julián Castro](#) (D)
- [John Delaney](#) (D)
- [Tulsi Gabbard](#) (D)
- [Kirsten Gillibrand](#) (D)
- [Mike Gravel](#) (D)
- [Kamala Harris](#) (D)
- [John Hickenlooper](#) (D)
- [Jay Inslee](#) (D)

- [Amy Klobuchar](#) (D)
- [Wayne Messam](#) (D)
- [Seth Moulton](#) (D)
- [Beto O'Rourke](#) (D)
- [Tim Ryan](#) (D)
- [Bernie Sanders](#) (I)<sup>[1]</sup>
- [Eric Swalwell](#) (D)
- [Elizabeth Warren](#) (D)
- [Marianne Williamson](#) (D)
- [Andrew Yang](#) (D)

## Republicans

- [Donald Trump](#) (R)
- [Bill Weld](#) (R)

# Congressional Balance

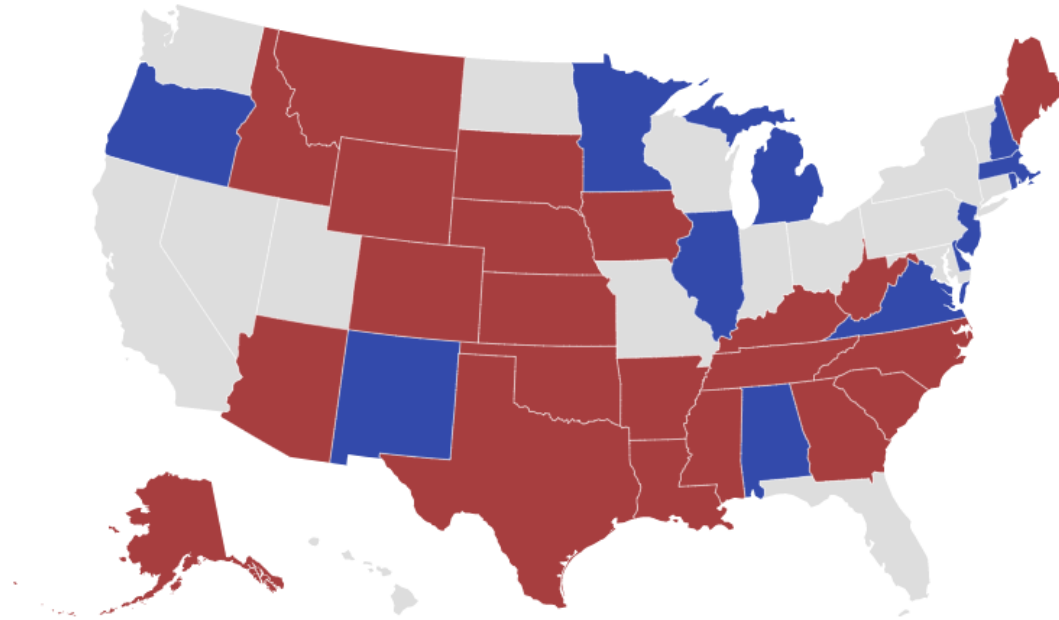
U.S. Senate Partisan Balance	
Party	116th Congress
Republican	53
Democratic + Indy	45 + 2
Vacancies	0
<b>Total</b>	<b>100</b>

House Partisan Balance	
Party	116th Congress
Democratic	235
Republican	199
Vacancies	1
<b>Total</b>	<b>435</b>

# U.S. Senate

There are 12 Democratic seats and 22 Republican seats up for election in 2020. In 2014, the Republican Party picked up nine seats, resulting in their having more seats to defend in 2020. The map below shows what seats are up for election and the current incumbent in each race.

## 2020 Senate elections



BALLOTPEDIA





# 4 2020 Presidential Election Calendar

The election may still a year and half away, but the 2020 Democratic primary process is underway.

## Primary Debates

Democrats will hold [12 primary debates](#), including six in 2019. While President Trump has one [declared Republican opponent](#), there are no primary debates scheduled.

**6/26-27/2019** First Democratic primary debate in Miami on NBC and Telemundo

**June 26 lineup:** Cory Booker, Julián Castro, John Delaney, Bill de Blasio, Tulsi Gabbard, Jay Inslee, Amy Klobuchar, Beto O'Rourke, Tim Ryan, Elizabeth Warren

**June 27 lineup:** Michael Bennet, Joe Biden, Pete Buttigieg, Kirsten Gillibrand, Kamala Harris, John Hickenlooper, Bernie Sanders, Eric Swalwell, Marianne Williamson, Andrew Yang

**7/30-31/2019** Second Dem primary debate in Detroit on CNN

**September 2019** Third Democratic primary debate

**October 2019** Fourth Democratic primary debate

**November 2019** Fifth Democratic primary debate

**December 2019** Sixth Democratic primary debate

**2020** Additional six more Democratic primary debates to take place

# Election Dates for Primaries and Caucuses

*Unlike Republic primaries, Democrats do not have winner take-all rules, which makes it harder to capture the nomination with the required 1,885 delegate votes. This rule plus California and Texas moving their primaries up to Super Tuesday, could give political advantage to candidates such as Kamala Harris of California, and Beto O'Rourke and Joaquin Castro of Texas against nationally name-recognizable candidates like Joe Biden of Delaware and Bernie Sanders of Vermont.*

**Jan/Feb 2020** **New Hampshire** Dem. primary late Jan/early Feb (24 delegates)

**February 2020** **Iowa** Democratic Caucus on 2/3/20 (41 delegates)

*Because these two states cast the first votes, there is a lot at stake in terms of momentum and attention from voters, donors and the news media. The results here will narrow the field quickly.*

**Nevada** Democratic primary on 2/22/20 (36 delegates)

*Good test to measure the Hispanic voter turnout and preferences.*

**South Carolina** Democratic primary on 2/29/20 (54 delegates)

*Good test to measure the Southern Black voter turnout and preferences.*

**March 2020** **Super Super Tuesday 3/3/20**

▲ *Super Tuesday now accounts for 40% of total Democratic allocation because California and Texas moved their primaries up to Super Tuesday.*

**3/3/20**



**Idaho** Democratic Caucus on 3/3/20 (52 delegates)

**American Samoa** Democratic Caucus on 3/3/20 (6 delegates)

**Arkansas** Democratic primary on 3/3/20 (31 delegates)

**California** Democratic primary on 3/3/20 (416 delegates)

*California is the nation's largest delegate state and actually begins Early Voting in February, just after the New Hampshire primary.*

**Colorado** Democratic primary on 3/3/20 (67 delegates)

**Georgia** Democratic primary on 3/3/20 (105 delegates)

**Massachusetts** Democratic primary on 3/3/20 (91 delegates)

**Minnesota** Democratic primary on 3/3/20 (75 delegates)

**North Carolina** Democratic primary on 3/3/20 (110 delegates)

**Oklahoma** Democratic primary on 3/3/20 (37 delegates)

**Tennessee** Democratic primary on 3/3/20 (64 delegates)

**Texas** Democratic primary on 3/3/20 (228 delegates)

*Texas is the nation's second largest delegate state.*

**Vermont** Democratic primary on 3/3/20 (16 delegates)

**Virginia** Democratic primary on 3/3/20 (99 delegates)

**Abroad** Democrats primary on 3/3/20 (13 delegates)

- 3/7/20** Louisiana Democratic primary on 3/7/20 (50 delegates)
- 3/8/20** Maine Democratic primary on 3/9/20 (24 delegates)
- 3/10/20** Idaho Democratic primary on 3/10/20 (20 delegates)  
 Michigan Democratic primary on 3/10/20 (125 delegates)  
 Mississippi Democratic primary on 3/10/20 (36 delegates)  
 Missouri Democratic primary on 3/10/20 (68 delegates)  
 North Dakota Democratic primary on 3/10/20 (14 delegates)  
 Ohio Democratic primary on 3/10/20 (136 delegates)  
 Washington State Democratic primary on 3/10/20 (89 delegates)
- 3/14/20** Northern Marianas Democratic primary on 3/14/20 (6 delegates)
- 3/17/20** Arizona Democratic primary on 3/17/20 (67 delegates)  
 Florida Democratic primary on 3/17/20 (219 delegates)  
 Illinois Democratic primary on 3/17/20 (155 delegates)  
 Wyoming Democratic primary on March TBD (13 delegates)
- 4/4/20** Alaska Democratic primary on 4/4/20 (14 delegates)  
 Hawaii Democratic primary on 4/4/20 (22 delegates)
- 4/7/20** Wisconsin Democratic primary on 4/7/20 (77 delegates)
- 4/28/20** New York Democratic primary on 4/28/20 (224 delegates)  
 Pennsylvania Democratic primary on 4/28/20 (153 delegates)  
*The last big delegate group. If one candidate dominates every state this late in the primaries, Dem party leaders will try to conclude the race.*  
 Connecticut Democratic primary on 4/28/20 (49 delegates)  
 Delaware Democratic primary on 4/28/20 (17 delegates)  
 Maryland Democratic primary on 4/28/20 (79 delegates)  
 Rhode Island Democratic primary on 4/28/20 (21 delegates)
- |
- 5/2/20** Kansas Democratic primary on 5/2/20 (33 delegates)  
 Guam Democratic primary on 5/2/20 (6 delegates)
- 5/5/20** Indiana Democratic primary on 5/5/20 (70 delegates)

- 5/2/20** [Kansas](#) Democratic primary on 5/2/20 (33 delegates)  
[Guam](#) Democratic primary on 5/2/20 (6 delegates)
- 5/5/20** [Indiana](#) Democratic primary on 5/5/20 (70 delegates)
- 5/12/20** [Nebraska](#) Democratic primary on 5/12/20 (25 delegates)  
[West Virginia](#) Democratic primary on 5/12/20 (24 delegates)
- 5/19/20** [Kentucky](#) Democratic primary on 5/19/20 (46 delegates)  
[Oregon](#) Democratic primary on 5/19/20 (52 delegates)
- 6/2/20** [Montana](#) Democratic primary on 6/2/20 (16 delegates)  
[New Jersey](#) Democratic primary on 6/2/20 (107 delegates)  
[New Mexico](#) Democratic primary on 6/2/20 (29 delegates)  
[South Dakota](#) Democratic primary on 6/2/20 (14 delegates)
- 6/6/20** [Virgin Islands](#) Democratic primary on 6/6/20 (6 delegates)
- 6/7/20** [Puerto Rico](#) Democratic primary on 6/7/20 (51 delegates)
- 6/16/20** [D.C.](#) Democratic primary on 6/16/20 (17 delegates)

# National Party Conventions and Election Day

**7/13-16/20**      **DNC** Democratic National Convention in Milwaukee, WI

**8/24-27/20**      **RNC** Republican National Convention in Charlotte, NC

**11/3/20**      **Election Day**

*Note: 38 states have Early Voting and  
3 states (OR, WA, CO) have early mail-in only voting.*