

“ While many people do not realize it, all charitable nonprofits may freely engage in legislative lobbying as long as that activity amounts to only an ‘insubstantial’ amount of the nonprofit’s activities.” – THE COUNCIL OF NONPROFITS

TO ADVOCATE is to support or argue for a cause or policy.ⁱ Advocacy includes providing nonpartisan education, information, research, and analysis to the public and political officials. According to the IRS, tax-exempt organizations can advocate for or against a particular issue as long as that advocacy furthers its mission.ⁱⁱ

TO LOBBY is to conduct activities aimed at influencing public officials and especially members of a legislative body on legislation.ⁱⁱⁱ Lobbying includes asking an elected official to vote a certain way on a bill. **GRASSROOTS LOBBYING** is encouraging members of the public to contact their elected or appointed officials to ask them to take a certain action.^{iv} According to the IRS, tax-exempt organizations may seek to influence legislation that is mission-related as long as attempting to influence legislation is not a substantial part of its activities.^v

LOBBYING WITH LIMITS: The “Substantial” Test and the “H Election”

According to the IRS, whether an organization’s attempts to influence legislation (lobbying) constitute a “substantial” part of its overall activities is based on one of two tests.^{vi}

- a. The first test is determined based on all of the pertinent facts and circumstances in each case. Generally, **less than five percent of activities and expenditures is considered insubstantial.**
- b. The second test is **based on expenditures only; however, an organization must elect to be covered by this test. See Section 501(h) and Form 5768**, “Election/Revocation of Election by an Eligible IRC Section 501(c)(3) Organization to Make Expenditures to Influence Legislation.”

Filing for the “H Election” — IRS Form 5768

In order for an organization’s lobbying activity to be assessed based on expenditures only, the organization must file [Form 5768](#).

Filing Form 5768 removes the subjective nature of determining if an organization’s lobbying is a “substantial” part of its overall activities.

INFLUENCING ELECTIONS: DON'T DO IT!

What can’t opera organizations do? Influence an election! Do NOT engage in partisan electioneering. Do NOT try to get one candidate elected over another. See *OPERA America’s Advocacy Guide “Get Out the Vote and Voter Education”* for more information on participating in a general election.

FEDERAL GRANTS CANNOT SUPPORT LOBBYING

A friendly reminder that funds from the National Endowment for the Arts, or any other federal agency, cannot be used to cover lobbying expenses or voter registration drives and related activities. It is up to each grant recipient to be informed of their funder’s restrictions, particularly relating to advocacy and lobbying.^{vii}

Can opera organizations advocate for issues and causes?
YES! WITHOUT LIMITS!

Can opera organizations ask officials to vote a specific way on legislation?
YES - WITH LIMITS!

Can opera organizations campaign for specific candidates?
NO!

PERMISSABLE ACTIVITIES, ACCORDING TO THE IRS

- Advocating for or against a particular issue as long as that advocacy furthers its mission.
- Making available the results of nonpartisan analysis, study, or research.
- Providing technical advice or assistance to a governmental body, committee, or subdivision in response to its written request.
- Making appearances before any legislative body or communicating with it regarding a possible decision by the body that might affect the exempt organization.
- Communicating with its members regarding legislation or proposed legislation of direct interest to the members.
- Communicating with a government official or employee who is not connected with a legislative body.
- Conducting nonpartisan activities that educate the public and help them participate in the electoral process. A charity furthers a valid educational purpose when it offers instruction. Such instruction can take various forms, including voter education guides, voter registration and get-out-the-vote drives, and candidate forums.

Source: Exempt Organizations Technical Guide. TG 3-1 Overview, Applications, Exemption Requirements — IRS Section 501(c)(3), <https://www.irs.gov/pub/irs-pdf/p5859.pdf>

PROHIBITED ACTIVITIES, ACCORDING TO THE IRS

- Making or soliciting contributions to or for candidates or political organizations.
- Endorsing a candidate or rating the candidates (no matter how objective such rating may be).
- Publishing or distributing partisan campaign literature or written statements.
- Having its representatives speak out about a candidate.
- Using its resources to influence an election.
- Spending a substantial financial amount to influence legislation. (See previous section on the “substantial” test and “H election.”)

Source: IRS’ Stay Exempt Website: https://www.stayexempt.irs.gov/se/files/downloads/PoliticalCampaigns_Print.pdf

OPERA America’s advocacy guides were developed in 2024 by Amy Fitterer, consultant, with support from The Music Man Foundation.

ⁱ “Advocate,” merriam-webster.com, 2024; <https://www.merriam-webster.com> (29 February 2024).

ⁱⁱ “Issue Advocacy,” irs.gov, 2024; https://www.stayexempt.irs.gov/se/files/downloads/PoliticalCampaigns_Print.pdf.

ⁱⁱⁱ “Lobbying,” merriam-webster.com, 2024; <https://merriam-webster.com> (29 February 2024).

^{iv} “Grassroots Lobbying,” Venable Law Firm LLC, 2013; “Grassroots Lobbying: A Legal Primer.”

^v “Legislative and Lobbying Activity,” irs.gov, 2023; Exempt Organizations Technical Guide 3-1, <https://www.irs.gov/pub/irs-pdf/p5859.pdf>.

^v “Legislative and Lobbying Activity,” irs.gov, 2023; Exempt Organizations Technical Guide 3-1, <https://www.irs.gov/pub/irs-pdf/p5859.pdf>.

^{vi} “What We Do Not Fund,” nea.gov, 2024; <https://www.arts.gov/grants/grants-for-arts-projects/what-we-do-not-fund> (29 February 2024).

Advocacy is a top 10 basic responsibility of a board according to BoardSource, a national organization with more than 35 years of expertise in nonprofit boards. The board is a vital relationship builder and champion for the opera company. Each board member brings a powerful network of contacts to their board service, and as the network around an organization expands, so do the opportunities for financial support, audience development, and community partnerships.

BOARD MEMBERS TAKE ACTION!

- Understand the way that public policy impacts your organization's programs and constituents and your ability to fulfill your mission.
- Monitor public policy proposals at the local, state, and federal levels that could advance (or harm) your mission.
- Identify key individuals within government who should be systematically and strategically kept informed about your organization's good work and effectiveness, on a personal basis, by those board members most appropriate to take the lead by reason of their personality, high standing in the community, or career position.
- Connect with coalitions of other organizations with similar missions and values to combine energy through joint strategy and effort.
- Invite potentially influential colleagues from supporting entities into the organization to witness for themselves how government support has made a difference

(SOURCE: *Ten Basic Responsibilities of Nonprofit Boards*, published by BoardSource)

“Boards and their members should be conscientious ambassadors and advocates for their organizations. They should ‘stand for their mission’ “by communicating and connecting with community leaders and others who are in positions to make decisions that could positively — or negatively — impact their organization’s work.”

— **BOARDSOURCE**

ADVOCACY COMMITTEES

An advocacy committee is an effective way to engage and support board members in their advocacy. By creating an advocacy committee, board members with an interest in government relations can join together, implement action steps, share advocacy intel, and support the organization's staff.

- TIP #1:** When creating an advocacy committee, consider including staff from the community programs, fundraising, box office, and other external-facing departments. These staff members are also tapping into powerful networks within the community, and all together, the board members and staff can be most effective.
- TIP #2:** The committee should identify goals, which are reviewed and supported by the general director and board chair, that may include advocacy for increased government support for the arts, expanding the opera company's network with policymakers, attending a certain number of events to champion the opera company's mission, helping to secure meetings with local policymakers, and more.
- TIP #3:** The committee should educate itself on the regulations around advocacy, lobbying, and electioneering as a nonprofit, tax-exempt organization; local legislative timelines; data to support advocacy case-making; and government structures.
- TIP #4:** Advocacy committees can consist of trustees, non-trustees who are political or PR experts, and staff.

TIP #5: Every organization is different, and therefore, there is not one recipe for an advocacy committee that will fit all organizations. Each opera company should consider how they establish committees within their organization, who should be on the committee, and what the committee's purpose will be, before getting to work.

TIP #6: Finally, some opera companies may find it better to have a non-board committee to conduct advocacy. The thinking here is that if the committee consists of champions of the organization who are not legally tied to the organization, it will remove the committee of liability concerns.

ASSESS YOUR BOARD'S COMMITMENT TO ADVOCACY

1. Have we had a discussion at a board meeting recently about how we can enhance the effectiveness of our collective advocacy as an organization — as a board of directors?
2. Can we say with conviction that our board's culture makes personal advocacy of our mission and purposes an important expectation of board service?
3. Do we make time for discussion of our systematic advocacy strategies at board meetings, including the need to stay in touch with our funders about how their investments are serving the public good?
4. Are we monitoring public policy proposals in state or federal government circles that we should support, or be concerned about, perhaps with sister organizations that have similar missions?
5. Does the staff periodically ask or encourage us to identify individuals or organizations where we have influence to advocate for our enterprise?
6. What is the record of our board members in taking initiative as advocates or ambassadors to advance our organization and its mission?
7. Who speaks for our organization? On what kinds of matters?
8. Do we have a communication plan for our organization?
9. What practices do we have in place to ensure that both the board and its members are attuned to the needs of our stakeholders?

SOURCE: *Ten Basic Responsibilities of Nonprofit Boards*, published by BoardSource

FOR MORE RESOURCES ON BOARDS AND ADVOCACY, VISIT:

Stand for Your Mission's Resources:

standforyourmission.org/resources/

BoardSource

boardsource.org

"Ten Basic Responsibilities of Nonprofit Boards" by Richard Ingram, published by BoardSource

boardsource.org/product/ten-basic-responsibilities-nonprofit-boards/

Who are my elected officials at the city, state, and federal levels? How do I contact them? These are common questions! The following are the official government search tools to find your elected officials' websites, email addresses, mailing addresses, and phone numbers.

FIND YOUR ELECTED OFFICIALS AT ALL LEVELS OF GOVERNMENT

usa.gov/Elected-Officials

FIND FEDERAL CONGRESSIONAL COMMITTEES & THEIR MEMBERSHIPS

Click the following link for committee websites, member lists for each committee, the latest committee news, and more.

congress.gov/Committees

FIND LOCAL AND STATE LEGISLATIVE COMMITTEES

There are websites for each political governing body that lists committees, advisory committees, and committee memberships. Search for your city, state, and county committees by entering in your internet search box: (level of government) and the words "legislative committees." For example, search for "Virginia legislative committees" or "Brown County legislative committees."

OTHER WAYS TO CONTACT ELECTED OFFICIALS

Federal Elected Officials

- Contact [President Joe Biden](#) online, or call the White House switchboard at 202.456.1414 or the comments line at 202.456.1111 during business hours.
- Get contact information for [U.S. senators](#).
- Find website and contact information for [U.S. representatives](#).

State Elected Officials

- Get in touch with [state governors](#).
- Find the names and current activities of [state legislators](#).

Local Elected Officials

- [Search for a mayor](#) by name, city, or population size.
- Find a [county executive](#) (the head of a county's executive branch of government) by map search or ZIP code. The county executive may be an elected or an appointed position.
- Get contact information for [city, town, and county officials](#).

OPERA America's advocacy guides were developed in 2024 by Amy Fitterer, consultant, with support from The Music Man Foundation.

You can communicate with your elected officials in several ways: invitations, letters and emails, phone calls, social media, and of course in-person meetings. Your communication is counted and makes a difference!

INVITE ELECTED OFFICIALS TO YOUR EVENTS

Treat elected officials as you would major donors — with care, attention, and respect.

- **Invite consistently:** Your invitations help elected officials learn about your work, and it shows respect for their office. Treat elected officials and their staff as you would a special donor (current or prospective). Invite them to your events consistently, even if they do not attend. Engaging officials around your work will only deepen their understanding and respect for your contributions to society.
- **Be gracious and social:** An official’s attendance at your event gives your organization a chance to build a relationship with that official. Take the time to connect with them. Even a brief moment of dialogue can help establish a relationship that may be useful in the future.
- **Do not offer to pay for the ticket:** Due to congressional gift rules, as well as varying state gift rules, it is best to invite elected officials to events without offering to pay for (or gift them) a ticket. There are circumstances in which gifting may be permissible. However, it is best to play it safe — do not offer gifts to elected officials.ⁱ

Legislators need to hear from their constituents.
Do not assume an official or their staff knows more about an issue than you do.
YOUR VOICE IS NECESSARY!

LETTERS & EMAILS TO ELECTED OFFICIALS

- **Be concise:** Write your letter/email with only the most relevant points, and keep it to one page.
- **Make it personal:** Tell a personal story related to your legislative ask, if possible. Personal stories make your message memorable and more effective. Keep your story brief and connected to the issue.
- **Be direct:** Don’t be afraid to tell the legislator what you want. If there is a specific legislative bill, state the bill number and ask them to vote in a specific direction. Use the correct bill numbers such as “H.R.” for the House and “S.” for the Senate, at the federal level.
- **Be respectful:** Messages with a disrespectful and negative tone will not be effective. Be strong but also courteous in your communication.

SOCIAL MEDIA

- Remember this is a **public-facing message**.
- **Tag your elected official(s)** in a social media post to get their office’s attention.
- **Thank your officials** for their action, e.g., “Thank you for voting for H.R. 0000!”
- **Urge them to vote** in favor (or against) a bill with a short reason, e.g., “Please vote for H.R. 0000 to preserve the charitable deduction!”
- **Be courteous:** As with letters and emails, disrespectful social media posts will be ineffective and may hurt your cause.

MEETINGS WITH OFFICIALS (IN PERSON OR VIA VIDEO)

- **Know the legislative calendar:** Before you meet with an elected official about a specific piece of legislation, know the legislative calendar. Have the bills been introduced? Are bills in review in a subcommittee? Speaking to legislative offices when they are soon to consider a bill makes your “asks” much more effective.
- **Be early:** Elected officials and their staffs are very busy. If in person, arrive early to pass through security, find their office, and collect yourself. If on video, arrive early to make sure your audio and video are working properly. If you are late, your meeting may be canceled and may not be rescheduled.
- **Remember, officials and staffers are people, too:** Take a moment to say hello, engage in brief small talk, and shake hands or fist-bump if in person. Your time with them may be brief, but treat them as a person, too.
- **Be prepared with short talking points and handouts:** After a friendly introduction, clearly state your reason for the meeting. Be direct. Have concise talking points. Provide them with handouts about your ask.
- **Be flexible:** You might have to wait ... for a while. Elected officials and their staff can be called into all kinds of last-minute meetings and votes. Be patient. And, if they ask to take your meeting in a hallway or by phone — go with it! Accept whatever time they have for you and make it matter.

SAMPLE LETTER TO AN ELECTED OFFICIAL

Date

Your Name

Your Address

Your Email Address & Phone Number

The Honorable Sarah Smith

House of Representatives (or United States Senate)

Office Address

City, State, ZIP

Dear Representative Smith,

My name is John Miller, and I am writing to you from your district in Dade, OH. I am the executive director of the Dade Opera Theater, which employs nearly 250 artists and staff and reaches more than 150,000 audience members, students, and local community members each year through our education programs, regional parks partnerships, live performances, and special events. It is due to our tax-exempt status and the charitable giving incentive that Dade Opera Theater is able to bring the joy, healing, and education of the arts to our city.

Our organization is 60% supported by grants and donations and 40% by earned revenue from ticket sales. The charitable deduction incentivizes donors to support our work, allowing us to reach community members of all ages, ethnicities, and backgrounds. Our after-school opera camp recently won a “Best After School Program” award for ages K through 12.

As your constituent, I urge you to vote in support of bill H.R. 0000 to preserve charitable giving incentives to nonprofit organizations. Please protect the full scope and value of the charitable tax deduction.

Nonprofit arts organizations are part of the larger nonprofit sector that contributes \$1.1 trillion in services each year. This sector supports 13.5 million jobs (approximately 10% of the U.S. workforce), provides direct services to human needs, and supports healthy communities. Studies have shown that proposals to limit the charitable deduction will result in reduced giving, limiting organizations’ core services and reducing the public’s access to these services.

Please protect incentives for charitable giving and vote in support of bill H.R. 0000. I look forward to your support!

Thank you,
John Miller

ⁱ Gifts Guidance, House Ethics Committee; <https://ethics.house.gov/house-ethics-manual/gifts>. (March 2, 2024).

OPERA America’s advocacy guides were developed in 2024 by Amy Fitterer, consultant, with support from The Music Man Foundation.

A persuasive advocate or lobbyist has the right data to back up their position. One legislator may care about the economic impact while another will be more interested in the connection between arts and education. It is always best to align your talking points with the interests of the policymaker, whenever possible. And, research and handouts are useful to inform coalitions, board members, audiences, and more. The following resources will arm you with persuasive facts, talking points, and handouts.

ARTS & ECONOMY

Bureau of Economic Activity (BEA) & the National Endowment for the Arts (NEA)

The BEA and NEA created the Arts and Cultural Production Satellite Account (ACPSA), which tracks the annual economic impact of arts and cultural production from 35 industries, both commercial and nonprofit. The BEA website includes data sheets for the arts at the national and state level, including an interactive map and more.

Visit the Arts & Culture section of the Bureau of Economic Activity, here:
<https://www.bea.gov/data/special-topics/arts-and-culture>

ARTS & HEALTH

- **NEA Report “Arts Strategies for Addressing the Opioid Crisis: Examining the Evidence”** finds that incorporating music into treatments for opioid use disorder can contribute significant, positive effects for patients.
- Launched in 2021, the **Sound Health Network** is a partnership of the NEA with the University of California, San Francisco, in collaboration with NIH, the John F. Kennedy Center for the Performing Arts, and Renée Fleming. It builds on the **Sound Health Partnership**, which brings together scientists, music therapists, artists, and the public to explore music’s impact on the brain, health, and wellness.
- According to a recent report from the World Health Organization (WHO), engaging with the arts can benefit mental and physical health. As the most comprehensive review of evidence on arts and health to date, the 2019 study analyzed evidence from over 3,700 studies from 900 global publications. It identified a significant role for the arts in preventing ill health, promoting health and management, and treating illness across the lifespan.
- **COVID-19 and Social Distancing: Impact of Arts and Other Activities on Mental Health**, an ongoing study by University College London and extended to the U.S. in partnership with the University of Florida and Americans for the Arts, is tracking 80,000 adults in the United Kingdom and United States to gauge the pandemic’s impact on mental health. Preliminary findings show that just 30 minutes of active arts activities daily may lower anxiety and depression and increase life satisfaction, combating the ill effects of isolation and loneliness associated with COVID-19.

YOUR STATE AND THE ARTS

The National Assembly of State Arts Agencies (NASAA) provides extensive research and tools to support arts advocacy at the state level.

Check out NASAA's interactive research website here: nasaa-arts.org/research/funding/

View the Ranking for State Arts Funding: nasaa-arts.org/nasaa_research/raise-your-ranking/

ARTS POLICY ISSUE BRIEFS

The following Arts Policy Issue Briefs were written by the Cultural Advocacy Group, a collaboration of arts and culture stakeholders working collectively to advance federal policy. These briefs are printable, can be distributed to elected officials, and provide talking points and data that may be useful when speaking to elected officials at all levels of government.

VISIT [OPERAAMERICA.ORG/KEYISSUES](https://operaamerica.org/keyissues) TO READ AND DOWNLOAD THEM.

National Endowment for the Arts

Institute of Museum and Library Services

Arts Education — Elementary and Secondary Education

Arts Education — Higher Education

Boosting the Creative Economy

Arts in Infrastructure: Public Transit, Infrastructure, and Digital Equity Projects

Artist Visa Policy

Tax Policy — Nonprofit Charitable Giving

Cultural Exchanges Through the U.S. Department of State

Tax Policy — Fairness for Artists

Arts in Health

Arts and the Military

Arts and Juvenile Justice

Arts Worker Supports

Arts and Rural Development

OPERA America's advocacy guides were developed in 2024 by Amy Fitterer, consultant, with support from The Music Man Foundation.

Most opera organizations believe they cannot prioritize the creation of a government affairs staff position. Generally, the CEO does the government affairs work, in addition to their already busy jobs. A more sustainable approach to government affairs needs to be implemented for advocacy to be treated as the core business function it is.

- **Join and participate in existing advocacy coalitions.** Every state and many cities and/or counties have an arts advocacy coalition. These groups already have access to timely advocacy information and connections to elected officials. Start to build your advocacy capacity by joining the groups that are already doing the work.

At the national level, OPERA America maintains a government affairs department that represents the field before the White House, Congress, and federal government agencies. OPERA America tracks federal legislation; participates in national policy coalitions; and conducts meetings on behalf of its members at federal agencies, Capitol Hill, and the White House. OPERA America also provides advocacy updates to the field through emails, social media, and presentations to keep the membership informed.

OPERA America needs its members to participate in the federal advocacy process by responding to Action Alerts, making calls to members of Congress, and stepping up when OPERA America asks for member participation. Make sure you receive OPERA America’s advocacy Action Alerts — read them, take action, and share them!

- **Include advocacy in the criteria when recruiting new board members.** Board members have the potential to be powerful advocates. They are volunteer community leaders who deeply believe in the organization’s mission. Board members bring a wealth of connections to their board service, and they can be powerful relationship-builders for the organizations. Seeking new board members with established relationships with public administrators and officials will greatly benefit an organization. Board members who join an organization’s leadership in meetings with elected officials will leave a lasting impact and make a difference.
- **Invite elected officials to serve on your board.** Elected public officials are allowed to serve on nonprofit boards. The officials can bring a wealth of knowledge and connections. Just be mindful of federal and state conflict of interest laws for government employees.
- **Establish a board advocacy committee.** At the most basic level, a board advocacy committee can help send letters to officials and forward Action Alerts. At a higher, more effective level, an advocacy committee can identify year-round advocacy goals that will ensure an organization remains primed and ready to respond to the ongoing shifts in government policies and regulations. See OPERA America’s Advocacy Guide on Nonprofit Boards and Advocacy for more information.

REIMAGINE THE TRADITIONAL GOVERNMENT AFFAIRS STAFF POSITION.

IDEA #1: Establish an advocacy staff cohort. Rather than creating a full-time position fulfilled by a single person, consider who in the organization is already building relationships as part of their work and bring them together in a cohort. Staff positions in development, education, community engagement, and special events are actively engaging with individuals in philanthropy, government, and education, among other sectors. These staff members may not think of their work through the lens of advocacy, but that is exactly what they are doing. They are helping to build authentic relationships and deepen understanding of the organization and its impact. By spreading the government relations activities, no one staff person carries all the vital relationships for an organization. The staff advocacy cohort can divide up the government affairs responsibilities, which may include:

- Inviting elected officials to all events (development);
- Participating in local, state, and federal arts advocacy coalitions on behalf of the organization (various cohort members depending on who is available);
- Forwarding Action Alerts and advocacy updates throughout their organization (community engagement and education);
- Keeping track of legislators and their key staff to expedite the sending of invitations and meeting requests (development); and
- Participating in the board advocacy committee (various cohort members depending on who is available); and Attending in-person meetings with elected officials (CEO and/or member of advocacy cohort).

IDEA #2: Share a government affairs position with another organization. Every performing arts organization in a city does not need its own government affairs staff person. Instead, consider hiring for one position that works for two organizations. The staff member would be on one organization's payroll, and the other organizations would be billed for part of the staff person's salary and overhead. The shared government affairs position would:

- Track legislation at the local, state, and federal levels;
- Maintain relationships with policymakers and their staffs;
- Participate in local, state, and federal arts advocacy coalitions;
- Disseminate Action Alerts and send advocacy updates to the organizations; and
- Participate and support the board's advocacy committee.

OPERA America's advocacy guides were developed in 2024 by Amy Fitterer, consultant, with support from The Music Man Foundation.

Performing arts organizations may participate in the election space as long as the activities are bipartisan and focus on impartial dissemination of information and voter education.

HOW TO GET OUT THE VOTE (GOTV)!

- Develop consistent GOTV messaging that you can use across all communication channels.
- Have staff include the GOTV message in their emails and share GOTV messages on social media.
- Use the link to vote411.org for important access to voter information and registration.
- Disseminate bipartisan voter guides that cover a broad range of issues.
- Offer space in your building for voter registration events.
- Provide rides to and from polling places. (Never seek to influence how someone votes, however.)
- Organize study groups to hold a balanced review of the ballot measures.
- Remind your board members and staff that as individuals they can participate in political campaigns. When possible, they should state that their political opinions are their own and not that of any organization.

WORRIED ABOUT MISSTEPPING IN THE ELECTION SPACE? HERE IS THE IRS GUIDANCE

Voter guides: Whatever its form, a voter guide must cover a broad range of issues and must refrain from judging the candidates or their positions.

Voting records: A charity that publishes an annual compilation of the voting records of members of Congress on major legislative issues that cover a wide range of subjects is not engaged in political campaign intervention — if the publication contains no editorial opinion and its contents and structure do not imply approval or disapproval of any member or their voting record. However, an organization that publishes a compilation of incumbents’ voting records on selective issues and distributes it widely during an election campaign may have engaged in political campaign intervention, even if the guide contains no statements that support or oppose any candidate.

Candidate questionnaires: To avert the charge of political campaign intervention, a charity should take care in how it phrases the questions so as not to suggest a preferred answer. It should: 1) Send the questionnaire to all candidates for a particular office; 2) Publish all the responses it receives without substantive editing; 3) Avoid comparing those responses to its own positions

Non-candidate appearances are permissible as long as: 1) The charity maintains a nonpartisan atmosphere at the event; 2) None of its representatives mentions the campaign or the invitee’s candidacy; and 3) No campaign activity occurs during the candidate’s appearance.

Candidate appearances: A charity that invites one candidate to speak in the role of candidate is engaging in political campaign intervention unless it gives all qualified candidates an equal opportunity to speak.

Candidate forums: One solution is to have all the candidates appear together on the same stage and answer questions posed by a moderator or by members of the audience. A candidate forum gives its audience a unique opportunity to evaluate and compare the candidates.

Electioneering by charity officials (directors, officers, and even staff): Officials acting in a private capacity may mention their association or position with the charity for the purpose of identifying themselves, but they should disclaim any endorsement of their actions by the charity.

**Source: "IRS Political Campaigns and Charities: The Ban on Political Campaign Intervention."
stayexempt.irs.gov/home/existing-organizations/political-campaigns-and-charities**

OPERA America's advocacy guides were developed in 2024 by Amy Fitterer, consultant, with support from The Music Man Foundation.

The OPERA America Advocacy Guides were designed to address the best practices, needs, and challenges related to government relations. Numerous resources were reviewed, referenced, and quoted as part of this project. For more information — and inspiration — take a look at the following list, which is just a highlight of resources reviewed in this project.

AMERICAN CIVIL LIBERTIES UNION: WRITING YOUR ELECTED REPRESENTATIVES

aclu.org/writing-your-elected-representatives

AMERICAN LIBRARY ASSOCIATION: PUBLIC POLICY

ala.org/advocacy/advocacy-public-policy

BOARDSOURCE

boardsource.org/

BOARDSOURCE: TEN BASIC RESPONSIBILITIES OF NONPROFIT BOARDS

boardsource.org/product/ten-basic-responsibilities-nonprofit-boards/

CATHOLIC RELIEF SERVICES: ACTION CENTER

crs.org/get-involved/campaigns/action-center

COUNCIL OF NONPROFITS: FEDERAL LAW PROTECTS NONPROFIT ADVOCACY & LOBBYING

councilofnonprofits.org/federal-law-protects-nonprofit-advocacy-lobbying

COUNCIL OF NONPROFITS: TAKING THE 501(H) ELECTION

councilofnonprofits.org/everyday-advocacy/taking-501h-election

COUNCIL ON FOUNDATIONS: ADVOCACY TOOLKIT

cof.org/advocacy/advocacy-toolkit

GRANTMAKERS IN THE ARTS: PUBLIC FUNDING FOR THE ARTS 2022

acrobat.adobe.com/id/urn:aaid:sc:VA6C2:32464f5d-9d43-480c-848d-7e3514e10d02

INTERNAL REVENUE SERVICE (IRS): EXEMPT ORGANIZATIONS TECHNICAL GUIDE; TG 3-1 OVERVIEW, APPLICATIONS, EXEMPTION REQUIREMENTS — IRS SECTION 501(C)(3)

irs.gov/pub/irs-pdf/p5859.pdf

INTERNAL REVENUE SERVICE (IRS): POLITICAL CAMPAIGNS AND CHARITIES; THE BAN ON POLITICAL CAMPAIGN INTERVENTION COURSE

stayexempt.irs.gov/se/files/downloads/PoliticalCampaigns_Print.pdf

LEAGUE OF AMERICAN ORCHESTRAS: ADVOCATE

americanorchestras.org/learn/advocate/

MCKINSEY & COMPANY: ORGANIZING THE GOVERNMENT AFFAIRS FUNCTION FOR IMPACT

mckinsey.com/capabilities/strategy-and-corporate-finance/our-insights/organizing-the-government-affairs-function-for-impact

NATIONAL ASSEMBLY OF STATE ARTS AGENCIES: ADVOCACY TOOLS

nasaa-arts.org/advocacy/#advocacy_tools_container

NATIONAL ASSEMBLY OF STATE ARTS AGENCIES: ARTS AND CREATIVITY STRENGTHEN OUR NATION; A NARRATIVE AND MESSAGE GUIDE FOR ADVOCATES

nasaa-arts.org/nasaa_advocacy/arts-and-creativity-strengthen-our-nation-a-narrative-and-message-guide/

NATIONAL ENDOWMENT FOR THE ARTS: 1965–2000; A BRIEF CHRONOLOGY OF SUPPORT FOR THE ARTS

acrobat.adobe.com/id/urn:aaid:sc:VA6C2:279e4097-486f-42a7-8692-a848545a42e6

NATIONAL VOLUNTEER FIRE COUNCIL: GUIDE TO COMMUNICATING WITH ELECTED OFFICIALS

nvfc.org/wp-content/uploads/2015/10/ElectedGuide.pdf

PERFORMING ARTS ALLIANCE: ARTS ADVOCACY BASICS

theperformingartsalliance.org/tool-kit/advocacy-basics

STAND FOR YOUR MISSION

standforyourmission.org/

THEATRE COMMUNICATIONS GROUP: ADVOCACY

tcg.org/Web/Web/Our-Work/Advocacy/Advocacy.aspx?hkey=55281f32-03fb-4be9-9ef7-ef017b393aef

UNICEF: ADVOCACY TOOLKIT

acrobat.adobe.com/id/urn:aaid:sc:VA6C2:235e924f-af24-44a4-9551-c2332a4849a4

VENABLE LLP: GRASSROOTS LOBBYING; A LEGAL PRIMER

venable.com/-/media/files/publications/2011/07/grassroots-lobbying-a-legal-primer/files/grassroots-lobbying-a-legal-primer/fileattachment/govt_political_law_grassroots_primer_summer_2011.pdf

WESTAF: REGIONAL PARTNER HANDBOOK

<https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:abca7cd8-f40b-4de2-8283-c0e66ba918ae>

OPERA America's advocacy guides were developed in 2024 by Amy Fitterer, consultant, with support from The Music Man Foundation.