

# Why Lobbying & Electoral Activities are NOT Permissible for Private Foundations (But Advocacy is!)

Lauren A. Koster, Principal Attorney

*April 26, 2024*

*Licensed in Massachusetts & Connecticut*

# Webinar Series

---

- Part 1: Permissible Activities in an Election Year for 501(c)(3) Public Charities
- Part 2: Lobbying and the 501(h) Election for Public Charities
- Part 3: Why Lobbying & Electoral Activities are NOT Permissible for Private Foundations (but Advocacy is!) (Friday, April 26th, 2:00 p.m.)





# Today's Conversation

- Impermissible activities
- Lobbying vs. public policy and advocacy activities
- Important safeguards with grantees

# Reminder: NEVER ALLOWED



---

Campaign intervention

---

Directing votes / call to action

---

Endorsements (for or against)

---

Campaign contributions or expenditures

---

**Lobbying is NOT  
allowed for private  
foundations!**

---

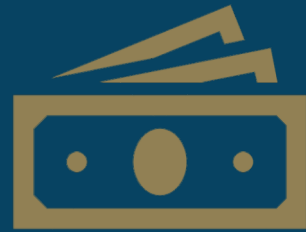
# Allowed!

---

- General issue education
- Policy change advocacy activities
  
- Do NOT reference specific legislation!



# Working with grantees



## Expenditure responsibility

Pre-grant inquiry

Grant agreement

Final reporting requirements



## Nonpartisan framing

## Coordination and collaboration

### ALLOWED

- Share plans
- Know what others are doing (including lobbying)
- Mobilize

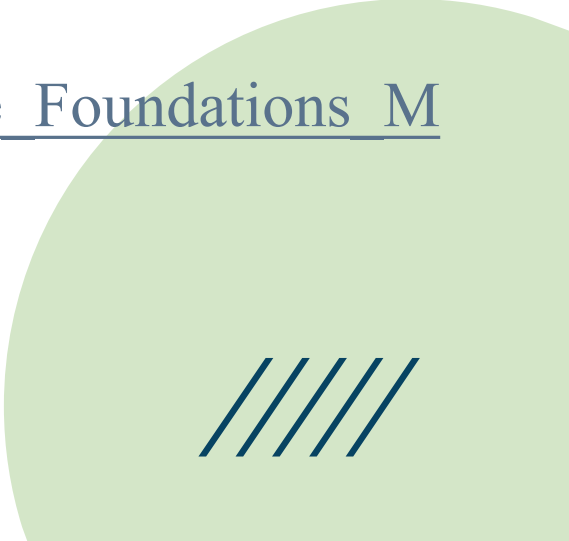
### NOT ALLOWED

- Make decisions about funding or activities based on others' lobbying activities
- Aiding lobbying strategies





## References

- *How to Lose Your 501(c)(3) Tax-Exempt Status (Without Really Trying)*, IRS, <https://www.irs.gov/pub/irs-tege/How%20to%20Lose%20Your%20Tax%20Exempt%20Status.pdf>
  - *Lobbying Defined for Private Foundations*, Bolder Advocacy, [https://bolderadvocacy.org/wp-content/uploads/2012/05/Lobbying\\_Defined\\_for\\_Private\\_Foundations.pdf](https://bolderadvocacy.org/wp-content/uploads/2012/05/Lobbying_Defined_for_Private_Foundations.pdf)
  - *Private Foundations May Advocate*, Bolder Advocacy, [https://afj.org/wp-content/uploads/2018/06/Private\\_Foundations\\_May\\_Advocate.pdf](https://afj.org/wp-content/uploads/2018/06/Private_Foundations_May_Advocate.pdf)
- 



# Webinar Series

- ~~Part 1: Permissible Activities in an Election Year for 501(c)(3) Public Charities~~
- ~~Part 2: Lobbying and the 501(h) Election for Public Charities (Friday, April 5th, 2:00 p.m.)~~
- ~~Part 3: Why Lobbying & Electoral Activities are NOT Permissible for Private Foundations (but Advocacy is!) (Friday, April 26th, 2:00 p.m.)~~



# Thank you! Questions?

---

- **Website:**  
<https://nonprofitscounsel.com>
- **Main phone:** (617) 249-4212
- **Email:**  
[lkoster@nonprofitscounsel.com](mailto:lkoster@nonprofitscounsel.com)

