



Lobbying exceptions

Activities that do *not* count as lobbying

1. **Self-defense:** communication on any legislation that would affect an organization's existence, powers and duties, tax-exempt status, or deductibility of contributions
2. **Government-requested technical assistance:** providing technical advice to government in response to a written communication
3. **Non-partisan analysis, study or research or a substantive report that fully discusses the pros and cons of a legislative proposal** (with 501(h) election): studying community problems and potential solutions is considered non-partisan if it is "an independent and objective exposition of a particular subject matter...(which) may advocate a particular position or viewpoint so long as there is a sufficiently full and fair exposition of pertinent facts to enable the public or an individual to form an independent opinion or conclusion."
4. **Examinations and discussions of broad social, economic and similar problems:** communicating with your members on legislation that is of direct interest to them, so long as the discussion does not address the merits of a specific legislative proposal and makes no call for action
5. **Communications with your members if not encouraging them to influence legislation.** Note that this exclusion will apply so long as a majority of the communication's recipients are members.

Be careful about the “subsequent use rule” in grassroots lobbying. The rule states that “the cost of creating the original material will not be treated as a lobbying expenditure if the 501(c)(3) can show that lobbying was not the primary purpose for which it was created. One certain way to demonstrate this is for the 501(c)(3) to make a "substantial" non-lobbying distribution of the material. Also under the subsequent use rule, the cost of materials produced at least six months before their use in grass roots lobbying will not be considered a lobbying expenditure.” See <http://www.afj.org/assets/resources/publications/eadvocacy.pdf>.