

Lobbying vs. Non-Lobbying Checklist

The following questions may help you determine whether your efforts might be considered lobbying under the IRS rules. Lobbying activities may not be paid for using 21st Century Community Learning Center (21CCLC) funds; instead, your organization or school district must use separate, unrestricted funding. Plan strategically in advance and consult your lawyer, to use your non-lobbying funds as strategically as possible. And keep in mind that Wisconsin state lobbying rules may differ from these IRS definitions.

In general, the IRS lobbying rules apply to communications with members of Congress, state legislators, city council members, and their staff. In some cases, communications with executive branch officials or staff, or with the general public, will be considered lobbying too.

- Will you be communicating directly with a legislator or staffer—or with executive branch officials or staff involved in formulating legislation? Exception: Communicating with school boards and zoning boards does not qualify as lobbying.
- If so, will your communications reflect a point of view on specific legislation, bill, or policy that is pending in the legislature, such as the following?
 - Bills or ballot measures that have been introduced.
 - Specific legislative proposals not yet introduced (e.g., “Wisconsin should adopt Pennsylvania’s law for out-of-school time, etc.”).
 - Budget bills.

Think strategically: If you are not discussing legislation, your communications with public officials or their staff are not lobbying. One example: telling a legislator that you want to promote healthy lifestyles in the community is not a form of lobbying because you are not discussing specific legislation. However, it is lobbying if you tell a legislator that a proposed bill on out-of-school time standards should be improved, because that does reflect a view on a specific bill.

- If related to legislation or to a specific proposal for legislation, will your communications to the general public include a call-to-action, such as the following?
 - Asking the public to contact a legislator.
 - Identifying the audience’s legislative representative.
 - Providing contact information for a legislator.
 - Providing a vehicle for contacting the legislator (e.g., form, email, petition).
 - Identifying a legislator as being neutral on the bill, or as being opposed to your organization’s position.
 - Identifying a legislator’s position on the legislation or identifying the legislator as sitting on the voting committee.

Think strategically: If communications to the general public do not include a call-to-action, they are not lobbying—unless the legislation discussed is a ballot measure. For example, you may simply want to educate the public about a pending bill, without encouraging people to contact their legislators. Your public communications may even encourage people to tell their friends and neighbors to support a bill, as long as you do not include one of the forms of a “call-to-action” listed above.

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