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Advocating via Education and Collaboration for Consistency, Not Change

Advocacy is the art of advancing policy priorities through the appropriate policymakers in the appropriate forum using the appropriate tools in the advocacy toolbox. Certainly, competition between opposing sides on an issue (for example, being for or against a specific piece of legislation) is one tool in certain situations. But advocacy does not necessarily mean adversarial. Other situations may call for use of different powerful tools, such as collaboration and community engagement. Or, for those who want to stick with the competition framework, draw the lines defining the opposing sides in a way that, instead of seeing government as the opposition, recognizes that government officials can be allies in advancing the public good.

Also, the good to be advanced doesn't always have to be about seeking change. An oft-overlooked form of advocacy is simply keeping policymakers, officials, and the media updated about what's happening in the regulated community so they can make informed tweaks or adjustments to improve policies and practices instead of making wholesale, disruptive changes.

That's what happened with some advocacy by and for nonprofits last week. The National Association of State Charity Officials (NASCO), the state-level regulators of nonprofits operating in their states, invited the National Council of Nonprofits to deliver the opening keynote address at NASCO's annual Charities Conference, co-hosted by the National Association of Attorneys General.

Rather than assume that we had all the answers in D.C., we reached out to our network of state associations of nonprofits to see if there are widespread concerns or messages to convey to the state charities regulators. Based on their responses, we calibrated our remarks not as adversaries seeking large-scale change, but as colleagues with whom to express thanks, share information, and call for more collaboration.

How can nonprofits possibly be "colleagues" with state charities regulators? Easily. Nonprofits and their regulators jointly recognize that bad actors masquerading as charitable nonprofits hurt all charitable nonprofits. Scam artists preying on the public's trust in nonprofits tarnish the good name of all nonprofits. Fraudsters diverting donations away from charitable organizations take money that should have been used to further legitimate missions helping people and communities. By relaying the thanks from many of our state associations of nonprofits for the regulators' efforts to keep bad actors, scam artists, and fraudsters away from the charitable sector, we reminded NASCO members that our interests in protecting the public and charitable nonprofits are tightly aligned.

Because charity regulators enforcing laws tend to see a disproportionate share of bad actors pretending to be nonprofits compared to the good being achieved by the field at large, there's always a concern that some regulators might view the sector with a jaded or suspicious eye. So, we used our time to remind regulators of the public good they were protecting as the vast majority of charitable nonprofits work their missions for all the right reasons under extraordinarily challenging circumstances.

In this way, we were advocating via education, simply sharing updates about what's happening to charitable nonprofits. We drew regulators' attention to the nationwide [nonprofit workforce shortage crisis](#) and the great stress it places on nonprofits. We identified many of the negative forces creating the crisis. Importantly, we emphasized this issue isn't just about nonprofits – it's about the resulting harm to the public.

We also reminded regulators that 97% of charitable nonprofits have revenue under \$5 million, 92% have less than \$1 million, and 88% have less than \$500,000. People working for these small and midsized nonprofits, embedded in their local communities, are *eager* to comply with legal requirements because they know their personal as well as organizational reputations are on the line. Yet these smaller organizations don't have in-house attorneys or accountants to deal with complexified regulatory regimes, which is something for regulators to keep in mind.

We also highlighted the need to abandon the long disproven yet still too often used overhead myth, pointing out some of the false assumptions at play with outdated notions about percentage ratios that mislead people.

We concluded our time by emphasizing a common message from the state associations of nonprofits: their desire to collaborate more with NASCO members to provide guidance to nonprofits on how best to comply with various requirements.

That already occurs in many states. A small sampling includes:

- For **CalNonprofits**, promoting compliance and avoiding confusion has been the hallmark of their work with the state Attorney General's Office. Indeed, the state association of nonprofits has worked closely with the office on developing regulatory actions in recent years, ranging from online fundraising platform regulation, overcoming delinquent forms problems, monitoring donor-advised funds, and more.
- Similarly, the **Florida Nonprofit Alliance** (FNA) works in close partnership to achieve results. For instance, the state association and charities officials leverage FNA's newsletter to share filing deadlines and any changes due to storms/hurricanes. Regulators have consulted with the association on revisions and the substance of new forms under consideration. Further, charities officials in Florida have circulated FNA surveys to promote more robust responses and data that benefit the sector and public understanding. Much of these interactions result from quarterly meetings in which nonprofits and their regulators meet to discuss needs, concerns, and opportunities.
- The **Nonprofit Association of the Midlands** reports working well with the Nebraska Attorney General's Office, which provides solid regulatory guidance, along with regular compliance training.

When NASCO members and state associations of nonprofits work together, it's not a sign of weakness by either side capitulating or going easy on the other. Rather, it's a

sign of strength of mutual respect and joint recognition of the shared goal of protecting the public and public charities against bad actors bent on personal gain. We are all stronger working together as champions for the public good.