

**WHERE THERE'S A WILL:
A DOZEN WAYS FOUNDATIONS CAN LEGALLY SUPPORT 501(C)(4)'S WORK**

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1. Make unrestricted **general support grants** to activist 501(c)(3) public charities; do not prohibit regranting, and do not prohibit use of grant funds for lobbying. Your grantee will be able to use your grant funds to make grants to a 501(c)(4) to lobby, or hire a 501(c)(4) to conduct lobbying or charitable activities for public charity, with no risk of any lobbying being attributed to you. (This is especially helpful to grantee public charities that have a 501(c)(4) affiliate!)
2. Stay in the room and **listen to 501(c)(4) organizations** discussing their approaches and strategies on issues you care about; then use what you learn to deepen your understanding of the issues and interests at stake and know who the players are, and so increase the impact of your grantmaking. You cannot cross the line into lobbying just by listening and learning; knowledge is power.
3. Encourage your **public charity grantees to do as much lobbying as they can** without any need to involve a 501(c)(4) for that work. Whether they make the 501(h) election or remain under the no-substantial-part test for lobbying, public charities can lobby, but to take maximum advantage of those rules, grantees need to understand the rules, and be able to track and report their lobbying activities properly. Support them to set up the systems, educate staff, and get legal advice as needed. (They can also use general support funding for these purposes, see #1 above.)
4. **Use your voice.** Even as a private foundation subject to a lobbying prohibition, you can use lobbying exceptions to engage directly with policymakers and the legislative process. Key exceptions for private foundations are:
 - lobbying government officials about projects you're jointly funding with government;
 - providing technical assistance when requested by legislatures or government agencies, including advising them on legislative proposals; and
 - educating legislators on your views on pending legislation through presenting nonpartisan research and analysis.

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5. If a 501(c)(3) public charity grantee is already doing all the lobbying it can, support them taking the next steps by making **capacity-building grants** (general support grants work too, see #1 above) to:
 - learn about how 501(c)(3)s and 501(c)(4)s work together;
 - get legal advice on how they can safely engage with 501(c)(4)s in specific situations; or even
 - explore the establishment of a 501(c)(4) affiliate of the charity to do more lobbying.
6. Make **expenditure responsibility grants** to 501(c)(4)s to support specific (non-lobbying) charitable educational outreach activities — such as nonpartisan voter education or get-out-the-vote efforts. In the process of conducting charitable activities to fulfill grant purposes, the 501(c)(4) will acquire skills, knowledge, organizational capacity, and lists that they can continue to use after the charitable project is complete.
7. In expenditure responsibility grants to 501(c)(4)s, include a **budget for a reasonable share of overhead** associated with the charitable work being funded — it will free up the 501(c)(4) from having to spend time and effort fundraising non-deductible dollars to cover overhead costs.
8. Fund research and publication by individuals or charities to **create the intellectual capital** 501(c)(4)s need to underpin their advocacy work — understanding problems and exploring root causes, proposing or examining responses and solutions. In many cases, research can include public opinion polling with an educational purpose.
9. Hire or fund 501(c)(4)s (or charities) with appropriate expertise to research and draft reports on administrative or legislative solutions to problems in a manner that qualifies for the **nonpartisan analysis, study, and research exception to lobbying**. The report might even include model legislation!
10. **Consult 501(c)(4)s** with expertise to let you know where your charitable dollars can do the most good for their causes. You can even **hire a 501(c)(4)** to advise on your charitable grantmaking. (See #2 above on listening to 501(c)(4)s.)
11. **Convene 501(c)(4)s and public charities** to meet and learn from each other around a public policy issue, share perspectives and approaches, what works and what doesn't, in an educational/training format, to advance the field. **Publish conference papers** from the convenings and make session recordings available as a continuing resource. (See #8 above on creating intellectual capital.)
12. Does your foundation's founder have non-charitable funding priorities, in addition to being a generous philanthropist? Let your founder know that other **private foundations have their own 501(c)(4) affiliates** to house those activities. The affiliate can share resources with the private foundation, including employees, facilitating efficiency and coordination of activities between the founder's charitable and social welfare goals.