Leading Tactics for
Rural Fund Development

FOCUS A

Understanding and Leveraging Endowment in and for Your Community

TACTIC 4

Use public and private policy to grow endowment

What is it?

Policies of all kinds, public and private, are all around us and govern our activities more than we might realize. The laws of the federal government and your state and locality, the standard practices of your employers, and other policies can make a big difference in discouraging or encouraging charitable giving.

The best known of these government policies allows taxpayers to take a deduction for charitable contributions on their federal income tax, which has the effect of making gifts to your foundation much less expensive to most donors. One helpful private policy is when employers match their employees' contributions to nonprofit organizations, which can double the impact of any worker's gift to your endowment.

It is possible to help encourage and devise public and private policies that establish incentives to give and to build endowments. For rural areas, creating and promoting public and private incentives of this type is quite important because these policies tend to encourage giving from people at every income level—and rural community endowments thrive when everyone in the community gets in on the giving act. Moreover, some policies can help keep dollars in your place that might go elsewhere, or even leverage some funds in from beyond your borders.

How does it *really* work?

The wonderful thing about using policy to help you build endowment is that one small change in a government rule or some business or organizational behavior can produce a great amount of endowment, penny by penny or dollar by dollar, over time. Thus, it's well worth tracking and creatively helping to shape policies that will promote giving and build your rural community endowments. Such policies tend to fall into two main categories.

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- **Policies that encourage *people* and *businesses* to give to your community endowment.**

  - **Charitable tax deductions and tax credits.** Most people know about and understand the charitable deduction that federal income tax law allows. To receive this deduction, you must calculate your giving to nonprofit organizations, itemize it on Schedule A, and attach it to Form 1040. The exact value of the federal benefit varies depending on each specific donor's tax rate. For example, the highest federal income tax rate for 2005 tax filers was 35%. If a donor in this tax bracket gives your foundation $1,000, it would only cost him or her $650—that is, the remaining 65% of $1,000—because the tax savings would make up the rest.

    Echoing the federal government, some states and localities that collect income tax also allow tax deductions for charitable giving, while others do not. A few states and localities offer a tax credit, rather than a tax deduction for a charitable gift. With a tax credit, you subtract your allowed charitable contribution directly from the amount of the tax you are required to pay, rather than reducing the income upon which the tax is paid. This makes a tax credit even more valuable, because the donor saves the entire amount of the credit, rather than just a percentage of the gift.

At least 20 states offer special tax deductions or credits for gifts made to nonprofit or philanthropic organizations. In the last 10 years, a few states—like Montana and Nebraska—have created tax incentives for outright gifts and planned gifts to in-state endowments—which is a terrific boon to community foundations and funds. These states consider endowed funds more worthy of a tax incentive because they represent a permanent, lasting investment in the state that will keep on growing and giving.

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- **Tax form or utility bill check-off.** Some states and localities have established a "check-off" on their income tax forms to support specific philanthropic causes or activities. In this case, the state or locality sets the amount of the check-off (typically, $1 to $5) and the taxpayer gets to choose whether or not to give, by placing a checkmark in the designated box on the tax form. Taxpayers who choose the check-off either have their refund reduced or the taxes they owe increased by this amount. One example is the "Chickadee Check-off," that some states use to promote dollar donations to environmental causes. In some places, local utilities—phone, gas, water or electric companies—have a similar check-off option on the monthly or quarterly bill they send to customers. Some start-up community funds in Eastern Europe—where endowment is a brand new concept—have been successful with utility bill check-off.

Your rural foundation or fund might benefit in one of several ways from this type of check-off. If the check-off is designated specifically to your fund in a local jurisdiction, you might get it all. If a statewide check-off is devoted to community foundations or local endowments and then redistributed across the state, you could get your fair share. Or if the check-off is designated for a cause—like youth services or education or environmental quality—and its proceeds are passed through to nonprofits working on that issue in your area, it might benefit you if they house their organization endowments with you. These are only a few scenarios!

- **Employer matching funds.** Some employers, typically larger firms, will match—at some ratio—charitable gifts that their employees make to nonprofit causes and organizations. Some businesses create a list of nonprofits for which they will match employee contributions; others will match an employee gift to any nonprofit. If any matching employers already exist in your area, you want to be sure you get on their accepted list of organizations. If not, you might want to approach local employers to see if they will consider it. Employees appreciate working for a firm that cares about their concerns, so if a company does *any* giving, they can gain extra good-will points with their workers if they give in this way.

- **Payroll deduction.** Unlike urban and metro areas, many rural communities do not have a United Way or community chest organization that collects charitable contributions from workers using payroll deduction. In these communities, you can encourage businesses to set up a payroll deduction plan for employees who want to help build your community endowment. If you have a community foundation that is holding several endowment funds for particular organizations or issues in your region, you could even have employees designate which fund they want their payroll deduction to build—which is much in keeping with the United Way model, but in this case building *endowment!* Even if you have a United Way, you can get your name on the list of United Way charities that workers can designate for their gift.

Policies that route funds *directly* to your community endowment

- **"Sin taxes."** Alcohol, cigarettes, gambling—many jurisdictions tack on excise taxes to these products or activities and then designate the proceeds to positive purposes, thus making the sins slightly more palatable. For example, in Minnesota, the state legislature established a Natural Resources Trust Fund using a two-cent tax on cigarettes, and later added to it from Oil Overcharge funds and lottery proceeds. Setting a very small excise tax or fee—or making an argument that existing fees or taxes should be partially routed to community endowment—offers a slow and steady way to grow community endowment.

Play to pay for community endowment
You wanna make a bet?

Miltona, Minnesota has a community fund established as an affiliate fund of West Central Initiative, which is a regional community foundation serving a multi-county rural region of the state. The volunteer firemen in Miltona, Minnesota, run a charitable gambling operation at the town's bar. State law requires them to donate 85% of their profits to charity every year. This means they are never able to accumulate enough money with the 15% they can keep to buy the big things the community needs, like new firetrucks.

To get around this, they give a sizeable portion of the 85% portion of their profits to the Miltona Community Fund each year. Some is invested to build the Fund's endowment and some is kept in a "current account" to increase the amount of grantmaking the Community Fund can afford to do each year. As a result of these contributions, the Community Fund has been able to grow its endowment and pay for many important things the community needs—including new firetrucks!

- **State lottery programs.** While most state gaming and lottery proceeds go to fund government programs, in some places charitable causes may also benefit. For instance, Minnesota initially used its lottery proceeds to support environmental and rural development programs. Many other states use lottery profit to support economic development or education. Why not endowment—which is an investment that keeps on giving?

- **Charitable gambling.** Some state laws allow charitable organizations to run gaming sites that may offer everything from bingo to pull-tabs to blackjack. The proceeds of these sites can offer a pretty surefire way to build up an affiliate or community fund. *(See above: "Play to pay for community endowment: You wanna make a bet?").*

- **State appropriations or matches.** A few states—Ohio and South Dakota, for example—have actually committed state funds to start regional/rural community foundations. In a new twist, the state of Iowa recently created an endowment challenge fund that will match new rural community endowments that affiliate with existing Iowa community foundations.

- **Court settlements, plant closings, hospital conversions.** Major court cases involving environmental or social harm to regions can produce financial settlements that must be devoted to the benefit of a community or region. Likewise, large companies closing rural plants sometimes "leave a little bit" for the community when *they* leave. Sometimes, hospitals transform from nonprofit to for-profit status through sale to a health care consortium, and the sale produces a profit that must be left to the "community" in some way. Typically, the funds from such court settlements, corporate "goodbye gifts" or hospital conversions must be held by local institutions, and community fund endowments are an attractive—and relatively non-controversial—option. But often the court or business may not know about your foundation or fund, so you must make connections to present yourself as that option.

- **Voluntary communitywide add-ons.** Another informal policy that could build rural community endowments would be to encourage local organizations to "share the wealth" by assigning a small amount of the ticket price to their events toward building the community endowment. Imagine if the high school football games, the county fair and the annual holiday pageant all added just 10 cents to their ticket price—or maybe 50 cents—all of which goes to the community endowment! A rural community foundation or fund with a diverse board representing the entire community could help promote this idea as "the way we do things here" to ensure that we are "giving to our community's future." This is a slow but sure policy for building endowment over time.

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Building helpful capacities

All the policy examples above might be possible for you, and some might not. Keep in mind, though, that one policy change can produce a great deal for your rural endowment! So, if you want to work on this tactic, here are some steps that might help.

- **Form a task team.** Pull together a group of interested people—even just two board members or volunteers can get you started—to help you work on a current inventory of policy and policy change ideas.

- **Scan for existing policies.** Give yourself some homework: Check out how any current policy promotes giving to your community endowment or other charitable and nonprofit causes. Assign one or two people to look at state and local government policies, a few to scan business incentives for employee giving, and a few to look at other possibilities, like court cases and informal community policies that encourage giving. Create a checklist or current inventory about what is out there. *(See page 8: "Our policy priority inventory: What public and private policies encourage giving to our community endowment?")*

- **Set a few policy-change priorities.** Now that you have a list of what exists, what would you most like to change? Use your checklist as a discussion tool to determine what one or two policy innovations you would like to advocate. Take these as a recommendation to your board and use their valuable feedback to settle on one or two priorities. There are many ways you can start, so pick one or two that you think you can accomplish with some ease. For example, it may be easier to start by convincing a local business to set up a payroll deduction option for charitable contributions, or to convince the county to add a few cents to the county fair ticket price, than it will be to change state tax law! Early successes will build confidence, and make it easier to take on bigger things.

- **Develop an action plan for each policy change priority.** Once you know what you want to do, make a plan to do it! Likely it will involve developing ideas on paper, possibly some research and analysis, meetings with business or government officials, letter writing, calls to others to elicit more support, and perhaps even a ballot initiative campaign. When you set a plan, try to start with

Our policy priority inventory

What policies encourage giving to our community endowment?

Your task team or board can build this inventory—or adapt it to create one of your own—to catalogue what existing public and private policies are helping you grow community endowment, to brainstorm what you might change, and to set some priorities.

Policy type	What policies exist now?	What policy change might we suggest?	How much effort would we need to advocate for this change? low/medium/high
Policies that encourage PEOPLE or BUSINESSES to give to our community endowment			
Federal charitable tax deductions, tax credits or check offs			
State charitable tax deductions, tax credits or check offs			
Local charitable tax deductions, tax credits or check offs			
Utility bill check offs			
Employer matching funds			
Payroll deductions			

Policies that route funds DIRECTLY to our community endowment			
"Sin taxes"			
State (or other) lottery programs			
Charitable gambling			
State appropriations/ matches			

listing all the specific tasks you want to do for just one or two months, and then meet again to make your next plan.

- **Build a good coalition.** Developing and changing policy is one area where no one can go it alone! This is especially important if you are taking on state or federal policy. More voices at the table will increase your chances of success. Pull in as many people as you can find who may be interested in or benefit from your proposed policy change. Some examples of possible coalition partners include:
    - **Business leaders.** Policymakers pay attention to business leaders because they create a lot of jobs for people, pay a lot of taxes—and, in the case of elected officials, make campaign contributions. Your board and the boards of the nonprofits you work with may include many business leaders who will see the benefits of your policy idea. Remember that business leaders can have a big impact when they set their own internal policies—like establishing matching gift programs or allowing workplace-giving programs. When they've done it themselves, it makes them even better advocates to others!
    - **Elected and appointed officials.** Think beyond the immediate level of government whose policy you want to influence. Remember that local elected leaders and state policymakers have relationships with each other that you

might use to support your policy goals. Look beyond the usual suspects—your idea may be a natural for support from one political party, but look also for people who have contacts with the other party so you can build bipartisan support. You are more likely to succeed if everyone supports you!

- **Your nonprofit allies.** Any nonprofit that might benefit from charitable giving can be your ally in approaching businesses and public officials about building policy to support charitable giving. Oftentimes, these leaders have never worked outside their immediate field to promote issues that can benefit all charities. They may value the chance to get involved in something bigger.

- **Community leaders.** Sometimes we think community leaders are those who head up the biggest businesses or who have the most money. There are other types of community leaders, with no formal position, who have large impact on community affairs—for example, the coffee shop waitress, the post office counter staff, a beloved school teacher. Use your taskforce to brainstorm about people who influence community opinion, and try to pull these people into your coalition. Younger people who are emerging leaders may help you influence their generation, and involving them early on can help build their knowledge of and commitment to philanthropy—and to your community.

- **Churches.** In some small, unincorporated rural communities, the churches may be the only nonprofit organizations, and clergy are often important opinion leaders. If there is a ministerial association, it may give you ready access to some or all of your community's clergy. Remember that not all churches will belong, and there may be several ministerial associations in an area (for instance, evangelical churches and older "mainline" denominations may have different associations).

- **Schools.** In rural communities, the school is sometimes the center of community pride and support. It is what holds the community together. Again, when you think of the school, be sure to include students as well as teachers and administrators.

- **Working people.** Do not overlook just "regular folk" who care about the community and will commit to giving—or giving more—if the policy changes.

> **Building a reputation for political neutrality may be one of your most important long-term considerations. You can't afford to alienate potential donors by becoming aligned too closely with one party's views.**

- **Keep your ear to the ground.** Elected officials and their staff can help keep you informed of programs or new legislation that will affect your work. Nonprofit leaders often belong to associations made up of organizations doing similar work that can be good sources of information about possible legislation or policy changes. Learn about innovative things being done by businesses to use as examples for other companies in your community.

- **Build a reputation for political neutrality.** This may be the most important long-term consideration for a community foundation or fund because donors come with all kinds of political stripes, and you can't afford to alienate them by becoming aligned too closely with one party's views. If you invite a Republican official to serve on your task force, invite a Democrat too. Strive to be scrupulously fair in your treatment of all parties and develop a reputation for truly listening to all viewpoints. Learn about the issues and the worldview that are important to each side, and build complementary arguments that will appeal to each. Your perceived neutrality is as important an asset to your foundation as your endowment!

The usual—and unusual—suspects

- **Anyone and everyone!** Depending on the public or private policy, this tactic can encourage gifts from just about anyone! High-wealth donors may be more willing to give due to tax-policy changes. Businesses may give more when they adopt a matching-fund program. Workers may give more when businesses establish a payroll deduction plan. The only limits to the possibilities are the limits of your imagination!

Types of gifts, payoff, payoff horizon

This tactic will help build all the common—and many uncommon—types of gifts for your community fund or foundation.

Payoffs include:

- **Raising your credibility and visibility as a neutral convener and overall community builder.** This happens whether or not you succeed in changing policy that will motivate people to give to endowments, as long as you maintain your neutrality and make it clear that you have no partisan axe to grind.

- **Building energy and enthusiasm among your board and staff and with community members.** When you try to change rules, practices and policies, people see that your organization is determined to make a long-term difference, and that builds commitment.

- **Developing a network that may be useful in other ways.** The network of friends and colleagues that you form in your advocacy effort will give you access to ideas, information and individuals that will help you do your job. It will help build relationships with people who may make donations or influence prospective donors. It will help you stay abreast of concerns in your community and among its nonprofits, which likely will lead to better grantmaking.

- **The payoff horizons are usually medium to long-term.** But some policy work can have immediate payoff, especially court settlements and hospital conversions.

Obstacles & challenges	Eliminating the fear factor
We can't lobby on any legislation, can we? Aren't we prohibited from lobbying? We don't want to lose our tax-exempt status.	**There's a lot you can do.** Until you propose, support or oppose a *specific* piece of legislation (or ask others to do so) you aren't actually lobbying. So don't be afraid to dig in and talk to legislators about what may be possible! In addition, even 501(c)(3) nonprofits—which you must be—are allowed to do a certain small percentage of lobbying. Also, if proposed legislation threatens your well being, "self defense lobbying" to oppose it *isn't* prohibited. *For much more on this topic, please see page 14: Let's Talk About Lobbying—What's Legal? What's Not?*
We have no track record. Who will pay attention to us? We haven't done any advocacy before, and we are a pretty new organization. Why would anyone pay attention to us? What credibility do we have?	**Your newness and neutrality can be an asset!** The very fact that you haven't been involved means that no one associates you with a particular position on the issues. This provides you with a very strong starting place. People who might not listen to someone with a known agenda or viewpoint may be willing to talk with you, especially if you have a well-constructed board representing the breadth of the community. Once you get started, as long as your board and your activities remain broadly inclusive, your reputation as a trusted advocate will grow, increasing the visibility and credibility of your community foundation or fund—with both policymakers and donors.
This is a big investment of time for a pretty "iffy" return. Wouldn't our time be better spent concentrating on developing an endowment?	**Remember the "other" golden rule: Them that makes the rules gets the gold.** It's just plain smart for community foundations and funds to use every tool you can—including policy change—to prepare the playing field for endowment building. True, changing policies can take time and effort. But it is indeed an *investment,* because if you succeed, there is a return—changing the "right" one or two policies may unleash more endowment growth than anything else you can imagine. Think of it: If one or two employers set up a match for charitable donations, you could easily reap many new donors with just one policy change.

Let's talk about lobbying

What's legal? What's not?

Lobbying by 501(c)(3) nonprofits—including community foundations—is a powerful strategy for helping people and building stronger communities. People sometimes confuse the words "lobbying" and "advocacy."

The legal definition of lobbying usually involves attempting to influence legislation. Advocacy covers a much broader range of activities which might, or might not, include lobbying. One way to differentiate them is to remember that lobbying always involves advocacy but advocacy does not always involve lobbying.

There are many myths about lobbying:

- That it's illegal for nonprofits to do.
- That it's for organizations that have lots of money.
- That it's an activity for experts who are paid to know the process and who have access to politicians.

So why advocate?

- You can raise awareness about your mission.
- You can mobilize members, volunteers, donors and board members.
- You can attract favorable media attention.
- You can establish and expand government investment in programs you care about.
- You can reform laws and regulations that govern the operation, impact and evaluation of your efforts.

What's permitted:

- Under federal tax law, nonprofits may try to influence regulations, enforcement policies, and other executive branch actions.
- Nonprofits may provide public education messages that discuss—and even take clear positions on—public policy issues, as long as the messages don't refer to specific legislative bills or proposals. (But even some of that is allowable...read on!)
- Nonprofits may develop data about issues of public concern and provide information about those issues to the public or policymakers.
- Nonprofits may write letters to policymakers or testify before legislative bodies.
- Nonprofits may write letters to news organizations advocating positions.

- Nonprofits may disseminate information about how legislators voted on key issues. (There is no legal problem with this practice provided that if the information is presented and disseminated during an election campaign, it is done in the same manner as it is at other times. A problem arises if an organization waits to disseminate voting records until a campaign is underway.)
- Nonprofits may invite candidates to meetings or to public forums sponsored by the organizations—but the invitation must be extended to "all serious candidates." It is not necessary that all candidates *attend*.
- Nonprofits may testify before party platform committees at the national, state, or local levels. (Both parties' platform committees should receive copies of the testimony. Any account of the testimony and responses may be reported in the nonprofit's regularly scheduled publication.)
- Nonprofits may sell, trade, or rent their lists to others, including candidates for office. (All candidates must be given the same access. An organization that gives or lends its membership list to a candidate is in effect making an illegal campaign contribution. To stay within the law, the group must be paid fair value in return.)
- Private foundations may make general support grants to public charities that lobby, as long as that funding is not earmarked for lobbying.

What's permitted with limitations:

- Under federal law, efforts to influence specific pending legislation are considered lobbying. Nonprofits may engage in direct (aimed at legislators) or grassroots (aimed at the public) communications urging them to support specific legislative proposals within certain dollar amount limitations. Under an IRS rule called the Expenditure Test, public charities may—depending on their level of grantmaking—spend up to $1 million per year on lobbying activities. Or under a rule called the Substantial Part Test, nonprofits may allocate a certain portion of their activities to lobbying; these activities must be reported to the IRS. (See http://clpi.org/lobby_law.html)

What's never permitted:

- Supporting candidates for public office is considered lobbying under federal law.

Sources

This information was adapted from publications and websites available from the following sources. Consult their websites in the RFD toolbox for much, much more!

- Center for Lobbying in the Public Interest
- Independent Sector
- Alliance for Justice

RFD Tool Box

All the resources that follow relate to using public and private policy to grow rural endowment. The websites listed are active links to the materials that are available online.

Resources for the field. Key organizations and resources that provide critical tools and information to the entire philanthropy field.

1. Lobbying do's and don'ts for nonprofits

Details: These excellent websites provide in-depth, user-friendly information about what nonprofit organizations, including foundations, may and may not do in the area of policy advocacy and lobbying. If you have any questions, you are likely to find the answers here. The organizations that host these websites make it their business to keep abreast of the latest rules, laws and developments related to nonprofit advocacy. Note that in some cases, we try to route you to directly to the section of the website that addresses nonprofit lobbying—if that does not work, just link to the right area using the main website address.

Contact: Alliance for Justice: www.allianceforjustice.org. *See both the Nonprofit Advocacy and Foundation Advocacy links from the home page.*
Center for Lobbying in the Public Interest: www.clpi.org
Council on Foundations: www.cof.org/index.cfm?containerid=80&menuContainerName=&navID=0&orglink=56

Independent Sector: www.independentsector.org/programs/gr/advocacy_lobbying.htm

2. The IRS and lobbying activity

Details: This section of the IRS website gives basic guidance concerning political and lobbying activities of nonprofit organizations, including foundations.

Contact: Internal Revenue Service: www.irs.gov/charities/charitable/article/0,,id=120703,00.html

Helpful examples from your peers.

Leading or representative examples of good practice by colleague community foundations.

1. State charitable-giving-to-endowment policies

Details: Many states offer some kind of tax relief for charitable gifts to endowments in that state, some specified to community foundations, others to a wider range of endowments. Here we list a variety that offer particularly useful information on their websites, some with a long history, and some quite recent. In many states, community foundations have led the advocacy effort, often working in coalition with other community foundations and nonprofits, to pass these state laws, and the new policies have led to substantial endowment growth.

Contact: Michigan Community Foundation Tax Credit. The grandparent of such tax credits, Michigan's 1998 provision offers both individuals and businesses a credit of 50% of their contribution to a community foundation endowment, subject to certain dollar limits. The website describes the specifics of the credit and links you to the text for the law, plus case statements and relevant studies showing its impact. Online: www.cmif.org/CommunityFoundTaxCredit.htm

Endow Montana. Montana's credit is available for gifts by businesses or individuals—including planned gifts—to any qualifying nonprofit endowment across the state. This website also profiles the Commission on Endowed Philanthropy that grew out of an effort by the Montana Community Foundation to focus on the low level of philanthropic assets in the state, the enacting legislation and updates, the impact of the credit, a great state map that indexes all qualifying nonprofits by county, and a report on the "Philanthropic Divide" experienced by some rural states. Online: www.endowmontana.org

Endow Iowa. Through a mix of recent related Iowa legislative initiatives, the state offers both tax credits to donors to community foundation endowments, and matching grants to new community endowment funds that affiliate with an existing community foundation. Online: www.iowalifechanging.com/endowiowa

Endow Nebraska. Enacted in 2005, this legislation offer generous tax credits for cash and irrevocable planned gifts by individuals, and for outright gifts by businesses to the permanent endowment of any Nebraska-based nonprofit. The gift must be specified to focus on Nebraska people, places, organizations and issues. You can download their press release and a simple, effective case statement for the credit at the bottom of the page. Online: www.nebcommfound.org/LB28.htm

About the publication

Leading Tactics for Rural Fund Development

Raising endowed assets in a rural setting can be *very different* from asset development in urban or metropolitan areas. *Leading Tactics for Rural Fund Development* was written specifically for rural leaders who want to raise endowments in and for their community.

This *Tactic* is one in a series developed specifically to make the job of the rural fund developer easier. The *Leading Tactics* were compiled from on-the-ground experience with rural endowment builders by the Aspen Institute Community Strategies Group with significant assistance from the Southern Rural Development Initiative. Most *Tactics* were then vetted and improved by a dozen rural community fund developers at a Knowledge Lab in early 2005. The Lab was sponsored by New Ventures in Philanthropy, a national initiative of the Forum of Regional Associations of Grantmakers, which also provided follow-up support to help complete the *Tactics.*

THE ASPEN INSTITUTE
COMMUNITY STRATEGIES GROUP

www.aspencsg.org/rdp

NEW VENTURES IN PHILANTHROPY
A NATIONAL INITIATIVE OF THE FORUM OF REGIONAL ASSOCIATIONS OF GRANTMAKERS

www.givingforum.org

SRDI

www.philanthropyindex.org

Please go to any of our websites to find more than a dozen other *Tactics* in this series in the following four focus categories:

- *Focus A:* Understanding and Leveraging Endowment In and For Your Community
- *Focus B:* Working with Individual Donors
- *Focus C:* Engaging the Entire Community in Building Community Assets
- *Focus D:* Targeting Community Endowment for Community Outcomes