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Barriers to Charitable Nonprofit Access and Advocacy amid a Pandemic: A Case Study of the Louisiana State Legislature

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Abstract: Research has long established nonprofit organizations' vital role advocating for the needs of vulnerable populations before legislative policy-makers. In the best of times, it is difficult for 501(c)(3) charitable nonprofits employing grassroots advocacy to mobilize vulnerable constituencies to compete with 501(c)(4) and 501(c)(6) advocacy and special interest groups. The latter organizations inherently have greater flexibility and resources to lobby lawmakers directly, permitting greater access to influencing the policy agenda. Through a multi-method case study of the 2020 regular session of the Louisiana State Legislature, this article demonstrates how the COVID-19 pandemic's unique contextual conditions made legislative advocacy more difficult than usual for charitable nonprofits promoting a progressive policy response to the pandemic within a politically conservative state. Conducted through interviews with nonprofit leaders and an analysis of legislative records and committee hearings, the case study reveals specific barriers that hampered charitable nonprofits' access to the legislative process, including physical capacity restrictions and health concerns, as well as issues with virtual legislative protocols and conservative committee chairs' discretion to ignore remote testimony. The article analyzes how these barriers negatively impacted charitable nonprofits' ability to advocate for vulnerable populations and explores potential implications for equitable political participation and response to the pandemic.

Keywords: access, advocacy, pandemic, charitable nonprofits, interest groups, equity

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1 Introduction

The nonprofit sector serves many vital functions. Advocating on behalf of vulnerable communities in the political arena is widely recognized as one of the most important (Almog-Bar 2018; Lu 2018; MacIndoe 2014; Salamon 2002). Scholarship has long established that nonprofits serve as important advocates for underserved communities and speak for those who are underrepresented in the political process (Berry and Portney 2014). Studies have also shown that representing the needs of the most marginalized members of society is difficult in the best of times (Strolovich 2014). Nonprofits that play this role must expend limited time, energy, and resources to compete against well-funded corporate interests for access to legislative decision makers, which research has established as effective in influencing policy decisions (Andrews and Edwards 2004; Berry and Arons 2003). This article argues that during state legislative sessions held in spring 2020 amid the early months of the COVID-19 pandemic, legislative advocacy was more difficult than usual for many charitable nonprofits representing vulnerable groups. This is particularly true in states with unfavorable political contexts for a robust and progressive policy response to health and economic threats facing vulnerable populations as a result of the pandemic (Pleyers 2020; Warner and Zhang 2021).

The spring 2020 session of the Louisiana State Legislature serves as a descriptive case study of this phenomenon (Martinson and O'Brien 2015). Like many other states (Brown 2020), the session began normally in early March, until just days later it was suspended for seven weeks while the state shut down to prevent the spread of COVID-19 (Karlin 2020). When lawmakers reconvened in early May, public safety measures restricted physical access to the state capitol, limiting the number of people allowed into committee hearings and opportunities for face-to-face interactions with lawmakers, both crucial to influencing the political process (Grasse and Heidebreder 2011; Moreland-Russell et al. 2015). While everyone with business at the state capitol had to adjust to COVID-19 mitigation measures (Ballard 2020), public charities registered under U.S. Internal Revenue Code 501(c)(3) and advocating on behalf of vulnerable populations found their ability to advocate for progressive policies particularly hampered, especially in their efforts to engage in adversarial grassroots advocacy tactics with a conservative “supermajority” of state legislators (Ballard 2019).

Other types of nonprofits aligned with pro-business conservative policies – most notably 501(c)(4) social welfare organizations and 501(c)(6) business leagues – faced fewer barriers to advocacy, including but not limited to fewer legal restrictions around the types and amount of advocacy they can participate in (Prentice 2018). The U.S. Internal Revenue Service (IRS) permits these nonprofits to

engage in political campaign activity and unlimited direct lobbying in favor of or against particular legislation (IRS 2021; Mason 2015; Saitgalina, Dicke, and Birungi 2019), affording greater potential influence over legislative decision makers. Although they cannot offer donors tax deductions on their contributions (IRS 2021), larger 501(c)(4) and 501(c)(6) organizations often have prominent board members and the financial wherewithal to hire professional lobbyists, whose resources and expertise can translate into more active lobbying efforts (Saitgalina, Dicke, and Birungi 2019). In contrast, 501(c)(3) organizations are forbidden by the IRS from expending a “substantial part” of their budget on lobbying activities, a murky and inhibiting requirement (Prentice 2018). Partially as a result, charitable nonprofits often rely heavily on staff and volunteers to mount indirect grassroots advocacy campaigns seeking to raise public awareness and mobilize community action around more general causes (Bass et al. 2007; Berry 1999; Mosely 2011).

During the 2020 legislative session in Louisiana, capacity restrictions and technological limitations severely hampered charitable nonprofits’ ability to mobilize vulnerable communities through well-established and often adversarial grassroots advocacy tactics such as organizing demonstrations, engaging in public outreach and education, and crowding legislative committee rooms (Kimberlin 2010; Lu 2018). Moreover, because the vulnerable populations they represent were disproportionately affected by COVID-19 (Marshall 2020), leaders of charitable nonprofit organizations appeared to take especially seriously the health threat of the pandemic. Thus, they were reluctant to engage in the limited in-person opportunities available for direct lobbying. Though the state legislature drafted rules allowing remote participation in committee deliberations, procedures were inconsistently communicated and administered, in part due to unreliable technology, and virtual outreach to politically conservative legislative committee chairs often went unanswered.

This article identifies a specific set of barriers to legislative access that uniquely disadvantaged the advocacy efforts of smaller 501(c)(3) public charities advocating on behalf of vulnerable populations during the 2020 session of the Louisiana State Legislature. Findings are based on a descriptive case study of the legislative session (Martinson and O’Brien 2015), consisting of qualitative interviews with a purposive sample of leaders of 501(c)(3) charitable nonprofit organizations engaging in grassroots advocacy for progressive policy reform during the session, and analysis of legislative records to validate interview responses. This article explores the barriers’ impact on the sector’s advocacy efforts under pandemic conditions and potential ramifications of limiting public charities’ access to the democratic process for equitable recovery from the pandemic, particularly within states with conservative legislative majorities generally opposed to robust and progressive policy response to the pandemic (Pleyers 2020;

Warner and Zhang 2021). It also previews lessons learned by the nonprofit sector to prepare for future legislative sessions. The article begins with a review of nonprofit advocacy literature, including the importance of the advocacy function nonprofits serve and, more narrowly, the need for access to lawmakers to succeed in that function.

2 Nonprofits and Advocacy

Nonprofit advocacy, which is broadly defined as the attempt to influence public policy either directly or indirectly (Pekkanen and Smith 2014), is a “basic right” protected by the U.S. Constitution and considered fundamental to a democratic society. Studies have established that nonprofit advocacy adds value to democratic governance by empowering citizens, informing policymakers of public needs, promoting social justice, and bringing the voices of marginalized populations into the policy process (Lu 2018). Scholars have also noted that through advocacy efforts, nonprofits protect the rights of vulnerable and underserved communities in the political arena (Kingdon 1984; MacIndoe 2014; Pekkanen and Smith 2014). While the importance of nonprofit advocacy has been widely recognized in academic literature, scholars differ in how they delineate the universe of nonprofits engaging in advocacy (Kimberlin 2010).

A variety of nonprofits with distinct missions and tax-exempt status participate in policy advocacy activities in the United States to varying degrees (Lu 2018). Scholars often distinguish between organizations engaging in advocacy that are registered with the IRS as 501(c)(3) charitable nonprofits, and those registered as either 501(c)(4) social welfare organizations created solely to engage in advocacy, or 501(c)(6) membership-based professional and industry associations like chambers of commerce (Kimberlin 2010). The former IRS code typically encompasses traditional direct service nonprofits that engage in advocacy as a secondary activity (Andrews and Edwards 2004; MacIndoe 2014; Reid 2006). The latter two codes more often include social movement organizations and interest groups with advocacy core to their mission.

These various types of organizations face different legal regulations governing their amount of lobbying and political activity, mentioned above. However, the boundaries separating types of advocacy nonprofits are blurry in practice (Bass et al. 2007; Salamon 2002). For instance, some charitable nonprofits have a separately incorporated but related 501(c)(4) arm for unrestricted lobbying (Mason 2015). Coalitions of nonprofits may be formed under a variety of different IRS filing arrangements to advocate for common causes and interests. And grassroots

networks that are not registered with the IRS may participate in informal community organizing (Hall 2010).

Despite this complexity, discernible patterns emerge in the advocacy strategies most commonly employed by different types of nonprofits. These strategies can be grouped into two categories: insider tactics and outsider tactics (Almog-Bar 2018). Insider tactics typically refer to direct lobbying, which is defined by the IRS as attempting to influence legislation by directly communicating with policymakers and government officials, often in a cooperative fashion (Prentice 2018). Insider tactics may also include activities such as donating to political campaigns and creating political action committees (PACs, registered under Internal Revenue Code 527 with a separate set of legal regulations) to support candidates for office (Saitgalina, Dicke, and Birungi 2019). Professional and special interest groups in particular, often representing business or industry and registered as 501(c)(6) nonprofits, traditionally use insider tactics allowing them to directly lobby government officials, thereby taking advantage of greater flexibility to spend on lobbying and forge cooperative relationships, although these tactics may depend on ideological alignment between advocates and policymakers.

Outsider tactics, on the other hand, generally refer to what the IRS defines as “grassroots lobbying” and include a broader range of advocacy activities, such as education, outreach, coalition building and letter-writing campaigns (Almog-Bar 2018; Grasse, Ward, and Miller-Stevens 2021; Mosely 2011). These efforts are often built from the bottom up, using networks of small nonprofit and community-based organizations, and involve organizing, mobilizing, and engaging the public to advocate for themselves (Hall 2010). Grassroots advocacy groups are focused on improving the quality of life for local residents, particularly around issues of poverty and inequality, often through a confrontational approach with lawmakers who may not immediately share their concerns (Walker and Stepick 2014). In contrast to 501(c)(6) organizations that rely on insider tactics, groups that engage in grassroots advocacy are typically registered as 501(c)(3) nonprofits (Saitgalina, Dicke, and Birungi 2019).

Like 501(c)(6) organizations, and unlike 501(c)(3) nonprofits, organizations registered under IRS Code 501(c)(4) – often called social welfare, social movement, or civic engagement organizations – are not constrained in the amount and types of lobbying activities they can deploy (IRS 2021; Mason 2015). These organizations are often highly professional and involved in the policy process to the near exclusion of other activities. As such, they are engaged in the formation, passage, and implementation of policy through both insider and outsider tactics (Almog-Bar 2018). They may represent collective interests of the general public and underrepresented groups, as opposed to more narrow interests of professional associations and businesses, especially when they are connected to a 501(c)(3)

charitable nonprofit. That said, they cannot offer tax deductions to donors (IRS 2021; Mason 2015), potentially limiting their fundraising ability.

2.1 Importance of Legislative Access

Regardless of the tactics used, nonprofit advocacy benefits from in-person access to decision makers, whether that means directly meeting with lawmakers, testifying in a committee hearing on a bill, or organizing a mass gathering in the halls of the state house to draw immediate attention to an issue (Kimberlin 2010). The literature is rich with studies that establish a link between access and successful advocacy efforts. Studies of state legislatures have shown that both the number of lobbying hours and groups taking a position on a bill have an important impact on the outcome of legislation (Grasse and Heidbreder 2011); that state legislators, regardless of party affiliation, consider committee testimony by representatives of nonprofit organizations to be influential in raising their awareness of various issues (Moreland-Russell et al. 2015); and that establishing personal relationships with lawmakers at the state and local levels of government is a key ingredient to successful advocacy (Berry and Arons 2003).

In this way, access to lawmakers may directly influence a legislative outcome in the form of new legislation or executive policy, which is “the most visible and celebrated indicator of influence in the policy process” (Andrews and Edwards 2004, 497). At the same time, access may enhance the success of advocacy efforts in less obvious ways, including by influencing the legislative agenda, or decisions about which issues will be discussed and which legislation debated; monitoring and shaping policy implementation; and shifting political institutions’ long-term priorities and resources (Giugni 1998; Kingdon 1984). Thus, legislative access may beget additional access to more and more influential decision-making arenas, eventually allowing nonprofits to help shape ultimate policy decisions.

Historically, scholars have suggested that gaining legislative access is inherently problematic for the nonprofit sector. Decades ago, Schattschneider (1969) argued that policymaking is controlled by those with money, privilege, and advantage. Domhoff (1998, 252) built on that work, showing the extent to which the corporate sector dominates the state and local policymaking process “through their direct involvement in policymaking networks, their support for policymaking foundations and research institutes, their presence in policymaking positions in government, their complex connections with the media, their influence in the electoral process and their ability to launch public relations campaigns.”

More recent scholarship has recognized the increasing influence the nonprofit sector has wielded in the halls of power as it becomes more sophisticated and

strategic about gaining access to decision makers. Studies have explored the dynamics of the so-called “nonprofit industrial complex” – a system built on mutually beneficial relationships between the nonprofit sector, lawmakers, and industry (Samimi 2012) – and criticized the potential for this system to co-opt community leaders by providing them with opportunities for employment and professional advancement in the public and nonprofit sectors, thereby realigning their interests with maintaining the system as opposed to transforming it (Kivel 2016). Some scholars argue that because nonprofits are highly dependent on resources from foundations, corporations, and individuals, they acquiesce to the demands of wealthy funders, who are inherently more interested in maintaining the status quo than in promoting social change (Stoner 2009). These findings are true not only for 501(c)(4) and 501(c)(6) organizations, but also can be true for charitable 501(c)(3)s, which studies have shown are increasingly engaged and strategic lobbyists (Grasse, Ward, and Miller-Stevens 2021; Prentice 2018).

While it is evident that the nonprofit sector writ large has gained greater legislative access as it has professionalized (Lu 2018), it remains true that many small, locally-based 501(c)(3) charitable nonprofit organizations reliant on outsider advocacy tactics face barriers to gaining legislative access first identified decades ago: resource constraints such as lack of time, money, organizational capacity, and communication skills (Domhoff 1998); reliance on well-intended but often untrained volunteers (Bass et al. 2007; Berry 1999), including on their Board of Directors (Guo and Saxton 2010); and legal restrictions that limit the amount of lobbying activities in which nonprofits can engage as tax-exempt organizations and create bureaucratic hurdles such as reporting requirements (Berry and Arons 2003; IRS 2021). Thus, while 501(c)(3) nonprofits have increased the sophistication of their lobbying efforts, they nonetheless continue to face disadvantages compared to better-funded corporate interest groups (Strolovich 2014).

Studies have suggested that confusion around IRS lobbying restrictions cautions some 501(c)(3) organizations from engaging in lobbying or even advocacy more broadly in some cases (Child and Gronbjerg 2007; Kimberlin 2010), and that larger and better resourced nonprofit organizations are more likely than smaller ones to participate in these types of activities (Berry and Portney 2014; Pekkanen and Smith 2014). Recent studies have also established that successful advocacy requires access to technology to build infrastructure and capabilities to sustain efforts and campaigns (Kimberlin 2010), often requiring scarce resources for charitable nonprofits that engage in advocacy as a secondary function (MacIndoe 2014). Smaller organizations without these resources may be less likely to participate in the political process (Berry and Portney 2014; Child and Gronbjerg 2007; Salamon 2002).

Additionally, studies have found that the advocacy efforts of 501(c)(3) organizations may be hampered by unique contextual conditions in time of crisis, such as those presented by the COVID-19 pandemic. In a study of advocacy efforts of 501(c)(3) nonprofits following the crises of 9/11 and Hurricane Katrina, Strolovich (2014) found that extreme catastrophes can exacerbate the uphill battles small charitable nonprofits face in seeking policy wins. Moments of punctuated equilibrium can increase inequities and disparities for the vulnerable populations these organizations represent, though crises may also create windows of political opportunity for nonprofits by raising public awareness, however briefly, about the challenges their target populations face. How long the window might be open or closed depends on the type of organization, its political leaning, and the political climate in which the crisis occurs (Kingdon 1984). While these potential barriers to legislative access and advocacy more broadly have been well documented, scholars have not yet explored how they may be exacerbated under pandemic conditions, at a time when marginalized populations are especially vulnerable and dependent on state intervention (Marshall 2020; Parmet et al. 2021).

3 Case Study Context

The annual spring session of the Louisiana Legislature convened on March 9, 2020, as the COVID-19 pandemic was rapidly spreading across the United States, although at the time, Louisiana was awaiting news of its first confirmed case of the virus. In the days that followed, case counts rose in the state and concerns about the emerging public health threat intensified. Within a week, there were calls for the legislature to adjourn. Leading this charge was a group of 33 nonprofits, which sent a joint email to legislative leaders on March 15 asking them to suspend committee hearings because of the challenges the virus posed to their advocacy efforts (Louisiana Advocacy Community 2020). The signatories of the letter included leaders of 501(c)(3) charitable nonprofits that engage in grassroots advocacy around progressive issues such as fair housing, income inequality, and prison reform (Pleyers 2020). According to the letter, “The very nature of this virus has already created a *de facto* impact on democracy. By continuing the session as planned, you are already limiting the voices of impacted people that are critical to the furtherance of our democracy.”

On March 16, the legislature voted to suspend the session until March 31, an end date that was later extended indefinitely (Karlin 2020). The decision was not made in direct response to the letter from the nonprofits, as pressure was growing from around the state and elsewhere in the nation to take measures to limit the spread of the virus (Warner and Zhang 2021). Nearly a dozen other states had

already suspended their legislative sessions by March 16 (Brown 2020), and more would follow in the weeks to come. Legislative leaders in Louisiana attributed their decision to concerns for the health and well-being of the state (Karlin 2020). That same day, Governor John Bel Edwards of the Democratic Party issued his first executive order related to the pandemic to restrict commercial activity in the state, which included closing dine-in restaurants, bars, movie theaters, gyms, casinos, and schools. The following week, he issued a more restrictive shelter-in-place order for state residents, which ultimately remained in effect until May 15.

In late April, while the state was under the governor's shelter-in-place orders, the politically conservative legislative leadership convened a task force of 75 business and corporate special interest group leaders that began meeting virtually to develop a pro-business agenda for the legislative session, including plans to stimulate the pandemic-damaged economy through lower corporate taxes, deregulation, and legal reforms (Riegel 2020a). This task force included prominent business owners as well as representatives of two dozen industry associations and economic development organizations, many registered under IRS Code 501(c)(6), including the Louisiana Association of Business and Industry (LABI) and chambers of commerce from the state's major cities. On April 27, legislative leadership announced the session would reconvene on May 4, nearly two weeks before the state would move to the first phase of a staged reopening. Members of the minority Democratic and Black legislative caucuses opposed this decision, citing concerns around issues of equity, health, and access (Riegel 2020b). By late April, it was apparent the COVID-19 virus disproportionately impacted communities of color (Marshall 2020), and some Black lawmakers questioned how they could effectively represent their constituents when they were personally vulnerable to the disease.

The concerns of Black and Democratic lawmakers were shared by leaders of many charitable nonprofits engaged in grassroots advocacy on behalf of vulnerable populations in the state. Within a week of the session's resumption, a group of 44 nonprofits, including many signatories of the March letter, jointly emailed legislative leaders to register concerns about access, equity, and transparency. Like the initial group, the signatories of this second letter engage in grassroots advocacy on progressive issues like environmental justice and criminal justice reform (Pleyers 2020). According to the second letter, "To force the public to choose between adhering to the stay-at-home order or attend legislative proceedings is, at best inconsiderate ... [and] at worst, this action suggests that this legislature may be willfully exploiting the current public health crisis to subvert the democratic process ..." (Orr 2020). Despite this opposition, the spring 2020 session of the Louisiana State Legislature continued to conclusion, forcing charitable nonprofits to navigate pandemic conditions if they were to advocate on behalf of their vulnerable constituencies.

4 Case Study Design

This study sought to answer two questions about the unique challenges faced by 501(c)(3) charitable nonprofit organizations attempting to advocate on behalf of vulnerable populations during pandemic-stricken state legislative sessions in spring 2020:

1. What were barriers to access, both physical and virtual, that impacted charitable nonprofits' ability to participate in legislative advocacy?
2. How and to what extent did these limitations affect their ability to effectively advocate for the populations they serve?

Because case studies describe real-life phenomena in depth, through multiple sources, and within dynamic contextual conditions (Flyvbjerg 2011; Martinson and O'Brien 2015), a case study design was deemed most appropriate for answering the research questions. The shortened, four-week spring 2020 regular session of the Louisiana State Legislature, taking place from May 4 to June 1 when legislation was heard in committee, debated, and voted on, served as the single case's unit of analysis. The session was shaped by the dynamic contextual factors of the COVID-19 pandemic's early months and presented a unique set of conditions that created access challenges for charitable nonprofit advocacy. In turn, the barriers present in this session may be argued to generalize theoretically (Flyvbjerg 2011) to concurrent and subsequent legislative sessions under pandemic conditions, especially in other states and jurisdictions responding similarly to the pandemic (Brown 2020) and with similar political contexts (Warner and Zhang 2021), and serve to highlight inequitable barriers to legislative access that are present but overlooked at other times.

Potential challenges to legislative access faced by charitable nonprofits during the spring 2020 legislative session in Louisiana were analyzed from multiple perspectives as they unfolded in real time. The case study employed mixed methods examining the personal experiences and perspectives of a purposive sample of nonprofit leaders and triangulating them against an analysis of legislative protocols and committee hearings to assess convergent validity of findings (Martinson and O'Brien 2015). In this way, the case study design mitigated threats to validity associated with single method bias. The particular methods employed are described below, starting with nonprofit leader interviews serving as the primary data collection method, and followed by concurrent legislative analysis consisting of key informant interviews with non-partisan legislative staff, review of legislative records, and review of videos from a sample of committee hearings.

4.1 Interviews with Nonprofit Leaders

The primary data collection method was a series of in-depth, semi-structured interviews with leaders of eight 501(c)(3) charitable nonprofit organizations engaged in grassroots advocacy on behalf of vulnerable populations in the state. The political ideology and personal preferences of nonprofit leaders, especially executive directors acting as “policy entrepreneurs,” may hold particular influence over whether a nonprofit engages in political advocacy, as well as what causes it champions and advocacy tactics it employs (Mason 2015). Nonprofit leaders may personally lobby and otherwise gain access to political decision makers, in addition to shaping organizational agendas and strategies. Therefore, leaders of charitable nonprofits were expected to be particularly knowledgeable about their organizations’ advocacy efforts and unique barriers to legislative access experienced during the initial months of the COVID-19 pandemic.

A purposive sample of charitable nonprofit leaders was constructed in two stages (Martinson and O’Brien 2015). First, interviews were scheduled with the lead authors and organizers of each of the two letters sent to Louisiana legislative leaders calling for the spring 2020 session to be postponed, discussed above. These leaders included Ashley Shelton, Executive Director of the Power Coalition for Equity and Justice, and Marylee Orr, Executive Director of the Louisiana Environmental Action Network. Second, through a “snowball sampling” approach, these initial leaders were asked to identify additional leaders of charitable nonprofits to contact for interviews, whose organizations were also actively advocating for vulnerable populations during the legislative session and could speak to the study’s research questions. Interviews continued in this way until the authors reached saturation in terms of the themes raised by interviewees related to the study’s research questions, described in more detail below. The full list of interviewees is presented in Table 1.

The eight nonprofit organizations represented by interviewees are all 501(c)(3) charitable nonprofits that provide direct services as well as policy education and advocacy around a variety of progressive issues (Pleyers 2020), including environmental justice, criminal justice reform, income inequality, health equity, and disaster resilience. All are chartered in Louisiana and have a mission explicitly or implicitly rooted in serving vulnerable populations, such as the elderly, people experiencing homelessness, low-income families, and people with developmental and intellectual disabilities. According to recent tax filings, all have annual budgets of \$1 million or less, except the Center for Planning Excellence, which has an annual budget of \$1.5 million. Previous studies have distinguished between large 501(c)(3) organizations with expenditures of more than \$1.5 million and those with

Table 1: Nonprofit leaders interviewed.

Interviewee	Organization and website	Interview date	Organizational mission
Marylee Orr	Louisiana Environmental Action Network (leanweb.org)	May 21, 2020	“Foster cooperation and communication between individual citizens and corporate and government organizations in an effort to assess and mend the environmental problems in Louisiana.”
Suzanne Romig	The Arc Baton Rouge (arcbatonrouge.org)	May 25, 2020	“Serve children and adults with intellectual and developmental disabilities and their families.”
Ashley Shelton	Power Coalition for Equity and Justice (powercoalition.org)	May 28, 2020	“Equip our fellow Louisianans with the knowledge and information they need to find their voice, and learn where and when to use it.”
Janet Simmons	HOPE Ministries (hopebr.org)	June 5, 2020	“Prevent homelessness and promote self-sufficiency and dignity.”
Jan Moller	Louisiana Budget Project (labudget.org)	June 11, 2020	“Monitor and report on public policy and how it affects Louisiana’s low- to moderate-income families.”
Broderick Bagert	Together Louisiana (togetherla.org)	June 22, 2020	“Give faith and community-based organizations an opportunity to develop the leadership capacity of their members and affect change on a larger scale than they could alone.”
Camille Manning Broome	Center for Planning Excellence (cpex.org)	June 22, 2020	“Bring people, culture, and planning together to make great communities happen.”
Fairleigh Jackson	Preserve Louisiana (preserve-louisiana.org)	June 22, 2020	“Promote cultural awareness and encourage economic growth that revitalizes our communities through historic preservation.”

annual budgets below that threshold (Grasse, Ward, and Miller-Stevens 2021). Though some of the organizations in the sample group receive grant funding from national foundations, all primarily rely on local support from donors and volunteers. Two of the organizations – Power Coalition for Equity and Justice and Together Louisiana – serve as coalitions of state-based human service and faith-based charitable nonprofit organizations, respectively. Further, based on a review of their websites, none of the interviewed nonprofits enlist board members who are political or business elites (Guo and Saxton 2010). All interviewees were executive directors of their nonprofits at the time of the interview except for the representative of Together Louisiana, who acted as lead organizer.

Interviews were conducted in person or by telephone from May 21 to June 22, 2020, during and immediately after the legislative session, and lasted from 30 to 60 min on average. Interviewees gave informed consent to be interviewed and identified by name and organization. Interviews were conducted by the lead author, following a semi-structured questionnaire organized around the two primary research questions. Specific open-ended questions centered on key issues pertaining to access to lawmakers and committee hearings during the legislative session and the effect specific protocols had on their access and advocacy efforts. The lead author is a local journalist and editor with decades of experience covering the Louisiana State Legislature. She was personally familiar to all of the interviewees, which enhanced her ability to schedule interviews and quickly build rapport to promote candor.

During each interview, the lead author took typed notes (but did not otherwise record the interviews) and immediately cleaned and revised the notes afterwards, capturing direct quotes whenever possible. After every few interviews, the lead author inductively identified themes raised consistently across multiple interviewees' responses pertaining to the research questions, and especially themes identifying unique barriers to legislative access and grassroots advocacy created by pandemic conditions in the following areas: concerns over legislative access, challenges mobilizing staff and volunteers to participate in advocacy efforts, and difficulties utilizing technology required for virtual participation in the legislative process. These themes were shared, discussed, and collaboratively interpreted with the second author in his capacity as supervisor of the case study. After reaching saturation of themes in each area, in the sense that no new response categories were identified after multiple additional interviews, interviews ceased.

4.2 Analysis of Legislative Records

The emergent themes identified through interviews with leaders of charitable nonprofits were compared to public records and other sources documenting the state legislative session in an effort to triangulate findings and assess convergent validity (Martinson and O'Brien 2015). First, in mid-June 2020, the lead author conducted key informant interviews with two high-ranking, non-partisan staff in the Louisiana House of Representatives – the Executive Assistant to the Executive Director of House Legislative Services (https://house.louisiana.gov/H_Staff/HLS) and Director of the House Fiscal Division (<https://house.louisiana.gov/housefiscal/>) – whose positions gave them first-hand knowledge of the rules and protocols put in place once lawmakers reconvened. These interviews confirmed details of the protocols and procedures identified by interviewees, including how policies were

implemented and advertised and how effectively they were followed. Responses to both interviews were coded and then compared to interview responses from nonprofit leaders.

Second, public legislative records were reviewed, including notices of the Louisiana House of Representatives' scheduled committee hearings for each day of the four-week session. These documents are archived online on the Louisiana State Legislature's website (<https://www.legis.la.gov/legis/Home.aspx>). The purpose of the review was to determine if the language and format used to notify the public about the requisite procedures for submitting online or remote testimony was standard among all committees, and also to determine if a contact name and email address were clearly provided to allow for email submission. The number of committee hearing agendas that did and did not contain the requisite information for remote participation were compared, revealing the extent to which particular committees and the House of Representatives overall failed to provide adequate public notice for submitting comments or emails to committee members for inclusion in the public record.

Third, video recordings of legislative committee hearings conducted in May 2020, archived on the Louisiana House of Representatives website (<https://house.louisiana.gov/>), were reviewed from a sample of three committees to determine how many advocates from progressive charitable nonprofits testified on the bills in committee, as compared to those representing opposing (often pro-business and conservative) interests, and how committee chairpersons handled remote testimony and emailed comments. Committee hearings selected for review were determined through interviews with the nonprofit leaders, who identified three prioritized bills that all were collectively hoping to help pass: HB 797, which would have given local governments the ability to set their own paid sick leave policies, more generous than the restrictive statewide policy; HB 832, which would have required businesses to provide paid sick leave to all employees; and HB 388, which would have made it more difficult for property owners to evict those who lost their jobs during the pandemic. These bills were considered by the House Local, Municipal and Parochial Affairs, Labor and Industrial Relations, and Civil Law committees, respectively.

5 Results

Data analysis identified four barriers to legislative access facing the interviewed charitable nonprofits during the 2020 session that can be divided into two groups: those that limited access to the state capitol building and, therefore, hampered *physical* participation in the session; and technological issues and legislator

discretion that impeded *virtual* participation in the session. Some of these barriers were intentionally designed to limit the number of people who could physically participate in the session to reduce spread of the COVID-19 virus. Others were inadvertent, such as technology glitches that made virtual participation more difficult than it was supposed to be. Each barrier impacted the advocacy efforts of the interviewees' nonprofits in different but consistently negative ways, explored below.

5.1 Capacity Restrictions

The first barrier to access was a public health mitigation measure, self-imposed by the legislature, limiting the number of people allowed into the state capitol to half capacity (Louisiana House of Representatives 2020). Seats in committee rooms were blocked off with yellow caution tape so that only half the chairs were available to spectators and other interested stakeholders hoping to speak in support of or opposition to a bill. Seating was also restricted in the spectators' sections of the House and Senate chambers. Masking was encouraged but not mandated (Ballard 2020).

While the capacity restriction impacted everyone with business at the state capitol to some extent, leaders of nonprofit organizations interviewed for this study felt they were at a particular disadvantage. Many of these nonprofits are resource-constrained, a well-established barrier to legislative access (Grasse, Ward, and Miller-Stevens 2021; Pekkanen and Smith 2014), which impacts their ability to leverage technology and hire professional staff to advocate on their behalf. Consequently, an advocacy strategy they commonly utilize is organizing large groups of individuals from communities they serve, including board members who are often community members themselves (Guo and Saxton 2010), and mobilize them to demonstrate at the capitol when relevant bills are considered. The presence of organized groups of constituents – particularly those from vulnerable or underserved communities – filling out cards to register support or opposition to legislation, testifying in committees, and meeting with legislators in the hallways of the capitol, is a common way of gaining attention of lawmakers and the media, influencing agenda-setting and helping to hold policymakers immediately accountable for their votes (Grasse and Heidbreder 2011; Moreland-Russell et al. 2015).

Nonprofit leaders interviewed for this case study reported they rely heavily on this outsider tactic, especially to challenge political opposition to their progressive policy agenda (Pleyers 2020) within the conservative legislature (Ballard 2019), and believe they were at a disadvantage during the 2020 session because they were unable to mount a physical presence. According to one interviewee, “When a lawmaker gets calls and emails from constituents and then has to face them in the

halls and get pulled out of committee to have to talk to them, it's powerful. When you don't have that last piece of the puzzle, that [in-person] follow-up, it falls flat. Without having those 100 people, there was no accountability. And we couldn't ask anyone to risk their health to show up.”

These nonprofit organizations ostensibly could have urged their board members and other key stakeholders to reach out to lawmakers via phone, Zoom, email, and social media to compensate for their inability to mount a physical presence, as nonprofit advocacy coalitions in other jurisdictions did during this time (Raeymaeckers and Van Puyvelde 2021). Interviews with the nonprofit leaders sampled for this study, however, suggest that in the early weeks of the pandemic shutdown, which emerged suddenly, their organizations were more focused on providing direct services and public information responding to the needs of their constituent groups than on devising remote advocacy strategies and building technology infrastructure to implement them. By the time lawmakers called themselves into a second special legislative session in June, it appears these nonprofit organizations had begun utilizing social media, webinars, and virtual organizing platforms to better prepare advocacy strategies (Raeymaeckers and Van Puyvelde 2021), according to interviews. In May 2020, however, during the critical initial months of the pandemic when the legislature debated its immediate response (Strolovich 2014), interviewed nonprofit leaders were ill-equipped to do so.

5.2 Health Concerns

Even if capacity in the building had not been limited, legitimate fears over the health threat posed by the pandemic presented a second barrier to access. Many people were concerned about gathering in large groups, which have been shown to be a source of community spread (Marshall 2020). On the other hand, the conservative Republican legislative leadership and most of the party's lawmakers in the legislature, as well as pro-business special interest groups aligned with them, appeared to take their cues from Republicans and conservatives nationwide (Warner and Zhang 2021) and demonstrate less concern about contracting COVID-19. As documented at the time, these individuals did not typically mask or social distance (Ballard 2020).

Black and Democratic lawmakers, however, appeared to take the health threat very seriously, as did the leaders of the nonprofit organizations interviewed for this study and the board members and constituents they typically enlisted in in-person advocacy efforts. Nonprofit organizations serve many of the vulnerable communities most at risk for developing complications from COVID-19, including people of color, the disabled, and the elderly. Even as early as late April 2020, it was apparent

these populations were being disproportionately impacted by the virus (Marshall 2020). Asking those they serve to participate in the legislative process by attending committee hearings at the capitol was akin to asking them to risk their lives.

Additionally, some charitable nonprofits did not allow their own staff to attend the session because of potential liability considerations, health concerns, or both, according to nonprofit leaders interviewed for this study. Other organizations limited the number of staffers they sent to the session, significantly undercutting their ability to keep track of fast-moving legislation and attend the requisite hearings. Nonprofit leaders reported in interviews that they decided not to attend the session in person unless they considered it absolutely necessary, and they clearly communicated to their staff that attendance was not necessary or a requirement of their employment. All of those interviewed for this study said they felt a cautious approach was the “safe” and “socially responsible” path to take, key words that appeared in multiple interviews. However, they also acknowledged that they had a dramatically reduced presence at the session that, consequently, hampered their ability to advocate for the vulnerable populations they represent.

Indeed, the review of a sample of committee hearings revealed that only two individuals each spoke in favor of two of the three bills that had been the top priority of the charitable nonprofits during the session: HB 832, which would have required employers to provide paid sick leave to all employees; and, HB 388, which would have made it more difficult to evict tenants who lost their jobs because of the pandemic. A Democratic legislator who sponsored HB 388 in the Civil Law committee testified before the committee that many individuals wanted to attend to show support for the bill but could not because of the pandemic. One supporter who did attend testified that 140 people had emailed the committee in support of the bill but had “done the right thing and stayed home.”

A more robust showing of 10 individuals testified later in the session in support of HB 797, which would have given local governments autonomy to set their own paid sick leave policies by removing a preemption in existing state law, compared to eight representatives from business interest groups. Nevertheless, the bill was voted down by the Republican majority on the committee, helping to underscore the political disadvantage that small progressive charitable nonprofit organizations face in the conservative Louisiana Legislature (Ballard 2019; Warner and Zhang 2021), and the need for nonprofits to engage in aggressive in-person grassroots advocacy in order to make their voices heard within this context (Pleyers 2020).

5.3 Legislative Protocols

A third barrier to access was, paradoxically, posed by the very protocols and information technology systems established by the legislature to allow for remote

participation. Although these protocols and systems were intended to enable anyone to participate in or view the session remotely, their implementation and subsequent technological challenges made participation more difficult and hampered access. All committee hearings and gatherings of the full House and Senate during the session were streamed live. However, the quality of the streamed proceedings was inconsistent, whether because too many people were trying to access them simultaneously, or because internet carriers in general were overloaded in the early stages of the pandemic.

As a result, nonprofit leaders who were forced to follow proceedings online reported feeling frustrated that they could not effectively keep up with what was going on because the video would pause to buffer or the audio quality was poor. Leaders not only recounted this frustration in their interviews, but noted the problem in the second letter to lawmakers in May (Orr 2020). This letter stated in part that “public comments are not being read into the record during hearings, which mutes the voice of the people of our state,” and that “live video feeds have been regularly failing, cutting off public transparency and oversight ...”

In a departure from tradition, legislative staff reported they were instructed not to print out any documents, including committee agendas and legislative instruments, in case the virus could be spread by touching common surfaces like paper. Instead, all documents were posted online. While the information was publicly available and ostensibly accessible to anyone with an internet connection, nonprofit leaders interviewed for this study reported that it was difficult for those who lacked familiarity with the systems to navigate the process virtually. Indeed, vulnerable populations are most likely to lack access to technology, a symptom of the well-documented “digital divide” in the United States (Davila, Abraham, and Seaberry 2020).

Furthermore, according to multiple nonprofit leaders interviewed, the procedure established by legislative leadership to allow for remote participation in committee hearings was inconsistently administered, thus creating confusion. According to legislative staff, the procedure allowed for members of the public to submit comments on pending legislation via email, provided they were received 24 h before a scheduled committee hearing. Committee chairs were asked to copy and paste the disclosure statement noting the 24 h requirement at the bottom of all notices advertising their upcoming committee hearings, as well as on the advance hearing agenda, along with a contact name, email address, and deadline for submission.

There were several problems, however. While the language of the disclosure was standard, each committee had a different contact to whom the emails were to be sent. The analysis of committee hearing agendas shows that in some cases it was the staff attorney, while in others it was a committee analyst or administrative

assistant. As a result, there was no standard way for nonprofit leaders or citizen activists to search for the correct email contact unless they knew where to look. This was not an impossible barrier to overcome, but a complicating factor for nonprofits already stretched thin trying to mobilize online advocacy while tending to more immediate community needs.

Disclosure notices were supposed to be posted on both a schedule of legislative events, which was issued every Friday and listed all hearings for the upcoming week, and on the advance copy of hearing agendas. Interviews with legislative staff revealed that in some instances, however, agendas were issued less than 24 h before the scheduled hearing, meaning the deadline for submitting emails had already passed. As a practical matter, this meant anyone who wanted to submit testimony and had missed the weekly notice the previous Friday was too late. In at least one other instance, a notice for a Monday committee hearing was posted online on Saturday, which gave those wishing to submit testimony until Sunday at noon. This presented an additional hurdle to virtual participation in the process, according to multiple leaders.

The review of the House committee records found that 24 of the 65 House committee hearings that occurred in May 2020, combined across all 17 standing House committees, did not announce either a contact email or a deadline by which to submit public comment in advance. Thus, more than one-third (37%) of all committee hearings conducted during the legislative session did not give proper or adequate notice for how to submit comments or emails to committee members, which put anyone attempting to participate remotely in the process at a disadvantage. Eight of 17 committees posted this information for half or fewer of their hearings during the session, and two (including the Civil Law committee) posted it for none of them. Individuals willing and able to attend the session in person – whether because they had the resources to attend or were undeterred by public health concerns – were able to testify in person for or against legislation, or at least fill out cards registering their support or opposition. Those who felt compelled to stay away had no other avenue to formally participate but via the email addresses advertised in House documents, according to the interviewed nonprofit leaders.

5.4 Legislative Discretion

A fourth and final barrier to access was presented by the fact that most legislative committee chairs opted not to read emails or other comments they had received on bills into the record during committee hearings. This is not something that would have been done in an ordinary session before the pandemic because anyone wishing to weigh in on proposed legislation could attend in person to testify or fill

out a card registering support or opposition to a bill. But because the pandemic precluded in-person participation for so many people, as discussed above, email or other remote communication was essential to participation in the process.

All nonprofit leaders interviewed for this study reported inconsistencies among committees in dealing with emails or other messages and uncertainty as to whether the comments they and others from their organization submitted were received because they were seldom read into testimony and rarely acknowledged. As a result, nonprofit advocates had no way of knowing to what extent committee members saw their emails, much less read them, or received other messages such as voicemails to their office phones, a theme that consistently emerged in interviews. According to one interviewee, “It was terrible. But the real problem was, you’d hit send and you just didn’t know who was going to read your email. At least when you’re sitting there in committee at the witness table, someone has to pretend to listen to you.”

Moreover, without public acknowledgement of comments delivered remotely, other interested stakeholders in the process, such as journalists or nonprofit leaders from other groups that shared related concerns, could not determine how much grassroots support or opposition to legislation lawmakers were receiving. “It’s chaos down there [at the capitol],” said one leader who was interviewed while the legislative session was in progress. “Nobody knows what’s going on and we don’t get the sense that anybody is hearing us. We have a hard time getting heard on a good day. Now, we can’t get through to anybody.”

The review of a sample of committee hearings found that the three committee chairs did not mention or read into the record any emails or other testimony delivered remotely in support of or opposition to each bill, nor did they announce how much correspondence members of the committee received. This was equally true for the Civil Law committee hearing on HB 388, which was supposed to have received at least 140 emails in support of the bill, according to one supporter’s testimony during the hearing. By the end of the legislative session, all three of the public health-related bills prioritized by the interviewed nonprofit leaders failed to move forward when they were involuntarily deferred on party-line votes by the conservative majority in each committee, despite each bill’s direct connection to immediate pandemic response.

6 Discussion

The descriptive case study of the pandemic-stricken spring 2020 session of the Louisiana State Legislature suggests that barriers to legislative access facing nonprofit advocacy were related to physical capacity restrictions and health concerns, as well as issues with virtual legislative protocols and chairs’ discretion

to ignore remote testimony. These barriers appear to have been especially prevalent for 501(c)(3) charitable nonprofits mobilizing and advocating on behalf of marginalized communities with particular vulnerabilities to the COVID-19 health threat, despite their constituencies' need for equitable state policy responses to the pandemic (Marshall 2020; Parmet et al. 2021). As a result, progressive charitable nonprofits may have been uniquely disadvantaged in their legislative advocacy compared to 501(c)(4) and 501(c)(6) nonprofits, such as those representing the business lobby and other special interests, for two reasons.

First, as discussed previously, because of legal restrictions around lobbying and resource constraints limiting their capacity to engage professional staff and technology in advocacy efforts (Kimberlin 2010; MacIndoe 2014; Prentice 2018), 501(c)(3) charitable nonprofits may be relatively more reliant on outsider tactics associated with grassroots advocacy, such as organizing their constituencies' attendance at legislative hearings en masse (Almog-Bar 2018; Saitgalina, Dicke, and Birungi 2019). This may be especially true in political contexts that do not favor a progressive policy response (Pleyers 2020). Indeed, the interviews with a purposive sample of eight charitable nonprofit leaders advocating for pandemic-related bills during the Louisiana legislative session support their reliance on more adversarial grassroots advocacy. However, physical capacity restrictions and health concerns limited the number of individuals who were able or willing to attend committee hearings in person, particularly from vulnerable groups whose health was threatened by the pandemic.

Second, when leaders of charitable nonprofits instead turned to virtual tactics, such as mounting email or phone campaigns to show broad support for favored legislation to legislative committee members, they faced another set of barriers. These related not only to their relative lack of technological infrastructure (Kimberlin 2010), the "digital divide" facing vulnerable constituencies (Davila, Abraham, and Seaberry 2020), and their lack of political and business elites with personal connections to legislators among board members (Guo and Saxton 2010), but also to the lack of uniform procedures for submitting remote (often email) testimony, technical glitches on the part of the state legislature, and the significant discretion of committee chairs to ignore comments delivered remotely during public hearings. It is beyond the scope of this study to determine whether the Louisiana State Legislature's conservative supermajority (Ballard 2019) factored into the decision of committee chairs not to be more intentional about reading testimony into the record and giving equal access to those attempting to participate in the process remotely. However, the extent to which legislative leadership was aware of the situation – and potentially even exploited it – is a topic worthy of future study.

On the other hand, interest groups such as 501(c)(6) chambers of commerce were able to successfully deploy insider advocacy tactics (Almog-Bar 2018;

Saitgalina, Dicke, and Birungi 2019), most notably by serving on a task force convened by conservative legislative leaders to craft and propose pro-business legislation (Riegel 2020a). This task force comprised legislative leadership, key industry lobbyists, and dozens of large business owners from around the state representing every industry. It met weekly in person and openly discussed amending “placeholder” bills, filed earlier in the session, to address pandemic relief from a conservative, business perspective (Karlin 2020; Riegel 2020a). Through direct lobbying with the conservative supermajority in the legislature (Ballard 2019), this group was uniquely positioned to take advantage of the policy window created by the pandemic crisis (Kingdon 1984; Strolovich 2014). Conversely, as explained above, small charitable nonprofits promoting a progressive policy response to the pandemic found themselves at more of a strategic disadvantage than usual.

6.1 Implications

While the case study design cannot support claims of causation – indeed, the sampled bills promoted by the interviewed nonprofit leaders likely would have been defeated in any case because of the partisan political opposition to them in the conservative Louisiana State Legislature – it does support the contention that 501(c)(3) charitable nonprofits faced particular barriers to legislative access during the session that hampered their advocacy efforts. This is concerning given nonprofits’ pivotal democratic role giving voice to marginalized groups in the political process (Lu 2018; Pekkanen and Smith 2014; Salamon 2002). It is especially problematic during a pandemic that exposed serious failures of law throughout the United States to effectively deal with the public health crisis and the social inequities it exacerbated (Parmet et al. 2021). Nonprofit advocacy is crucial to hold political leaders accountable to vulnerable constituencies.

Nonprofits can only perform this function if they have adequate access to decision makers, whether through direct or grassroots lobbying (Grasse and Heidbreder 2011; Moreland-Russell et al. 2015). How might charitable nonprofits enhance their access under pandemic conditions? One suggestion is for 501(c)(3) nonprofits to establish 501(c)(4) advocacy arms that can engage in unlimited direct lobbying (Mason 2015). However, donors, elite board members (to the extent they exist for the nonprofit), and even staff may not be comfortable with this approach if it is perceived to politicize the nonprofit’s mission and brand, especially for those charitable nonprofits that primarily provide direct services and engage in advocacy as a secondary function (Kimberlin 2010; MacIndoe 2014). Filing under alternative IRS codes may impede a nonprofits’ fundraising ability (Mosely 2014), potentially

making it more susceptible to resource dependency and mission creep away from serving vulnerable communities (Kivel 2016).

Nonprofit advocates might also invest in their capacity and strategies for implementing outsider, grassroots advocacy in the virtual space. The emergent practitioner literature clearly recognizes that nonprofit advocates have to adjust their advocacy to this new context during the pandemic and beyond (e.g., FiscalNote 2020). Promising ideas include greater use of digital advocacy to attend virtual hearings and submit emails to the public record; use of social media and online networking tools to help spread awareness of issues, build virtual communities, and raise money through crowdfunding (Raeymaeckers and Van Puyvelde 2021); development of simple, one-page collateral for easy digital distribution to policymakers; and framing advocacy efforts around equity and justice to galvanize support for various causes.

Nevertheless, while in theory the technology that enables remote participation can help democratize the political process, this study found that in many respects it worked against charitable nonprofit advocacy during the 2020 Louisiana legislative session. For digital advocacy to be effective, nonprofits must strive to ensure their vulnerable constituencies have access to digital platforms, invest in their organizations' technological infrastructure and know-how, and pressure governments at all levels to build reliable digital networks and establish fair and consistent procedures for incorporating remote testimony into deliberations. Thus, advocating for more fair and equitable "e-government" and virtual access to policymakers in the legislative realm – as the nonprofit leaders did in this case study through their letters to legislative leaders – should be yet another issue on the nonprofit policy agenda (Levine and McCambridge 2020), but one that can enhance advocacy for other issues crucial to vulnerable populations.

6.2 Limitations and Future Research

While a descriptive case study is useful for examining dynamic contextual conditions that affected access and advocacy for nonprofits during the 2020 Louisiana legislative session, there are limitations with this approach (Flyvbjerg 2011; Raeymaeckers and Van Puyvelde 2021). This study empirically established barriers to nonprofit advocacy in the Louisiana State Legislature during the pandemic, but the research was limited in scope. It is difficult to generalize the experiences of the small, purposive sample of progressive charitable nonprofit leaders interviewed for this study to the majority of nonprofits advocating in the state, let alone in other states or jurisdictions, especially those with different political contexts. More study is needed to determine whether the experience in Louisiana was different from other

locations, and whether charitable nonprofits were more successful in their access and advocacy efforts during pandemic-stricken legislative sessions in different places and times. It is possible that the Louisiana State Legislature is especially conservative (Ballard 2019) and suffered from particularly problematic pandemic protocols and technological glitches, although other states throughout the country appear to share similar characteristics (Brown 2020; Warner and Zhang 2021).

That said, this study aimed for theoretical as opposed to statistical generalization (Flyvbjerg 2011). The goal was to highlight the unique factors the pandemic presented and the way it impacted charitable nonprofits' immediate advocacy efforts and access to the policymaking process. Anecdotal evidence suggests state legislatures across the United States adjusted their practices and protocols to the pandemic in similar ways, at least initially in spring 2020 (Brown 2020), although states with different political leanings adopted different policy responses (Warner and Zhang 2021). As the pandemic continues into 2022 and beyond, the contextual conditions present in spring 2020 – including the need for social distancing and reliance on technology – remain, extending the relevance of barriers identified in this study. Further, issues with digital and equitable access will likely remain important to nonprofit advocacy beyond the pandemic (FiscalNote 2020). The multi-method case study employed here (Martinson and O'Brien 2015), triangulating in-depth interviews and legislative records, may serve as an efficient model for future exploration of these issues, including the extent to which lessons learned and adaptations made during and after spring 2020 legislative sessions have resulted in more effective grassroots advocacy efforts in subsequent sessions.

Further study is also needed to establish a causal link, or at least a correlation, between the barriers that hampered advocacy and legislative outcomes. This study tracked three bills that were priorities of advocates through the legislative process. A more rigorous study using process tracing could be designed to follow multiple bills through both chambers of the legislature and map the barriers presented in various committees with eventual outcomes (Flyvbjerg 2011). Lastly, further study is needed to more rigorously contrast the experience of 501(c)(3) charitable nonprofits during the session with that of other types of organizations, particularly 501(c)(4) and 501(c)(6) advocacy nonprofits representing the business community closely aligned with the conservative legislative leadership, to explore the extent to which and perhaps how those nonprofits were able to overcome barriers to legislative access identified in this article, and whether advocacy strategies would need to differ in more conservative versus progressive state policy environments (Warner and Zhang 2021).

7 Conclusion

The case study described in this article, comprised of interviews with nonprofit leaders and analysis of legislative records and committee hearings, suggests that charitable nonprofits' legislative access was impeded during the spring 2020 session of the Louisiana State Legislature. It provides a framework of specific barriers in this context for future inclusion and investigation in theories of legislative access, particularly but not exclusively during a pandemic and related to virtual advocacy for progressive policy response on behalf of vulnerable communities. The COVID-19 pandemic highlighted long-standing disparities across several areas of society, including healthcare access and outcomes, economic inequality, and the "digital divide." This study helps to highlight yet another inequity: the potentially uneven playing field on which charitable nonprofits compete when advocating for vulnerable populations in the political arena. This disparity is not new, but the case study underscores how pandemic conditions may exacerbate it.

As the experience of the 2020 Louisiana legislative session suggests, there are potentially serious problems with the way legislation was debated and enacted amid a crisis that precluded equitable participation in the policy process (Strolovich 2014). Though state regulations have relaxed since May 2020 (Warner and Zhang 2021), allowing for more people to physically participate in future legislative sessions, the COVID-19 virus is still with us, as intermittent surges in variant cases have shown. It is likely access will continue to be restricted, at least to some extent, during future legislative sessions, and possibly during future pandemics or public health crises. Nonprofits must be prepared if they hope to gain access to policy-makers and legislative hearings, mount effective advocacy efforts, and serve those who will be relying on them for an equitable response and recovery.

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