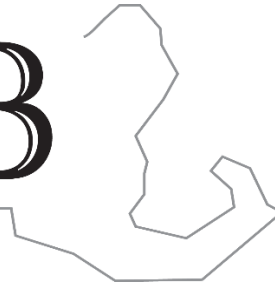


MAHNB

Assisting Massachusetts Boards of Health through
training, technical assistance and legal education



MASSACHUSETTS ASSOCIATION OF HEALTH BOARDS

10 Walnut Street, Suite 110

Wellesley, MA 02481

(508) 643-0234

support@mahb.org

www.mahb.org

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All You Need to Know About Lobbying but Were Afraid to Ask

Nonprofit leaders, employees at nonprofits, and municipal employees often have questions about lobbying. Key questions include:

- What is lobbying?
- What does Massachusetts law permit?
- How do lobbying and advocacy differ?
- How do lobbying and educating differ?
- Can nonprofits lose tax-exempt status by lobbying?

Lobbying is often misunderstood. It is a civic duty, not a “dirty word.” Our taxes pay legislators' salaries, making them public servants who work for us. Legislators enact laws and budgets and provide constituent services. We need to communicate our expectations to them, and lobbying is an effective way to do this.

There are two main types of lobbying. **Direct lobbying** involves communicating verbally or in writing with a legislator or government official (e.g., Commissioner of Public Health) about a specific piece of legislation (e.g., HB 4502 – An Act to Accelerate Equity & Effectiveness of Our Local & Regional Public Health System, commonly known as “SAPHE 2.0”), expressing a position on it, and asking them to take action **while you are working or being paid** for your efforts. Examples of direct lobbying include the following:

- "Please consider voting in favor of HB 4502, also known as SAPHE 2.0."

- "Please consider voting for HB 1888, which would increase the budget for the Massachusetts Tobacco Cessation and Prevention Program to \$1.5 million."

Grassroots lobbying involves urging the public to support or oppose specific legislation, including budget proposals **while you are working or being paid** for your efforts. This is often done through a **Call-to-Action** campaign using handouts, emails, or other methods to convey the message. Examples of grassroots lobbying include:

- Writing a letter to the editor asking readers to contact legislators and asking them to support a specific piece of legislation (SAPHE 2.0).
- Dropping flyers at legislative offices urging the legislators to support a specific piece of legislation (SAPHE 2.0).
- Posting a social media message on your employer's website asking readers to contact their legislators to vote for a specific bill.
- Emailing your associates asking them to contact their elected state officials to support a specific piece of special legislation.

Remember, lobbying outside of work and without pay is allowed and encouraged. Your civic duty includes participating in statewide elections, working for or against ballot initiatives, expressing views on proposed legislation, and asking legislators to vote a certain way. This right is protected by the First Amendment, which ensures our ability to "petition the Government for a redress of grievances."

Education and Public Health Advocacy v. Lobbying

Education and public health advocacy are intrinsic in enhancing specific public health goals, programs, and interests. This involves educating legislators and other policymakers about evidence-based public health strategies by providing them with studies and research about these strategies. For example, an organization might draft a paper outlining the differing health outcomes between municipalities with well-resourced public health services and those with poorly-resourced public health services. The paper can be shared with legislators for their consideration.

Education and public health advocacy also include talking to legislators about the positive health impact of laws that limit exposure to secondhand smoke in general if you are not talking about a specific bill before the legislature. It is perfectly **fine** to discuss issues relevant to a bill, just not the specific bill. Sharing information with the public is a way to raise awareness and is considered "advocacy and education" and not lobbying. For instance, discussing the fact that youth are attracted to flavored tobacco products, and use them more than they use unflavored tobacco products, is important. Education and public health advocacy are integral parts of the work of all public health professionals.

Other education and public health advocacy strategies include:

- Distributing fact sheets about tobacco industry marketing of flavored tobacco products, or other timely public health policy campaigns.

- Public education campaigns to educate the public about public health issues like opioid use disorder.
- Making educational presentations to civic and community groups about public health issues.
- Writing a letter to the editor with research findings on public health issues before the legislature without referring to specific bills.

How does my advocacy work as a nonprofit organization compare with that of a registered lobbyist?

Nonprofit organizations can engage in lobbying while maintaining their tax-exempt status if it constitutes a minor portion of their activities. They are allowed to allocate up to 20% of their budgets to lobbying efforts without having to register as a lobbying organization. It is essential to keep policymakers informed about public health needs in Massachusetts. The SAPHE 2.0 law illustrates that education and advocacy are powerful tools. However, sometimes, in addition to education and advocacy, explicit lobbying outside of work hours may be necessary to clarify recommendations and secure legislative support to further the organization's mission. Education, advocacy, and both direct and grassroots lobbying successfully contributed to the passage of SAPHE 2.0.

Additional Resources

The Secretary of State's Lobbyist Division maintains a web page with a few helpful resources at:

- https://www.sec.state.ma.us/LobbyistWeb/Common/CertificationInformation.aspx_

A link to the actual statute itself, G.L. c. 3, §§ 39-50, as amended in 2009, is at:

- <https://www.sec.state.ma.us/LobbyistWeb/ReadMe/MALobbyingLaw.pdf>.

A useful, user-friendly PowerPoint slide set, is at:

- https://www.sec.state.ma.us/LobbyistWeb/ReadMe/14_EduSemDec2020.pdf.

The Boston Bar Association has an older, but still relevant article on line at:

- <https://bostonbar.org/journal/massachusetts-lobby-law-five-years-later/>

There is a very readable and comprehensive practical guidance from the Alliance for Justice at:

- <https://afj.org/wp-content/uploads/2023/05/Practical-Guidance-MA-Lobbying-05.25.23.1.pdf>

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