

Mobilizing Your Community for
Equity Webinar Series

KEEPING IT LEGAL: MAXIMIZING YOUR POWER WITHOUT CROSSING THE LOBBYING LINE

February 20, 2019
1:00 - 2:00 PM, EST



Agenda

- **Welcome & Introductions**, Liz Thacker, Co-Chair
- **Presentation**, Allen Mattison
- **Q&A**
- **Announcements**, Coalition Team

Speaker



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Keeping It Legal

Maximize Power for Policy Change



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Session Goal: Boost Your Advocacy Without Crossing the Line



Topics to Cover:

- **What Is Lobbying?**
- **Plan Strategically to Get the Biggest Bang for Your Bucks**
- **Apply Theory to Real-World Situations**

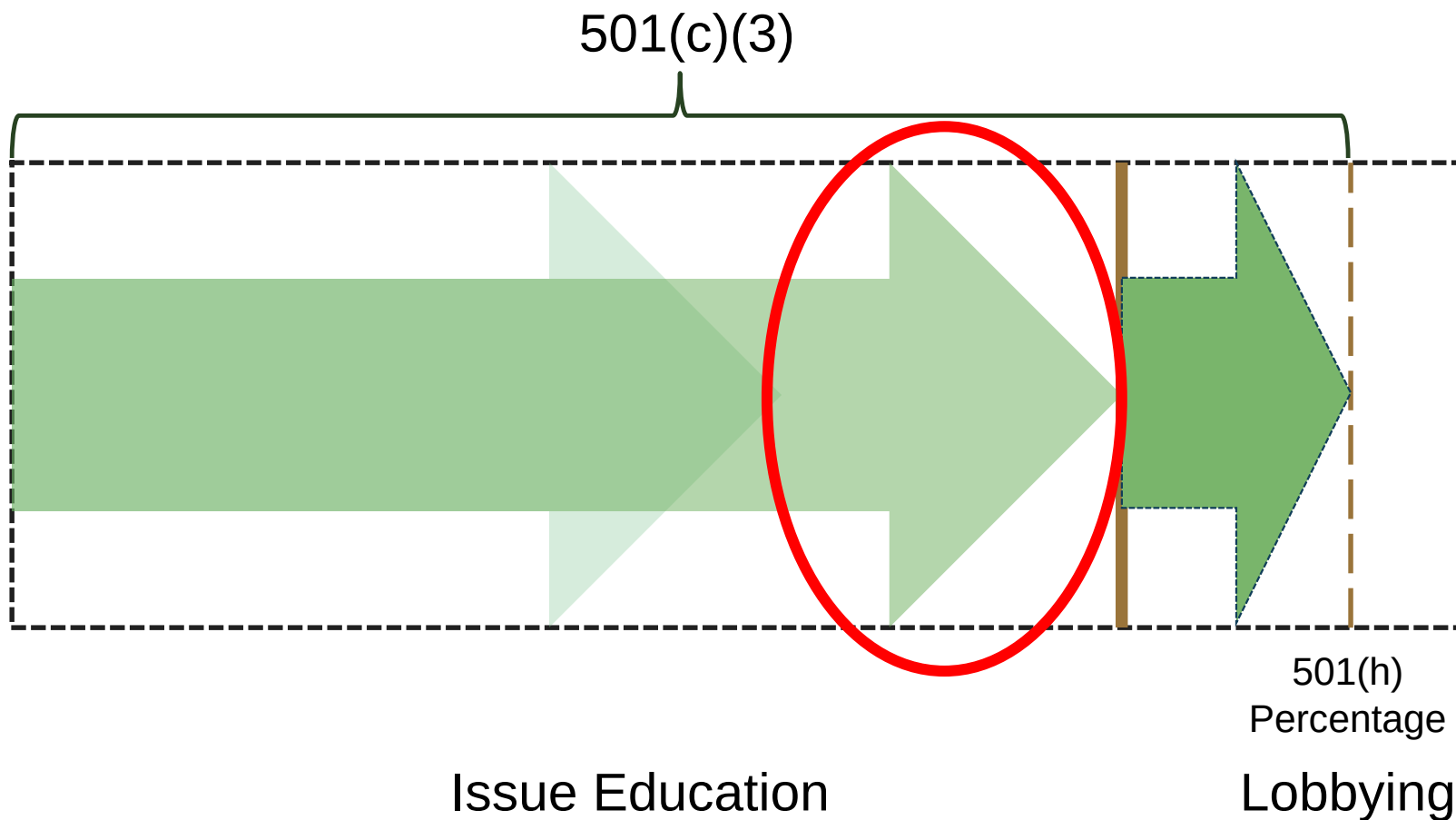


Section 501(c)(3) Charities May Lobby; But Not All Do



- **Public charity 501(c)(3)s legally may conduct a limited amount of lobbying.**
- **Private foundation 501(c)(3)s may not directly pay for lobbying.**
 - Many foundations prohibit their grants from being used to lobby.
- **Some charities choose not to lobby due to perception issues.**

Expand Your Comfort Zone



Congressional & State Lobbying Restrictions Apply, Too.



- **This presentation – and the grant restrictions – involve only the IRS lobbying rules.**
- **Separate federal and state lobbying laws may apply, in addition to these restrictions.**
 - Review the federal Lobbying Disclosure Act and your local laws to ensure compliance with those, too.

What Isn't Lobbying?



- Huge amount of non-lobbying activity.
- Understand your organization's role in the policy-change eco-system.
- “Lobbying” is narrowly defined. Everything else isn't lobbying.

Two Types of Lobbying



- **Direct Lobbying**
 - Communications directly with lawmakers
- **Grassroots Lobbying**
 - Communications with the public to influence lawmakers

What is Direct Lobbying?



- Direct Lobbying has Three Elements:
 - A communication directly with legislator or staff
 - On specific legislation
 - That reflects the organization's view on the legislation

What is Direct Lobbying?

1. A Communication Directly with Legislators or Staff

- Face-to-face meeting with legislator or staff
 - Also certain executive branch officials/staff



- Letter

- Email



- Phone Call



What is Direct Lobbying?



2. On Specific Legislation

- | | |
|--|---|
| <ul style="list-style-type: none">• Bills that have been introduced• Specific legislative proposals not yet introduced• Appropriation bills• Ballot measures* | <ul style="list-style-type: none">• Treaties<ul style="list-style-type: none">• From the time the U.S. starts negotiating its position with other parties to the treaty• Confirmations and nominations to Senate-confirmable posts |
|--|---|

What is Direct Lobbying?



2. On Specific Legislation

- “Specific Legislation” does not include:
 - Executive and Regulatory Actions
 - **Policy Discussions**
 - **School Board Decisions**
 - Zoning Board Decisions
 - Corporate Actions
 - Institutional Actions (e.g., churches, hospitals, universities, community centers)

What is Direct Lobbying?



3. Reflecting the Organization's Viewpoint

- Rare that a communication from an advocacy group to a lawmaker will hide the organization's viewpoint
- But it's possible, if the organization is providing truly neutral, objective information

What is Grassroots Lobbying?



- Grassroots Lobbying has Four Elements
 - A communication
 - To the public
 - Includes tweets, advertisements and speeches
 - On specific legislation
 - That reflects the organization's view on the legislation, and
 - **Includes a call to action**

What is Grassroots Lobbying - Call to Action

Call to Action is the key distinction
between grassroots and direct lobbying

- Call to action asks the audience to contact their legislator
 - “Call Senator Smith, and tell her to vote yes on ...”



What is Grassroots Lobbying - Call to Action

Other Forms of “Call to Action”

- Identifying the audience’s legislative representative
- Providing contact information for legislator
- Identifying legislator as neutral or opposed to your position on the legislation



What is Grassroots Lobbying - Call to Action



Other Forms of “Call to Action”

- Providing vehicle for contacting the legislator (form email, petition, etc.)
- Identifying the legislator as a member of the committee that will vote on the legislation



Activities to Prepare for Lobbying



Preparing for Lobbying = Lobbying Cost

- Activities whose only purpose is to prepare for lobbying must be paid with lobbying dollars.

Examples:

- Meetings to set lobbying strategy.
- Polls used only for lobbying.
- Writing handouts used only in lobbying.

What Isn't Lobbying?



- Policy discussions not tied to legislation
 - Reports, fact sheets, etc.
 - Site visits
 - Public education
- Testimony
 - With proper invitation
- Grassroots organizing
 - Not referring to legislation
 - Build energy around a policy issue



What is *not* lobbying?



Beware of “Subsequent Use” Rule

- All costs for purely educational materials are presumed to be grassroots lobbying if the materials are used for grassroots lobbying within six months of being produced
- To rebut the presumption, the organization must demonstrate its primary purpose in developing the materials was not for lobbying

What is *not* lobbying?



Subsequent Use: Grassroots Outreach is Key

- Briefing for academics
- Media release
 - Editorial writers
 - Bloggers, podcasters
 - Talk radio producers – always need expert voices and controversy to fill timeslots
- Outreach to potential allies
 - Business
 - Pediatricians
 - PTAs
 - Civic/Ethnic/Religious Organizations
 - Sports/fitness

What is *not* lobbying?



Technical Advice or Assistance

- Oral or written assistance provided in response to a written request by a governmental body, legislative committee or subcommittee



What is *not* lobbying?



Technical Advice or Assistance

- Request must be made in the name of the entity, not just from an individual member
 - E.g., Committee chair asking on behalf of the committee

What is *not* lobbying?



Technical Advice or Assistance

- Advice must be available to all members of the requesting entity



- May advocate a viewpoint, if the request specifically asks for opinions or recommendations



Is it lobbying?

Fact Sheet

WALKING + BIKING PATHS

New accessible paths in communities for walking and biking.



PHYSICAL EDUCATION

Resources and support to help schools offer more high quality physical education for our children.



HEALTHIER FOOD FOR CHILDREN

Resources to make school and early childhood meals healthier and tastier.



WORKSITE WELLNESS PROGRAMS

Resources to provide access to healthier eating and physical activity choices in the workplace.



FOR A HEALTHIER ILLINOIS, VISIT:
www.preventobesityil.org


**Illinois Alliance
to Prevent Obesity**

This message was funded by the American Heart Association through the Voices for Healthy Kids Action Center.

Is it lobbying?



Site Visit



WeGo Together for Kids

@WeGoTogetherWC

Follow



Thank you Rep [@Karina4D49](#) and Senator [@JimOberweis](#) for visiting our incredible after school program and learning about our community schools! [#communityschools](#)



Is it lobbying?



Action Alert



Contact your Members of Congress to Protect Programs that Support Community Schools for FY 2018

In October, we asked you to contact your members of Congress to protect federal programs that support community schools, and now we're asking you to take two minutes to do this again. Why? Congress has delayed a final vote on the FY 2018 budget until December 22 or later (until then we are operating under a Continuing Resolution which keeps programs level-funded until a final budget is passed.) They need to hear from you to communicate the importance of the multiple programs that support community schools.

Two programs are particularly vulnerable right now:

- Full-Service Community Schools, which was funded at \$10 million in the House but not funded in the Senate and has 21 current grantees; and
- Title II funds that go toward educator professional development and was eliminated in the House.

Is it lobbying?



Social Media

 Sen. Mattie Hunter retweeted

 **Prevent Obesity IL** @PrevObesityIL · Mar 5

Thanks @SenatorHunter for sponsoring the HEAL Act and helping us invest in health! #HEALAct #sugarydrinktaxHEALs



2





thanks

SENATOR GREG REED

for helping make Alabama a healthier place to live
for children and families through your support of
Alabama's Healthy Food Financing Act.

Your leadership and commitment to the well-being of
Alabama's children continues to move our state
forward on key issues like healthy food access.



Alabama's Healthy Food Financing Initiative will
be a vital resource for increasing healthy food access,
improving public health, creating local jobs, and spurring
economic development and neighborhood revitalization
in communities across the state.

For more information on how you can support the efforts
to improve healthy food access in your community, visit
our website at alavoces.org.

VOICES for Alabama's Children
P.O. Box 4576 • Montgomery, AL 36103-4576
334-213-2410 • www.alavoces.org



Key Takeaways



- Talking with a legislator about general policy is not lobbying.
- Materials that reflect a view on legislation, without an IRS call to action, are not lobbying if they are distributed broadly to the public before being provided to legislators.

Q&A

Please use the chat box to ask a question.

March for Children & Youth Month

- **Week 1:** Twitter Storm
- **Week 2:** Promote our Coalition's federal policy agenda
- **Week 3:** Grow a champion (meet with your elected official(s))
- **Week 4:** Host a site visit



Announcements

Community Schools Coordinators Network



A Network of the
Coalition for
Community Schools

[Join the Coordinators Network](#)



[Register Here](#)



We Want Your Feedback

Please submit your feedback for this webinar in this [short survey](#).

