

Strategic Advocacy

MA Food System Collaborative



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Session Goal: Boost Your Advocacy



Topics to Cover:

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



My Background



- **Political communications strategist**
 - Sierra Club – National Media Relations Director
 - Jay Nixon for Senate – Press Secretary
 - Sen. Jay Rockefeller – Deputy Press Secretary
- **Lawyer for nonprofits**
 - Passionate about helping nonprofits maximize their advocacy.

Congressional & State Lobbying Restrictions Apply, Too.



- **This presentation – and the grant restrictions – involve only the IRS lobbying rules.**
- **Specifically, only the IRC Section 501(h) Expenditure Test definitions.**
 - Nearly all organizations with spending under \$20 million per year should use the section 501(h) test.

Congressional & State Lobbying Restrictions Apply, Too.



- **Separate federal and state lobbying laws apply, in addition to these restrictions.**
- **Massachusetts lobbying rules cover attempts to influence executive branch action, unlike the IRS rules.**
 - Grassroots lobbying is not specifically defined, but the law covers “any act to promote oppose, influence or attempt to influence” legislative or executive branch action. See G.L. §3-39; [LAO/11-32](#).

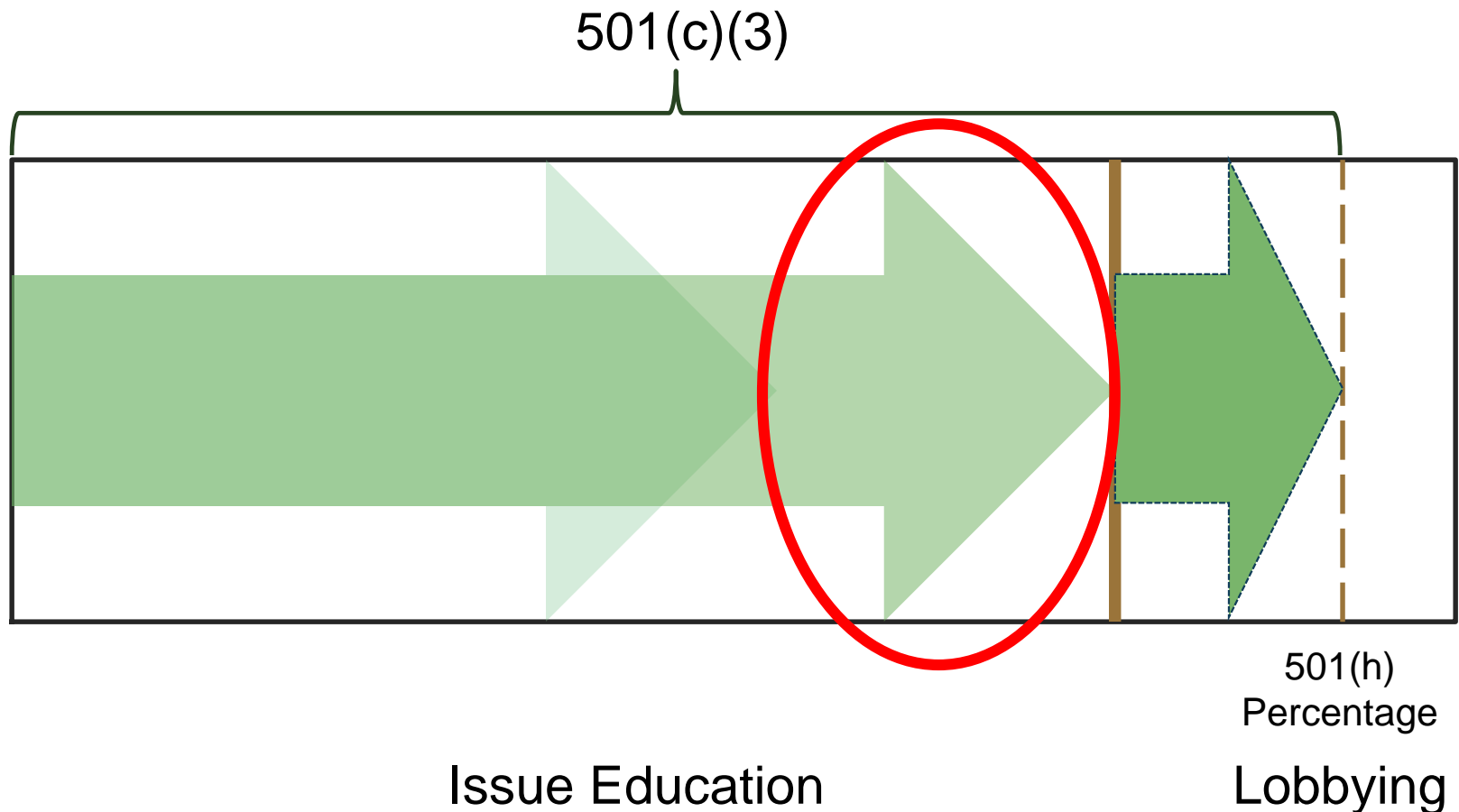


Section 501(c)(3) Charities May Lobby, But Not With Restricted Funds



- **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.**
- **Federal funds cannot be used to lobby Congress; state funds may be restricted – check your grant agreement or contract.**

Expand Your Comfort Zone and Stretch Your Non-Lobbying Dollars



Two Types of Lobbying Under IRS Rules



- **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

- Bills that have been introduced
 - Specific legislative proposals not yet introduced
 - Appropriation bills
 - Ballot measures*
- Treaties
 - 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/Regulatory Actions
 - **Policy Discussions**
 - School Board Decisions
 - Zoning Board Decision
 - 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 ...”



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 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

- Media release
 - Editorial writers
 - Bloggers, podcasters
 - Talk radio producers – always need expert voices and controversy to fill timeslots
- Outreach to potential allies
 - Businesses
 - Chefs
 - 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

D. Scott Dibble
State Senator
District 61
Minneapolis - South, Southwest & Downtown

111 State Capitol
75 Rev. Dr. Martin Luther King, Jr. Blvd
Saint Paul, MN 55155-1606

January 27, 2014

Rachel Callanan
Regional Vice President of Advocacy, Minnesota & Wisconsin
American Heart Association
4701 West 77th Street
Minneapolis, MN 55435

Dear Ms. Callanan,

On behalf of the Transportation and Public Safety Division of the Minnesota Senate Finance Committee, I request that you provide our committee with information regarding mechanisms other states have used for funding active transportation options. Based on your expertise in this area, and the



Senate

State of Minnesota

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

THE HEALTHY EATING+ACTIVE LIVING ACT PROVIDES TOOLS TO HELP ILLINOIS COMMUNITIES

Economists Estimate that
A **SMALL TAX** on Sugary Drinks

**Raises Over
\$600 MILLION
a Year for:**



ACCESSIBLE + AFFORDABLE FRUITS + VEGETABLES

Healthy fresh foods will be made available to diverse communities throughout Illinois with farmer's markets, community gardens, and healthier retail stores.

NUTRITION EDUCATION

Provide learning materials and support to educate children and families on the benefits of healthy eating.



DISEASE PREVENTION SERVICES

Services to prevent and manage diabetes, heart disease, and some cancers at health departments, the Medicaid program, and community organizations.



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.



The City Council has an opportunity to play a meaningful role in supporting parents' desire to ensure a healthy start to life for Baltimore's children. This legislation is good policy, and it's the right idea for Baltimore. By making healthy options easier for families to choose in restaurants, kids will be more likely to choose better drinks like milk and water. When we create a community that supports these kinds of choices, we will be able to see dramatic drops in chronic disease. It will not only help our children become healthier now, but also help them develop habits that reinforce a lifetime of good health.

My congregation has seized its own opportunity to take the lead in promoting healthy food and drinks. We run a soup kitchen every Saturday and invite anyone in the neighborhood who could use a meal. Recently, we've substituted healthier items in the lunches we serve. We also have made changes to serve healthier drinks and more fresh fruits and vegetables, instead of starches and processed foods. As a community institution, our church wants to emphasize the importance of eating and drinking nutritionally. Since we have increased healthier options, even more families have started coming to our soup kitchens.

Baltimore must seize this opportunity to build a healthy city, healthy habits and healthy children. When we support our children's health, we support the health of everyone in the city, whether they live in low- or high-income communities. **Passing the Baltimore City Healthy Kids' Meal Bill would make a tangible difference for all our children's future.** It's the right thing to do.

Is it lobbying?



Legislator Visit

MA Food System Retweeted



James Welch @Sen_Jim_Welch · Mar 1, 2018

Great visit today from advocates for the Healthy Incentives Program. In addition to hearing just how important this program is to Springfield I also got an oregano plant! Time to test my green thumb



Is it lobbying?



Social Media



Is it lobbying?



Social Media

 **MA Food System** @MAFoodSys · Apr 12
It's time to close the SNAP Gap in MA!



Advocates renew push for common application for welfare benefits
A bill pending in the Legislature would require the state to create a single application for both MassHealth and food stamps.
[masslive.com](https://www.masslive.com)

Is it lobbying?



Social Media



Is it lobbying?

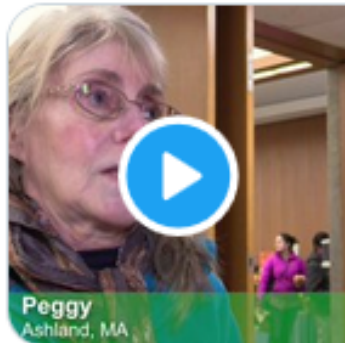


Social Media



MA Food System @MAFoodSys · Apr 19

Hi @RepHarrington thank you for signing on to a letter to HWM supporting \$8.5 million for HIP in #FY20! Please sign onto amendment 476 for full HIP funding! Here's a new video for more info: [youtube.com/watch?v=3DRzin...](https://www.youtube.com/watch?v=3DRzin...)
#MApoli #HIPworks



HIP Spotlight: Peggy

Support healthy families and sustainable farms year-round! Learn more about the Campaign for HIP Funding

[youtube.com](https://www.youtube.com)

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.