



Basics of Advocacy

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A few definitions to start with...

Grassroots (<i>indirect</i>) Lobbying	Direct Lobbying
<p>Any communication with the general public that expresses a view about specific legislation and includes a 'call to action'.</p>	<p>Any communication with a legislator* that expresses a view about specific legislation</p>
Advocacy	Member Education
<p>Encompasses any activity that a person or organization undertakes to influence Policies. There is great latitude in this definition, and some people consider advocacy to be all activities that are not specifically lobbying, such as public demonstrations, or the filing of friend of the court briefs.</p>	<p>Sharing information about your program with a member of Congress, or local legislator. Purely sharing data or facts related to a broader social issue, not in conjunction with legislation.</p>

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Example of Advocacy

Basically everything:



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Example
Grassroots
Lobbying

FIGHT FOR \$15

CALL YOUR CONGRESSPERSON: 

Tell them to VOTE YES on the "BUILD BACK BETTER" budget plan!

CLICK NOW TO CALL

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Example of Direct Lobbying

Alliance of Long Island Agencies (ALIA)
 Cerebral Palsy Associations of New York State
 The Developmental Disability Alliance of Western New York (DDAWNY)
 The Inter Agency Council of Developmental Disabilities Agencies (IAC)
 The New York State Association of Community Residential Agencies (NYSACRA)
 NYSARC
 New York State Rehabilitation Association (NYSRA)

Dear Senator/Assemblymember,

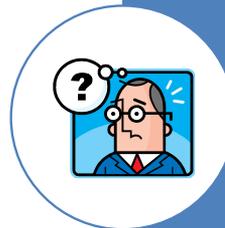
The Governor's minimum wage proposal in the SFY 2016-2017 Executive Budget leaves the field of developmental disabilities bewildered as to how the State can possibly uphold its statutory obligations to support individuals with developmental disabilities. The Governor's minimum wage proposal would increase the minimum wage by \$1.75 per hour throughout the state, except in NYC where it would increase \$3.00 per hour, during the upcoming SFY. However, the Executive Budget includes only a 0.2 percent cost of living adjustment trend increase for the developmental disabilities sector and others, which is roughly a 3 cents per hour wage increase for the lowest paid staff in this sector. As agents of the State providing these supports on behalf NYS, our member organizations and the families we serve are being set up for failure. The consequences of failing to fund developmental disability services agencies this year, who will have to comply with an increased minimum wage and compete for qualified employees with other sectors that have higher mandated compensation rates, cannot be understated: systemic failure will begin. We ask that you include funding to provide increases in provider rates to increase developmental disability support staff wages in proportion to the fast food minimum wage increase.

Like many other non-profit sectors, the developmental disabilities sector is heavily dependent on public funding for the provision of services and supports. Our services are almost exclusively publicly-funded (mostly Medicaid) and there are no alternative sources of funding by which we can increase wages. We can't raise our prices or otherwise substantially increase our revenue, so an unfunded wage mandate means cutting staff, accepting less qualified applicants, reducing the amount of support we provide for each person, and/or facing insolvency. Similarly, without a significant wage funding increase, developmental disability service providers can't compete for

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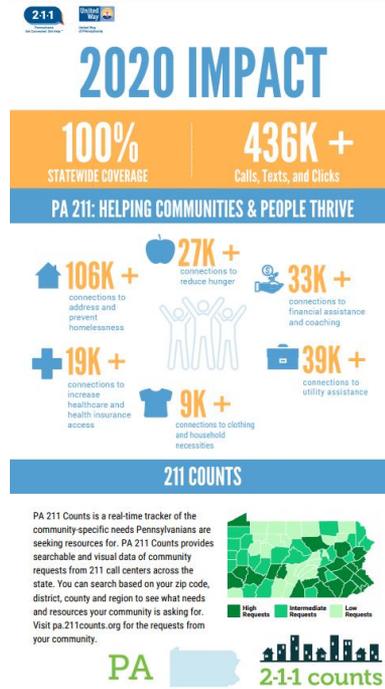
How will I know?

- Lobbying Rules Outlined at Multiple Levels
 - IRS Tax Code
 - Federal
 - State
 - Local
- The insubstantial part test: lobbying may not be a substantial part of an organization's overall activity.
 - Most agree 5% is the threshold.
- 501(h) expenditure test:
 - Direct lobbying and grassroots lobbying.
 - An organization that has made the 501(h) election may not spend more than one-quarter of its overall lobbying limit on grassroots lobbying.
- Always better to over-report vs under-report



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Example of Member Education



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What does that mean in PA?

Pennsylvania Lobbying Law

- Pennsylvanians are guaranteed the right to petition those invested with the powers of government
- **"Lobbying."** An effort to influence legislative action or administrative action in this Commonwealth. The term includes:
 - (1) direct or indirect communication;
 - (2) office expenses; and
 - (3) providing any gift, hospitality, transportation or lodging to a State official or employee for the purpose of advancing the interest of the lobbyist or principal.
- A Lobbyist, Lobbying Firm, or a Principal must register online with the Department of State biennially (unless excluded); Registration for City of Pittsburgh & City of Philadelphia may also apply
 - If you spend at least \$3,000 on total expenses for lobbying, you are required to register and file quarterly reports on your activities.

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What does that mean in PA?

Pennsylvania Lobbying Law

- Exemptions Exist! (examples):
 - Any individual who engages in lobbying obo individual employer if the lobbying represents **less than 20 hours** during any reporting period
 - An employee of the Commonwealth or an agency of the Commonwealth who is **acting in an official capacity for the Commonwealth or agency**
 - An individual who is not a registered lobbyist and **who serves on an advisory board, working group or task force at the request of an agency or the General Assembly**
 - Small procurement activities of vendors directly related to **responding to publicly advertised invitations to bid and RFPs**
 - An individual who **does not receive economic consideration** for lobbying (registration is required IF economic consideration; reporting not required if less than \$3,000 in the quarter)

<https://www.dos.pa.gov/OtherServices/LobbyingDisclosure/Pages/default.aspx>

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What does that mean in Washington DC?

Lobbying Disclosure Act

- An organization employing in-house lobbyists is exempt from registration if its total expenses for lobbying activities do not exceed and are not expected to exceed \$14,000 during a quarterly period.
- Lobbying firms are required to file a separate registration for each client. A lobbying firm is exempt from registration for a particular client if its total income from that client for lobbying activities does not exceed and is not expected to exceed \$3,000 during a quarterly period.
- Note: A lobbyist is not the registrant unless he/she is self-employed. In that case, the self-employed lobbyist is treated as a lobbying firm.
- Enforced by the US Attorney's Office

https://lobbyingdisclosure.house.gov/ended_Ida_guide.html

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Whoa, lots of rules! So, what can I do?

- Contact government officials or legislators to try to change **regulations***.
- Communicate with your Members about legislation—even taking a position on that legislation—as long as your communication does not directly ask your members or others to lobby*.
- Testify on legislation at a hearing, as long as the legislative body asked your organization, in writing, for its technical advice.
- Discuss broad social or economic issues -- as long as you don't take a position on specific legislation.
- Share the results of **non-partisan** analysis or research on a legislative issue—even if you take a direct positions on the merits of specific.
- Reply to Public Comment Requests!
- Conduct a self-defense activity—educating legislators about your nonprofit's own existence, powers, or tax-exempt status.

**Within the Exemptions! Maybe considered Lobbying if outside those exemptions*

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What if I work for the State, a City or a County?



- The PA Office of Administration outlines political activity guidelines for Commonwealth employees (mostly to do with elections and campaign finance).
 - In addition, each public official or employee files a Statement of Financial Interests for the preceding calendar year
- Federal HATCH Act requirements around political activities
- Local agencies have the authority to directly lobby state and federal officials, however the law does not allow public agencies to use public funds for grassroots lobbying.
- Spending public funds on grassroots lobbying is banned under the same theory that prohibits the use of public funds to influence voters in an election. Private groups may do this — public agencies may not.
- State and municipal lobbying disclosure laws impose additional reporting requirements on all organizations—not just on 501(c)(3) organizations—that lobby a certain amount at the state or local level.
- **And, you CANNOT use Federal money to lobby, ever.**

<https://www.hrm.oa.pa.gov/Documents/political-activity-guidelines.pdf>

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Scenarios

- Q: We would like to honor several state legislators for their service to our organization. It is 13 months until they will be up for election. Is that permissible?**
- A:** It is permissible. If you were to hold the meeting to honor the legislators during an election campaign it would still be permissible but would have to be done with a good deal of care to avoid any actions that might be seen as partisan. You are on stronger ground if you honor legislators every year, honor both Democrats and Republicans, and avoid the election campaign season. Do not mention the campaign or elections.
- Q: I am a staff person for a charity and my position is totally federally funded. Am I permitted to lobby on behalf of funding for my charity?**
- A:** If you lobby when you were off duty from your position at the charity, you would be acting as a private citizen and would be allowed to lobby all you want. However, if any of the lobbying was carried out while you were working for the charity, that lobbying would be prohibited because you can't use federal funds to lobby at federal or state levels unless Congress expressly authorizes it. (Also executive directors may be considered always on duty unless clarified by the organization's personnel policies.)

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Scenarios

- Q. I work for a non-profit 501c3 that works with formerly incarcerated individuals, and I have scheduled a meeting with my Congressman to talk about the issues formerly incarcerated Pennsylvanians face when seeking housing and employment. Am I lobbying?**
- A.** As long as there is no legislation pending on this issue and you do not propose any legislation to address this issue, that meeting would likely not count as a lobbying communication. It is a communication (or member education) with a legislator, but there is no discussion of specific legislation, so it is not direct lobbying.

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Scenarios

Q: We have sent a letter to the governor and other legislators advocating for revenue increases in the budget. We do not advocate for a particular legislative solution other than to oppose certain budget cuts and we have proposed budget increases. Is that lobbying?

A: Under Pennsylvania law, Yes; you are lobbying when you make an effort to influence legislative or administrative action. This includes direct communications (including written such as a letter) made by a lobbyist or principal, directed to a state official or employee to influence that action.

Does not include regularly published periodic newsletters primarily designed for and distributed to members of a bona fide association or charitable or fraternal nonprofit corporation.

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Scenarios

Q: I am a 501c3 organization that supports LGBTQ rights, and want our organization to publicly support a Mayoral candidate, can we do that?

A: No, a 501(c)(3) organization may not support or oppose a candidate for public office.

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Scenarios

- Q: The PA Department of Education has put out an RFP to reform the GED, and has opened the RFP for public comment. My organization strongly believes that the RFP needs to be modified, and would like to engage the general public and our Board to send in public comments. Is this lobbying?**
- A:** It depends! For 501c3 organizations, or those who have taken the 501 h election, this is not a lobbying activity because there is no legislation involved. PA exempts public comments (at the request of the agency) and competition for an RFP you are not lobbying. The timing of the “ask” in the RFP process matters.
- Q: A group of non-profits came together to form a “coalition” around youth issues. Together we helped to organize a forum to discuss youth issues. Several of our members would like support a colleague who has now decided to throw their hat in the for Mayor. We think our public support could help. Can we do this?**
- A:** Endorsing a person who has not stated they are a candidate could make the person a candidate. Therefore that activity would be viewed as engaging in partisan political campaigning, which is prohibited.

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I am still freaked out about this! Where can I go to for extra advice!

- [Overview of 501c3, 501c4, and 501c6 Organizations](#)
- [PA Filing Forms](#)
- [PA Lobbying Disclosure Law](#)
- [Alliance for Justice: Bolder Advocacy Site](#) = (find [Pennsylvania](#) sheet)

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