

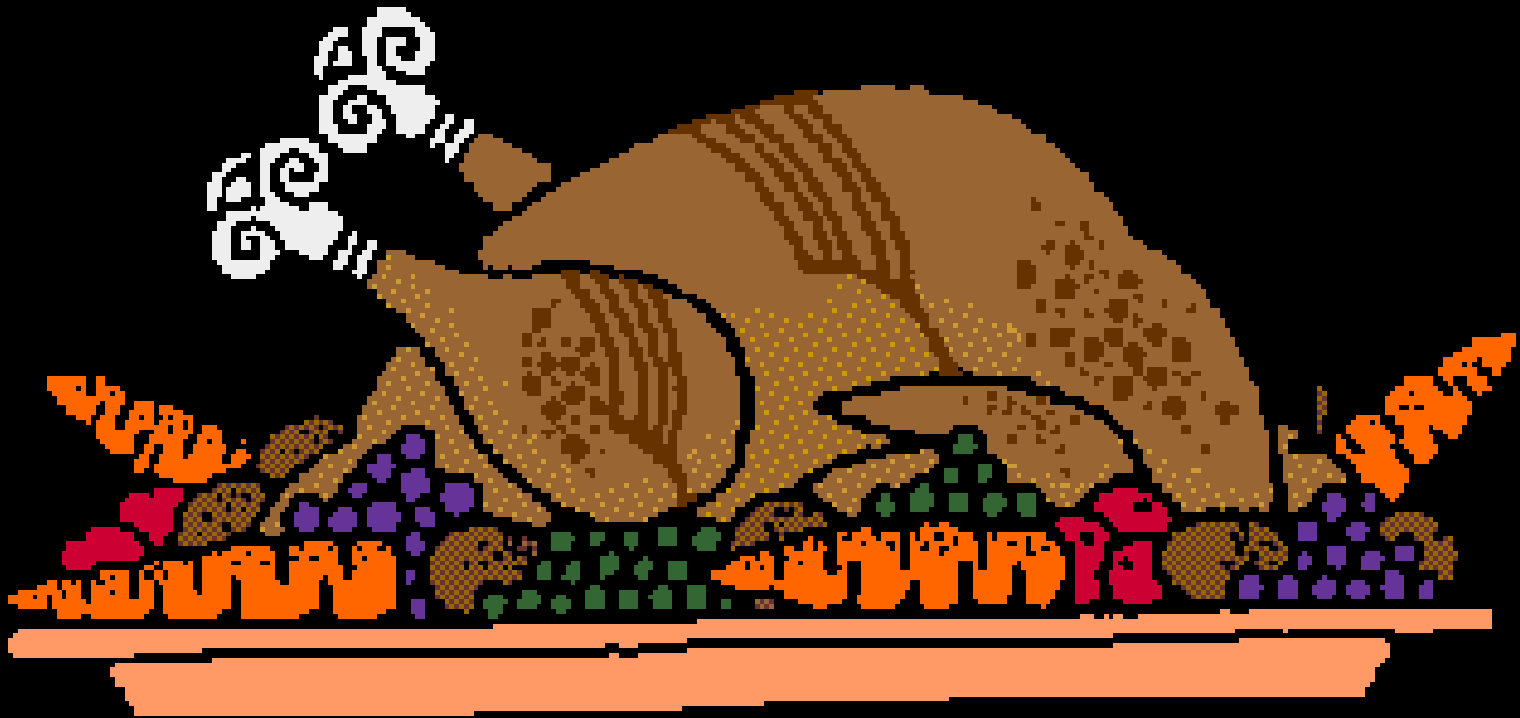


Policy Advocacy 101
for the
Healthy St. Mary's
Partnership

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Why Be An Advocate ?



If you're not at the table ...

WHAT IS PUBLIC POLICY?

- **Constitutions**
- **County or Town Charters**
- **Laws (Ordinances, Statutes)**
- **Regulations, Rules**
- **Executive Orders**
- **Legal Decisions**
- **Administrative Policies**

WHO MAKES DECISIONS

- **Presidents, Members of Congress, Governors, Mayors, State Legislators, Commissioners, Council Persons, Board Members**
- **Agency Heads & Other Bureaucrats**
- **Judges**
- **The Voters**

WHAT INFLUENCES DECISION MAKERS?

- Laws
- Regulations
- Facts
- Knowledge
- Experience
- Beliefs
- Experts
- Friends
- Supporters
- Public Opinion
- Media
- Constituents
- Other Officials
- “Electoral” Concerns
- “Log-Rolling”

WHAT IS POLICY “ADVOCACY”?

ANY ACTIVITY THAT ATTEMPTS TO ESTABLISH
OR CHANGE A PUBLIC POLICY

- Public Education
- Media/Messaging
- Litigation
- Organizing
- Protests & Marches
- ‘Lobbying’

“ADVOCACY” VS “LOBBYING”

- **Public Education**
- **Media and Messaging Campaigns**
- **Litigation**
- **Organizing Activities**
- **Protests & Marches**

Normally Defined by Statute

State and Local Laws May Vary From IRC Provisions


Usual Key Elements: Communication, Subject Matter & Money



Four Basic Steps

1. Examine Your Organization – Resources and Needs
2. Know and Follow the Rules
3. Understand the Policy Process
4. Build Capacity to Influence Decisions

FIRST CHECK YOUR RESOURCES

- Supporters
 - Relationships
 - Expertise
 - Money
 - Networks
- 
- What Don't You Have – Where Can you Find It?

ABOUT THE RULES

**Nonprofits and Lobbying – Can Your
Charity or Other Tax Exempt Organization
Do It?**

**Lobbying – Regulated In Some Way At
Every Level Of Government**

Permitted Activities

501(c)(3)	501(c)(4)	501(c)(6)
Charitable, religious, educational, scientific, literary	Civic leagues, social welfare orgs.	Business leagues, chambers of commerce, etc.
MD Nonprofits; Advocates for Children & Youth	League of Conservation Voters	Vulcan Blazers, Inc. (Assoc. of Black Fire Fighters)
Limited lobbying	Unlimited lobbying	Unlimited lobbying
No partisan electoral activities	Electoral activities must be secondary	Electoral activities must be secondary

Charity Lobbying

Insubstantial Part Test

26 U.S.C. § 501(c)(3); 26 C.F.R. § 1.501(c)(3)-1(b)(3)(i)

- Default Test
- Lobbying must be an “insubstantial part” of overall activities
- Include cost-free activities when determining if substantial



Charity Lobbying

501(h) Expenditure Test

26 U.S.C. § 501(h); 26 C.F.R. §1.501(h)

- Elect by one-time filing of Form 5768
- Clear dollar-based limits
- Only expenditures count towards limits
- Clear definition of lobbying
- Churches & private foundations cannot elect



Charity Lobbying – 501(h)

1. Calculate organization's "Exempt Purpose Expenditures" **Budget (for most organizations)**
2. Overall lobbying limit is:
 - 20% of first \$500,000
 - + 15% of next \$500,000
 - + 10% of next \$500,000
 - + 5% of the remaining
3. Grassroots lobbying limit is 25% of overall limit

\$1 million cap on total lobbying expenditures

Maryland Ethics/Lobbying Rules

Legislative: Registration required if the person communicates in the presence of an official or employee in the legislative or executive branch for the purpose of influencing legislative action and

- Incurs **expenses of \$500** or more
- **Earns \$2,500** or more as compensation from all lobbying employers; or
- The person is **not in the presence** of an official, but communicates to influence legislation and earns at least \$5,000 for all such communication activities during the reporting period

Grassroots: Registration required for any person, group, organization or business that expends **\$2,000** to influence legislation (including salaries, contractual employees, postage, etc.) during reporting period

Maryland – Executive Action Lobbying

- **Registration Required IF:**
 - The person communicates with any official or employee in the executive branch for the purpose of influencing executive action during the reporting period and the person **expends a cumulative amount of \$100 or more** during the reporting period on one or more officials or employees of the executive branch for meals, beverages, special events or **gifts in connection with or for the purpose of influencing executive action.**
 - Any executive action activity is covered by this provision.

Maryland – Executive Action Lobbying Regulations & Executive Orders

The person is **compensated \$2,500 or more** in a reporting period, from all lobbying employers **cumulatively**, for all such communication and activities relating to the communication or **incurs expenses of \$500, per lobbying employer**, or more (other than for personal travel or subsistence) and gets **in the presence** of an official or employee for the purpose of **influencing** executive action relating to the **development or adoption of regulations or the development or issuance of an executive order; OR**

Earns at least \$5,000, from all lobbying employers cumulatively, as compensation **for all such communication and activities relating to the communication** during the reporting period, even if **not in-the-actual-presence** of officials or employees for these purposes.

Maryland Lobbying Registration

1. The Lobbying registration year begins November 1 and ends October 31.
2. The year is divided into two reporting periods – November 1 thru April 30 & May 1 thru October 31.
3. Reports are required within 30 days of the end of each reporting period.
4. Training available from the Ethics Commission – posted on their web site.
<http://ethics.gov.state.md.us/>

SAINT MARY'S COUNTY

According to Section 8A of the St. Mary's County Public Ethics Ordinance:

A. Any person who lobbies a St. Mary's County Official or employee and who, in connection with such lobbying, expends or reasonably expects to expend in a given calendar year in excess of \$500 on gifts, including but not limited to, meals, tickets, admission passes, awards or honoraria for county officials and/or employees shall file a registration statement with the commission not later than seven (7) days of the first of the two above alternatives to occur.

LOBBYING IN SAINT MARY'S

Section 3A and Section 3B of the Ordinance define lobbying to be:

A. Communicating in the presence of a St. Mary's county official or employee with the intent to influence any official action of that official or employee; or

B. Engaging in activities having the express purpose of soliciting others to communicate with a St. Mary's County official or employee with the intent to influence any official action of that official or employee.

UNDERSTANDING THE LEGISLATIVE PROCESS

1. LEGISLATURES HAVE AN INTERNAL STRUCTURE -- ITS 'SOCIAL ORDER' – THIS DRIVES THE MAJORITY OF DECISIONS
2. EXTERNAL PRESSURES CAN ALSO INFLUENCE DECISION-MAKING
3. UNDERSTAND THE INTERPLAY OF THESE TWO APPROACHES – YOUR ISSUE MAY REQUIRE ONE, THE OTHER, OR PROBABLY BOTH
4. ASSESS/BUILD CAPACITY TO INFLUENCE DECISIONS FROM THE INSIDE (INSIDE LOBBYING)
5. DEVELOP CAPACITY TO BRING EXTERNAL PRESSURE TO BEAR ON THE POWER STRUCTURE

SENATE

Voters of Maryland

Senate

Thomas V. Mike Miller, Jr.
Senate President
(410) 841-3700

Robert J. Garagiola
Majority Leader
(410) 841-3653

Lisa A. Gladden
Majority Whip
(410) 841-3697

Nathaniel J. McFadden
President Pro Tem
(410) 841-3165

Nancy Jacobs
Minority Leader
(410) 841-3158

E. J. Pipkin
Minority Whip
(410) 841-3639

Office Manager
Joy R. Walker
(410) 841-3700

Chief of Staff
Victoria L. Gruber
(410) 841-3700

Budget & Taxation
Edward J. Kasemeyer
(410) 841-3653

Capital Budget
James E. DeGrange, Sr.
(410) 841-3593

Education, Business
& Administration
Richard S. Madaleno, Jr.
(410) 841-3137

Health & Human Services
James N. Robey
(410) 841-3572

Pensions
Verna L. Jones-Rodwell
(410) 841-3612

Public Safety, Transportation,
& Environment
James E. DeGrange, Sr.
(410) 841-3593

Education, Health &
Environmental Affairs
Joan Carter Conway
(410) 841-3661

Alcoholic Beverages
Vacancy
(410) 841-3590

Base Realignment & Closure
Roy P. Dyson
(410) 841-3673

Education
Paul G. Pinsky
(410) 841-3155

Environment
Paul G. Pinsky
(410) 841-3155

Ethics & Election Law
Roy P. Dyson
(410) 841-3673

Health
Joan Carter Conway
(410) 841-3145

Executive Nominations
Delores G. Kelley
(410) 946-5351

Finance
Thomas M. Middleton
(410) 841-3677

Health
Robert J. Garagiola
(410) 841-3169

Transportation
Catherine E. Pugh
(410) 841-3656

Judicial Proceedings
Brian E. Frosh
(410) 841-3124

Rules
Katherine A. Klausmeier
(410) 841-3700

HOUSE OF DELEGATES

Voters of Maryland

House of Delegates

Michael E. Busch
Speaker

(410) 841-3800, (301) 858-3800

Adrienne A. Jones
Speaker Pro Tem
(410) 841-3391

Kumar P. Barve
Majority Leader
(410) 841-3464

Talmadge Branch
Majority Whip
(410) 841-3398

Anthony J. O'Donnell
Minority Leader
(410) 841-3314

Jeannie Haddaway-Riccio
Minority Whip
(410) 841-3429

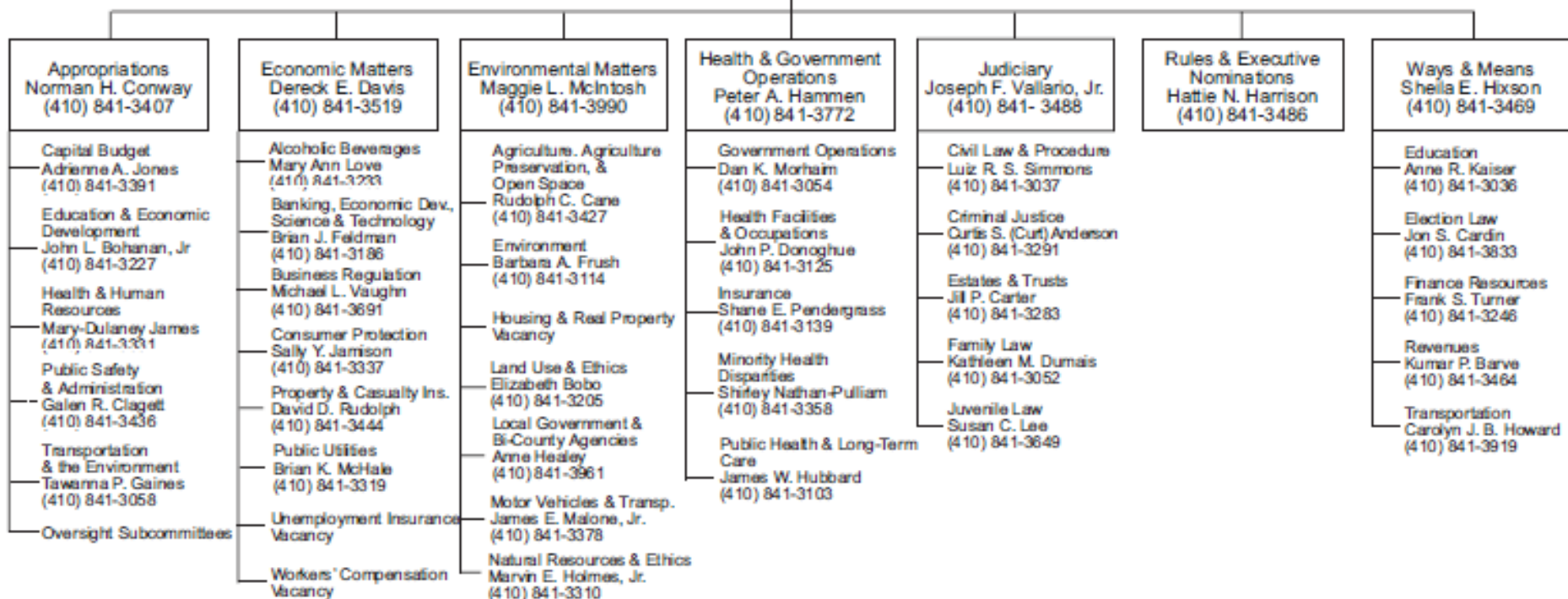
Chiefs of Staff:
John F. Favazza (410) 841-3916
Kristin F. Jones (410) 841-3995

Nancy S. Earnest, Assistant to Speaker (410) 841-3800

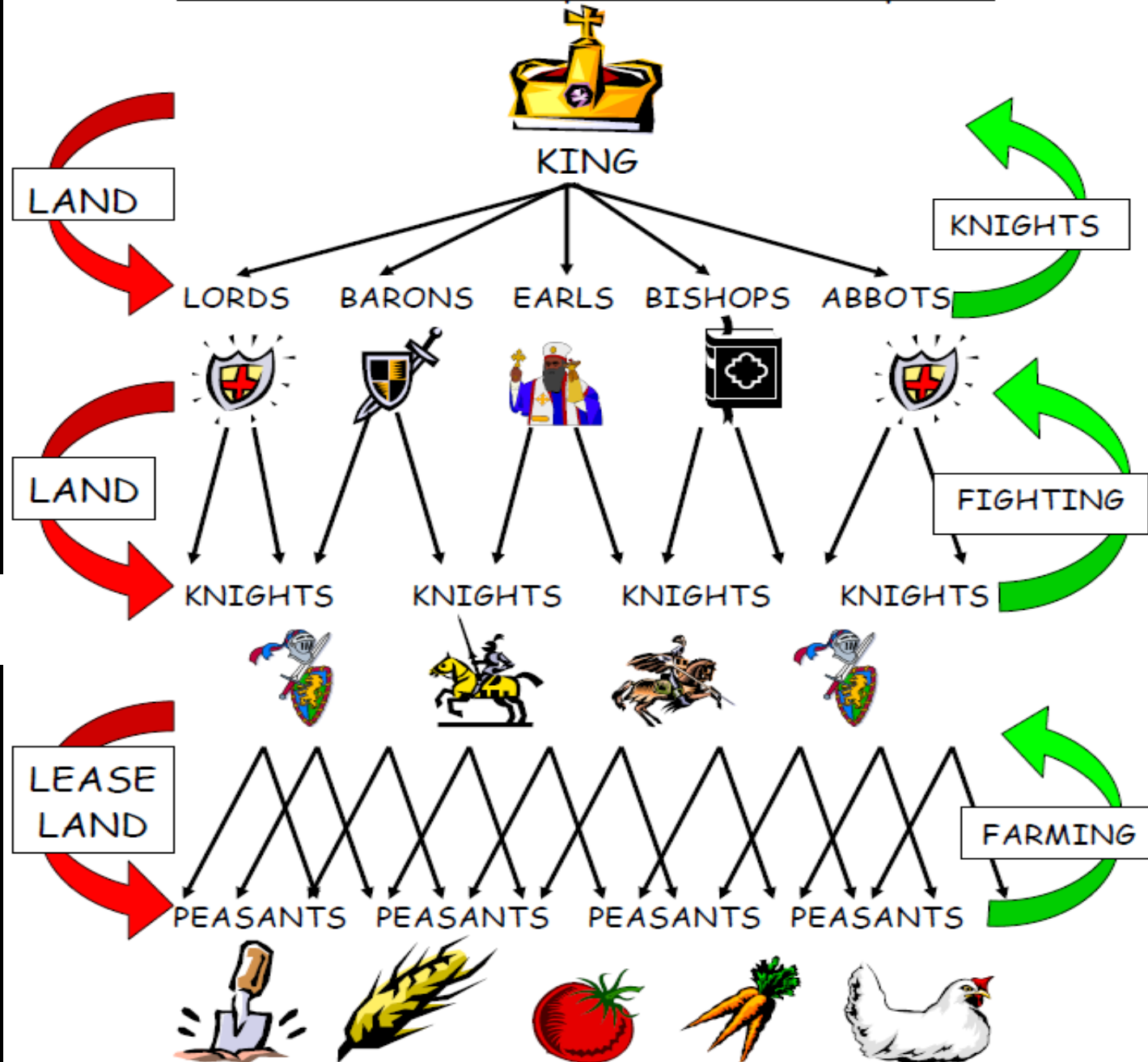
Barbara C. Oakes, House Administrator (410) 841-3392

Susan A. Penix, Administrative Assistant (410) 841-3297

Edith L. (Edie) Segree, Constituent Affairs Assistant (410) 841-3800



Illustrated Hierarchy of the Feudal System



By Miss Marshall

www.SchoolHistory.co.uk

HEARINGS

- **Not Judicial Or Quasi-judicial**
- **Not Like Congress**
- **Not The Prime Forum For Lobbying Your Cause**

ADVOCATES AT COMMITTEE HEARINGS

- EXPLAIN YOUR PROPOSAL OR POSITION
- DEMONSTRATE SUPPORT FOR YOUR CAUSE (PROMINENCE AND NUMBERS)
- GET COMMITTEE REACTION
- HEAR THE OPPOSING SIDE

ORGANIZE AND PLAN CAREFULLY!!!

CAPACITY OR POWER TO INFLUENCE

- **Having A Champion**
- **Framing The Issue**
- **Public Support**

CHOOSING YOUR 'CHAMPION'

- **How Well Positioned Are They?**
(within the 'structure' & in political terms, what's their relative clout)
- **How Committed Are They?**
(where is this issue among their priorities & interests)
- **You May Need a Village!**

FRAMING YOUR ISSUE

“Framing” means defining in the public’s mind what this issue is about.

Advocates worked to raise the state tobacco tax

If this looks like a fight to raise money – it’s probably a loser

But the advocates define what this is about –

“It’s About Saving Lives” - it stops young people from smoking -- And that’s a winner

MEETINGS WITH OFFICIALS

- PLAN IN ADVANCE – WHO ATTENDS, SPEAKS, ETC.
- INTRODUCE YOUR SELF, GROUP, OR ORGANIZATION
- WHAT’S THE ISSUE & WHAT ARE YOU ASKING FOR (GET TO THE POINT)
- THANK THEM! LAY BASIS FOR FURTHER COMMUNICATION

- BE HONEST
- BE PROFESSIONAL
- BE POLITE (EVEN IF YOU THINK THEY’RE NOT)
- NO ZEALOTS!!!

WRITING TO OFFICIALS

(emails, letters, faxes, etc)

- **WHY ARE YOU WRITING – WHAT’S IT ABOUT?**
 - **IDENTIFY YOURSELF/GROUP - HOW ARE YOU CONSTITUENTS?**
 - **WHY ARE YOU ASKING – WHY IS IT IMPORTANT TO CONSTITUENTS?**
 - **ASK FOR A RESPONSE**
 - **THANK THEM**
-
- **NEATNESS AND FORM COUNT**
 - **KEEP IT BRIEF – 1 PAGE (EXECUTIVE SUMMARY IF SENDING A LONGER REPORT)**
 - **STAY ON ONE ISSUE**
 - **KEEP TONE PROFESSIONAL AND POLITE**

GRASSROOTS - WHY

- **Because many or most bills require more than just an 'inside' strategy**
- **They tend to pay attention to their constituents based on how much they think the constituents care**
- **Powerful grassroots or 'popular' concern influences the control of the 'inside' process**

BUILDING GRASSROOTS

- **Engage board members, staff, donors, clients**
- **Identify constituencies that are affected by your issue**
- **Build lists of potential supporters**
- **Training for staff on recruitment/mobilization**
- **Seek funding to support paid organizer**
- **Educate public & potential supporters, using media, special mailings, website, etc**
- **Community engagement activities (informational meetings, rallies, special events, Town Halls, etc)**
- **Build communications infrastructure (telephone/email/mail/web/fax)**
- **Developing partnerships/coalitions**

ABOUT COALITIONS

- **There really (usually) is strength in numbers**
- **Remember there are 47 districts – how many are you in?**
- **They can take a myriad of forms**
- **Make sure you know why you're in one or using one**