

FUTURE OF NURSING™

Campaign for Action



Legal Matters – Making Grant Dollars Go Farther

June 23, 2015

For live audio, you must use your phone and dial (866) 513-4976; passcode: 6875187

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Center to Champion Nursing in America



Strategically Plan Your Advocacy

FUTURE OF NURSING™
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- **Goal: Maximize resources and power of Action Coalitions by planning activities strategically.**

- What is lobbying?
- Plan strategically to get the biggest bang for your bucks.
- Apply theory to real-world situations.



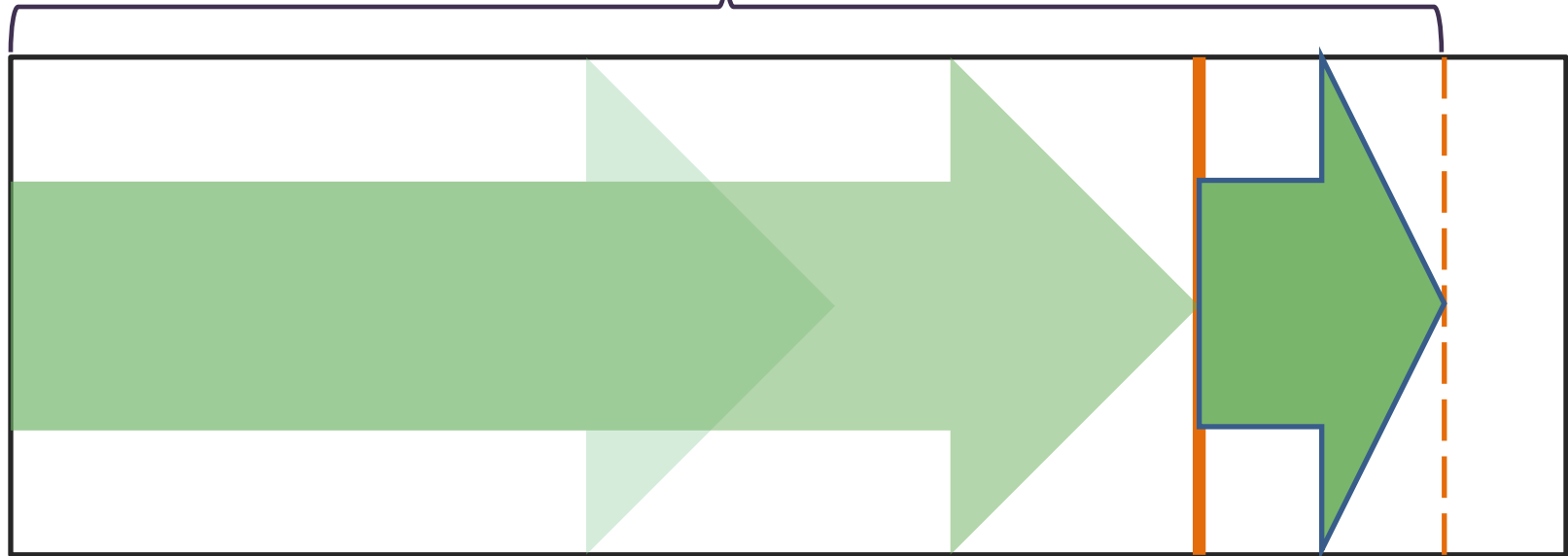
Section 501(c)(3) Charities May Lobby, But Not With RWJF Funds

- Public charity 501(c)(3)s legally may conduct a limited amount of lobbying.
 - Charities may spend a certain percentage of their expenditures on direct and grass roots lobbying under the section 501(h) “expenditure test.”
 - “Grass roots lobbying” may be 25% of total lobbying.
- Private foundation 501(c)(3)s may not directly pay for lobbying.
 - No RWJF funds may be spent on lobbying.

ACs May Lobby – But Not With RWJF/CCNA Funds

- ACs may conduct direct and grassroots lobbying **but only without RWJF/CCNA funds or resources**
- If ACs and their members plan to lobby or conduct political activities in a coordinated way, they must:
 1. Provide advance notice to CCNA
 2. Include a disclaimer
 3. Do not use RWJF/CCNA names, logo, funds or other resources

501(c)(3)



Issue Education

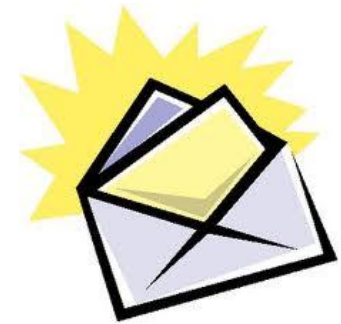
501(h)
Percentage
Lobbying

- 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



- 1. A Communication Directly with Legislators or Staff**
 - Includes Congress, state legislators, city councils, tribal governments, town meetings.
 - Does not include school boards, zoning boards, or other administrative agencies.

2. On Specific Legislation

- Bills that have been introduced
- Specific legislative proposals not yet introduced
- Appropriation bills
- Ballot measures*
- Resolutions
- Treaties
 - From the time the U.S. starts negotiating its position with other parties to the treaty
- Confirmations and nominations to Senate-confirmable posts

2. On Specific Legislation

“Specific Legislation” does not include:

- Regulatory Actions
- Executive Actions
- School Board Decisions
- Zoning Board Decision
- Corporate Actions
- Institutional Actions (e.g., churches, hospitals, universities, community centers)

3. Reflecting the Organization's Viewpoint

- Endorsement or opposition of legislation
 - “Vote for the Buskirk Bill”
- Urging legislators to fix a problem in a bill
- Explaining a bill's negative consequences
- No viewpoint communicated if the organization is providing truly neutral, objective information

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



Other Forms of “Call to Action”

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



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



Call to Action Exception: Highly Publicized Legislation

- No call to action needed for paid advertising that runs two weeks before a committee or floor vote on “highly publicized” legislation
- “Highly publicized” if it’s frequently on the evening TV news
- Automatically grassroots lobbying if it is:
 - Paid advertising,
 - On specific “highly publicized” legislation, and
 - Reflects the organization’s view on the legislation

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.

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 Rule: Six-Month Window

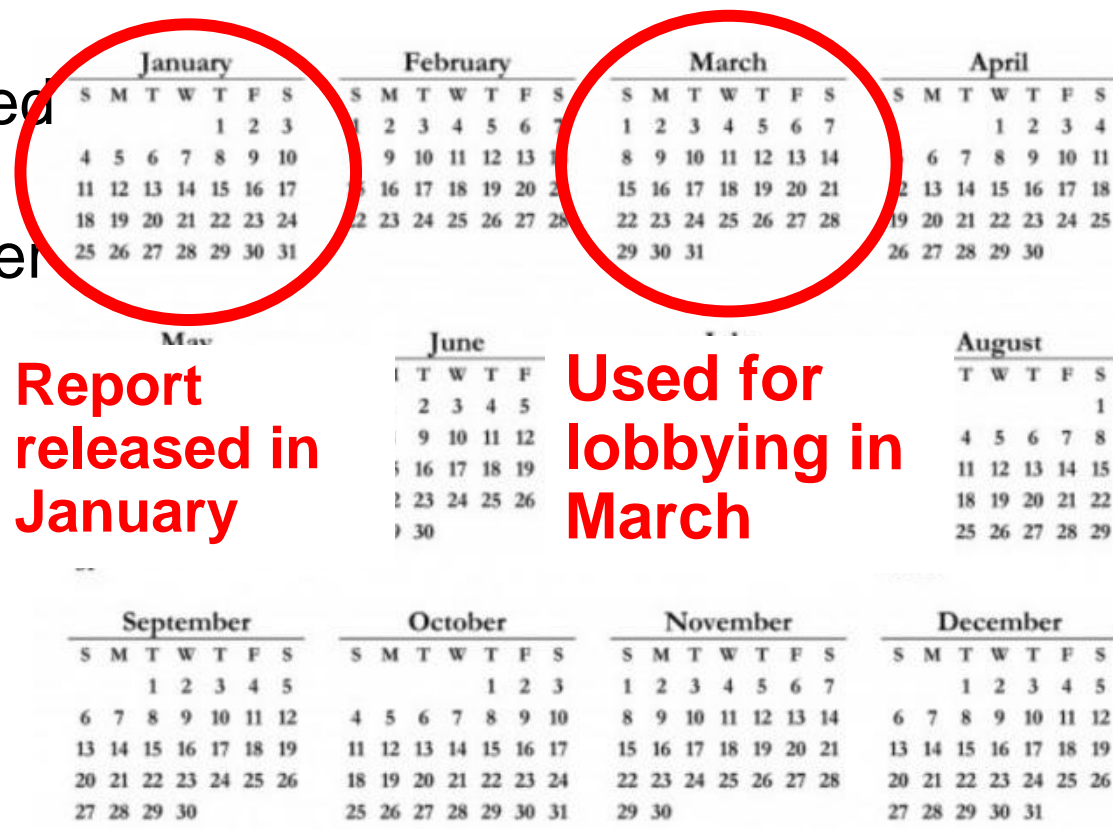
- No risk if materials are used only for education in the first six months.



What is *Not* Lobbying?

Subsequent Use Rule: Six-Month Window

- If materials are used for lobbying in the first six months after release, the IRS presumes the expense was a lobbying cost ... but you can rebut the presumption.



Broad Public Distribution: Minnesota Poll Example

- Briefing on poll results and **talking points distributed to coalition members** before public release.
- Coalition members provided with **sample tweets** and **Facebook posts** prior to release – timed for drumbeat into legislative session.
- Poll results released publicly through a **news release** and in one-on-one **briefings with legislative reporters** and reporters in targeted districts.
- Briefings with key **editorial-page editors** and key **bloggers**.
- **Radio news actuality** produced and distributed to radio stations statewide.
- **Letters to the editor** and **op-eds** crafted and submitted to key newspapers
- Coalition members to distribute poll **summary to supporters** and followers.



Mission: Readiness @Mission_Ready · Nov 17

New poll: vast majority of Minnesotans support funding for bi infrastructure #FundBikePedinMN #MoveMN heart.org/MNHealthyKidsP...

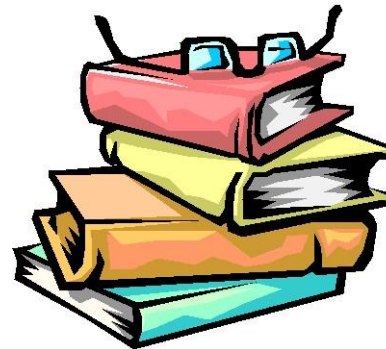


AmericanHeartAssocMN @HeartAssocMN · Nov 17

MN News discusses new poll and Minnesotans support for more funding. #fundbikepedinMN #MoveMN... fb.me/6Up9OjrO

Nonpartisan Analysis, Study, Research

- Independent, objective analysis
- Distributed broadly, not just to one side
- May advocate a viewpoint, if it includes a full and fair examination
 - A person must be able to form an independent conclusion



Technical Advice or Assistance

- Oral or written assistance provided in response to a written request by a governmental body, legislative committee or subcommittee
- Request must be made in the name of the entity, not just from an individual member
 - E.g., Health Department director asking on behalf of the department

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?

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**CALL SENATOR JOHNSON.
TELL HIM IT'S TIME TO STOP DENYING
CLIMATE SCIENCE AND ACT.
(202) 224-5323**

PAID FOR BY THE LEAGUE OF CONSERVATION VOTERS.

Thank you,

Senators Lamar Alexander and Bob Corker,
for your unwavering leadership in
preserving Tennessee's great outdoors.

The Tennessee Wilderness Act
would protect our heritage and time-tested outdoor
traditions for future generations. It would boost our local
economy through outdoor recreation and tourism jobs.

The Cherokee National Forest is East Tennessee's
"Big Backyard." We thank you
for putting Tennessee first.

The Tennessee Wilderness Act
Made by Tennesseans for Tennessee

Is it Lobbying?



**American
Heart
Association®**

life is why™



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Turn your Computer Speakers On**

Is it Lobbying?



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NEWS

you@email.com

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WHY INVEST NOW

We need to expand Medicaid in Missouri. In this tough economy, more Missourians than ever are out of jobs and many are single parents making barely enough to survive, let alone support a family. Under the national health reform law, Missouri has an opportunity to expand Medicaid to provide health insurance to single parents and childless adults who earn up to 138% of the federal poverty level, or about \$25,000 for a family of three. Taking advantage of this expansion is both the right thing to do and the smart thing to do for Missouri.

EXPANDING MEDICAID IS THE RIGHT THING TO DO.

- **Being able to see a doctor is a right, not a privilege.** Working families should have the right to receive basic medical care when they need it, but tens of thousands of working Missourians can't qualify for basic health care, and 877,000 currently have no health insurance at all. That's why we need to expand Medicaid coverage to help insure those who need it the most, like families with children who are working hard to make ends meet. Now is not the time for Missouri to start neglecting its working families.
- **Medicaid saves lives and prevent thousands of deaths every year in Missouri..** Expanding Medicaid will help allow 260,000 more hardworking Missourians who earn just a fraction of the federal poverty line to purchase insurance. A recent study shows that expanding coverage could even save the lives of as many as 6% of the people who enroll.
- **Missouri currently makes it harder than almost any other state to qualify for Medicaid.** Under today's rules, a single mother of two can't qualify for basic health care through Medicaid if she makes anything more than \$3,504 per year – just 18% of the

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MO Medicaid Coalition
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6,552 people like MO Medicaid Coalition.

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Is it Lobbying?



WHY INVEST NOW

LEGISLATIVE CENTER

SIGN ON

SUPPORTERS

NEWS

LEARN MORE

TAKE ACTION TO EXPAND MEDICAID

Missouri lives are on the line as our state decides whether to expand Medicaid for low-wage working adults. People who don't have insurance live sicker and die younger. People throughout the state want and need Medicaid expansion for themselves, their families, and their communities. This is where individuals can sign up for the Coalition; to add your organization to the list, please click [here](#).

JOIN THE MISSOURI MEDICAID COALITION!

Your First Name

Your Last Name

Your Email Address

Organization Name

 Like us!

 Follow us!

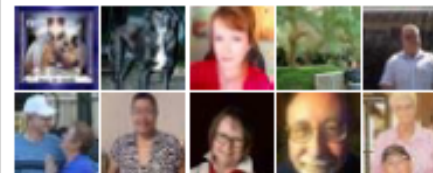
Find us on Facebook



MO Medicaid Coalition

Like

6,552 people like MO Medicaid Coalition.



Facebook social plugin

- *Being a Player*, Alliance for Justice, 2011
 - Provides detailed information regarding lobbying
 - www.tinyurl.com/AFJplayer
- *Influencing Public Policy in the Digital Age: The Law of Online Lobbying and Election-related Activities*, Alliance for Justice, 2011
 - Explains how 501(c)(3)s may engage online
 - www.afj.org/digitalage



Press *1 on your telephone key pad to ask a question

OR

Use the chat feature being sure to send your question to everyone

Campaign Resources

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Transforming
Health Care for
the 21st Century

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