What is **ADVOCACY** & am I allowed to do it?

An introduction to advocacy for Ohio health educators & other prevention professionals

**AGENDA**

1. Comparing nonprofit organizations under federal tax law
2. What is advocacy and why should nonprofits do it?
3. What is lobbying and how much lobbying can we do?
4. Grant restrictions
5. State and local lobbying disclosure
6. Advocacy capacity & evaluation

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<td>Cannot support or oppose a candidate for office</td>
<td>Secondary activity</td>
<td>Follow federal and state election law</td>
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Create Systemic Change
Protect Current Funding
Educate Legislators: You are an expert
Discuss Broad Social Issues, Foster Discussion
Empower Your Constituents and Communities

Why should nonprofits engage in ADVOCACY?

Nonprofits can and should ADVOCATE & LOBBY for POLICY CHANGE!

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**Opportunities/Deadlines**

- The U.S. Department of Health and Human Services is soliciting written comments regarding new objectives proposed to be added to Healthy People 2020. (deadline: today)
- The Center for Science in the Public Interest is conducting a Pour One Out Video Contest (sugary drinks). (deadline: tomorrow)
- Trust for America’s Health, the American Academy of Pediatrics, BID and the Alliance for Biosecurity are circulating a letter urging passage of the Pandemic and All-Hazards Preparedness Reauthorization Act (deadline: Friday)
- The Public Health Institute’s Center of Health Leadership and Practice (CHLP) is seeking applicants for its National Leadership Academy for the Public’s Health. (deadline: November 14th)
- Kick the Can and Weight of the Nation have launched a Youth Essay Contest on sugary drink marketing. (deadline: November 15th)
- HHS and USDA are inviting nominations for the 2015 Dietary Guidelines Advisory Committee (deadline: November 26th)
Federal tax law limits lobbying by public charities

Specific grants may restrict lobbying

States & localities may require lobbying disclosure

Sources of Lobbying Rules

**INSUBSTANTIAL PART TEST**
1. Default test
2. What is “insubstantial?”
3. Lobbying defined broadly: attempting to influence legislation
   **OR**

**501(H) EXPENDITURE TEST**
1. One-time election – IRS Form 5768
2. Dollar-based limits based on annual expenditures
3. Narrow definitions of lobbying

**LOBBYING LIMITS** for 501(c)(3) public charities under federal tax law

Legislators
Federal
Members of Congress

State
State Legislature

Local
City Council, County Commissioners

Legislators

Ohio governor slashes $3B from budget

President, governor, mayor or other executive official who participates in the formulation of legislation

Legislators

School Board

NOT Legislators
NOT Legislators

Prevention Institute

Ask Your Representative to Join in Telling President Obama: Don’t Cut Our Chance of Prevention

Now that the election is over, we know that in the Affordable Care Act is here to stay and that immediate opportunities lie ahead for transforming our health system to focus on prevention. But before we can move ahead, we must defend what we already have.

Imagine a federal program that would help cities create bike lanes and biking trails. That would enable more citizens to walk, bike and take public transit. It would also reduce the number of overweight people in our nation. That’s why we support the federal government spending $750 million over three years on such a small but effective program.

Last year, the Prevention and Public Health Fund—or the Affordable Care Act’s $500 million fund that’s allocated to prevention and public health programs—saved $1.7 billion on Medicare and Medicaid costs and saved millions of lives. That’s a return of $34 for every dollar spent on public health. And one dollar saved in our health care system means $8 saved in the wider economy. Together, we can create a future where our nation is healthier, our economy is stronger and our communities are more vibrant.

LOBBYING

Health for All: California’s Strategic Approach to Eliminating Racial and Ethnic Disparities

Description:

determines how the resources of diverse governmental and private institutions can be marshaled to work with communities to eliminate health disparities.

Associated File(s) (click to download):

Lobbying EXCEPTIONS
RESTRICTIONS in GRANTS & upon GOVERNMENT EMPLOYEES

Public Charities Can Lobby
 Guidelines for 501(c)(3) Public Charities

501(c)(3) public charities (including houses of worship and public foundations) can lobby within the generous limits allowed by federal law. How much lobbying the organization can do depends upon which of the two tests the organization uses to measure its lobbying: the "51% expenditure" test or the "independent part" test. In issuing regulations on lobbying, the Internal Revenue Service states that under either test public charities "may lobby freely" so long as lobbying is within specified limits.

General Rule:
No lobbying with federal funds

OMB Circular A-122 (nonprofits):
www.whitehouse.gov/omb/circulars_a122_2004

OMB Circular A-87 (state/local governments):
http://www.whitehouse.gov/omb/circulars_a87_2004

www.BolderAdvocacy.org
CDC Grant Restrictions:

Generally, CAN be used to:
- Enhance prevention
- Collect and analyze data
- Publish and disseminate results of research and surveillance data
- Implement prevention strategies
- Conduct community outreach services
- Provide leadership and training
- Foster safe and healthful environments

**CDC FUNDS**

Generally, cannot lobby with federal funds (but “lobbying” is a specific activity; not all advocacy is lobbying)
- If funding comes from state sources, rules may differ
- Know where funds come from and what restrictions apply – no one-size-fits-all answers
- Different rules apply to state/local government; nonprofits; colleges & universities – ask your employer!
- For nonprofits, must follow IRS rules and definitions, too
Advocacy CAPACITY & EVALUATION
Tips for Evaluating Advocacy
A Checklist for Grantees

Discuss Evaluation Expectations Early
Grantees and grantees can arrive at a common understanding early on of reasonable expectations and steps to show the grantees’ contribution.

Develop Long-Term as well as Incremental Goals
Policy goals may take years or even decades to achieve. For instance, a grantee that has a goal to make emergency food available for 2010 to all Californians who need it may include as an incremental goal of educating or informing 25% of members of the legislature this year.

Use Benchmarks to Measure Outcomes, Progress, Capacity Building
A simple outcome benchmark may be a $2 million appropriation for clean water programs; a progress benchmark could be support gained from a key legislator; a capacity building benchmark may be motivating 50 constituents to contact officials.

www.BolderAdvocacy.org

QUESTIONS?
Call to ACTION

Visit www.bolderadvocacy.org: Factsheets and publications on nonprofit advocacy, including state law resources.

Visit www.ohioprevention.org: Learn more about HPIO Wellness and Prevention Collaborative and find a clearinghouse of additional advocacy resources

Attend Advocacy 201 Webinar: Dec. 12th from 11 AM – noon CT (noon – 1 PM ET, 10 AM – 11 AM MT, 9 AM – 10 AM PT), sponsored by County Health Rankings & Roadmaps: www.countyhealthrankings.org/content/advocacy-201