

CADCA's Webinar Wednesday
September 22, 2021
Education vs. Lobbying



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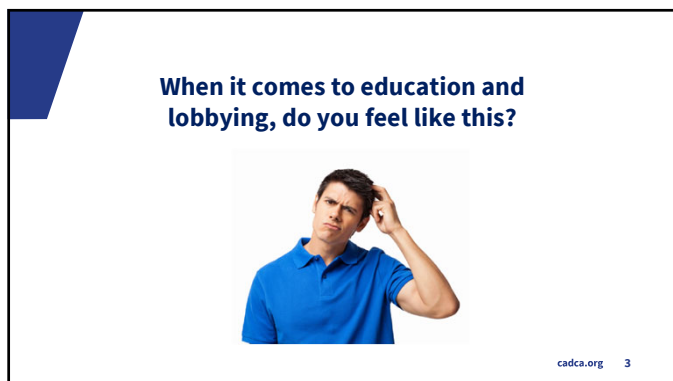


**Education and
Lobbying: Where's
The Line**


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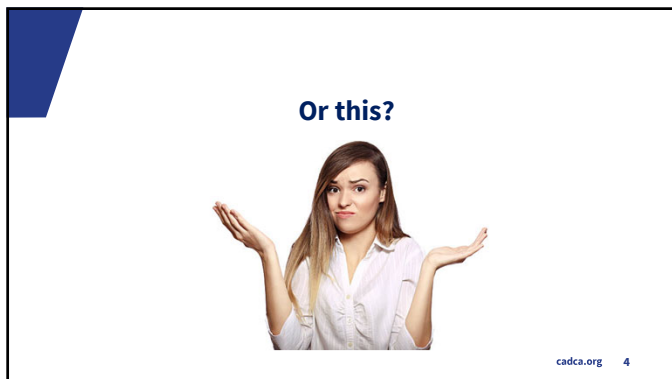


**When it comes to education and
lobbying, do you feel like this?**

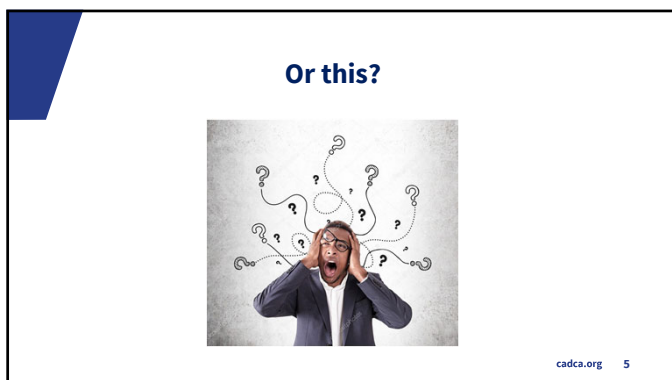


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Hopefully at the end of this presentation you will feel like this



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Q: What is education in a policy context?

A: Education is sharing data and information

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IF YOUR ORGANIZATION IS SOLELY FUNDED WITH FEDERAL DOLLARS, CAN YOU EDUCATE YOUR ELECTED OFFICIALS?

YES!

Education is *not* considered lobbying.


You are permitted to educate elected officials about issues you are facing and how to address them, **as long as you are not mentioning or taking specific positions on specific bills.**

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Education

Those receiving only federal or state funds **CAN** and should educate elected officials at any level of government about:




- ✓ Who you are;
- ✓ What you do;
- ✓ Your local data;
- ✓ The specific issues impacting your community;
- ✓ What you are doing to address these issues;
- ✓ What funding you receive/ from whom/ what is used for
- ✓ What more can be done to address these issues;
- ✓ YOUR OUTCOMES AND SUCCESSES

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Education

Those receiving only federal or state funds **CAN** and should also educate elected officials at all level of government about:




- ✓ Effects of specific substances; and
- ✓ Effects of specific policies

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Education

Those only receiving federal or state funds **CAN** and should educate elected officials at any level of government by:




- ✓ Setting up and attending meetings with them
 - ✓ Setting up specific briefings for them
- ✓ Conducting public education campaigns; and
- ✓ Pushing for better enforcement of existing laws

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Examples of Education

The CDC's Alcohol Program found that 1 in 6 U.S. adults binge drink about once a week, averaging 7 drinks a binge.



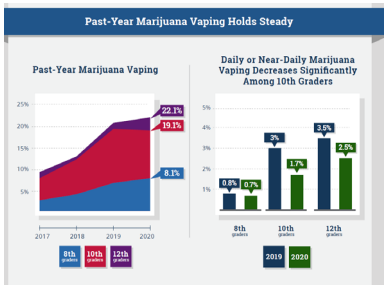
U.S. Department of Health and Human Services
Centers for Disease Control and Prevention

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Examples of Education

Past-Year Marijuana Vaping Holds Steady



Source: Monitoring the Future Study, 2020

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Examples of Education

Effects of Specific Drugs

A NIDA funded study shows that early persistent use of marijuana causes a permanent drop in IQ of 8 points

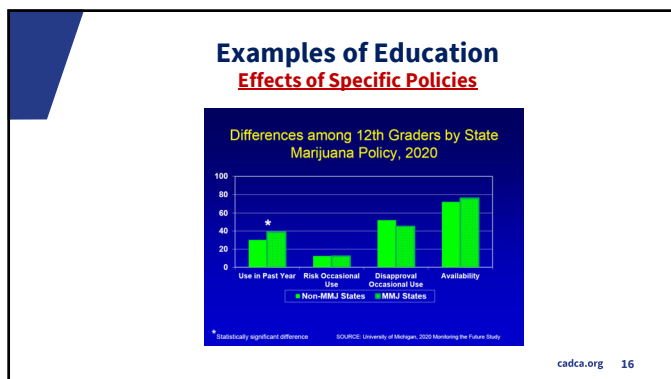
A loss of 8 IQ points could drop a person of average intelligence into the lowest third of the intelligence range.



McH. Meier, Antheim Caspi, et al. 2012. "Persistent cannabis users show neurophysiological decline from childhood to middle." Proceedings of the National Academy of Sciences

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- ### Strategies DFCs CAN Use That Are Education
1. Do general public education about the science of ATOD use and addiction to raise awareness.
 2. Partner with local newspapers to do a series about the science related to youth brain development and ATOD use.
 3. Share data and information about the effects in other states or jurisdictions of policy changes being considered in your jurisdiction.
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- ### Strategies DFCs CAN Use That Are Education (continued)
4. Provide educational workshops for various sectors and audiences
 5. Provide toolkits
 6. Do focus groups on youth/parent attitudes
 7. Implement strategies to change community norms
 8. Convene specific community for a forum to educate key leaders and elected officials about the effects of specific ATOD issues and policies.
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Education

Education crosses the line into lobbying when you take a specific position on a specific bill or ballot proposition/initiative



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Q: What Is Lobbying?

A: Lobbying is taking a specific position on a specific piece of legislation or ballot proposition/initiative

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Example

- This week the Senate Judiciary heard testimony on the Taxation and Legalization of marijuana. (BS 334) → Refers to a specific piece of legislation
- Congress needs to oppose BS 334 to prevent the legalization of recreational marijuana use. → Takes a position

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Using Facts to EDUCATE

“Hello Congressman. I wanted to share some information with you that you might not be aware of: States that have legalized are clustered at the top of the list in terms of marijuana use among 12-17 year olds; A NIDA funded study shows that early persistent use of marijuana causes a permanent drop in IQ of 8 points
If I can provide you with any additional information, please let me know.

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Using The Same Facts to Lobby

“Hello Congressman, I know you are considering legislation to legalize marijuana. It is critical that you know some key facts about this issue
States that have legalized marijuana are clustered at the top of the list in terms of marijuana use among 12-17 year olds; and
A NIDA funded study shows that early persistent use of marijuana causes a permanent drop in IQ of 8 points
Based on this information, **I urge you to vote against any marijuana legalization legislation.**

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Examples of Lobbying

Oppose H.R. 2564
We urge Senator Smith to support HR 2564.
Vote No on HR 2564
Vote Yes on HR 2564

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Lobbying Language

- Support
- Do Not Support
- Oppose
- Do Not Pass
- Vote No
- Vote For
- Vote Against

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Examples of Non-Lobbying Phrases

- We appreciate your work on...
- We thank you for...
- We are concerned/have concerns with...
- We want you to understand/you need to know...
- We want to bring your attention to...
- There are the following issues regarding...
- We want to make you aware of...
- We know from X that X would be a positive development/would be a problem regarding...

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You CAN educate and lobby, as long as you know and play by the rules!



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Lobbying Rules for 501(c)3's

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If Your 501(c)3 Organization Receives A Mixture of Federal and Non-federal, Non-restricted Funds, Can You Lobby?

Yes!

You can use up to 20% of your 501(c)3 organization's first \$500K in tax-exempt expenditures to lobby **BUT** you cannot use any of your federal funds to lobby.

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How Much Lobbying Are 501(c)3s Permitted To Do?

Allowable Lobbying Expenditures	
Tax Exempt Income	Amount that can be spent on lobbying
First \$500,000	20% - \$100,000
2 nd \$500,000	15% - \$75,000
3 rd \$500,000	10% - \$50,000
All income over the first \$1.5 million	5% - up to a total of \$1 million

Some coalitions come under the 501(c)3 status of a larger organization. In that case, calculations of allowable lobbying expenditures are based on the budget and expenditures of the larger organization.

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If your 501(c)3 chooses to lobby, it should file IRS Form 5768

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Why?

Filing provides:

- liberal limits on how much money can be spent on lobbying
- very clear definitions of what activities don't include lobbying
- The ability to monetize your actual lobbying expenses to protect you in an audit or if questions are raised about expenditures and funds.

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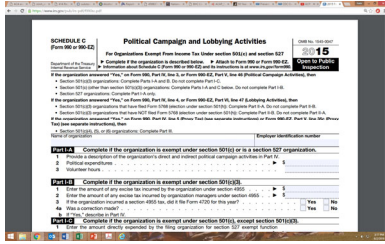
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How to File IRS Form 5768 – Begin with Form 990, Part IV

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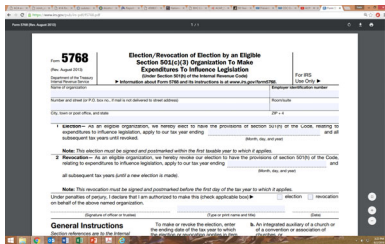
How to File IRS Form 5768 – Schedule C of Form 990



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How to File IRS Form 5768



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If Your Organization Receives Only Federal Funds, Can It Lobby/Fight Propositions?

NO!

All lobbying is a **PROHIBITED** use of federal funds and federal matching funds.

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BUT

When you are off duty from your position and are acting as a private citizen, you are allowed to lobby/take positions on legislation and propositions.

You can use coalition board members or volunteers to cross the line into lobbying as long as **NO** federal funds are used.

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You Should Know That:

- Communications to the public that refer to a ballot initiative/proposition are treated as direct lobbying.
- IRS regulations recognize that for initiatives, the public itself is the legislature.

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If you are federally funded, you cannot use **ANY** federal or state dollars to support or oppose specific legislation or ballot initiatives/propositions.

You can, however:

- use non-restricted funds from non-governmental sources that you keep track of; or
- do this during non-working hours on your own time.

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What Else Can You Do If You Are ONLY Federally Funded?

Partner with groups that can lobby (faith community, civic organizations, business, etc.)

Use your board members and volunteers **BUT as themselves not as members of the coalition.**

(But don't use any grant funds or matching funds you delineated in your grant application to do any of this)

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Examples of Activities That Are NOT Considered Lobbying Under Federal Tax Law

- Meeting with a legislator to talk about a social problem, without mentioning a specific legislative proposal (remember- context, timing, and motivation matter).

- Responding to a written request from a legislative committee or subcommittee for information about a specific piece of legislation.

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Examples of Activities That Are NOT Considered Lobbying Under Federal Tax Law (continued)

- Advocating for better enforcement of existing laws, e.g. those that control alcohol sales to minors.


- Advocating the enactment and enforcement of "private or voluntary policies", e.g. alcohol purchase restrictions in stadiums.

- Conducting public education campaigns to affect the opinions of the general public, e.g. a mass media educational campaign about the importance of not providing alcohol to minors or about the dangers of marijuana/nicotine/vaping to youth brain development (**context, timing, and motivation matter here - be careful, use discretion**).

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Raise Unrestricted Funds



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What Are Unrestricted Funds?

- Unrestricted funds are non-state, non-federal, non-matching dollars.
- They are privately raised funds that can be used to lobby and take positions on legislation and initiatives/propositions.

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How Can You Raise Money Above and Beyond Your Federal Funding Lobby?

Have everyone in your coalition contribute \$50
Ask a partner organization or business for an unrestricted donation

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Why Are Unrestricted Funds Needed?

Because they can legally be used to lobby for or against legislation and/or take positions for/against legislation or ballot initiatives.

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Monetizing Lobbying Efforts

A salary of 50,000 year translates into \$1,000 a week, \$200 a day, \$24 an hour, .40 a minute.

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Monetizing Lobbying Efforts

- Determine how many hours actual lobbying tasks will take/who will do them and the hourly rate
- Add these up to get the total estimated cost
- Use/Raise unrestricted funds to do this!!

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Monetized time to respond to a CADCA legislative alert


Time: 2 minutes x .40 = .80
.80 x 10 alerts/year= \$8.00

Or do this from home on your own time

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Context, Timing, and Motivation Matter



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Must consider timing, circumstance and the intent of your coalition's education efforts



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Is there a bill being considered on the topic?



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Is there a ballot initiative being considered as the topic?




For a ballot initiative, the public becomes the legislators, and DFCs should not be using Federal Funds to influence how they vote

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How will your message be perceived by the voters?



Messages targeted to voters prior to a ballot initiative are likely to be perceived as lobbying/political advocacy

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Education versus Lobbying for Bills/Ordinances

1. Gather data and analysis to make your case
2. Identify and engage allies
3. Set up a meeting with your potential legislative champions to brief them on the general issue
4. Research model legislation/ordinance

EDUCATION


5. Draft the language of the bill or ordinance
6. Present the draft bill to potential champions
7. Recruit bipartisan support in the city council/state legislator
8. Testify for or against a bill/ordinance at a hearing
9. Prepare for the vote by mobilizing grassroots and grasstops support for the specific bill/ordinance

LOBBYING/NO FEDERAL FUNDS

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Be aware of “grey areas” and ask CADCA for guidance if you feel your education might be moving towards the line with lobbying.



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Summary

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- Education vs. Lobbying
- Know the difference!!
- Federal grantees are **legally prohibited** from using Federal dollars for lobbying
- The prohibition includes work done by key personnel paid with Federal dollars or any match for the grant
- These limitations do not apply to you as an individual on your own time

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What Keeps You Up At Night?



Questions?

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**For further information contact-
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