

# Advocacy Skill Building

Derek Franklin, MA

President, WASAVP

Project Director, Mercer Island CTC

# Overview

- I. Definitions
- II. Lobbying
- III. Education and Advocacy
- IV. Advocacy as a Public Employee
- V. Discussion
- VI. Resources



# FAQ's and Myths

- “I can’t advocate or lobby because I don’t want to lose my funding.”
- “If a bill is live, then I can’t talk about it.”
- “I can only educate, but never advocate or lobby!”
- “The other side lobbies, why can’t we?”
- “Where’s the line between advocacy and lobbying?”
- **Others?**



# Why Advocacy and Lobbying So Important?

## **CADCA's Defining the Seven Strategies for Community Change**

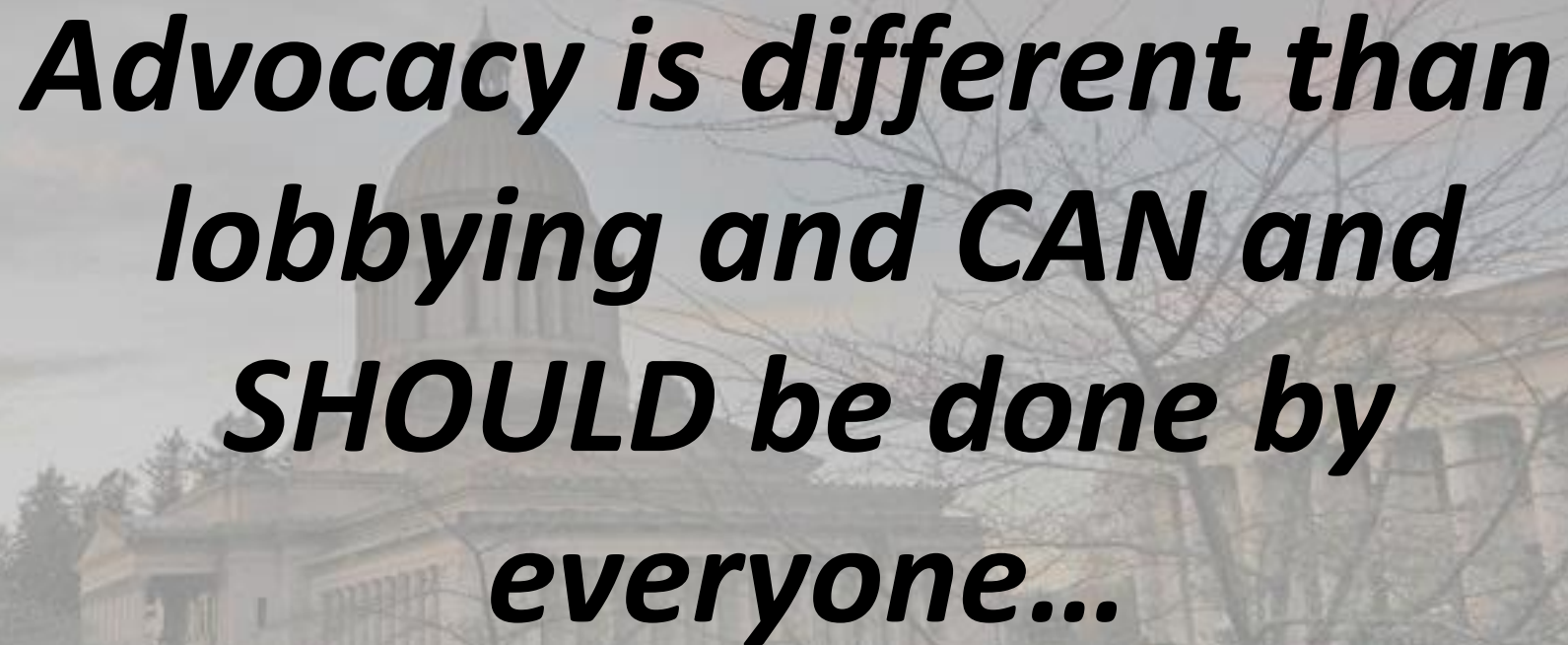
- 1. Providing Information** – Educational presentations, workshops or seminars or other presentations of data (e.g., public announcements, brochures, dissemination, billboards, community meetings, forums, web-based communication).
- 2. Enhancing Skills** – Workshops, seminars or other activities designed to increase the skills of participants, members and staff needed to achieve population level outcomes (e.g., training, technical assistance, distance learning, strategic planning retreats, curricula development).
- 3. Providing Support** – Creating opportunities to support people to participate in activities that reduce risk or enhance protection (e.g., providing alternative activities, mentoring, referrals, support groups or clubs).
- 4. Enhancing Access/Reducing Barriers**- Improving systems and processes to increase the ease, ability and opportunity to utilize those systems and services (e.g., assuring healthcare, childcare, transportation, housing, justice, education, safety, special needs, cultural and language sensitivity).
- 5. Changing Consequences (Incentives/Disincentives)** – Increasing or decreasing the probability of a specific behavior that reduces risk or enhances protection by altering the consequences for performing that behavior (e.g., increasing public recognition for deserved behavior, individual and business rewards, taxes, citations, fines, revocations/loss of privileges).
- 6. Physical Design** – Changing the physical design or structure of the environment to reduce risk or enhance protection (e.g., parks, landscapes, signage, lighting, outlet density).



**7. Modifying/Changing Policies** – Formal change in written procedures, by-laws, proclamations, rules or laws with written documentation and/or voting procedures (e.g., workplace initiatives, law enforcement procedures and practices, public policy actions, systems change within government, communities and organizations).

# Theme of Presentation

***Advocacy is different than  
lobbying and CAN and  
SHOULD be done by  
everyone...***



# What is Lobbying?

Webster: “A person, acting for a special interest group, who tries to influence the introduction of or voting on legislation of the decisions of government administrators.”



# LOBBYIST



What society thinks I do



What my mom thinks I do



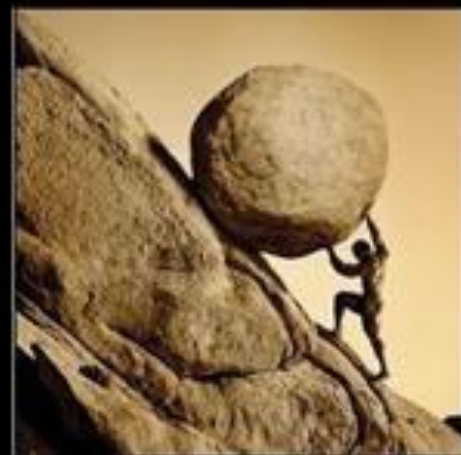
What politicians think I do



What clients think I do



What I think I do



What I really do

# What is Lobbying?

*Lobbying is taking a specific position on a specific piece of legislation.*

Specific position: “Please vote “**no**” on I-502 because it harms kids and increases taxes.”

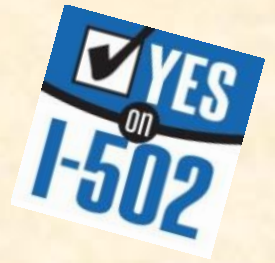
Specific position: “Please vote “**no**” on I-502 because it harms kids and increases taxes.”

Other examples?





# Direct Lobbying Test



Any attempt to influence any legislation through communication with:

1. Any member or employee of a legislative body; **or**
2. Any government official or employee who may participate in the formulation of the legislation if the purpose of the communication is to influence said legislation; **and**
3. Communication refers to a specific piece of legislation AND reflects a view on such legislation.

# What is Advocacy?



Advocacy is speaking up and educating about people, programs, issues and causes you care about.

# How is Advocacy Different From Lobbying?

Most advocacy is NOT lobbying at all and is permissible for everyone; including prevention coalitions with state/federal funds such as CPWI & DFC.



# Basic Advocacy Tactics

1. Finding and Using Data: use research and accurate data to convey your position and be credible.
2. Working in Coalitions: effective coalitions can leverage community voices to legislators and the public.
3. Know the Legislative Process and Players: understand where and how to be most effective and with whom to partner. ([www.leg.wa.gov](http://www.leg.wa.gov) )
4. Other advocacy tactics?

# Examples of activities that are NOT considered lobbying:

**1. Sending information, outcomes and other successes about your coalition.**

Ex:

*“Dear Ms. Elected Official,*

*The XYZ Tribe Drug Free Coalition contributed to a 5% decrease in past 30 day use of alcohol by 10<sup>th</sup> graders after educating parents about the increased access to spirits possible after I-1183 and working with the LCB to support compliance with alcohol advertising rules.”*

# Examples of activities that are NOT considered lobbying:

**2. Educating your legislator about problems and issues in your community that need to be addressed.**

Ex:

*“Dear Honorable Senator from Our Community,*

*We, the CPWI Coalition, are writing to inform you that five marijuana ‘dispensaries’ are reported to sell marijuana and marijuana edibles to youth with, or without, ‘green cards.’ Our P/I reports an increase in youth selling MMJ to other youth in schools.”*

# Examples of activities that are NOT considered lobbying:

**3. Educating your federal legislators about problems and issues in your community that need to be addressed.**



# Examples of activities that are NOT considered lobbying:

3. Sitting in your Senator's office and discussing a specific piece of legislation as long as you don't advocate a specific view on that legislation;

*Education/Advocacy: "Madam Senator, the issue of increased access to marijuana by youth concerns me because of data showing decreased youth perception of harm in WA.*

*Lobbying: "Mister Senator, I-502 would be concerning because it would increase underage access to an addictive drug; please vote in support of prevention."*



# Examples of activities that are NOT considered lobbying:

4. Or sit and discuss your position on a policy issue as long as the discussion is NOT about a specific bill.



# How about non-legislative bodies?

IRS says lobbying only involves the legislative process; it DOES NOT include persuasive communication directed at bodies not involved in the legislative process:

- Executive agencies
- Judicial boards
- Administrative bodies (ex: school boards, housing authorities, zoning boards, and federal agencies like the FTC or FCC)
- Regulatory process OK to influence once a law is passed (ex: LCB rulemaking)



# What's "Grassroots Lobbying"

Typical "lobbying": influence a legislator 1:1

Grassroots Lobbying: the many types of indirect attempts to communicate with and influence legislators, such as communication aimed at legislator's constituents.



# What's "Grassroots Lobbying"

Per IRS: "Grassroots lobbying communication is any attempt to influence any legislation through an attempt to affect the opinions of the general public or any segment thereof."

You are "grassroots lobbying" if, **but only if**; you:

1. Refer to specific legislation;
2. Reflect a view on such legislation; **and**
3. Encourage the recipient of the communication to take action wrt such legislation.

# What's "Grassroots Lobbying"

## NOT Grassroots Lobbying:

*"Ms. PTA President, I-502 is bad for kids because MMJ is still an unregulated disaster increasing access to edibles in middle schools."*

*(doesn't ask for an action to be taken wrt I-502)*

## Grassroots Lobbying:

*"Rabbi XYZ, consider suggesting to the temple that I-1183 is a bad idea for kids' safety before the vote next Tuesday."*

*(specific leg, opinion on leg, action on leg= lobby)*

# Lobbying or not?

Coalition sends flier to general public in community about price of alcohol and amount consumed and say higher prices reduce alcohol problems. AND, include stats from other states showing decreased alcohol consumption after increase in alcohol excise taxes?



# Lobbying or not?

Coalition sends flier to general public in community about price of alcohol and amount consumed and say higher prices reduce alcohol problems. AND, include stats from other states showing decreased alcohol consumption after increase etoh excise taxes. AND, includes a copy of a pending bill and names and contact info for legislators on the committee hearing testimony on that bill?

# Lobbying or not?

Coalition testifies at a LCB public hearing about the potential risk marijuana edibles pose for kids?



# Lobbying or not?



# Examples of Activities That Are NOT Lobbying

Talk with legislator about social problems (no mention of legislative proposal).

Provide legislator with educational materials about a specific piece of legislation (no call to action).

Respond to a legislator or committee for information on a specific piece of legislation.

Newsletter to coalition membership with info about a specific piece of legislation, your coalition's position the legislation, names of legislators pro & con (no call to action like "call or write...")

# Examples of Activities That Are NOT Lobbying

Producing or disseminating research reports or studies that provide nonpartisan analysis on policy issues, including specific legislative issues.

Talking to the media about specific legislative proposals.

Advocating for better enforcement of existing laws, e.g. those that control alcohol sales to minors or MJ spoking in public view.

# Examples of Activities That Are NOT Lobbying

Conducting public education campaigns to affect the opinions of the general public, e.g. a mass media education campaign about the importance of not providing marijuana to minors.

**marijuana**  
**IT'S HARMFUL TO YOUTH**

About 68% of all medically necessary drug treatment admissions for youth ages 12-17 are for marijuana.

Spread the Facts  
Visit [www.wa.gov/drugabuse.gov](http://www.wa.gov/drugabuse.gov)

This poster features a black header with the word 'marijuana' in green and 'IT'S HARMFUL TO YOUTH' in white. Below the header is a photograph of a person sitting on a bench with their head buried in their arms. The bottom section is green with white text. Logos for Best Care, SAMHSA, and other organizations are visible on the left side.

**marijuana**  
**IT'S NOT POPULAR**

Most 11th grade students in Oregon do NOT use marijuana.

Spread the Facts  
Visit [www.wa.gov/drugabuse.gov](http://www.wa.gov/drugabuse.gov)

This poster features a black header with the word 'marijuana' in green and 'IT'S NOT POPULAR' in white. Below the header is a photograph of a group of young people posing and laughing. The bottom section is green with white text. Logos for Best Care, SAMHSA, and other organizations are visible at the bottom.

# I Thought Non-profits CAN Lobby?

Yes, nonprofits can lobby with a % of their NON-federal/state funds and report this to the IRS.

Nonprofits must come under the 1976 Law and register lobbying (including some coalitions under larger organization's 501(c)3 status):

Tax Exempt Income	Amount that can be spent on Lobbying
First 500,000	20% - \$100,000
2 <sup>nd</sup> \$500,000	15% - \$75,000
3 <sup>rd</sup> \$500,000	10% - \$50,000
All income over the first \$1.5M	5% - up to \$1M total

# Coalitions with 100% Federal Funds

Can we advocate and educate? YES

Can we lobby? NOT with any Federal Funds at any level OR with any matching funds (same restrictions).

Can we hold a bake sale to raise unrestricted funds to lobby? YES (file with IRS!)

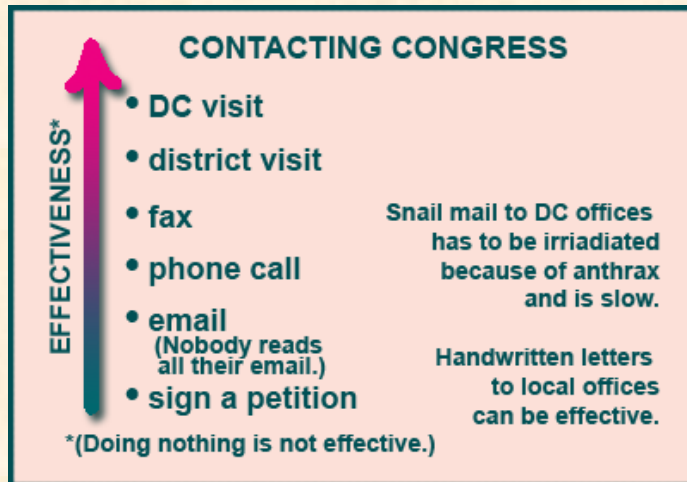
Can staff or coalition members lobby off duty? YES (if otherwise permissible)

# What Limitations Exist On the Activities of Volunteers On My Coalition That Is Partially Federally Funded?



Volunteer activities that truly have no expenditures do not count as lobbying and do not have to be reported—no limitations exist if NON-FEDERAL FUNDS are used to support these volunteer activities.

# What Limitations Exist On the Activities of Volunteers On My Coalition That Is ONLY Federally Funded?



Federal funds may NOT be used for lobbying at any level. If staff time is spent to develop a position (federal funds), then even volunteer lobbying is not okay.



# Issues for Public Employees

Advocacy is part of the job; lobbying forbidden.

But, you can help...

- Join groups or coalitions as “informational members.”
- Participate through unions.
- Exert influence through membership as part of professional organizations (WASAVP) or faith committees.



# Public Employee Cheat Sheet Cont'd

- Encourage family members to play active roles.
- Participate in local, state, or national advocacy groups.
- Serve on Non-profit Agency boards.
- Invite legislators to agencies, prepare site visits, help contractees conduct these visits.
- **DO A LOT ON YOUR OWN TIME:** lobby, letter trees,

# Public Employees: Use Careful Communication

DON'T abuse your role.

DON'T speak for your agency unless it is your job.

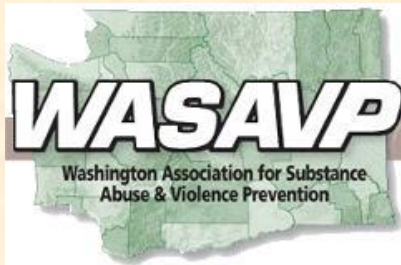
DON'T trade on your position as an agency employee when lobbying as a private citizen.

DON'T use public resources (e.g. computer, salaried time, copy machine)

DO keep your right as a citizen: speak on own time using own resources in own style and help others be effective advocates.

# State Substance Abuse Prevention Association: WASAVP

- WA Assoc. for Substance Abuse and Violence Prevention
- How we work
- Mostly advocacy (and some lobbying).
- “Washington’s CADCA”
- SAM-WA



WASHINGTON ASSOCIATION FOR SUBSTANCE ABUSE  
& VIOLENCE PREVENTION

[www.wasavp.org](http://www.wasavp.org)

Creating safe and healthy communities through  
the prevention of substance abuse and violence in Washington State.



# **“The Gray Area”**

***Know your agency’s policies and “the gray area” well before engaging in any advocacy or lobbying.***

**Tips:**

**Talk to your Fiscal Agent/City Attorney/City Manager—know comfort level and their take on “perceived lobbying.”**

**Know the positions of your electeds and stakeholders. Do your homework.**

# Advocacy Ethics

Is it the Prevention  
Professional's ethical  
responsibility to advocate?

# Advocacy Ethics

## IV. Ethical Obligations for Community and Society:

(Prevention Think Tank Code of Ethical Conduct,  
[www.preventionthinktank.org](http://www.preventionthinktank.org))

**“According to their consciences, prevention professionals should be proactive on public policy and legislative issues. The public welfare and the individual’s right to services and personal wellness should guide the efforts of prevention professionals to educate the general public and policy makers. Prevention professionals should adopt a personal and professional stance that promotes health.”**

# Discussion

Take 5 minutes and discuss with your coalition colleague/ neighbor/ table:

***What is my coalition's biggest barrier to advocacy (or lobbying if you are able to do so)?***

Be prepared to report out.





# Advocacy Works

*Advocacy is different than lobbying and CAN and SHOULD be done by everyone...*

*...because it supports outcomes, gives communities a common cause, promotes leveraging resources, and it works.*

# Advocacy Works

*Advocacy resulted in changes to alcohol advertising rules.*

# Advocacy Works

*Advocacy resulted in King County adopting the nation's second Pharma Industry financed Rx Takeback initiative.*

# Advocacy Works

*Advocacy resulted in communities enacting social host ordinances in several communities across the state.*

# Advocacy Works

*Advocacy resulted in the question of the legitimacy of I-1183 making it to the state Supreme Court.*

# Advocacy Works

*Advocacy resulted in the new Issaquah DFC Coalition getting the drug-infested skate park not closed, but moved to a safer location.*

# Advocacy Works

*Advocacy resulted in the City of Kent challenging collective gardens and a court decision finding them illegal even under state law.*

# Advocacy Works

*Advocacy resulted in  
community support for Party  
Patrols in Orting.*



# Advocacy Works

*Advocacy contributed to moratoria and zoning restrictions in a sizable % of communities across the state.*

# Advocacy Works

*Advocacy contributed to many protective measures staying in I-502.*

# Advocacy Works



# Resources

- Washington Association for Substance Abuse and Violence Prevention (WASAVP) [www.wasavp.org](http://www.wasavp.org)
- The Athena Forum [www.theathenaforum.org](http://www.theathenaforum.org)
- Community Anti-drug Coalitions of America (CADCA) [www.cadca.org](http://www.cadca.org)
- Smart Approaches to Marijuana (SAM) [www.learnaboutsam.org](http://www.learnaboutsam.org)
- Center for Lobbying in the Public Interest [www.clpi.org](http://www.clpi.org)