Advocacy Boundaries for Non Profits and Federal Grantees
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Advocacy Boundaries for Non Profits and Federal Grantees
2014 Public Health Law Conference
October 16 & 17 in Atlanta, GA

The only national conference on law, policy and the public’s health.

Who should attend: local, state, tribal and federal public health officials and practitioner; attorneys; policy-makers; advocates; researchers; students.

Registration now open: Networkforphl.org/2014phlc
Moderator Introduction

Susan Gallagher, M.P.H.

- Director, MS Program in Health Communication, Tufts University School of Medicine, Department of Public Health and Community Medicine
- M.P.H. from Boston University School of Public Health, BA from Simmons College
- Research interests/areas of expertise:
  - Nationally recognized expert in injury and violence prevention and a RWJF Health Policy Fellow
  - Advocate for improving existing injury data sources and injury prevention policies at the state and national level
  - Great interest in training scientists to become advocates for research
  - Co-Chair of SAVIR Advocacy and Policy Committee
Eric K. Gorovitz, J.D., M.P.H.
- Principal, Adler & Colvin
- J.D. from Georgetown University Law Center, M.P.H. from John Hopkins University, B.A. from Cornell University
- Research/Areas of Expertise:
  - Extensive experience in lobbying, legislative drafting, policy development and media advocacy
  - Represented clients regarding nonprofit and foundation formation and governance, compliance with federal tax law, public policy advocacy, and the intersection of tax and election law
Maximizing Impact on Public Health Policy

Introduction to Lobbying Rules

Eric K. Gorovitz
Adler & Colvin
www.adlercolvin.com

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Public Charities & Lobbying

Two tests:

- “Substantial part” test
- § 501(h) “Expenditure” test
“Lobbying” under § 501(h)

- Direct
- Grass Roots
- CAUTION: Ballot Measures
Lobbying Limits

Fraction of “exempt purpose expenditures”

• Total limit:
  
  20% of 1st $500,000 EPE, plus
  15% of 2nd $500,000 EPE, plus
  10% of 3rd $500,000 EPE, plus
  5% of remainder (above $1.5M)

  $1,000,000 Annual Cap

• Grass Roots limit: 25% of total limit

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Direct Lobbying

Communication with a

“Legislator”

that refers to and reflects a view on

“Specific Legislation”
Grass Roots Lobbying

Communication with

General Public

that refers to and reflects a view on

Specific Legislation

AND includes a “Call to Action”
Grass Roots “Call to Action”

1. Urge public to contact Legislator(s)
2. Provide contact information for Legislator(s)
3. Provide contact mechanism for Legislator(s)
4. Identify some or all Legislators who will vote as opposed, undecided, on ctte

NOTHING ELSE IS A “CALL TO ACTION”
CAUTION: Ballot Measures

General Public = Legislators

Use test for Direct Lobbying

NO “Call to Action” Needed!
Lobbying: Special Issues

- Certain communications with members get preferential treatment
- “Mass media” rule
Exceptions

• Nonpartisan analysis, study, research

• Response to WRITTEN request for technical assistance from government body

• Self-defense

• For PFs only: Jointly funded project
Record Keeping

- Direct expenditures
- Staff compensation
- Pro rata allocation of overhead
Penalties

• Tax of 25% on excess expenditure(s)

• Loss of exemption only if lobbying expenditures are “normally” more than 150% of lobbying limit
Lobbying Disclosure

• Federal: Lobbying Disclosure Act
  (2 U.S.C. § 1601 et seq.)

• State: e.g., CA Political Reform Act
  (Gov’t Code § 81000 et seq.)

• Local: Check each jurisdiction for thresholds, reporting obligations
Grant Restrictions

- Circular A-122
- Appropriations Riders
- Agency Policies
Advocacy Boundaries for Non Profits and Federal Grantees

Q&A

Type your question in the Q and A panel.
Thank you for attending.

Please join us for the Public Health Law Webinar Series in January:

Legal Strategies to Address Bed Bug Infestations

Thursday, January 16, 2014 at 1 p.m. (ET)

networkforphl.org/webinars