

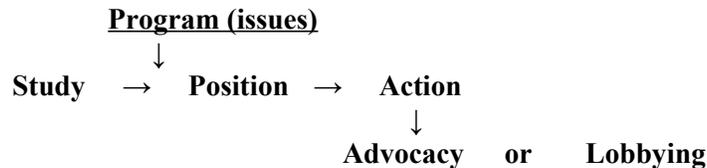
## ADVOCACY: FAQs

### What is the difference between advocacy and action?

Many LWV members have been confused about advocacy because they can't identify how it differs from "action" – a term that has been used by Leagues for at least 40 years. To explain the difference depends on how "action" has been defined. One of the easiest ways to explain the difference is to consider LWV activities within the following diagram:

#### LOCAL LWV ACTIVITIES OR AGENDA

##### Voters Service



Thinking about it in these terms should eliminate the confusion about whether advocacy or action is the more general term. It also shows the place of lobbying in the overall scope of things. And it shows that Voters Service needs to be kept separate from program study and action.

### Does it make a difference whether a LWV is using its operating funds or education funds to pay for an activity?

Actually, the question should be turned on its head. Many LWVs have "tied themselves in knots" over the types of funds that they can use for an activity. First, most local LWVs don't have a significant amount of education funds (EF), either in their own EF or on deposit in the LWVEF that this should be a major concern. These EF funds have been donated to either the national or local LWV's 501(c)(3) organization, which makes them tax deductible for the donor. Simply speaking, LWVs can use any type of funds for voters service activities. LWVs can use any type of funds for study or advocacy. LWVs **cannot** use funds donated to a 501(c)(3) education fund for **lobbying**. Many LWVs confused things over the years by assuming that all action or advocacy was lobbying and went to great lengths to keep their activities separated needlessly – or did nothing,

### What is lobbying?

Lobbying is defined as an attempt to influence **specific legislation**, including both legislation that has already been introduced in a legislative body and specific legislative proposals that the LWV may oppose or support. There are two types of lobbying: direct and grassroots.

To constitute *direct lobbying*, a communication must either (1) *be directed to a legislator*, their staff or other governmental employee who may participate in the formulation of legislation **and a. refer to, and b. express a view on specific legislation;**

OR

(2) *be directed to the general public*, a. **and refer to, and b. express a view on a specific referenda or other ballot measure.**

To constitute *grassroots lobbying*, a communication must be: (1) *directed to the general public*, a. **and** refer to, **and** b. express a view on specific legislation, **and** c. include a statement that directs readers to contact their legislators or include the contact information for a legislator or employee of a legislative body.

Most other activities promoting LWV positions that do not fall within the strict definitions of lobbying noted above are general advocacy and may be funded by charitable contributions (EF). **One caveat is that LWVs are advised to keep clear lines between voters' service activities and advocacy activities. For example, LWVs that have taken a position on a ballot measure should not include that position in their Voters' Guide.**

### **What does the IRS say about lobbying?**

*Legislation* includes action by ... [any] governing body, with respect to acts, bills, resolutions, or similar items (such as legislative confirmation of appointive office), or by the public in referendum, ballot initiative, constitutional amendment, or similar procedure. It does not include actions by executive, judicial, or administrative bodies. An organization will be regarded as attempting to influence legislation if it contacts, or urges the public to contact, members or employees of a legislative body for the purpose of proposing, supporting, or opposing legislation, or if the organization advocates the adoption or rejection of legislation. Organizations may, however, involve themselves in issues of public policy without the activity being considered as lobbying. For example, organizations may conduct educational meetings, prepare and distribute educational materials, or otherwise consider public policy issues in an educational manner without jeopardizing their tax-exempt status.

(<http://www.irs.gov/charities/article/0,,id=163392,00.html>, May 03, 2012)

### **What is special about an action alert?**

An "Action Alert" is a request from the national, state or local LWV to take action in support of a LWV position. It is generally a clear indication that lobbying is involved. Local LWV presidents are expected to respond **officially [as a League president]** to action alerts; **individual members** are expected to **respond as individuals**, without mentioning the LWV.

### **What are some examples of advocacy techniques or activities?**

Advocacy activities are whatever a LWV does, at every level of government, to implement its positions. They include analyzing issues, providing information, making recommendations for reform, developing educational materials, providing forums for discussion and education, writing letters to the editors, doing public service announcements, providing guest commentary to newspapers, testifying to board, commissions and local governing bodies, joining coalitions, etc. Remember that many local situations are handled through the local budget process. Be informed and testify at budget hearings.

### **Who decides to take action at the local LWV level?**

The **local LWV Board** decides whether to take action (advocacy and lobbying) at the local level. Items that the Board should consider include:

- Existing position to support this advocacy/action effort
- Importance of the issue

- Importance of the LWV in addressing this issue
- Possibility of conflict with other LWV positions or other LWVs
- Availability of members for advocacy efforts
- Sufficient time to achieve advocacy goal
- Alternative ways to advocate for this issue

**How does “speaking with one voice” affect a local LWV’s advocacy activities?**

The national LWV [LWVUS] is responsible for determining strategies and action policies that ensure that the LWV’s message on national issues is consistent throughout the country. Similarly, state LWVs are responsible for a consistent state message, and local LWVs must cooperate to ensure that regional issues are addressed in a consistent matter by neighboring LWVs. The simplest way to describe the “rules” is:

- A local LWV is expected to take whatever official action is requested in response to national or state action alerts. It should encourage members to take action as individuals on the topic without mentioning that they are members of the LWV. The LWV should provide sufficient background for members to take action, and then report the results to the members.
- A local LWV cannot take action on state or national positions without consulting the state or national LWV unless an Action Alert has been issued.
- A local LWV cannot lobby state or national officials without consulting with the state or national LWV.

Prepared by Therese Martin, September 2012  
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