

Election-Year Advocacy: Part 2



Presented by:
Elizabeth Kwasnik
Deputy Director, Advocacy

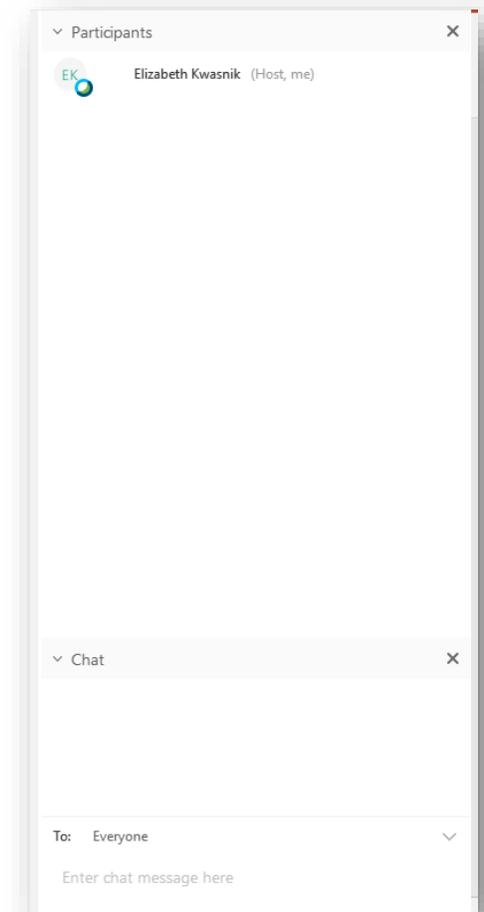
September 19, 2018



NATIONAL ASSOCIATION OF
Community Health Centers

Before we get started

- Please use the chat box (lower right-hand side of screen) to submit your questions; we'll take them up at the end if they haven't been answered.
- The slides and a recording of this webinar will be uploaded to www.hcadvocacy.org/pastevents in 24-48 hours.



Agenda

- Legalese review: What you can and can't do as a 501(c)3
- National Voter Registration Day: September 25
- Candidate engagement
- Ballot measures
- Questions

Legalese review: What you can and can't do

Can Health Centers lobby?

YES, and you should. More than 75% of a health center's budget can be determined by federal, state and local governments' decisions. However, there are limits to what health centers can do.

If you take nothing else away from today's presentation, remember:
you CAN lobby, but you CANNOT use federal funds to support lobbying activities.

Can Health Centers lobby?

Don't take it from NACHC... the IRS says you **CAN**:

“In general, no organization may qualify for section 501(c)(3) status if a substantial part of its activities is attempting to influence legislation (commonly known as lobbying). **A 501(c)(3) organization may engage in some lobbying**, but too much lobbying activity risks loss of tax-exempt status.”

Source: <https://www.irs.gov/charities-non-profits/lobbying>

**What counts as too much
lobbying?**

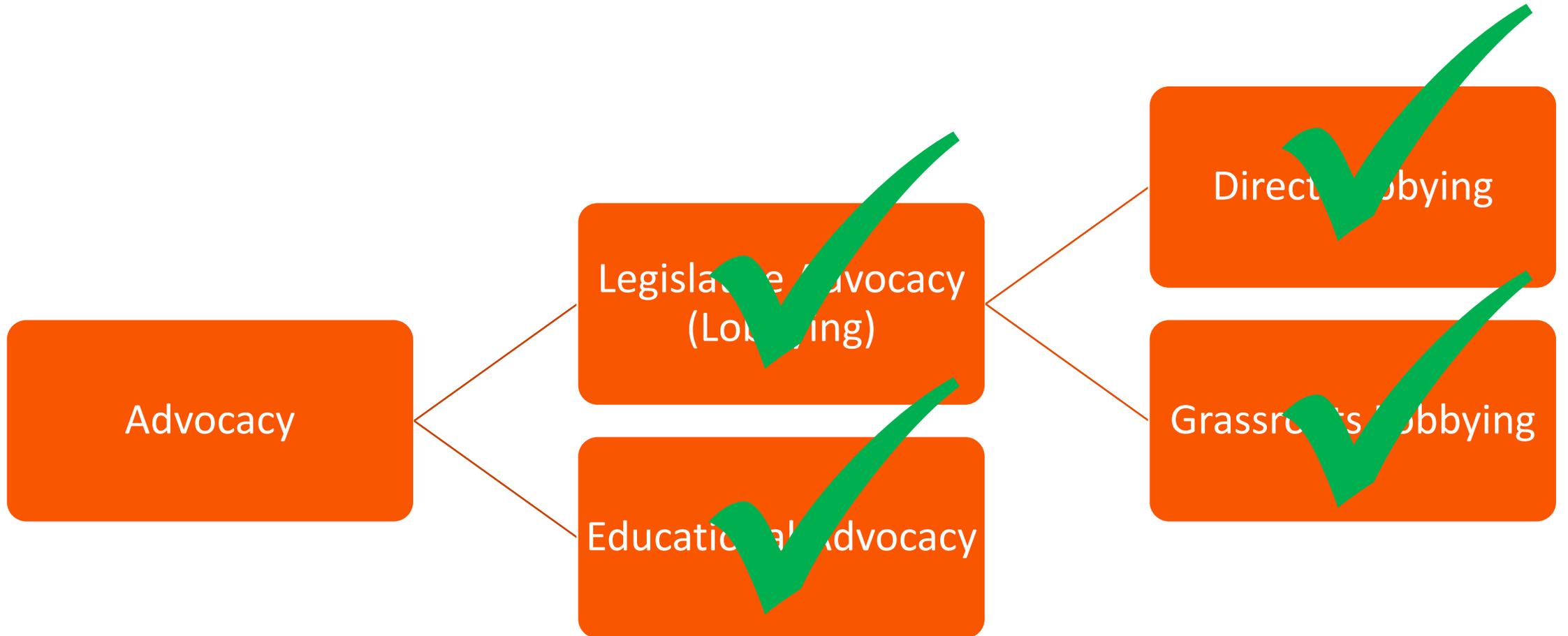
Allowable Lobbying Limits

- Substantial part test & expenditure test
 - Expenditure test (IRC Section 501(h))
 - Clearer standard
 - Allows 501(c)(3) organizations to elect to have their allowable lobbying measured by amounts expended for lobbying
 - Funds may be spent within certain limits, **up to \$1 million a year**
 - (e.g. 20% of first \$500 thousand of “exempt purpose expenditures”)
 - No more than 25% of organization’s allowable lobbying expenses may be used for grassroots lobbying
 - Applies *only* if organization elects 501(h) treatment
- Again, if you take nothing else away from this, remember: DO NOT use federal 330 funds for lobbying activities.

What if I spend too much money or use the wrong funding sources?

- Violations may result in:
 - Imposition of an excise tax on the amount of money spent on the activity
 - Cost disallowance
 - Revocation of the organization's tax-exempt status

Breakdown of Activities



Educational Advocacy

- Meeting with, calling, emailing, general communications to legislators or decision makers **to educate them** about your Health Center or the impact of issues on the Health Center
- There is **NO LIMIT** on the amount of educational advocacy Health Centers may provide



Legislative Advocacy – “Lobbying”

Advocating the enactment or defeat of pending or proposed federal, state, or local legislation – **even in concept.**



Direct Lobbying vs. Grassroots Lobbying

Direct Lobbying –
communicating with
legislators (including
staff)



Grassroots Lobbying –
communicating with the
general public in an effort
to influence the vote of a
legislative body



Legislative Advocacy vs. Political Campaign Advocacy

- Legislative advocacy is allowed (within certain limits, as discussed)
- Political campaign activity is **entirely prohibited**



Political Campaign Activity

- A 501(c)(3) organization (and its affiliates, directors, employees and agents acting on behalf of the organization) cannot engage in or conduct *any* political campaign activities
 - Making contributions to candidate or party
 - Endorsing/promoting candidates
 - Activities that favor/disadvantage candidates – appearances are important
 - Publishing candidate statements
- **Participation** can sometimes be viewed as intervention

Political Campaign Activity

Note: As a private citizen, on your own time and NOT as a representative of your Health Center, you **CAN** participate in the political process as you wish.

National Voter Registration Day is
September 25

National Voter Registration Day

Visit

<http://nationalvoterregistrationday.org>
for information and resources.



YES, you can participate!

- **Register Voters**

- Drives must be designed to educate the public about the importance of voting.
- Activities **cannot be biased** for or against any candidate or party.
- Nonprofits may target registration and turnout efforts to the areas or people they serve.

- **Educate Voters**

- Educate the public on issues and encourage participation in the political process.
- Educate **all candidates and political parties** on your issues.
- Conduct or participate in a nonpartisan candidate forum. The forum must be open to all candidates, be run in a balanced way, and include a broad range of nonpartisan questions for the candidates.
- Make presentations on your organization's issue to platform committees, campaign staff, candidates, media, and the general public.



I can't vote...
but you can vote for me

- ✓ Access & quality healthcare
- ✓ Better schools
- ✓ Safer communities
- ✓ Jobs

My future depends on you.

Community Health Vote

<http://communityhealthvote.net>

Voter Registration

“The NVRA has a provision to designate offices that provide “public assistance” as voter registration agencies. Public assistance agencies include any site where an individual may apply or receive an application for Medicaid, such as FQHCs. Under this law, FQHCs with State, city, or county employees as outstationed Medicaid eligibility workers are considered public assistance offices and must provide voter registration services. The FQHCs that use non-governmental employees as outstationed Medicaid eligibility workers (e.g., clinic staff, volunteers) may provide voter registration services.”

PAL 96-17, Title: “Federally Qualified Health Centers Participation in Implementation of the National Voter Registration Act.”

Voter Registration Guidelines

Choosing a Target Group

- You **CAN** target historically disadvantaged populations
- You **CANNOT** target ideological groups: liberal, conservatives, etc.

Choosing a Geographic Area

- You **CAN** target an area because it has historically low voter turnout
- You **CANNOT** target an area because it has a close race

Voter Registration Guidelines

Get Out the Vote (GOTV)

- As with voter registration, your GOTV drives must be designed to educate the public about the importance of voting, cannot be biased for or against any candidate or party, and may be targeted to underrepresented communities or those the nonprofit serves
- Work on behalf of a ballot measure. *Note that this counts towards your direct lobbying limits.*

How should I engage candidates?

Engaging candidates

Event ideas:

- Invite them to tour your Health Center and learn about the services you provide
- Host a candidate forum
- Participate in their town halls or other events

Engaging candidates

Rules to follow:

- You MUST invite all candidates (make sure you have documentation!) or have strict, objective criteria in place to justify your invitation list (CANNOT be partisan or biased in any way)
- Include statement of nonpartisanship and expectations of candidate up front/as part of invitation
- Have a plan in place in case things go wrong day-of

Engaging candidates

FAQs:

- What if a candidate approaches the Health Center and asks us to host an event for them?
- What if only [insert political party here] RSVP to my Health Center's event?
- What if our sitting elected official, who is running for re-election, wants to visit?
- What should I do if candidates arrive with campaign material?

**How do I advocate for ballot
measures?**

Ballot Measures/Initiatives

- In case you're wondering: **Yes! You CAN work on these.**
- It's not that much different from other advocacy and lobbying activities, although it can certainly feel like it.

Case Study/Promising Practices: Maine Question 2, Medicaid Expansion Initiative (2017)

- MPCA formed a strong partnership with Maine Equal Justice Partners, who led the efforts to get it included on the ballot
- Started advocacy efforts ~14mos out
- Was approved on 11/7/17 = success!

Ballot Measures/Initiatives

What the Maine PCA did:

- Kept members informed of status updates, via:
 - Communications portal for Medicaid expansion discussions
 - Biweekly policy committee calls
- Worked with partners to place op-eds in local media (MEJP)
- Helped identify speakers for events
- Endorsed the ballot campaign

What individual advocates did:

- Volunteered on their own time (NOT as a representative of their CHC) to collect signatures
- As a representative of their CHC, providers and patients attended various events and spoke to what Medicaid expansion would mean for people across the state

ALL OF THESE ACTIVITIES ARE ALLOWED!

**Where can I find additional
resources?**

Resources

Visit www.hcadvocacy.org/legalese for this information and more, including:

- Q&A on Health Center Lobbying
- Sample Health Center Policy on Lobbying and Political Campaign Activities
- Q&A on Voter Registration Activities
- Sample Health Center Statement of Nonpartisanship
- Info on legal risks in social media use by nonprofits
- Sample Health Center Policy on Social Media

Or email grassroots@nachc.org for help!

Resources

Visit www.nonprofitvote.org for information about ballot measures, candidate engagement, and more.



Visit www.bolderadvocacy.org for toolkits, information on assessing capacity for advocacy and evaluating community organizing, and more.



Or email grassroots@nachc.org for help!

Save the date!

- **Post-Election Webinar: What Midterm Results Mean for Health Centers**

Tuesday, November 13 at 2:30PM ET

RSVP at www.hcadvocacy.org/post_election

- **Health Center Funding Cliff 101 Webinar**

Thursday, December 6 at 2:30PM ET

RSVP at www.hcadvocacy.org/cliff101



All events listed on www.hcadvocacy.org/events!



Questions?