



## Tip of the

### CSAP's Western Center for the Application of Prevention Technologies

Julie Hogan, Ph.D., Director

December 1, 2005

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#### Being a Prevention Advocate – The Fine Line Between Lobbying and Advocating

By: Jack Wilson, Project Manager

Edited by Kris Gabrielsen, Associate Director

The very word “lobbying” raises a red flag for many public employees and any group that receives government funding. Public employees cannot engage in *lobbying* while on the job, but employees of most other 501(c)(3) organizations can engage in lobbying as part of their work. Plus, there are many forms of *advocacy* that are permissible to do.

What is advocacy? A good general definition of advocacy is: to speak up; to plead a cause, make the case for another. With advocacy you *can* conduct the following activities:

- Discuss an issue, educate, and respond to inquiries
- Provide background information such as history, statistics, and budget estimates
- Respond to an elected official's inquiries for testimony or information
- Explain regulations and how they are developed
- Create fact sheets
- Distribute a newsletter that discusses the importance of a particular policy (such as lowering the acceptable blood alcohol content level) and include a call to action, *as long as* a specific bill is not mentioned.<sup>1</sup>

*Lobbying* is one very limited form of advocacy and is defined as: communication with elected officials or their staff that takes a position on a pending piece of legislation. The IRS recognizes lobbying in two forms: *direct* and *grassroots*. Both are narrowly and very specifically defined in Treasury Regulations, Sections 56.4911-2(b) (1) and (2). The key word is legislation. Once an idea becomes a pending piece of legislation, you need to be clear what your role can and cannot be as a public employee.<sup>1</sup>

As the employee of a public agency (city, county, state, or federal) you *cannot* do the following:

- Lobby while at work
- Speak for your agency unless that is your assigned job
- Trade on your position as an agency employee when lobbying as a private citizen
- Use public resources to lobby (e.g. computers, salaried time, copy machines)<sup>1</sup>

As the employee of a 501(c)(3) you *may* lobby, even while at work, provided you are using unrestricted funds and acting within the limits set out by the IRS.<sup>1</sup>

But no matter where you work, you do not give up your rights as a private citizen. You *can* speak up on your own time, using your own resources, and in your own personal style. You *do* have the right to help others be more effective advocates for themselves, their families, their communities, and the programs that help them.<sup>1</sup> Given your knowledge, the whole community will benefit if you do.

For more information visit: <http://captus.samhsa.gov> or call (888) 734-7476. Funded by the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention.

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<sup>1</sup> For more information contact Community Anti-Drug Coalitions of America at 901 North Pitt Street, Suite 300, Alexandria, VA 22314 or call toll-free 800.54.CADCA and ask for *Strategizer Technical Assistance Manual 31-Guidelines for Advocacy*.