



**Water Environment
Federation[®]**
the water quality people[®]

Lobbying Disclosure and Grassroots Advocacy

Lobbying Disclosure Webinar Agenda

Introduction

- *Dianne Crilley, WEF MA Programs*

Webinar Overview

- *Patricia Cerro-Reehil, NYWEA*

Lobbying Requirements and Best Practices

- *Steve Dye, WEF Legislative Director*

Q&A

Cokie Roberts, NPR



WEF Water Advocates Program

- WEF Website:
 - www.wef.org/wateradvocates
- **New Toolkit** *(posted on new website)*
 - Tips and Guidance on how to be an effective advocate
 - https://www.wef.org/globalassets/assets-wef/5---advocacy/water-advocates/wateradvocate_sprogram_toolkit.pdf



Federal 501(c)(3) Lobbying Types

For 501(c)(3) organizations that elect to be governed by the “safe harbor” expenditure test, IRS regulations define two types of lobbying communications:

Direct lobbying – In general, any attempt to influence any legislation through communication with a legislator, an employee of a legislative body, or other government official, that:

1. refers to specific legislation; and
2. reflects a view on such legislation.

Grassroots lobbying – Any attempt to influence any legislation through an attempt to affect the opinions of the general public or any segment thereof. A grassroots lobbying communication is one that:

1. refers to specific legislation;
2. reflects a view on that legislation; and
3. encourages the recipient to take action with respect to the legislation.

Employee Lobbying Federal Registration Threshold

After January 1, 2017, an organization employing in-house lobbyists is exempt from registration if its total expenses for lobbying activities does not exceed and is not expected to exceed \$13,000 during a quarterly period.

Federal Regulatory Advocacy

The IRS does not view attempts to influence administrative rules, regulations, or other executive branch actions as lobbying. Be advised, however, that if your organization engages in these activities, whether at the federal or state level, it may be subject to other federal and/or state registration and reporting requirements.

Federal Lobbying Expenditure Limits

The law makes it very clear how much a 501(c)(3) organization can spend on lobbying - up to \$1 million depending on the size of the organization - if the 501(h) "safe harbor" election is made. Generally, organizations that make the 501(h) election may spend 20% of the first \$500,000 of their annual expenditures on lobbying (\$100,000), 15% of the next \$500,000, and so on, up to \$1 million dollars.

Federal Lobbying Expenditure Limits

Total Annual Exempt Purpose Expenditures	Percent that May be Spent on Lobbying
\$500,000 or less	20%
\$500,000-\$1 million	\$100,000 + 15% of budget over \$500,000
\$1 million-\$1.5 million	\$175,000 + 10% of budget over \$1 million
\$1.5 million and over	\$224,000 + 5% of budget over \$1.5 million

*Note: Total lobbying expenditures may not exceed \$1 million.
"Grassroots lobbying" expenditures may comprise no more than 25% of the total allowable lobbying ceiling.*

State Lobbying Restrictions and Requirements

National Conference of State Legislatures

<https://www.ncsl.org/research/ethics/50-state-chart-lobbyist-report-requirements.aspx>

Alliance for Justice: Bolder Advocacy

<https://www.bolderadvocacy.org/wp-content/uploads/2015/09/NEW-State-Lobbying-Registration-Thresholds.pdf>

Examples of Kinds of State Lobbying Disclosure Requirements

State	Employer Threshold	Employee Threshold	Grassroots Threshold
Iowa	No registration, but must file a report once a year if organization compensates a lobbyist	Individual spends more than \$1,000 per year on lobbying expenditures; OR receives compensation to lobby; OR is the designated representative of an organization or government agency that attempts to influence legislative or executive action	No registration or reporting required

Examples of Kinds of State Lobbying Disclosure Requirements

State	Employer Threshold	Employee Threshold	Grassroots Threshold
California	At least one consultant or in-house employee lobbyist; OR exceed \$5,000 (combined direct & grassroots lobbying expenditures) in a calendar quarter	Consultant is compensated \$2,000/calendar month or \$5,000/quarter; in-house employee spends more than 1/3 time in calendar month spent direct lobbying	Exceed \$5,000 (combined direct & grassroots lobbying expenditures) in a calendar quarter

Example of State Grants Lobbying Disclosure Requirements - Cont.

New York: Any lobbyist required to register shall file a report of any attempts to influence a determination by a public official, or by a person or entity working in cooperation with a public official, with respect to the solicitation, award or administration of a grant, loan, or agreement involving the disbursement of public monies over \$15,000.

Best Practices for Utility Employees

Employees can **NOT** be restricted or forbidden from exercising their Constitutional 1st Amendment right to petition the Federal Government. This includes campaign or PAC contributions.

- Communicate with employer that you're participating in lobbying activities. Provide Fact Sheets or Talking Points if necessary.
- Find out what your employer's priorities are.
- Unless you're acting in an official capacity, do not use public funds for lobbying activities. Check your State restrictions:

<https://www.ncsl.org/research/ethics/50-state-chart-limits-on-public-funds-to-lobby.aspx>

- Clearly state in meetings and communications that you're speaking on behalf of yourself or your association.



What Influences Congress?

- Providing consistently **reliable** information: 87.0 percent
- Presenting a **concise** argument: 85.2 percent
- Holding **face-to-face** meetings: 58.4 percent
- Academic or issue **experts**: 81.5 percent
- *95% of American support **increased investment in water infrastructure***

What works best:

- 95% said that "in-person visits from constituents" would have "some" or "a lot" of influence on an undecided lawmaker.
- 79% said "meet or get to know the Legislative Assistant with jurisdiction over their issue area"
- 91% said it would be helpful to have "information about the impact the bill/issue would have on the district or state."
 - Only 9% report they receive that information frequently.
- 79% said a personal story from a constituent related to the bill or issue would be helpful.
 - Only 18% report they receive it frequently.

Social Media actually works!

- 76% of the respondents agreed that “social media enabled us to have **more meaningful interactions with constituents;**”
- 70% agreed that “social media have made Members/Senators **more accountable to constituents;**”
- 71% said social media comments directed to the Member/Senator by “multiple constituents affiliated with a specific group or cause” would have “some” or “a lot” of **influence on an undecided lawmaker.**



Important to Remember...

- Be punctual -- and be patient!
- Tell them what they need to know about what's going on back home.
- If you don't know the answer to a question, say you don't know -- promise to get back to the legislator or staff with the requested information.
- **NEVER** offer to make a political contribution or pledge of political support!
- Don't look at your smartphone. Silence it!



Important to Remember, continued...

- *Make the ask!* Be clear and concise, and ask who the correct staff person is for following up.
- Don't use acronyms or terms that someone outside of your profession won't understand.
- Thank the legislator and offer to serve as a resource on other water-related issues.
- After the visit, write a thank you letter/email reviewing the key points discussed.

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2020 NATIONAL WATER POLICY FLY-IN

WASHINGTON, DC | WASHINGTON COURT HOTEL
WWW.WEF.ORG/WATERWEEK



Questions or Additional Info:

WEF

- **Claudio Ternieden**
Sr. Dir. of Government Affairs
cternieden@wef.org
- **Steve Dye**
Legislative Director
sdye@wef.org
- **Amy Kathman**
Government Affairs Manager
akathman@wef.org

