NACHC Grassroots Advocacy Team

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Chat Feature

• The chat feature is available to ask questions or make comments anytime throughout today’s webinar.

• We will answer as many questions as possible.

• If we do not get to your question live during the webinar, we will follow up with you directly via email.

• This webinar is being recorded and will be posted to: www.hcadvocacy.org/webinars
Webinar Information

Having issues hearing the presentation?
  • Double check the volume on your device.
  • Audio not working? Call-in at 1-866-469-3239 (code: 132 429 1051)

For technology issues:
  • Put them in the chatbox!
  • Email: grassroots@nachc.org
Summer Advocacy Calendar

**JULY**

July 15  
*National Day of Action*

**AUGUST**

August 6 at 4 p.m. EST  
*Advocacy 101 Webinar: Leveraging Social Media*

August 9 - 15  
*National Health Center Week 2020 – [www.healthcenterweek.org](http://www.healthcenterweek.org)*

Visit [www.HCAAdvocacy.org/Calendar](http://www.HCAAdvocacy.org/Calendar) to learn more.
NHCW 2020 Theme  #NHCW20 #ValueCHCs

“Community Health Centers: Lighting the Way for Healthier Communities Today and in the Future”

Logo designed by Greater Lawrence Family Health Center
Advocacy Legalese

Dos and Don’ts for Advocacy & Civic Engagement at Health Centers
Can Community Health Centers Advocate?

**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 cannot use ANY federal funds for advocacy.*
Community Health Center Income Sources

- Medicaid: 44%
- Medicare: 8%
- Private Insurance: 11%
- Self-Pay: 4%
- Federal Section 330 Grants: 17%
- Other Grants and Contracts: 12%
- Other: 4%

Source: George Washington University analysis of the Health Resources and Services Administration’s Uniform Data System. Special Data Request, September 2019.

Raw data available by state at the Kaiser Family Foundation, kff.org
Personal Activity vs. Health Center Activity

- Activities/statements by directors, staff, or volunteers acting on their own behalf (own time, own resources) are not restricted, so long as no organizational resources are used and the organization is not associated or identified with the activities
  - Written policies for staff (including volunteers) are critical and should include:
    - Workplace activity
    - Use of center resources
    - Social media
330 Funding

No part of Federal 330 Grants can be used for advocacy, so what health center funds CAN be used to pay for these expenses?

• Revenues unrelated to the grant-supported project (and not restricted by other payors);
• Unrestricted donations, and investment income;
• A health center's fees (self-pay) or premiums, (as identified by the 1996 amendments to Section 330 law);
• Third party reimbursements (including Medicaid and Medicare payments) and potentially state, local, and other operational funding.
Direct Lobbying vs. Grassroots Lobbying

Communicating with legislators (including staff)

Communicating with the general public in an effort to influence the vote of a legislative body
Direct Lobbying (tax law definition)

• Attempt to influence specific legislation through a communication with Member or employee of legislative body, or
• Any government official who may participate in formulation of legislation, if purpose is to influence legislation
• Specific legislation
  • Legislation that has been introduced
  • Specific proposal that has not been introduced
• Communication reflects a view on such legislation/proposal
Grassroots Lobbying (tax law definition)

• Attempt to influence specific legislation through communication to general public (or segment) if communication:
  • Refers to specific legislation
  • Reflects a view on such legislation; and
  • Contains a “call to action”
    • e.g. “write your elected official”
    • Provides address or tel. number of member/staff
    • Contains petition or postcard
    • Specifically identifies a legislator who will vote on the matter
• Common exceptions
  • Does not include actions by executive, judicial, or administrative bodies
  • Providing objective, educational, nonpartisan information is NOT advocacy so long as the communication does not support or oppose legislation
• State and/or private funds may have restrictions on advocacy activities
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
• Violations may result in:
  • Revocation of the organization’s tax-exempt status
  • Imposition of an excise tax on the amount of money spent on the activity
  • Cost disallowance
Political Campaign Activity vs. Personal Activity

Leaders should not make partisan comments in official organization publications or at official functions of the organization

- Does individual say he/she is speaking on behalf of the organization?
- Does an individual’s endorsement/opposition occur at the organization, or during an official meeting (e.g., Board meeting)?
- Does an individual’s endorsement/opposition use the organization’s resources (e.g., telephones, stationary)?

“The political campaign intervention prohibition is not intended to restrict free expression on political matters by leaders of organizations speaking for themselves, as individuals. Nor are leaders prohibited from speaking about important issues of public policy.” IRS Revenue Ruling 2007-41
Legislative Advocacy

• Legislative Advocacy
  • Advocating the *enactment* or *defeat* of *pending* or *proposed* federal, state, or local legislation (includes referenda and ballot measures)
    • Direct advocacy – contact with legislators or legislative staff
    • Indirect (“grassroots”) – contact with third parties urging them to contact legislators
  • Common exceptions
    • Does not include actions by executive, judicial, or administrative bodies
    • Providing objective, educational, nonpartisan information is not lobbying so long as the communication does not support or oppose legislation

• State and/or private funds may have restrictions on advocacy activities
• Permissible within limits
Allowable Advocacy 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 advocacy 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 advocacy expenses may be used for grassroots advocacy
  - Applies only if organization elects 501(h) treatment

In short, the “real” restrictions apply to federal grant dollars
Political Campaign Advocacy

• Intervening in a political campaign in an election for public office
• Participation can = intervention

Entirely prohibited for CHCS
Personal Activity vs. Health Center Activity

- Activities/statements by directors, staff, or volunteers acting on their own behalf (own time, own resources) are not restricted, so long as no organizational resources are used and the organization is not associated or identified with the activities.

- **Written policies for staff** (including volunteers) are critical and should include:
  - Workplace activity
  - Use of center resources
  - Social media
Advocacy and Social Media

- Social media, e.g. Facebook, twitter, blogs, websites, are “communications,” but rules/limits are unclear and evolving
  - Personal use of center resources will be attributed to the center
- Social Media and Lobbying
  - Generally subject to rules/limits on lobbying communications
  - Distinguish direct and grassroots
  - Considered “political” content
Advocacy and Social Media

• Blogs
  • Content is attributed to the organization
  • User comments likely not attributed to organization, if access is provided (but include a disclaimer)
  • “Guest” post likely OK (but include a disclaimer)

• Facebook, Twitter
  • “Friending” may signal approval
  • Distinguish “official” capacity from campaign
  • “Following” likely not an endorsement, but caution warranted
  • Accepting a candidate as a “friend” or “follower” likely OK if unbiased
  • Delete or at minimum disclaim a political posting to Facebook page
A Health Center Cannot...

- Support or oppose candidates for elective office (although you personally can).
- Use federal grant dollars for lobbying or voter registration.
- Endorse or oppose a candidate—implicit or explicit.
- Contribute money, time, or facilities to a candidate.
- Coordinate activities with a candidate.
YES, you can!

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.
Voter Registration

• Get Out the Vote (GOTV)
  • 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.

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 oppressed and repressed 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
NVRD 2020

Mark your calendar:
Tuesday, September 22

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

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

My future depends on you.
Sample Scenario:

Health Center Week can be exciting with all the media attention that accompanies the awareness week. Best Ever Community Health Center was thrilled to learn that Senator Glassceiling wanted to schedule a visit to their main site during Health Center Week. The Senator not only was a leader in issues important to them, but she was considering running for higher office. It was rumored an important announcement might come from her office any day. Best Ever Community Health Center made the news on every local and national channel the day the Senator visited them. She took the opportunity to announce her candidacy for President of the U.S. right there on the steps of the FQHC. Standing beside her, in all posted photos, was the chairman of the Board of Best Ever, the CEO and the Medical Director, who is active in another political party than the Senator. The community was all abuzz with excitement and the hometown paper wanted to know if Best Ever supported the Senator in her bid for higher office.

How should the CEO and Medical Director respond to media? Was the Senator’s visit allowable under the scope of health center public policy activities? What principles underscore your answer?
Questions?
Email grassroots@nachc.org