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## Informational Paper Organizing Legislative Advocacy

### In what kind of legislative advocacy can your organization be involved?

#### Lobbying<sup>1</sup>

Before you start organizing your group's legislative advocacy plan, it is important to know what your group is allowed to do. There may be legal restraints imposed by law or by your organizations internal rules. For instance, if your group is a non-profit organization with 501(c)(3) status, it must limit its lobbying activity to avoid losing its tax exempt status. Whereas, a non-profit organization with 501(c)(4) status may lobby without fearing the loss of its tax-exempt status. Also, if dues are used to pay for lobbying activities, business members may not be able to fully deduct their membership as a business expense on their taxes. Because of these legal constraints, your organization may have adopted internal rules that prohibit or limit lobbying activities. In addition, some organizations that are legally free to lobby, choose to limit legislative advocacy as a self-imposed policy.

#### Information v. lobbying

Not all legislative activity is lobbying. If a person is paid to initiate contact with any elected official or the staff of any elected official on more than five days in a reporting period, then that person is lobbying under the Wisconsin statutes. A paid lobbyist and an organization paying a lobbyist are subject to reporting requirements and other regulation. Although the reporting requirements and regulation of lobbyists in Wisconsin are minimal, for smaller organizations, the cost of registering and tracking lobbying activities may impose an undesirable financial burden. However, an organization can still be involved with state legislative advocacy without lobbying.

First, organizations are free to keep their membership informed regarding legislative activity that may interest the group. Monitoring government activities and reporting to your membership is a valuable service. Providing your members with pros and cons regarding government proposals can help your members form opinions and communicate more effectively on these issues.

Second, organizations are free to organize events where members may meet with elected officials. Many groups have breakfasts or other events where they invite elected officials to speak on a topic of interest. This gives your members an opportunity to get to know the officials and informs them about the topics.

*Disclaimer: The above information is general in nature and subject to change over time and from state to state. You should consult a knowledgeable professional about your specific situation.*

Third, organizations are free to inform and educate their membership with the intent of having individual members better communicate as individuals with their legislators. While a paid lobbyist may be more than your group wants or needs, giving your members the skills and information they need to act as citizen “lobbyists” is another great service. All citizens as individuals have a right to lobby the government on their own behalf.<sup>2</sup> A “citizen lobbyist” can let elected officials know that he or she is a member of your organization.

### **Who is interested in helping?**

Once you have determined what your organization wants to do, the next step is to find out who wants to help and in what way they can help. Assistance can range from monitoring the newspapers to testifying at a legislative committee hearing, from writing a letter to a legislator to organizing an event to allow members to meet their legislators. The experience and connections of members may also enhance the effectiveness of the group’s legislative advocacy.

### **How to organize?**

Some organizations provide internal rules on how to organize legislative advocacy by providing a position in charge of these activities (e.g., Legislative Director) or a defined committee structure. Even without a rule in this regard, it is important to organize and define how decisions will be made and by whom. If your organization has no pre-defined rules, take a survey of those people who you have found interested in actively assisting in the legislative efforts. You may find that adding additional internal formalities makes it harder for those people to assist you. On the other hand, events like internal meetings can foster information exchanges and energize the members who are interested in helping.

If your group has a media relations or public relations effort, it is best to coordinate the group’s legislative advocacy with this group. It is important to have a consistent public message regardless of the audience. Coordinating with your group’s media relations or public relations efforts can also increase the effectiveness of contacts with elected officials.

### **What is the agenda?**

Setting an agenda is the most important step and it completes the initial set up of your group’s legislative advocacy. Unless your group was created to advocate a particular public policy issue, the potential legislative agenda of your group could be expansive. It is important to focus advocacy in order to make an impact. Here are a few things to consider when creating an agenda.

### **Are our resources needed here?**

Many groups make the mistake of going where everyone else is. Adding your groups name to a cause that already has a large level of support is unlikely to accomplish much for the cause or your group. Look for novel or niche issues where your group can make a difference. Don’t follow the pack.

### **Reward those who help.**

While the interests of your group may be expansive, the interests of those members who are enthusiastic and involved may be very specific. Obviously, legislative advocacy on behalf of the group needs to be consistent with the group and what its overall membership wants. However, allowing helpful and involved members to select agenda items makes sense since they are the members who will contribute the most to the legislative advocacy.

### **Don't take on too much.**

The whole point of creating an agenda is to focus the group's efforts onto a select number of legislative efforts. Having twenty agenda items is simply beyond the capacity of most organizations. It is always better to have fewer agenda items than more.

<sup>1</sup> This check list is for educational purposes only and oriented to legislative advocacy in Wisconsin at the state level. There may be additional regulations at the local and federal level. Laws and interpretations change, please check with a legal professional for current law and your particular needs.

<sup>2</sup> If the member is paid by the organization in any way (even for services unrelated to lobbying), care must be taken regarding the lobbying laws. The constitutional right to petition government is an individual right. It is not violated when there are reasonable regulations placed on paid lobbying. In order to avoid inadvertent violations of the lobbying laws, it is best to not use personnel paid by the group without registering the group and the paid personnel as lobbyists.