



Fundamentals of Arts Advocacy

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Americans for the Arts



Why Advocate

Why do we need to be active?

Isn't that the job of a lobbyist?

Advocacy is not my job.

I am not allowed to advocate.

It won't matter anyway.



Education, Advocacy & Lobbying

Education *ed·u·ca·tion*

Noun: the act or process of imparting or acquiring general knowledge

Examples:

The arts add value to society

The arts create jobs and tax revenue

Arts education diminishes the drop out rate

Kids with an arts education score, on average, 100 points higher on their SATs

The non-profit arts generate \$166.2 billion a year in economic activity



Education, Advocacy & Lobbying

Advocacy *ad·vo·ca·cy*

Noun: The act of pleading or arguing in favor of something, such as a cause, idea, or policy; active support

Examples:

Support the arts as they add value to society

Support the arts as they create jobs and tax revenue

Support arts education as it diminishes the drop out rate and kids with arts education score, on average, 100 points higher on their SATs

Support the non-profit arts as it generates \$166.2 billion a year in economic activity

Oppose efforts to cut arts funding



Education, Advocacy & Lobbying

Lobbying *lob·by·ing*

Verb: To try to influence the thinking of legislators or other public officials for or against a specific cause

Examples:

Support increasing funding for the NEA and NEH in the FY09 Appropriations Bill

Support increasing funding for arts education in the FY09 Appropriations Bill

Cosponsor S.548 or H.R. 1524, the artist fair-market value deduction bill



Elections, Ballot Initiatives & Lobbying –

What's What??





501(c)(3)s & Electioneering

- 501(c)(3)s are absolutely prohibited from supporting or opposing candidates for public office.
- Other allowable activities in an election – covered later.



Ballot Initiatives & Referenda

- Proposed statutory changes or constitutional amendments put on election ballots for public vote.
- Not Electioneering – prohibition applies only to work “for or against candidates for public office.”
- Is Lobbying – passing laws.
- 501(c)(3)s can lobby.



Two Forms of Lobbying

- **Direct Lobbying**
 - when an organization attempts to influence specific legislation by stating its position to a legislator or other government employee who participates in the formulation of legislation, through its staff or members.



Two Forms of Lobbying

- **Grassroots lobbying**
 - When an organization urges the general public to take action on specific legislation.
- **Key elements of grassroots lobbying:**
 - Refer to specific legislation;
 - Reflect or state a point of view on the legislation's merits; and
 - Encourage the general public to contact legislators.



Is Work on a Ballot Initiative Direct or Grassroots Lobbying??



Ballot Initiative Work is Direct Lobbying

- Public becomes the legislature.
- Lobbying the public to vote for or against a legislative/constitutional measure.
- Important because (c)(3)s can spend more on direct lobbying.



How much can a 501(c)(3) spend on lobbying?

- **A generous amount:**
 - 20 % of the first \$500,000 of annual expenditures;
 - 15 % of the next \$500,000;
 - 10 % of the next \$500,000;
 - 5 percent for every additional \$500,000 up to \$1 million.

ABC nonprofit with expenditures of \$50,000.

- 20% of \$50,000 = \$10,000 = Overall lobbying limit



Grassroots Lobbying Expenditures Limited

- Charitable nonprofits may spend 25% of their total allowable lobbying expenditures on grassroots lobbying.
- **ABC nonprofit with expenditures of \$50,000.**
 - 20% of \$50,000 = \$10,000 = Overall lobbying limit
 - 25% of \$10,000 = \$2,500 = Grassroots lobbying limit
 - Total lobbying activity \$2,500 on grassroots lobbying, and \$7,500 on direct lobbying or all \$10,000 on direct lobbying.



Only 501(h) Electors

- These expenditure limits and lobbying definitions only apply to (c)(3)s that take the (h) election.
- Easy to do!
- If not an (h) elector, lobbying cannot be a “substantial part” of your activities.
- Substantial not defined. No set expenditure limits or definitions.



Commons Myths & Misperceptions

- If we receive government funding, we cannot lobby at all.
- We cannot use foundation funds for lobbying.
- We cannot lobby a candidate for public office during an election season.



More Latitude for (c)(4)s and 527s

- (c)(4)s
 - No restrictions or limitations on lobbying.
 - Can work on behalf of candidates (support or oppose) but only secondary activity.
 - Contributions are not tax deductible.
- 527s
 - Sole focus on candidate campaigns.
 - Only work on ballot initiative if clear nexus between it and candidate's prospects for election.
 - Funds must come from traditional political sources (donations, dues, etc)
 - Contributions not tax deductible.



Check State Laws

- State Election Laws.
- State Tax Laws – especially on ballot measure activities.



Basic Rule

Section 501(c)(3) organizations may engage in educational activities related to the electoral process as long as they do not:

- participate or intervene
- in any political campaign
- in support of, or in opposition to, any candidate for public office



Permissible Educational Activities

- Voter guides/candidate questionnaires
- Candidate forums
- Officeholder scorecards
- Voter registration
- Issue education



Voter Guides/Candidate Questionnaires

- All candidates asked to participate
- All responses published, unedited
- No indication of preference
 - Editorial opinion
 - Comparison to organization's positions
- Variety of issues



Officeholder Scorecards

- Voting records of politicians
- No indication of preference
- Variety of issues
- Method and timing of distribution relevant



Candidate Forums

- All candidates invited
- Range of issues addressed
- Equal opportunity to respond
- No indication of preference
 - Editorial comments



Voter Registration/Get-Out-The-Vote

- Must be nonpartisan
- Not directed at voters likely to support a particular candidate



Issue Education

- A 501(c)(3) does not lose its ability to engage in educational activities simply because a political campaign is in process
- In fact, it is during the election season that the interest of voters in key issues may be at its highest



Some Helpful Factors for Issue Education During a Campaign

- A history of non-electoral issue education
- Research showing the need for education
- Disclaimers of endorsements
- No reference to a candidate



Examples of Prohibited Political Conduct

- Endorsement of a candidate
 - Fundraising appeals
- Rating of candidates
- Contributions to candidates
- Distribution of materials prepared by candidates
- Establishment of a PAC



Other Issues

- Penalties for engaging in prohibited political conduct
- Relevance of election laws



Key Principles of Cultural Advocacy

1. Advocacy must be part of your daily mission.
2. Being successful depends on a unified message, purpose and strategy.
3. Seek to establish coalitions
4. Politics is fluid; change is constant. Be ready for it!
5. Establish a strategy and a plan.
6. Get to know your elected officials.



Key Principles of Cultural Advocacy

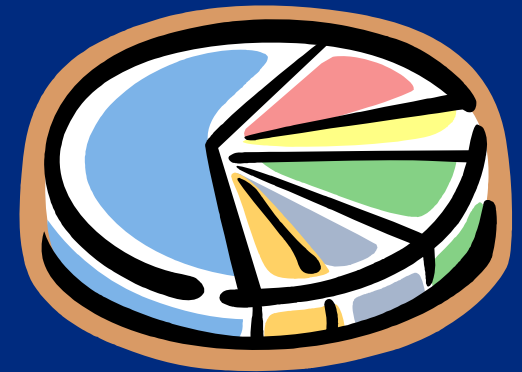
7. Understand how your activities contribute to the greater good.
8. Treat your allies and opponents with friendly respect.
9. Work hard for your political friends.
10. Be honest.
11. Politicians respond to voters. Target voters for your advocacy.
12. Strive for clarity and brevity in all your communications.



Advocacy Pie

Many Pieces of the Advocacy Pie

- Grassroots Activities
- Grasstops Efforts
- Business Support
- Professional Lobbyist
- Media Campaigns
- State and local Arts Organizations





Grassroots Activities

Grassroots *grass-roots*

Adjective: of, pertaining to, or involving the common people, esp. as contrasted with or separable from an elite.

- In Person Visits
- District Events
- Phone Calls
- E-Mails



Lobbying 101

That Dirty “L” Word

Important to Legislative Process

- Provides needed expertise
- Everyone can be a lobbyist/activist
- Each person is an expert about at least one thing, their own life’s experiences



Who are Lobbyists?

- ANYONE with an interest in a particular issue
- ANYONE with a story to tell
- ANYONE who wants to change the law or status quo

- YOU are lobbyists/activists
- YOU all have a common interest
- YOU all have been affected by the action of the Federal Government with regard to its support for the arts.
- By attending this conference, you have taken a big step to becoming an activist.



Lobbying Goals

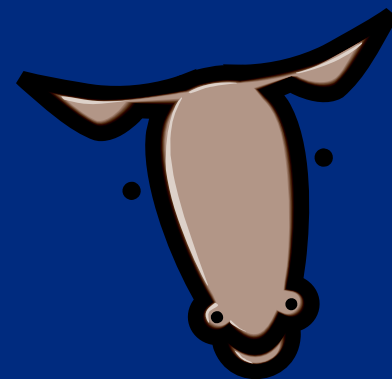
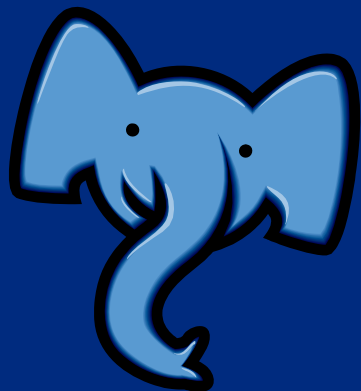
- Build Professional Relationships with key decision makers
 - If you wait until you need help, it is too late
- Knowledge is Power
 - Become a resource or expert on your issue
 - Offer your resources and assistance at any time
- For your supporters, volunteer on their election campaign



Lobbying Rules

Your success depends on how the key decision maker views you. Does he or she **TRUST** you, **RESPECTS** your opinions (not necessarily agrees with them), **VALUES** you as a person and, **SEEKS YOUR ADVICE**

If you can do this, you will be successful.





Lobbying Rules

- Be HONEST, never lie or stretch the truth
- Must know your position
- Must know your opponent's position
- Never insult the key decision maker
- Never insult your opponent
- Never lose your cool



Lobbying Rules

- Understand the key decision maker's political position and how your issue might be difficult to adopt or maintain
- Only lobby YOUR elected officials
 - Must be their constituent
- Meeting with key decision maker's senior staff is often just as good or better than meeting with the principle
- Always "Make the Ask"
 - Let them know what you want
 - Let them know what you want them to do



Do's and Don'ts When Meeting Your Elected Officials





During the Meeting

- Be prompt and patient
 - They are busy, schedules often change
- Be Prepared
 - What are your top 3 issues and be prepared to talk about them. Do your homework!
 - Be ready to explain the issue in simple terms in case the decision maker is not familiar with the issue
 - Bring written background information including your contact information and leave it with them



During the Meeting

- Be Political
 - Demonstrate how this helps your state or the legislative district
 - Demonstrate how this will make the decision maker look good to the public
- Be Responsive
 - Be prepared to answer questions
 - Promptly follow up with thank you note and any other information you have promised



During the Meeting

- Meetings with Staff are Very Effective
 - They advise the decision maker
 - Become their arts resource
 - Build a professional relationship with them
 - You will probably know more about arts issues than they do, YOU are the expert, especially on district programs.
- **NEVER EVER BURN YOUR BRIDGES**



District Meetings or Events

Members of Congress, especially in election years, are always looking to meet with constituents or go to an organized event.

Call their District office to make an appointment

- Invite them to tour a facility
- Give them an award
- Invite them to your meeting
- Offer to become their “Arts Resource”



Grassroots

Phone Calls

- Important when time is of the essence.
- Augments emails and faxes
- When calling:
 - Ask to speak to the aide handling the issue
 - Know what you want to say
 - Leave your name, address, etc
 - Follow up with another phone call or thank you note



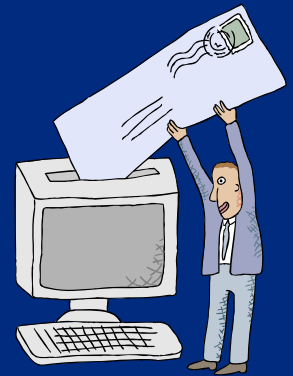
The Hill and E-mail

Congress receives over 125,000,000 e-mails per year

Up from 30,000,000 e-mails/year from 1999

Rules for Effective E-mails

- Must be a constituent
- Must send personalized E-mails
- Must “make the ask”
- Must use their web form





Hill Web Forms

92% of the Senate utilizes web forms
Up from 83% from last year

87% of the House utilizes web forms
Up from 70% from last year

These Members do not have public
e-mails.

They want you to go to their web site
to write.



Are E-Mails Effective or Not?

Email vs. US Postal Service vs. Faxes

Key Factor

Cookie Cutter vs. Personalized

Tell your personal story





The Hill and E-mail

E-mails are the preferred method to communicate with elected officials

No Data Entry

Automatically routed to appropriate staff person

Easy to respond back electronically

Can respond back via e-mail



Top Reasons People Don't Write Their Elected Officials

1. Don't know who their Elected Officials are.
2. Don't know what issue to write on.
3. Don't know what to say.
4. Think it will take too much time.
5. Don't think it will matter.



Online Advocacy Center

ALWAYS use the Americans for the Arts or Louisiana Partnership for the Arts website to send e-mails

- Automatically identifies elected officials
- Sample issue topics
- Sample letters
- Makes it very easy
- Sign up for e-mail updates





Grasstops Activities

Grasstops *grass-tops*

Adjective: of, pertaining to, or involving community leaders, VIPs, etc., esp. as contrasted with or separable from the common group.

Who are your Grasstops:

- Personal Friends of Decision Makers
- Community Leaders
- Members of your Board of Directors
- Business Leaders
- Basically, anyone who when they pick up the phone to call the key decision maker, they talk to them personally as a friend.



Business Support

Need business support to be effective

Invite business leaders to serve on your boards

Research Studies:

- Creative Economy

- Arts And Economic Impact study

www.AmericansfortheArts.org/research



Professional Lobbyist

- Louisiana Partnership for the Arts contracts with a professional lobbyist.
- Having someone who is intimately familiar with the process and the key decision makers is essential.
- They will know when to act, when not to act, how to best effect a piece of legislation, what an individual elected official's position is, etc.



Media Campaigns

Letters to the Editor

- Allows others to read about your issue in the manner you want to present it.
- Properly placed letters are seen by key decision makers. (Put their name in the letter)
- Use the Americans for the Arts Web site for sample letters/ideas
- Must be unique letters or they will not be printed
- For best results, tell your own personal story



State & Local Arts Orgs.

Support your state and local arts organizations

- Coordinated advocacy is essential
- One message, one team
- Elected officials will not differentiate between the types of arts.
- Statewide arts advocacy and service organizations (Louisiana Partnership for the Arts) serve as the central clearinghouse to organize advocacy efforts
- Local Arts Agencies serve the same purpose on the local level

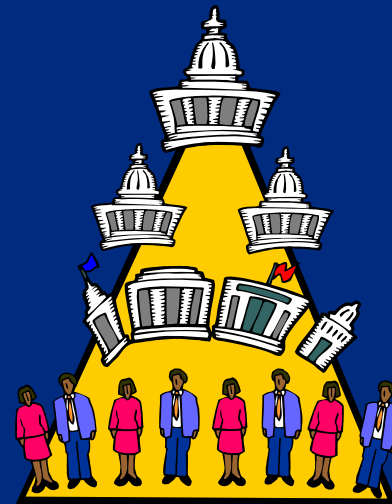


How a Bill Becomes a Law

Optimist View

Pessimist View

Reality





How a Bill Becomes a Law

Presidential Influence:

While the President has no official involvement in the drafting and passing of legislation, he does possess a great deal of influence. The President will often draft sample legislation for Members of Congress to introduce for him. Furthermore, the President will often lobby Congress to support or oppose a particular piece of legislation that he feels is particularly important to his presidency.



How a Bill Becomes a Law

1. Introduction and Referred to Committee

Bills are referred to standing committees according to carefully delineated rules of procedure. Bills can be assigned to multiple committees.

There are multiple types of legislation:

Senate Legislation includes:

S. S.Res. S.J.Res. S.Con.Res. **S.Amdt**

House Legislation includes:

H.R. H.Res. H.J.Res. H.Con.Res. **H.Amdt**

How a Bill Becomes a Law

2. Committee Action

Unless the bill is referred to a subcommittee, this is where most of the debate and changes occur to a piece of legislation. Additionally, the most dramatic changes to a piece of legislation occur at this level. Most every bill is assigned to a subcommittee.

80-90% of legislation “dies” in Committee





How a Bill Becomes a Law

3. Subcommittee Review

Subcommittee's study pieces of legislation and hold hearings in place of Committees.

4. Subcommittee Mark Up

When hearings are complete, the committee or subcommittee may meet to make changes and amendments prior to recommending the bill to the full committee (or the main body). If the subcommittee does not report a bill to the full committee, the bill dies.



How a Bill Becomes a Law

5. Committee Action to Report a Bill

The full committee can conduct further study and hearings once the sub-committee finishes its work. The Committee may also simply just vote on the bill.

6. Publication of a Written Report

After the committee votes (positively), a report is prepared on the bill. This report describes the intent and scope of the legislation, impact on existing laws and programs, position of the executive branch, and view of dissenting members.



How a Bill Becomes a Law

7. Scheduling Floor Action

After the bill is reported back to the main chamber, it is placed in chronological order on the calendar. The Speaker and the Senate Majority Leader control the calendars.

8. Debate

When the Bill reaches the floor, there are rules governing the debate. These rules determine the conditions and amount of time allocated for debate. Ex.: Open Debate. Closed Debate. Filibusters.



How a Bill Becomes a Law

8. Debate (continued)

Senate rules in particular are very complex. One Senator can often stop floor action. Thus, the Senate often operates under “Unanimous Consent” (UC), which require all Senators to agree to a particular action. Senators may also engage in a Filibuster which requires a supermajority of 60 Senators to bring debate to an end.

-These rules make, by design, the Senate a very slow and deliberate body.

-Nuclear Option – Proposal to change the rules on the filibuster for judicial nominees.



How a Bill Becomes a Law

9. Voting

After the debate and the approval of any amendments, the bill is passed or defeated by the members voting.

Ex.: Roll Call Votes or Unanimous Consent.

10. Referral to the Other Chamber

Basically, the entire process starts over again.



How a Bill Becomes a Law

11. Conference Committee

When the two versions of the bill are different, a conference committee is formed to reconcile the differences. If the conferees are unable to reach agreement, the legislation dies.

If agreement is reached, a conference report is prepared describing the recommendations for changes.

Both the House and the Senate must give up or down approval of the conference report.

Unpopular or controversial pieces of legislation often never emerge from committee as it is an excellent and quiet way to kill a piece of legislation.



How a Bill Becomes a Law

12. Final Actions

After the bill has been approved by the House and Senate in identical form, it is sent to the President.

- The President can sign it into law.

- The President can take no action for ten days, while Congress is in session, and it automatically becomes law.

- The President can veto the legislation.

- If the President takes no action after the Congress has adjourned its second session, it is a “pocket veto” and the legislation dies.



How a Bill Becomes a Law

13. Overriding a Veto

If the Congress chooses, it may attempt to “override the veto.” This required a two-thirds roll call vote of the Members in both houses. If two thirds of the Members of both houses agree, the bill becomes law without the President’s signature.



Arts Advocacy

A Legislators Perspective

Stan Rosenberg

Senate President Pro Temp

Massachusetts Senate



A Legislator's Perspective

Learn about the background of your legislator

- **Educational Background**
- **Professional Interests**
- **Personal Interests**
 - **Issues**
 - **Personal**
- **District**
- **Arts Record**



A Legislator's Perspective

Develop a relationship with your legislator

- **Invite them to your events**
- **Public Recognition**
- **Political Support**
- **Your first official meeting shouldn't be the first time you meet the member**
- **Your first meeting is not your last meeting**



A Legislator's Perspective

The Biggest Mistakes

- **Fail to profile your organization/industry in terms that relate to the members interest**
- **Too big an agenda**
- **Disorganized Presentation**
- **Give Inaccurate Information**
- **Fail to engage the Member**
- **Fail to make a specific ask**



A Legislator's Perspective

The Biggest Mistakes (cont.)

- **Fail to make a follow up plan**
- **Fail to recognize past support and leadership**
- **Getting angry with the member if they don't agree with the request or make a commitment to support you**
- **Thinking that you are bothering the member by asking for and meeting with the member.**



A Legislator's Perspective

Your Biggest Assets

- **Credibility**
- **Expertise**
- **Political Capacity**
- **Passion**



Federal Advocacy Efforts & Successful State Models





Arts Advocacy Day 2008 Congressional Arts Hearing



Americans for the Arts Witnesses:

Robert Redford

Kerry Washington

John Legend

Jonathan Spector

Mayor Hannemann

Robert Lynch



Arts and Economic Prosperity III Congressional Arts Caucus Briefing



Rep. Paul Hodes (D-NH, above) and Rep. Chris Murphy (D-CT, left) speak at the AEP briefing at the Capitol on May 22, 2007.



Legislative Update

NEA and NEH

- FY08 Enacted Appropriations for NEA = \$144.7 million
- FY09 Presidents Budget request: \$128.4
 - This represents the largest increase in NEA history - \$20 M
- Additionally, the NEH was also increased by a modest \$3.8 million to \$144.7 million
 - FY09 Presidents Budget request: \$143.0
- Artist Fair-Market Value Deduction Bill – still pending
- Improving Visa Process for Foreign Guest Artists – still pending

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TWO MINUTES.
THAT'S ALL IT TAKES TO TELL
CONGRESS YOU SUPPORT THE
ARTS AND ARTS EDUCATION.



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E-Advocacy Center

ACTION ALERT!

[XML](#)

Federal: President's Budget Released

[Click Here.](#)



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ACTION ALERT!

XML

Congressional Action on Orphan Works Legislation

New Legislation on the Move

TAKE ACTION

Federal: Urge Your Senators to Co-Sponsor the Senate Artist Deduction Bill

Write to Your Senators Now!

TAKE ACTION

Federal: Urge Your Representative to Co-Sponsor the House Artist Deduction Bill

Write to Your Representative Now!

TAKE ACTION

Federal: Urge Your Senators to Join the Senate Cultural Caucus

Send a Message to Your Senators Now!

TAKE ACTION

Louisiana





ArtsVote2008



- Americans for the Arts Action Fund has launched ArtsVote 2008--a national initiative to help the arts impact the presidential election.
- In New Hampshire, the Arts Action Fund has partnered with New Hampshire Citizens for the Arts to identify, educate, train, and mobilize likely arts voters to help influence candidates to take strong positions for the arts.
- Visit www.ArtsVote.org for more information!



Successful State Advocacy Models

- Positive Examples

Illinois

Minnesota*

South Carolina

Hawaii**

New York

Michigan**

Missouri*

Wyoming**

Wisconsin

* Has more than one statewide organization

** Recently experienced a merger



State Advocacy Models

- Not so Good Examples
 - California*
 - Georgia*
 - Nevada*
 - New Mexico

* Has more than one statewide organization

** Recently experienced a merger



Americans for the Arts E-Advocacy Center

www.AmericansForTheArts.org

or directly at:

www.capwiz.com/artsusa

or

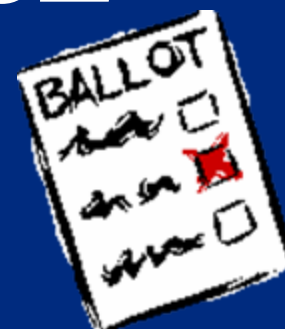
www.capwiz.com/artsusa/la



Why Get Involved

YOU CAN, AND WILL, MAKE A DIFFERENCE

- Marathon, Not a Sprint
- Have the opportunity to change and/or influence United States law
- If you don't get involved, your opponents will





Questions?

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