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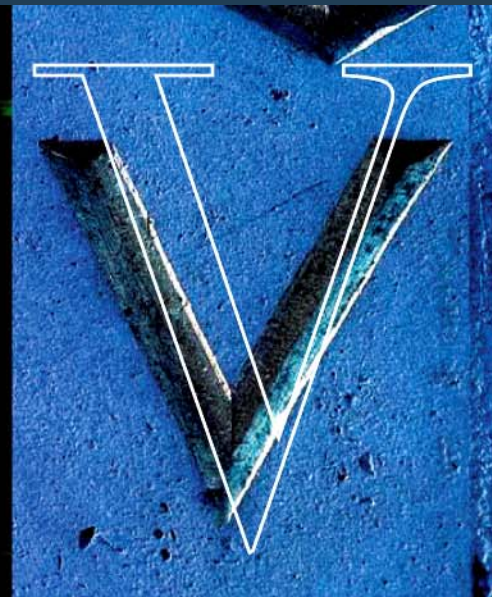
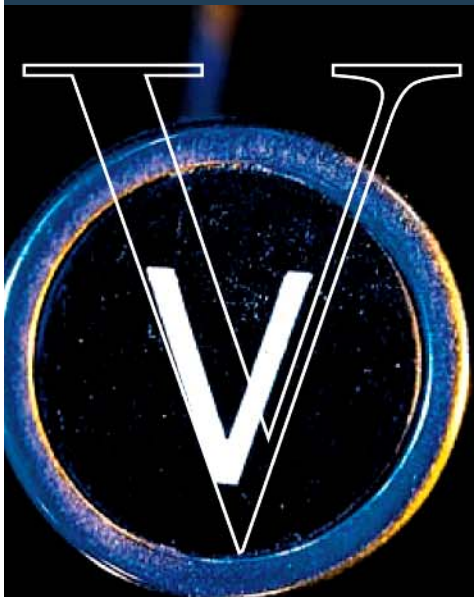
Online Advocacy: Rules for the Road

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Online Advocacy

APPLYING THE RULES YOU KNOW

- **The Rules to Remember:**
 - LDA
 - Do I have to register
 - How do I count my lobbying
 - Internal Revenue Code
 - Are the expenses nondeductible
 - State Laws
 - Campaign Finance Rules
 - Am I talking about a candidate

What are your activities?

TYPES OF COMMUNICATION

- Direct Lobbying
- Grassroots Lobbying
- Independent Expenditures
- Electioneering Communications
- Plain Old Information

Regulations that apply depend on the type of communication being used.

What is Lobbying

LOBBYING DISCLOSURE ACT

- **Lobbying Contact:**
 - Communication with a covered official regarding policies
 - Excludes indirect contacts
 - Does not include grassroots lobbying
- **Lobbyist:**
 - More than one lobbying contact &
 - More than 20% of time on lobbying activities

What is Lobbying

LOBBYING DISCLOSURE ACT

- **Exemptions**

- speeches, articles, or publications of other material that are made available to the public or are distributed through radio, television, cable television, or other methods of mass communication
- administrative requests such as requests for a meeting or about the status of a matter (as long as the request does not include an attempt to influence a covered official);

What is Lobbying

INTERNAL REVENUE CODE

- **Influencing legislation**
 - Any attempt to influence legislation through communication with
 - (i) any member or employee of Congress;
 - (ii) any member or employee of a state legislature; or
 - (iii) any federal or state government official or employee who may participate in the formulation of legislation.
- **Executive Branch Communications**
 - Any direct communication with a covered federal executive branch official in an attempt to influence the official actions or positions of such official, including regulatory, administrative or any other official actions or positions.

What is Lobbying

INTERNAL REVENUE CODE (CONT)

- **Grassroots lobbying**
 - Any attempt to influence the general public, or segments thereof, with respect to elections, legislative matters, or referenda. This includes urging association members to engage in grassroots lobbying.
 - Must have call to action
 - Must be specific legislation

Email

COMMUNICATIONS TO COVERED OFFICIALS

- If emailing a covered official, does the email include an intent to influence policy or legislation?
- If so, then a lobbying contact
- If so, then time for email is lobbying activity

Email

COMMUNICATIONS TO MEMBERS

- Policy messages are not grassroots lobbying
- Requests to have members contact Congress on a particular bill are grassroots lobbying
- Emails scheduling legislative visits or planning lobbying strategy are lobbying activities

Email

SIGNATURE FILES

- What if it includes message of advocacy?
 - Could be direct lobbying if sent to covered officials
 - Could be grass-roots if sent to others
- Must consider implications when designing signatures

Web Site

SENDING EMAIL FROM WEB SITE

- Web site that allows people to send email to Congress likely grassroots lobbying
- Cost of that portion of web site (including development) lobbying

Web Site

POLICY MATERIALS

- Not likely to be lobbying, because no direct contact with covered officials
- Materials posted to web may have been lobbying materials, which would have incurred lobbying costs

Web Site, Email, Social Media

CANDIDATE INFORMATION

- What if the communication refers to a candidate?
- Under *Citizens United* permissible
 - Could be independent expenditure
 - Disclaimer?
 - Disclosure of funding?

Video

- If broadcast, does it identify the sponsor?
- If posted on You-Tube is it accurately identified?

Other Issues

THINGS TO REMEMBER

- No quid-pro-quo
- Email is easily discoverable
- Avoid joking about quid-pro-quo
- Avoid threats
- Common sense applies



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