



Lobbying, Advocacy, and Education

A policy resource for PA rape crisis centers



Background

Rape crisis centers play a critical role in policy advocacy. Centers have unique expertise and compelling examples of the impact sexual violence has on the lives of individuals and communities. Since the 1970s, Pennsylvania has made significant strides in changing laws and systems to be more responsive to victims and communities:

- One of the first funding streams in the nation was established for a statewide sexual assault coalition with critical funds to local rape crisis centers.
- The Absolute Confidentiality Law was passed, safeguarding the privacy and confidentiality of victims through the one of the strongest privilege statutes in the country .
- The rights of victims were codified through the Pennsylvania Victim Bill of Rights.
- Raping your spouse became a crime.
- An overhaul of the sexual assault statutes defined intercourse without consent as a second-degree felony offense.

- Stronger public safety mechanisms were put in place through sex offender registration.
- Campuses were required to engage students in sexual violence prevention efforts.
- Greater protections for children were put in place by expanding mandated reporting duties through the Child Protective Services Law revisions.
- Expert witnesses were allowed to testify in court to explain victim behavior to juries.
- Sexual violence victims were able to seek orders of protection from their perpetrators.

Today, the voices of rape crisis centers are still needed in the policy realm. However, there are specific parameters that surround our policy work, which have been set by the Internal Revenue Services (IRS) and the federal Anti-lobbying Act. This resource provides an overview of allowable and restricted policy activities for rape crisis centers.

Restrictions on Lobbying

What is Lobbying?

Lobbying includes efforts to influence legislation, amendments to the constitution, and political campaigns. Lobbying encompasses attempts to influence the introduction, passage, or defeat of legislation and/or the election or defeat of candidates for public office. Lobbying occurs at both legislative and grassroots levels. There are three primary restrictions on lobbying:

1 No use of government funds for lobbying

The Anti-lobbying Act (2002) prohibits any use of federal funds for lobbying activities. This prohibition is reiterated in the Violence Against Women Act (2013). However, government funds may be used for advocacy and education. In addition, non-governmental and unrestricted funds may be used to lobby, if permitted within the parameters of those specific funding arrangements, and as long as they do not represent a substantial percentage of your agency's budget (*see number 3*).

2 No partisan political activities

The IRS prohibits tax-exempt organizations under IRS Sec. 501(c)(3) from engaging in partisan political activities (IRS, 2017). This includes supporting or opposing candidates for public office, endorsements or financial contributions to specific candidates or parties, and distributing materials in support of or opposition to candidates or parties.

However, sharing educational information about sexual violence with prospective candidates is allowable. Posing questions to all candidates about how they would support victims and invest in prevention is also allowable. However, agencies cannot take a position of support or opposition toward a candidate or participate in or interfere with a political campaign. Partisan political activities are permitted as a private citizen, off-the-clock.

3 Lobbying should not constitute a "substantial" percentage of an agency's activities

The IRS restricts agencies from using a "substantial" percentage of their time, staff (paid and volunteer), and resources on lobbying. More information about what constitutes "substantial" is available here: <https://www.irs.gov/charities-non-profits/measuring-lobbying-substantial-part-test>.



When to Lobby, Advocate, and Educate

There are three types of lobbying/activities: direct lobbying, grassroots lobbying, and advocacy and education. Each one has different rules that you must follow.



Direct Lobbying

Direct lobbying is allowable when using unrestricted (non-government) funds and the activities are not “substantial,” according to the IRS. According to the IRS (*IRS, 2017*), direct lobbying includes efforts to influence legislation through direct communications with legislators or other government officials that:

- refer to specific legislation
- reflect a specific view on such legislation
- request the action of a government official of support or opposition

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I urge you and your colleagues in the legislature to vote in support of/opposition to House Bill 111.



Grassroots Lobbying

Grassroots lobbying is allowable when using unrestricted (non-government) funds and the activities are not “substantial,” according to the IRS. Grassroots lobbying includes efforts to influence legislation by influencing the opinions and actions of the general public (or a subset of the public). This includes communications that:

- refer to specific legislation
- reflect a specific view on such legislation;
- AND urge the public to take further action on the legislation, such as contacting their legislators/ government officials to influence their position, signing a petition, and sending letters/emails to influence support/opposition on specific legislation.

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After today’s rally, I urge everyone to contact their legislature and ask them to help pass/defeat House Bill 111 by the end of this session!



Advocacy & Education

Advocacy and Education with legislators and candidates for public office are allowable when using government and unrestricted funding. Advocacy and education include providing information to policymakers about a social issue or general policy approach.

Examples of education and advocacy can include sharing information about the strengths and needs of victims and communities, best practices in prevention and services, research and fact sheets,

accomplishments and needs of the organization, and potential benefits and drawbacks of specific legislation. These efforts can include in-person visits, meetings, written materials, or other formats. Advocacy also includes efforts to influence the rules and regulations that flow out of public departments and agencies to translate policies into everyday practice.

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I'd like to talk about the work of our rape crisis center and what we are seeing in our community.. If House Bill 111 was passed, I am concerned that it would affect victims by...
We support policies that...



Take-aways

✓ Do it and do it often!

Advocacy and education are always okay—regardless of the funding stream or the time/staff/resources you are devoting to those efforts.

✓ Do it and do it strategically.

Use non-governmental, unrestricted funds to urge legislators and your communities to take action on specific legislation. These efforts should not cross the line of substantiality, according to the IRS.

✗ Don't do it. Not now. Not ever.

Do not use government funds to lobby or endorse/oppose a specific candidate for public office or political party.

Additional Resources

Coalitions May Lobby, by Resource Sharing Project: http://www.resource-sharingproject.org/sites/resource-sharingproject.org/files/RSP_Coalitions_May_Lobby.pdf

IRS Lobbying Flowchart, by Bolder Advocacy: <https://www.bolderadvocacy.org/wp-content/uploads/2015/11/Lobbying-Flowchart.pdf>

Nonprofits and Lobbying, by American Bar Association: <https://apps.americanbar.org/buslaw/blt/2009-03-04/mehta.shtml>

References

Anti-lobbying Act of 2002, Title 18, U.S.C. § 1913, Chapter 93. Retrieved from: <https://www.law.cornell.edu/uscode/text/18/1913>

Internal Revenue Services. (2017). Lobbying. Retrieved from: <https://www.irs.gov/charities-non-profits/lobbying>

Violence Against Women Act of 2013, Pub. L. No. 113-4, § 1005, 127 Stat. 54 (2013).

Questions?

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