

Lakes in Action Advocacy 101

April 1, 2020

2020 Wisconsin Lakes & Rivers Convention

Presented by

Michael Engleson, Wisconsin Lakes

Allison Werner, River Alliance of Wisconsin





Agenda

- Welcome & Introductions
- Civics 101
- Advocacy/Lobbying 101
- Building Organizational Consensus

BREAK

- Communicating with Elected Officials and the Public
- Successful Advocacy
- Election Year Advocacy
- Taking Action & Next Steps



Civics 101: The Legislative & Regulatory Process

Presented by Michael Engleson
Executive Director, Wisconsin Lakes
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Levels of Government

- Federal
- State
- Local (County, City or Town, Lake District)



Federal

Don't deal with much in Wisconsin in regard to water laws:

- EPA delegated authority to manage waters under Clean Water Act to state
- Sometimes Army Corps of Engineers has authority



Local

- Similar process to state
 - Hard to discuss in general because it varies by jurisdiction
 - Terminology may be different (e.g. “ordinances” vs. “laws”)



State

- Sources of authority
 - Delegated by United States via EPA
 - State Constitution – the “Public Trust Doctrine”



Laws vs Rules

- Laws (statutes) are passed by the legislature and signed by Governor
- Rules (administrative code) are developed by agencies
 - Must be authorized to do so by a statute
 - Governor approves concept, agency develops rule, Governor and Legislature approve
 - E.g. Shoreland zoning – Wis Statute 59.692 authorizes shoreland zoning rules in NR115

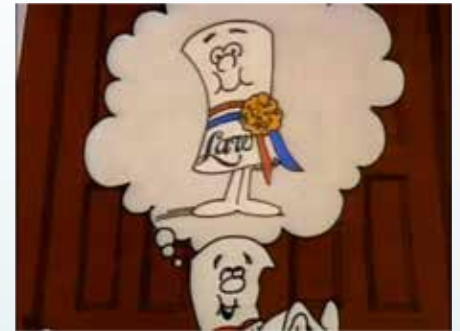
Formation of a Law



Formation of a Law

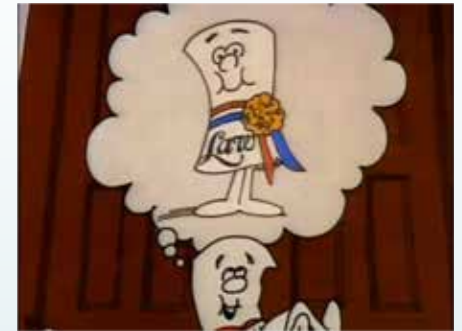
Step 1:

Bill introduced by a legislator(s) and is assigned to a committee



Formation of a Law

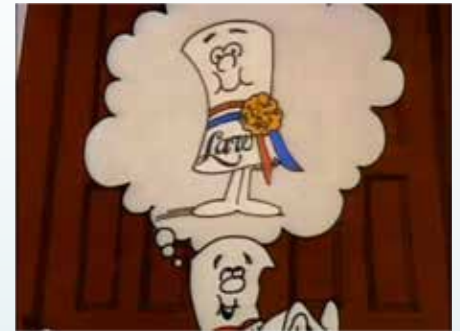
Step 2:
Committee chair
decides if and when to
hold a hearing



Formation of a Law

Step 3:

Committee holds a public hearing. Public testifies for or against the bill (incl. lobbyists, state agencies)



Formation of a Law

Step 4:

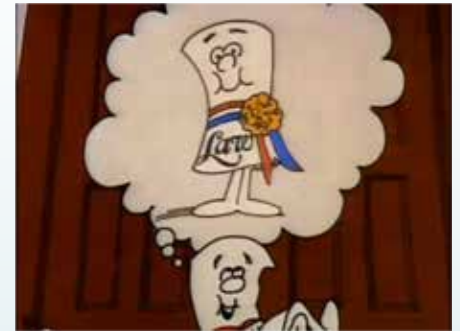
At discretion of committee chair, committee votes on bill in “Executive Session”
– No public input.



Formation of a Law

Step 5:

Committee sends bill to full house (Assembly or Senate) who can vote yes, no, amend, or not vote



Formation of a Law

Step 6:

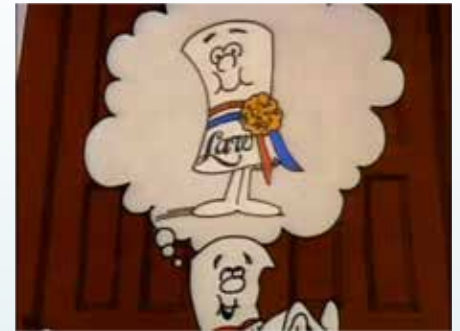
If bill passes, it is sent (“messed”) to the other house. Bill goes through same process



Formation of a Law

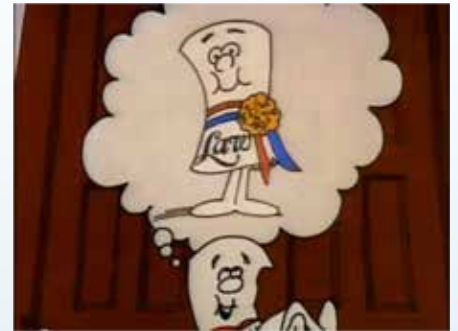
Step 7:

If bill passes both houses with same language, it goes to Governor who can sign or veto. Bill is now law



Formation of a Law

Process can be sped up by introducing the same bill simultaneously in both houses. Only one needs to pass.



Formation of a Law

Step 1: Introduced to committee

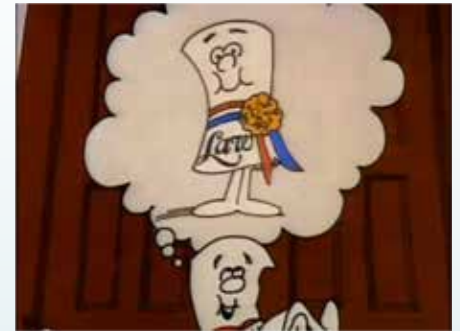
Step 2: Public Hearing

Step 3: Voted on by committee

Step 4: Voted on by house

Step 5: Sent to other house

Step 6: Signed or vetoed by governor





Two Types of Legislation

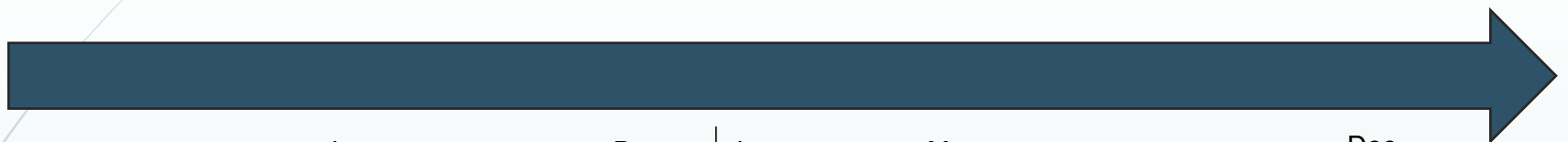
- Budget Bill
- Everything Else

Legislative Timeline

- Legislative session is two years
- Budget is worked on Feb-June of 1st year of session
- Other legislation is before budget work, and then winter-spring
- Floor periods are limited



LEGISLATIVE TIMELINE



Jan
2019

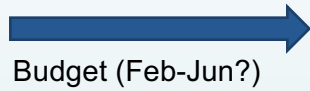
Jun
2019

Dec
2019

Jan
2020

Mar
2020

Dec
2020



Budget (Feb-Jun?)



Jan-
Feb

Feb-Jun

General Legislation



Nov-Mar



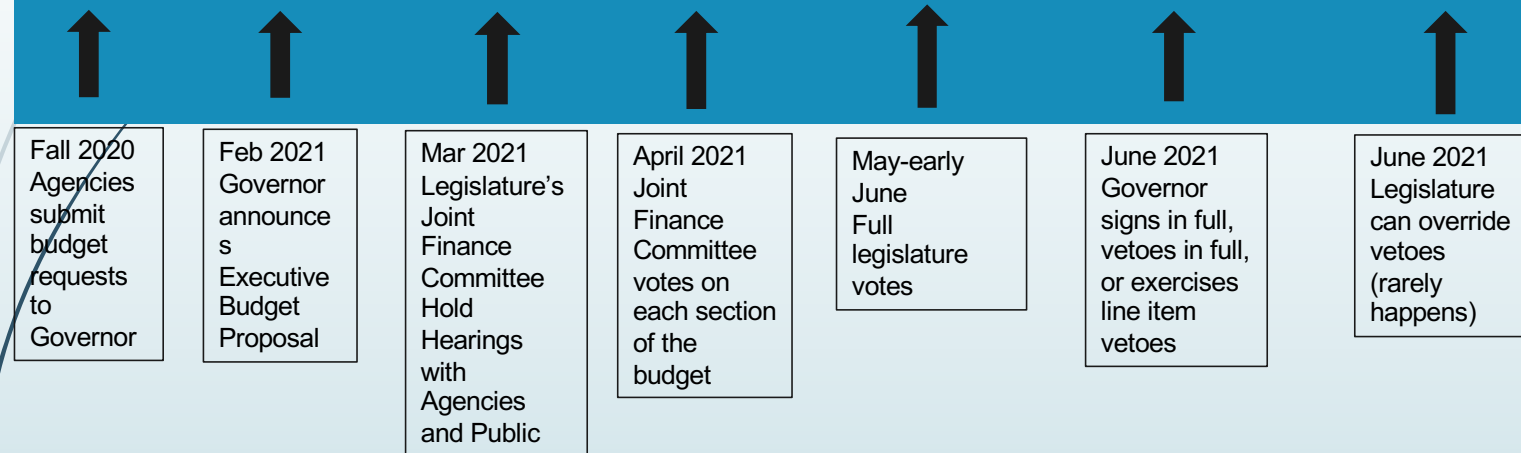
We're
here



Nov-Dec

Legislative Timeline

Timeline for state budget development



- State budget is biennial – 2 years (July 2021-June 2023)



Water-Related Statutes

- Chapter 30: Navigable waters, harbors, and navigation
- Chapter 31: Regulation of dams and bridges affecting navigable waters
- Chapter 33: Public inland waters (lake districts)
- Chapter 59.692: Shoreland zoning
- Chapters 279-299: General Natural Resources:
- Chapter 281: Water and sewage (Water quality, groundwater, grant programs)

Administrative Rulemaking

- Definition of Administrative Rule
- A regulation, standard, policy statement, or order of general application promulgated by a state agency:
 - To make specific, implement, or interpret provisions of statutes that are enforced or administered by the agency
- To establish procedures for the agency to follow in administering its programs

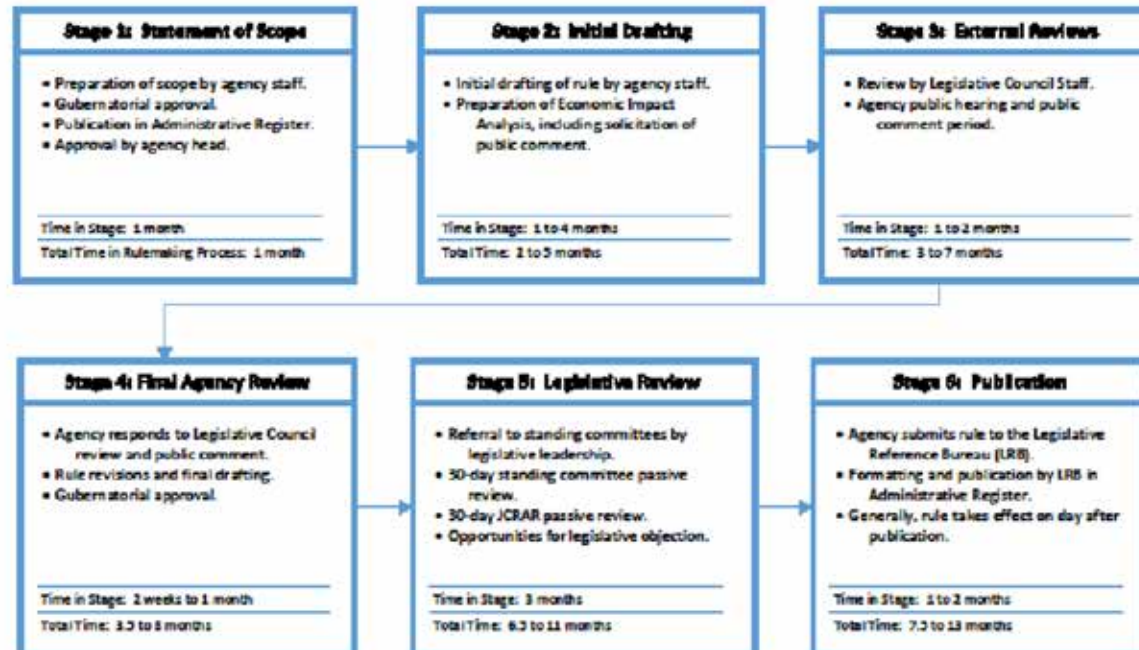


Rulemaking Authority

- Create new rules, or amend or repeal existing
- Rule must be authorized by a specific grant of authority to the agency by a statute
- Rule cannot be based on a statute that grants *general* authority to an agency
- Rule cannot be more restrictive than a statute



Overview of Administrative Rulemaking Process



Prepared by: Wisconsin Legislative Council, January 2017

Please note this overview describes the process for a "typical" rulemaking. Rules developed using extraordinary processes, such as citizen-initiated rulemaking or internal board approvals, may require additional time. For more information on the rulemaking process see: http://docs.wisconsin.gov/publications/2017/1700001_000001_adminreg.pdf



Steps to Rulemaking

1. Scope statement approved by Governor, and agency governing board
2. Rule drafting
3. Economic Impact Analysis
4. Legislative Council Clearinghouse Review
5. Public Hearing by agency
6. Initial Regulatory Flexibility Review
7. Final approval by Governor
8. Review by legislative standing committee
9. Review by Joint Committee on Review of Administrative Rules



ADVOCACY & LOBBYING 101



Advocacy/Lobbying 101

Advocacy/Education- “involve themselves in issues of public policy...For example, organizations may conduct educational meetings, prepare and distribute educational materials, or otherwise consider public policy issues in an educational manner without jeopardizing their tax-exempt status” (IRS)



Advocacy/Lobbying 101

Lobbying- “contacts, or urges the **public** to contact, members or employees of a legislative body for the purpose of proposing, supporting, or opposing legislation, or if the organization advocates the adoption or rejection of legislation.” (IRS)



Advocacy/Lobbying 101

Legislation- “*Legislation* includes action by Congress, any state legislature, any local council, or similar governing body, with respect to acts, bills, resolutions, or similar items (such as legislative confirmation of appointive office), or by the public in referendum, ballot initiative, constitutional amendment, or similar procedure. It does not include actions by executive, judicial, or administrative bodies.” (IRS)



Can 501c3 Organizations Lobby?

- **Yes**

- “no **substantial part** of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation”
- “and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.”



IRS: Substantial Part

- “no substantial part” (facts and circumstances) test, OR
- 501(h) expenditure test (Form 5768)
 - Fairly objective
 - Easy reporting- no narrative, no line items
 - 20% Total allowance, 25% Grassroots allowance
 - No limit on lobbying activities that do not require expenditures such as volunteer activities
 - IRS has put in writing that making the election is NOT an audit flag




Direct and Grassroots Lobbying

- “Direct Lobbying” is communication with legislator, or legislative staff, about specific legislative proposal, expressing a view, with intention to influence the legislation
- “Grassroots Lobbying” communication with the **public**, about specific legislative proposal, expressing a view, calling for action to communicate with a legislator to influence the legislation
 - communications between an organization and its members are treated more leniently than are communications to non-members.



Grassroots Lobbying Calls to Action

- Direct:
 - Tells recipient to contact legislator
 - Provides legislator contact info
 - Provides response mechanism
- Indirect:
 - Lists key, allied, opposed, or undecided legislators on a specific legislative proposal [without contact info]




What is NOT Lobbying (just public education)

- Volunteer effort (501(h) is an expenditure test)
- Attempts to influence executive branch matters
- Communications with the public expressing a view on specific legislation, with NO call to action (except mass media immediately prior to a vote)
- Communications with members [donors] expressing a view on specific legislation, with NO DIRECT call to action
- Communications about a broad social problem are not a specific legislative proposal, by definition
- Requests for opinions, recommendations and technical advice by a legislative body, committee or sub-committee

	General Advocacy, from education to grassroots lobbying				Direct lobbying
Any elected official	Build relationships	Inform them about issues	Invite them to your events	Hold targeted events for them; show them your lake and top issues	Ask them to vote a certain way
Your Membership	Hold a public forum to educate about an issue	Send an email about a policy issue or legislation (Info only)	Send an email about a policy issue or legislation with an opinion/point of view from your organization (No call to action)	Send an email about a policy issue or legislation with a call to action, "Contact your legislator, tell them how you feel about this issue, ask them to vote yes, and here is how to contact them."	
Legislators	Meet them in district to introduce your organization, no ask at this time	Take them on a boat ride on the lake to introduce them to the issues on your lake: nonpoint, algae, shoreland management, etc.	Put them on your newsletter/email lists	Send them educational information about your concerns- be their resource for quality information about water issues	<ul style="list-style-type: none"> · Testify at a public hearing · Call, send a letter/email asking them to vote yes/no · Meet at their office in the Capitol
Local: County, City, Village, Town	""	""	""	Attend County Land & Water meetings (or other appropriate committee meetings) to learn, listen, educate and/or make requests	<ul style="list-style-type: none"> · Testify at a public hearing · Call, send a letter/email asking them to vote yes/no · Attend a meeting to ask for funds in the budget, an ordinance, etc.
DNR	Hold events in partnership with DNR	Invite the DNR Secretary and staff to your events	Ask the DNR staff/administration to fund programs/staff that support your lake	Provide letters of support to the Natural Resource Board for polices that support your lake, or speak out about polices that will harm your lake	Ask legislators to support legislation and funding for the DNR to protect your lake

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FINDING ORGANIZATIONAL CONSENSUS



Question 1 – Will your organization advocate?

- Needs to be a discussion with the entire organization – does it need to be unanimous?
- Should be part of the group’s overall strategic planning
- Provide education so everyone understands what “advocacy” means



Question 2 - What's the Process?

- How will you decide on which issues the organization will advocate?
 - Develop a platform
 - Form a standing committee
 - Who is the final decision-maker? Committee? Board? Full organization?




Things to Consider

- Positions need to be consistent
- Positions need to be in keeping with organization's mission
- Does decision-making process allow for quick decisions when necessary



What happens when you can't agree

- Decisions do not need to be unanimous
- Make sure everyone has opportunity to be educated on the issue – from both sides!
- If necessary, bring in outside experts to help facilitate a discussion
 - UW-Extension, WI Lakes, River Alliance



What happens when you REALLY can't agree

- An advocacy position should never prevent the other work of the organization
- Sometimes, a group is simply split on an issue – that's okay
- Education on an issue can still be provided, and should be, with both sides equally represented, if possible



BREAK



COMMUNICATING WITH ELECTED OFFICIALS & THE PUBLIC



FRAMING THE MESSAGE: It's all about the fundamentals

Before writing or speaking, make sure you've worked on the fundamentals of developing your message.


“Anybody can direct a picture once they know the fundamentals.”

– Film director John Ford



Seven steps to messaging heaven

- 1. Frame the message (What, generally?)
- 2. Set goals (Why?)
- 3. Determine the audience (Who?)
- 4. Determine the media being used (Where?)
- 5. Determine the timing (When?)
- 6. Determine the form of the message (How?)
- 7. Finally, create the message (What, specifically?)



(1) What (in general): Framing the Issue

- Define the basic issue
- What are the raw facts to convey, prior to putting adding any messaging (i.e. spin)
- For internal consumption only



Framing the Message

- Don't react immediately – find out more info
- Know your knowledge gaps
- Formulate the points you know you need to get across



(2) Why? - Setting Goals

- What are the goals of this communication?
 - Advocating a particular policy?
 - Broadcasting information w/o expressing an opinion?
 - Marketing for the organization?
- What result are you looking for?
 - Citizens/members active advocating for a policy
 - Better informed audience
 - Contributions to your group



(3) Who? - Determine the Audience

- Who is the intended recipient of the info
 - Public in general
 - Government
 - Members



(4)Where? - Determine the Types of Media

- What media are you going to use
 - Different media will react to different messages
 - e.g. Statewide radio vs the local paper
 - Balance your needs with what you can do
 - If time, do different messages, but often must craft message for several different media types
 - Get to know your media contacts



(5) When? - Timing the Message

- When is best time to put out the message?
 - What is too soon, too late?
 - What deadlines do the different media types have - local paper different than local TV
- How immediate is the need to get the message out?
 - If for an event, maybe plan a couple of releases highlighting different items
 - If for legislation, do you need to know the legislation before commenting?



(6) How? - Determining the Form of the Message

- What's the best vehicle to deliver the message?
 - Press release
 - E-mail blast to members, also sent to media
 - Press conference
 - Personal phone call or visit



(7) What (the specifics)

- Now you're ready to write the piece
- Things to consider:
 - Be concise
 - Assume audience knows nothing
 - Use quotes if possible
 - Be consistent across communications on the same issue
 - Say who you are!



SUCCESSFUL ADVOCACY



Successful Advocacy

- Build relationships
- Be respectful
- Tell your story that connects with their values



Successful Meetings

- Get to know your elected official
- Share a little about who you are and why you care about your lake
- Thank them!
- Be prepared and stick to the agenda
- Tell our story- how does this issue impact your lake, business, property, property values, etc.
- Be respectful
- No jargon
- Follow up



Videos

[Let's Talk Water, Wisconsin! Part 1](#): 4:08 minutes

-How to connect with State Legislators

[Let's Talk Water, Wisconsin! Part 2](#)- 4:33 minutes

-What does a 1-1 meeting with a legislator look like?

[Let's Talk Water, Wisconsin! Part 3](#)- 1:50 minutes

-Take your legislator to the water!



ELECTION YEAR ADVOCACY



Election Year Advocacy

- Non-profit organizations are not allowed to endorse candidates for any office
- This includes implied endorsements, i.e. campaigning for women or Latinos to get elected
- You can encourage civic engagement- Get out the vote
- You can continue to provide general education on your issues



Election Year Advocacy

You may:

- educate all of the candidates on public interest issues within the purview of the organization
- prepare candidate questionnaires and create voter guides
- sponsor candidate debates with all political parties invited
- correct misstatements by candidates about issues your organization already is engaged with. You need to focus on what was said (the issue), not who said it (the candidate).



Election Year Advocacy

Resources: Bolder Advocacy, Alliance for Justice

<https://www.bolderadvocacy.org/>

Resource library

<https://www.bolderadvocacy.org/resource-library/>



TAKING ACTION AND NEXT STEPS

A dark grey arrow points to the right from the left edge. Below it, several thin, light blue lines represent reeds or grasses, extending from the left edge towards the center of the slide.

Thank you!



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