



Guide to State-level Advocacy for NAADAC Affiliates



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Introduction

At its core, advocacy consists of carrying a personalized message supporting a specific cause or policy change to the people who make or implement those policies. Within NAADAC and its Affiliates, advocacy begins with individual members who share the desire to shape a public policy agenda that meets the demands of the professional workforce and assists other addiction counselors, social workers, nurses, psychologists and other addiction treatment, prevention, intervention and recovery support professionals.

Advocacy can be a long and arduous process. We intend this booklet as a guide to help you on your way. NAADAC's Government Relations Department and the many state and legislative chairs who are involved in the legislative process are always ready to help. The benefits of acting together will produce not only long term gains, but unexpected friendships and alliances, life lessons and hope.

Purpose and Goals of Advocacy

The purpose of developing a grass roots advocacy organization is threefold:

1. to build a base of dedicated, reliable people you can count on to execute important grass roots activities
2. to learn from others who are involved in promoting the same issues and may have more experience in grass roots organizing or more connection to public officials and the media
3. to create the strongest, most united voice for or against a specific issue

State Legislative Committees and Chairs

Within each state, there is one State Legislative Chair who is chosen by the State President to serve as a liaison between the Government Relations Department within NAADAC and the state affiliate on legislative issues. Some states have formed legislative and/or licensure committees in addition to their State Legislative Chair.

NAADAC strongly encourages each state to form such committees. Legislative committees can be formed by splitting the state into regions and offering one position per region of the state or it can be formed by a group of interested volunteers. The more people who join the state legislative committee and who are willing to take on some of these responsibilities, the less work the State Legislative Chair must manage alone, resulting in more accomplishments on behalf of addiction professionals.

Building a Network

A Legislative Alert Network (LAN) is a system designed to coordinate a quick response to important legislative matters. Each LAN consists of two essential parts, a list of active members and a method of contacting those members. Building the State Legislative Alert Network is the most important step Addiction Professionals can take in advancing our case on the legislative front.

Building your State LAN:

1. Inform the State President and State Delegate of your plans to organize a State Legislative Alert Network.
2. Make a list of the addiction professionals with whom you work and interact with on a regular basis. This list should include the name, title, place of employment, address, phone number, fax number and e-mail address of each person.
3. Personally contact each of these individuals and explain the purpose and goals of developing a network. Ask if they have any recommended names of other addiction professionals they may know in the state.
4. Add the name, title, place of employment, address, phone number, fax number and e-mail address of each of these new counselors to the list. Write a letter of introduction and explanation to your entire list of addiction professionals. In the letter, be sure to ask the counselors to forward the names of any other people who might be interested in joining the State Legislative Alert Network.

This network is to establish the state legislative committee. Arrange a meeting for all the network members to determine who wants to play what role on the legislative committee and develop a list of legislative priorities and a plan of action for the committee.

Action Alerts/Newsletters

Action Alerts will serve as the main form of communication between the network leader and members of the network.

Action Alerts Checklist

- ✓ Inform the network members of what they can do, i.e. contact his or her legislator, write a letter to the editor of the local newspaper, and share the Action Alert with colleagues, your state authority, and other stakeholders.
- ✓ Offer the key talking points that need to be stressed when network members call or write their legislators
- ✓ Always list the name and phone number of the network leader with a request that network members who contact their legislators keep a record of their correspondences.
- ✓ Produce the action alerts in a timely fashion, the earlier the lobbying process begins, the more effective the State Legislative Alert Network can be.

State newsletters should complement the Action Alerts by offering a general overview of legislation, the results of a previous lobbying campaign, insight on how to improve the effectiveness of the State LAN, and an update of related, non-legislative current events.

HOW TO CREATE A LEGISLATIVE STRATEGIC PLAN

Many of NAADAC's affiliates understand the importance of advocating for issues at both the state and federal levels and are already involved in the legislative process. However, very few affiliates have created legislative strategic plans to help them "map out" a course they need to follow over the next few years or even one year in order to be effective and cost-efficient. Whether your affiliate will be advocating for a single issue or has a full array of issues, it is critical to your success to create a strategic plan for your members who are involved in the process. The following are the steps that should be taken in establishing a viable plan:

Identify key issues

Identification of issues is the first step and may appear to be relatively simple. Your affiliate members are surrounded by problems that need solving, such as state certification/licensure, parity, work force development, program funding, etc. But that is a problem, because there are too many issues to solve and not enough resources. To conduct a successful advocacy campaign, you must focus resources on the issue or issues that are most important to your members. Your affiliate might even decide that federal appropriations issues, such as block grants or faith-based programs, are more important than state issues. Remember: block grants are funded at the federal level and allocated to the states. (<http://tie.samhsa.gov/SAPT2010.html>)

Gather information

In order to determine which key issues are critical to your affiliate members, ask them at events, such as formal meetings or social occasions (or do a survey via your website) the following questions:

1. Which are your most pressing issues?
2. Why are they pressing?
3. What ideas do you have for solving them?

Not only will this method help your affiliate to determine which issues are most important, but it will begin to create "buy-in", as members will feel part of the process. Issues can also be determined in a more formal manner by conducting an assessment survey of targeted members. This approach is a larger investment of time and possibly money, as affiliate leadership or an outside consultant will need to create questions and conduct the surveys. However, this is more scientific than just asking random questions at a meeting.

In addition, the legislative history of issues is an important factor in deciding which issues to pursue. The following are important questions to ask legislators, legislative staff and/or affiliate members who have previously been involved in advocacy of relevant issues:

1. Have these been studied or debated by legislators in the past?
2. If so, what happened?
3. Which legislators supported or opposed the issues?
4. What other organizations were involved?

Prioritize Issues

After gathering information, the next step is to decide which two or three issues have the most impact upon affiliate members. This decision should be made by affiliate leadership, an appointed or elected government relations committee, or an ad hoc strategic planning committee or a combination of all three groups. Prioritization is particularly important if affiliates have limited time and monetary resources and a limited amount of members who are involved in advocacy activities.

Develop a strategic plan

Once the priority issues are determined, a strategic plan can be developed for each issue or for multiple issues. The plan may take a few weeks or it may take a year to develop, depending upon who is creating and who is approving the plan. The plan should consist of the following:

1. An overall goal that clearly states what the affiliate wants to achieve;
2. Specific strategies for achieving the goal, such as the following example – get related groups and patients more involved with your issues;
3. Multiple objectives for each strategy that further delineates it, such as the following example – participate in effective coalitions;
4. Action steps explaining how the objectives will be achieved, such as the following example – form a new coalition with related groups and patients and assume a leadership role.

“Sell” the plan to affiliate members to get them involved

A critical step in the process is to inform your members about the strategic plan and to get them excited about participating in the implementation. This can be done through publications, during meetings and on your web site. However, if the issues are controversial, very limited in scope or might have a negative impact on another group, you should consider keeping a “low profile” by just releasing the details to a select number of affiliate members who will be involved in the legislative process.

If grassroots efforts are needed, a much larger number of members should be made aware of the strategic plan and what the affiliate is planning to achieve for the profession. In this case, the affiliate will need to educate members about the issues and what is being done about them. You can't assume that because the affiliate's leadership or government relations committee selected the issues and developed the strategic plan, the rest of the membership is committed to implementing the plan. You must create interest and build commitment by explaining the issues to members and providing specifics regarding how they can help.

HOW TO ESTABLISH AND MAINTAIN RELATIONSHIPS WITH STATE LEGISLATORS

Because many important decisions made about Addiction Professionals are political decisions (licensure, parity, funding), it is critical that you establish on-going relationships with your state legislators. Not only is this one of the most effective ways to participate in the political process, but also as a constituent, you help legislators determine the importance of legislation. Typically,

legislators must review thousands of bills and most never get any further than being introduced. However, if they have relationships with constituents who support/oppose certain bills, those get much more of their attention.

The following are steps you should take to establish and maintain relationships:

Find out which legislative district you live and/or work in and which state representative and state senator represents your district.

Thanks to technology, it should be relatively easy to determine this information. All state legislatures have web sites and most of them allow you to determine your district and state representative and state senator by entering your zip code. You also can visit NAADAC's e-Advocacy Center at www.capwiz.com/naadac. Once you have determined this information, most state legislators have web sites that provide additional information about them, including committee assignments, issues and contact information. As a constituent, you should also receive newsletters periodically that identify your representative and senator and the significant issues that they support. It is important to become familiar with your state legislators before the initial contacts are made. In addition, let your state affiliate know that you will be communicating with state legislators on issues that are critical to your profession. Either your state affiliate or NAADAC can supply position papers on priority issues.

Establish initial contacts with your state representative and state senator.

There are two ways that initial contacts can be made – either by letters or emails. The initial contacts should do the following:

1. Establish you as a constituent who will be periodically making contact with your state representative/senator (be sure to include your return address on letters and emails);
2. Provide introductory information about Addiction Professionals and important issues (no more than three);
3. Recognize legislators' positions on any relevant committees;
4. If appropriate, acknowledge legislators for their leadership and support of issues;
5. State that you will be periodically contacting them about issues.

Continue contacts during the legislative session.

During the legislative session, send one-page letters or equivalent emails to your state legislators on specific legislation. This communication should include the following:

1. Your return address;
2. Restate that you are a constituent;
3. Identify legislation by both name and number;
4. State briefly how this affects you and your patients (access to care, cost-effectiveness and quality of care are “white hat” issues);
5. Ask for their views on this legislation.

After letters or emails have been sent, phone calls to state legislators and/or their aides are effective as follow-up and to reiterate information that was contained in letters/emails.

Set up face-to-face visits with state legislators as part of a Legislative Day at the state capitol or as individual appointments.

If your state affiliate has an annual Legislative Day at the state capitol, you should easily be able to set up visits with your state legislators following your initial contacts. If others who are participating in the Legislative Day are also constituents of your state legislators, go as a group for the visit. Never discuss more than three issues and be sure to leave one-page position statements behind as further explanation of the issues. And, always send timely thank you notes or e-mails following the meetings.

Continue communication with legislators when they return to their districts.

In order to get to know legislators on a more personal and on-going basis, the following are effective “grassroots” activities:

1. Attend town hall meetings conducted by legislators during recesses and when legislative sessions have adjourned;
2. Invite legislators to visit your offices and make these “photo opportunities” for both legislators and Addiction Professionals;
3. Request to serve on appropriate advisory committees;
4. Host and/or attend fundraisers, community events;
5. Work in legislators’ campaigns by stuffing envelopes, putting up yard signs, working at phone banks and the polls on Election Day, etc.

How NAADAC affiliates are establishing and maintaining relationships with state legislators.

Four state affiliates, Massachusetts, Ohio, Texas and West Virginia were surveyed in 2004 to determine how they established on-going relationships with state legislators. All four affiliates have successfully made personal contacts with legislators in both their districts and at state capitols and have relationships with legislators on relevant committees. In addition, Massachusetts and Texas have relationships with legislators who have personal experience with addiction. The following are methods that are unique to individual states:

1. Massachusetts determines which legislators are friends, which need to be educated and which are in opposition and concentrates on those who need to be educated;
2. Ohio has a problem with term limits – many supporters have to leave office because of this law. However, new legislators often rely on those who had established relationships with previous legislators and know legislative history.
3. Texas has a goal of establishing relationships with at least half of the 181 state legislators;
4. West Virginia uses its annual Legislative Day to make additional contacts and encourages Board members to establish on-going relationships.

STATE LEGISLATIVE EVENTS

Legislative Workshops and Conferences

You can and should organize workshops on how to lobby, conferences on current legislative activities in the state legislature concerning substance use disorder issues or a “lobby day” when

Addiction professionals travel to the state capital to meet with their legislators about a licensure bill.

1. Pick a date when the legislature is in session and that is also convenient for AP's in your state.
2. Hold a session on current legislative activities in the legislature and state legislative process.
3. Offer a session on how to lobby legislators. This session should involve an explanation on how to write letters and make contacts in a way that will have the most impact.
4. Include information on your state affiliate's initiatives.

HIRING A LOBBYIST

Some state associations decide to hire professional lobbyists in order to ensure that a licensure of a bill, for example, is enacted by the conclusion of the legislative session. The reasons for hiring a lobbyist vary; however, there are some general pros and cons to hiring a lobbyist which you should consider before making definitive decisions.

Reasons to Hire a Lobbyist

A professional lobbyist is trained in lobbying and can take on all of the necessary responsibilities. They are versed in how to treat legislators and know when to generate a grass roots effort and extensive publicity drive and when to "lay low". They understand the legislative process and know how long it should take a bill to move from committee to committee to the chamber floor to the governor's desk. In addition, your hired lobbyist can give presentations and legislative updates at your state conferences or lobbying workshops.

Reasons Not to Hire a Lobbyist

Hiring a lobbyist can be a tiring and expensive task. You need to make sure that you hire a lobbyist of quality, who has years of experience and a good reputation with that legislature. You will need to research his or her record on securing the legislative success in the past and what methods they used to do this, i.e. by providing reliable and useful information or by threatening legislators into voting for or against a bill. Unfortunately, the more professional a lobbyist is and the better his or her record is, the more money it will cost your association to hire the lobbyist. You may want to consider hiring a part time lobbyist; however, this strategy may not be as effective.

Ensure that you work out specific reasons for hiring the lobbyist. Discuss your goals and limits in advance. Make sure your lobbyist understands the limits on his/her authority. Also be conscious that you have hired the lobbyist. Listen to the lobbyist's recommendations, but use your own judgment and make your own decisions.

HOW TO ADVOCATE AS A NON-PROFIT ORGANIZATION

Personal Lobbying

Under the United States Constitution, you always have the right to petition your government on your own behalf. Just because you are an officer or a member of a state association, you do not lose your first amendment rights. Therefore, if you feel strongly about an issue, you are always allowed to write, visit, or contact your member of congress. However, there is currently a ban on giving gifts to your member of Congress; this does not include awards or other recognition.

Organizational Lobbying

There are some restrictions on certain types of lobbying activities under the tax laws, depending on how your state association is organized. NADAAC's Affiliates are typically organized under either section 501(c)(6) or 501(c)(3). 501(c)(6) is less complicated, and therefore will be discussed first.

1. 501(c)(6)

Section 501 (c)(6) is a designation for an organization which qualifies for some measure of a tax exemption as a non-profit business league (chamber of commerce, board of trade, etc.). An organization that is exempt under 501(c)(6) may permissibly engage in any amount of legislative activity germane to the common business interests of the organization's members. The only restriction is that no deduction is allowed for expenditures made on behalf of political campaigns, attempts to influence the public (grassroots lobbying) or actual lobbying.

501(c)(3)

Section 501(c)(3) is a designation for an organization which qualifies for tax exemption if it is organized for the exclusive purpose of Charitable, religious, Educational, Scientific, or similar activities. These organizations may lobby, but must conduct their activities in accordance with IRS regulations to avoid losing tax exempt status. Under the rules first proposed in 1976, an organization will lose its tax exempt status if a "substantial part of the activities of the organization consist of carrying on propaganda or otherwise attempting to influence legislation."

"Lobbying to Influence Legislation" is defined as:

- any attempt to influence any legislation through a move to affect the opinions of the general public or any segment thereof; AND
- any attempt to influence any legislation through communication with any member or employee of a legislation body with any government official or employee who may participate in the formation of legislation

HOWEVER, the term "influencing legislation" does not include any of the following activities:

- making available the results of nonpartisan analysis, study, or research;
- providing technical advice or assistance... to a governmental body... in response to written request

As long as you remain non-partisan and present clearly the educational testimony, you will be OK. Thus it is fine for an organization to present a non-partisan debate on an issue during an election, contact a legislator to speak their beliefs, or communicate with the organization members. However, 501(c)(3) organizations should be wary of any expenditures designed to influence public officials or the public at large which begin to exceed the 5 – 10% spending range for lobbying. We suggest focusing on low budget items such as meeting to educate legislators rather than conducting expensive publicity campaigns on behalf of a particular piece of legislation.

Organizations organized under 501(c)(3) may elect to avoid the “substantial activities” test by electing coverage under section 501(h) regulations. These regulations set limits on expenditures at 20% of the first \$500,000 of the annual budget, 15% of the next \$500,000, 10% of the next \$500,000 and 5% of any remainder. You may not exceed \$1,000,000. You may only spend up to 25% of your legislative budget on grassroots activities.

HOW TO ESTABLISH AND ADMINISTER A STATE POLITICAL ACTION COMMITTEE (PAC)

A Political Action Committee (PAC) is a committee established by a “special interest” to raise money for political candidates and office-holders. Candidates and office-holders that receive contributions are typically supportive or potentially supportive of the special interest’s issues and/or are on relevant legislative committees that make decisions about the special interest. However, making PAC contributions does not guarantee that candidates and office-holders will vote for the special interest’s issues once they are elected or re-elected, but contributions will at least provide access to legislators and executive officials.

Every state has regulations that PACs must strictly adhere to and these regulations vary from state to state. Before you begin, check with state election’s/secretary of state’s office. One of the biggest differences between federal and state PACs is that many states allow corporations located or doing business in the state to establish state PACs and solicit contributions. Because there are many legal considerations, your affiliate should consider hiring a lawyer who specializes in campaign finance laws to help your affiliate interpret PAC regulations.

In order to establish a state PAC, the first action your affiliate needs to take is to file a statement of organization through an appropriate state government agency such as the Office of Secretary of State. This will be the same office where you will file financial disclosure reports. Most states require that your state PAC has a treasurer and/or chairperson and some states require that your PAC funds be segregated from your association funds by a separate accounting system for contributions and expenditures. Along with a lawyer, your affiliate should consider hiring an accountant or auditor who can assist with the set up and administration of the PAC.

Most states also require the filing of at least an annual report that specifies how much was contributed to the PAC, who contributed and how much was contributed to candidates and used for the solicitation of PAC money. In addition, some of the larger states are beginning to require electronic filing of reports if PACs have raised a certain amount of money. And, many states have limits on how much may be contributed to a single candidate and do not allow contributions to be made to office-holders when legislatures are in session.

In order to get the most “bang for the buck”, it is important for your affiliate to target the recipients of contributions from your PAC. Legislators who should be targeted include the following: bill sponsors, members of health or other appropriate legislative committees and those in leadership positions. For example, the NAADAC Texas affiliate distributes its PAC funds exclusively to legislators on the health and human services committees of the House and Senate. The PAC contributions should also be given to legislators personally at fundraisers or delivered to them in their districts by constituents. This provides opportunities for affiliate members to establish relationships with legislators and talk about important issues. Other ways to utilize PAC contributions are to hold events, such as lunches or receptions, with coalition members as a way to “pool” resources and to give legislators tours of facilities in their districts, followed by presentations of PAC checks. Be sure to check you state PAC regulations.



For assistance or additional information on state government advocacy, please contact Chris Campbell, NAADAC’s Director of Government Relations, at 800-548-0497, ext. 129, or email him at ccampbell@naadac.org.