

Potomac Valley Audubon Society

Advocacy Policy

Adopted by PVAS Board of Directors on March 2, 2013

Introduction

The mission of the Potomac Valley Audubon Society (PVAS) is preserving, restoring and enjoying the natural world through education and action. Advocacy, defined as “public support for or recommendation of a particular cause or policy” is an essential tool for furthering this mission. This policy document provides information to PVAS members and officials on the kinds of advocacy activities that are appropriate for a 501(c)(3) organization as well as guidance on prioritizing advocacy activities and an approval process to ensure that our advocacy activities are well-considered and representative of the organization as a whole. This policy applies to the PVAS Chapter and to actions specifically meant to represent the position of PVAS. It is in no way meant to constrain or direct the activities of individual PVAS members, who are free to, and encouraged to, pursue individual conservation advocacy activities.

Legal Issues

As a 501(c)(3) organization, PVAS is subject to legislation that regulates some of the advocacy activities that such organizations may engage in. Generally speaking, these laws provide broad latitude for PVAS to continue the kinds of public education and public input activities that our members have expressed interest in. Some general guidance for activities that are specifically regulated is provided below along with sources for detailed information. The PVAS Conservation Services Chairperson will be responsible for maintaining a detailed knowledge of legal requirements in this area and for monitoring PVAS advocacy activities to ensure continued compliance.

1. Federal Rules

A. Elections / Voter Engagement

The law allows 501(c)(3) nonprofits to engage in voter education, voter registration, and get-out-the-vote activities. The one overriding rule is that activities must be nonpartisan. This means that a nonprofit cannot show or state a preference for or against a particular candidate or candidates, a particular political party, or candidates or parties who have taken particular positions. Details are available at:

http://www.independentsector.org/election_rules_and_resources

<http://www.nonprofitvote.org/staying-nonpartisan.html>

B. Lobbying Public Officials

In 1976 Congress provided guidance regarding lobbying activities and 501(c)(3) organizations in Section 1307 of Public Law 94-455 and the Internal Revenue Service issued a final version of regulations implementing this law in 1990. These regulations provide broad latitude for lobbying by non-profit organizations with certain limits to the percentage of their funds that may be expended for lobbying purposes. A key point here is that only work *to influence the content and passage of legislation* is considered lobbying for these purposes. Thus, work regarding zoning issues or issuance of permits is not considered lobbying. There is no current reason to expect that PVAS will even approach the federal lobbying limits with the kind of advocacy work we have done in the past or have discussed doing recently. Details are available at:

http://www.independentsector.org/uploads/Policy_PDFs/Nonprofit_Lobbying_guide/cha-pter9.pdf

2. State Rules

West Virginia lobbying rules include one provision that might apply to future PVAS activities. This provision applies to grassroots lobbying efforts, which are defined as a campaign directed at the public for the purposes of influencing legislation. If any organization, including a 501(c)(3), expends more than \$200 in one month or \$500 in a three month period on such a campaign, the organization must register with the West Virginia Ethics Commission within 30 days of the expenditure. Details are available at:

<http://www.ethics.wv.gov/SiteCollectionDocuments/Lobby/Lobbyist%20Booklet%20final.pdf>

Prioritization of Advocacy Activities

1. Local Focus

As a local organization, one of PVAS's primary strengths lies in the significant local membership we represent and the significant local expertise we can bring to bear. Accordingly, our advocacy activities will generally be most effective, and most likely to reflect the views of the majority of our membership, when they are locally focused. Our organization is well known within our service area and as a result, local government leaders are likely to take our input seriously. Our organization is most able to become well-informed about local conservation issues and our members will be best able to forge personal relationships with local officials, attend local meetings on conservation issues and give testimony or other in person input at local venues. Accordingly, it is our policy to focus the majority of our advocacy work on issues impacting the PVAS service area. Examples of conservation issues that would fall into this category include wastewater discharges into local streams and rivers, management of publically-owned conservation lands within our service area, or re-zoning of land near sensitive environmental areas within our service area.

2. State-wide and Regional Issues

Despite our generally local advocacy focus, we recognize that there are state and regional issues that have significant effects on our service area or for which our members have particular interest and expertise. Thus, PVAS may choose to actively engage in advocacy on these issues when time, member effort and necessary staff support are available. Our voice may be very effective at the State-wide level, particularly when a State-wide issue impacts our service area and we can work with other conservation organizations to coordinate our message. Recognizing that our organization's voice may be less compelling among a larger group of stakeholders and with regional government representatives who are less likely to be familiar with PVAS, advocacy work on regional conservation issues will receive lower priority than work on state or local issues. Examples of conservation issues that would fall into this state and regional category include mountaintop-removal coal mining or Chesapeake Bay conservation.

3. National and International Issues

Although our members may often find national and international conservation issues compelling, PVAS recognizes that our voice is much less likely to be effective at this scale. We also recognize that our membership is diverse and may be less likely to reach a consensus position on large-scale issues. Time, member energy and staff support resources are limited and will generally be most effectively used on local and regional issues. Given these realities, it is our policy to engage in advocacy on national or international issues only under exceptional circumstances. In many cases, it may be most effective for PVAS to simply encourage members to contact their elected officials individually on national or international conservation issues. PVAS may also choose to direct members to appropriate materials provided by the National Audubon Society or other national conservation organizations that have the resources and contacts to be effective advocates on this scale.

Approval Process and Procedures

In order to be considered an official PVAS action, advocacy work must undergo some level of official review. This will help to ensure that our advocacy work is thorough, well-researched, maximally effective, representative of the views of our membership and supportive of the excellent reputation PVAS enjoys in the conservation and larger community. However, we also recognize that approval procedures can become cumbersome and that there will be occasions when action is necessary on short notice. The goal of this section of the Advocacy Policy is to provide a flexible set of guidelines for approval procedures that minimize bureaucratic processes while providing for advocacy products and actions that are both well-coordinated and timely.

1. Informal Action

For our purposes, informal action is defined as information gathering and distribution that does not include development of an official PVAS position or generation of new written materials.

This would include actions such as alerting the PVAS membership to opportunities for individual input on a conservation issue, passing on Action Alerts from the National Audubon Society to the PVAS membership or scheduling a speaker for a PVAS function who will present their own views on a conservation issue.

Informal action may be taken with the approval of the Executive Director, the President or the Conservation Services Chairperson.

2. Formal Action

Formal action includes development of an official PVAS position on a conservation issue and any action that disseminates an official PVAS position on a conservation action publically. This would include actions such as a formal comment letter, a letter to the editor, testimony in a public forum or meetings with public officials for the purpose of providing and discussing an official PVAS position.

A. Development of PVAS Position

Recognizing the limited PVAS staff time available for our many activities, formal advocacy action will generally require that a non-staff PVAS member or members be willing to take the lead for the issue. This member or team would be responsible to: 1) become familiar with the history of the issue; 2) gather pertinent scientific and other data; 3) investigate details of pertinent government review processes; 4) identify the key public officials involved; 5) develop a suggested official PVAS position; 6) either draft or carefully review drafts of comment letters, testimony or other written materials to be presented as PVAS products; and 7) be prepared to brief the PVAS Board of Directors as appropriate.

PVAS staff may assist with these duties with approval of the Board of Directors.

B. Approval of PVAS Position and Supporting Actions

Formal advocacy actions and materials should be authorized by the PVAS Board of Directors. Ideally, the Board of Directors will be given an opportunity to review and comment on written advocacy materials before they are made public. However, some flexibility in the review and/or approval process is desirable in order to enable quick action when important issues must be addressed within a short timeframe. The following specific guidelines are designed to provide the desired coordination and efficiency.

1. New advocacy issues should be specifically discussed and approved by the PVAS Board of Directors before formal action is initiated. This may be done via electronic communication when specific deadlines imposed by government processes prevent timely discussion at the next Board of Directors meeting.

2. Once the Board of Directors has approved work on a particular issue, work may proceed on preparation of individual formal actions related to that issue. Ideally, the Board of Directors will be given an opportunity to review and comment on written advocacy materials before they are made public. In rare cases, circumstances such as short timeframes for government processes may prevent Board of Directors review. In such cases, public release of formal advocacy materials may be approved by the President and the Executive Director and coordination with the Board of Directors will be conducted as soon as possible.