



# WHEN DOES ADVOCACY BECOME LOBBYING?

**ALL LOBBYING IS ADVOCACY, BUT NOT ALL ADVOCACY IS LOBBYING.**

## WHAT IS ADVOCACY?

Advocacy is a broad term that refers to speaking out on issues or supporting a proposal or cause. Given laws and office policies that limit lobbying and political activity, you will not always be able to engage in all types of advocacy all the time. It is important to know the different types of advocacy, when and how you are able to engage in advocacy, and what forms of advocacy you are capable of performing.

Advocacy encompasses a spectrum of activities, including:

- » Public Education
- » Media Outreach
- » Direct Lobbying
- » Grassroots Lobbying
- » Partisan Political Activity

**ADVOCACY** is a crucial part of the democratic process that allows citizens to express their viewpoints and opinions to policymakers. Everyone engages in advocacy – it is an inherent part of promoting current projects and highlighting successes. You can engage in a wide range of advocacy activities without getting close to lobbying activities, which may be regulated by federal or state law.

**PUBLIC EDUCATION** is the foundation of most advocacy initiatives. Policymakers do not know the true value of a program unless

they hear from staff and participants about how a program directly benefits the community. Public education and promotion of WIC through in-person forums, press events, and social media can elevate the successes of a WIC clinic and inform both the public and policymakers about the importance of WIC. These forms of advocacy do not amount to lobbying, but can lay the groundwork for public policy that supports WIC's continued efforts to improve nutrition and health outcomes.

**PUBLIC EDUCATION IS A FORM OF ADVOCACY. IT IS NOT LOBBYING!**

**LOBBYING** is a particular form of advocacy that is targeted at influencing the outcome of specific legislation. The First Amendment guarantees your constitutional right to lobby; however, you may want to take precautions to ensure that you are lobbying in a private capacity. Federal law defines two forms of lobbying and regulates the conduct of lobbying in certain circumstances. *Direct lobbying* is an individual's attempt to influence a policymaker on a specific proposal. *Grassroots lobbying* is an individual's attempt to mobilize others to influence a policymaker on a specific proposal. Under the federal definition, there are three elements that determine whether advocacy activity rises to the level of lobbying:

1. The advocacy must be a *communication* with a legislator or government official or employee in charge of developing

the legislation/policy *or* with the general public that encourages the recipient to take action to contact a legislator or government official or employee;

2. The advocacy must refer to specific legislation or measures in a piece of legislation; *and*
3. The advocacy must reflect a view on that legislation.

### QUICK TIP:

*Bragging beats begging.* When unclear about the line between advocacy and lobbying, err toward highlighting your own successes, rather than asking a policymaker to act in a specific way.

Federal and state laws define when lobbying activity is permissible. See [here](#) for a compilation of state laws on lobbying. In addition, public employees may have additional office policies that regulate the ability to either advocate or lobby on work hours. If you are confused about what you are allowed to do while on paid work-time, limit your lobby efforts to coffee breaks, lunch breaks, after hours and other personal time when you're not "on the clock." Always check with your supervisor before lobbying during work hours. When acting as a private citizen, on your own time, without using your employer's resources, you have a First Amendment right to lobby and engage your elected officials.



NON-LOBBYING ADVOCACY	GRASSROOTS LOBBYING	DIRECT LOBBYING
<p>Providing a Member of Congress with key messages about the importance of the WIC program, including how it plays out in your local community</p>	<p>Sending an email blast to a listserv with contact information for a legislator and stating your organization's opposition to that legislator's bill cutting WIC funding</p>	<p>Calling a Member of Congress or Congressional staff to vote for H.R. 424</p>
<p>Inviting a Member of Congress to visit your clinic to meet participants and pose for photographs</p>	<p>Distributing flyers in WIC clinics asking participants to call their Member of Congress in favor of H.R. 424</p>	<p>Asking the governor to veto a budget bill if it includes a provision that would cut funding for breastfeeding promotion</p>
<p>Tweeting out a guest blog post that you wrote including testimonials from WIC participants on the benefits of your peer counselor program</p>	<p>Submitting an op-ed to your local paper encouraging your community to write to the governor about a budget request for WIC</p>	<p>Assisting legislative staff in drafting a bill that would streamline vendor approval processes</p>
<p>Writing a letter to the editor highlighting how budget shortfalls have affected the administration of WIC initiatives</p>	<p>Tweeting to your network that they should call their Members of Congress in opposition to H.R. 424</p>	<p>Emailing your legislator and expressing your opposition to provisions in the appropriations process that cut WIC funding</p>

