Ballot Measure Campaigns

Advocating for Impact
Workshop Series

Colorado Health Foundation
Nov. 22, 2017
Today’s moderator

Dustin Moyer
Policy Officer
Colorado Health Foundation
That across Colorado each of us can say: “We have all we need to live healthy lives.”
Ballot Measure Campaigns Presenters

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BALLOT MEASURES AND SECTION 501(c)(3) ORGANIZATIONS

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**Lobbying Activities of 501(c)(3)s**

**Lobbying**: “Lobbying” refers to the expenditure of money by an organization for the purpose of attempting to influence legislation.

501(c)(3) organizations can engage in “insubstantial” lobbying or lobbying up to their “h” election limit.

Private foundations are prohibited from engaging in either type of lobbying.

Organizations cannot lobbying using any public dollars.
**Legislation**: “action by Congress, by any State legislature, by a local council or similar governing body or by the public in a referendum, initiative, constitutional amendment or similar procedure.”

In the case of ballot measures, the legislative body is the general public that is authorized to vote on the ballot measure.
Direct Lobbying: “Direct Lobbying” means any communication that an organization has about legislation with either legislators or government officials (or their aides) who participate in the formation of legislation. Ballot measures such as referenda, bond measures, and ballot initiatives are determined at the ballot box by the general public. Thus, efforts aimed at convincing the general public to support or oppose ballot measures are considered to be direct lobbying since the voting public is the legislature.
Grass Roots Lobbying: “Grass Roots Lobbying” means any communication which refers to specific legislation; reflects a view on the legislation; and encourages the recipient to take action with respect to the legislation. There is typically no grass roots lobbying with a ballot measure.
In order for there to be lobbying, either direct or grassroots, there must also be “specific legislation.”

As to a referendum, ballot initiative, constitutional amendment, or other ballot measure, an item becomes specific legislation when the petition is first circulated among voters. Any actions or conduct before this time is not considered to be lobbying!
Nonpartisan analysis, study or research:
A private foundation or public charity may make available the results of “nonpartisan analysis, study or research” on a legislative issue provided that such results present a sufficiently full and fair exposition of the pertinent facts to enable the reader to form their own opinion.

Nonpartisan research and analysis can take place *concurrently* with a ballot measure campaign and not be considered to be lobbying.
What Activities Are Not Considered To Be Lobbying

**Discussion of Broad Social Issues:** A public charity or private foundation may discuss broad social, economic and similar policy issues whose resolution would require legislation – *even if a ballot measure is pending* – so long as the discussion does not address the merits of the ballot measure. Representatives of the organizations could even talk directly to legislators (the general public) on the broad issue of child welfare, so long as there is no reference to *specific legislation* on that issue.
Ballot Initiative Language & Title Process

1. Draft Law (statute or constitution)
2. Designated Representatives (2)
3. Review & Comment Hearing with Legislative Council
4. Submit Law & Revisions to Secretary of State
5. Fiscal Analysis
6. Title Board Hearing
   • Single Subject
   • Clear Title
7. Supreme Court Review
Campaign Finance Compliance

1. Register Issue Committee w/ SOS on or before Title Set
2. Track all Contributions and Expenditures and File Reports with SOS
3. No Contribution Limits
4. Issue Committees may accept Corporate Contributions
5. All Expenses of Petitioning and Campaign Must Be Paid by Issue Committee
Ballot Initiative Petition Process

1. Submit Petition form to SOS for Approval
2. Petition Printing
3. Circulator Training
   - Constitutional measures must be signed by at least 2% of the total registered electors in each of the 35 Colorado state senate districts and pass with 55% of vote
5. All Petitions Notarized
6. Turn in Petitions
7. Statement of Sufficiency
Thank you!
Conservation Services
Conservation Finance - by the Numbers

Gallatin Valley Land Trust
Conservation Finance - by the Numbers

• Program began in 1988
• 10 field staff, including specific programs in MA and CA
• 7 research staff
• 3 economists
• 2,013 measures passed
• 76% passage rate
• $96 billion in funds created for conservation, parks, and restoration
Local Conservation Funding is Non-Partisan

November 8, 2016 - 21 county measures: 16 passed (76%)

Clinton counties: 12 of 16 (75%)

Trump counties: 4 of 5 (80%)
Critical Steps for a Successful Ballot Measure

1. Feasibility Research
2. Public Opinion Survey
3. Program Recommendations
4. Ballot Language
5. Campaign
Conservation Finance Structure

- The Trust for Public Land 501 (c)(3)
  - Donations to the org are tax deductible
  - Can lobby, but work against a cap
  - Can provide research and technical assistance prior to ballot measure

- The TPL Action Fund 501(c)(4)
  - Donations to the Fund are NOT tax deductible
  - No lobby cap restrictions
  - Campaign infrastructure in place
Key Ingredients for Conservation Funding

- Elected Leadership
- Demonstrable Need and/or Risk
- Terrific Ballot Language!!
- Community Support
Community Support
Community Support

Individuals

Business

• **Outdoor industry**: e.g., Patagonia, REI, The North Face, local outdoor retailers, ski shops, bike shops, etc.
• **Financial institutions**: e.g., banks, investment firms, mortgage companies, etc.
• **Service industry**: e.g., bars, restaurants, coffee shops, etc.
• **Tourism industry**: e.g., ski resorts, hotels, travel promotion, etc.

Organizations

• **Land trusts, state and local**
• **Recreation groups**: e.g., Access Fund, International Mountain Bicycling Association, Outdoor Alliance, etc.
• **Sportsman’s Groups**: e.g., Trout Unlimited, Teddy Roosevelt Conservation Partnership, Backcountry Hunters and Anglers, etc.
• **National conservation organizations**: e.g., the Land Trust Alliance, The Nature Conservancy, the Audubon Society, etc.
• **Medical Associations**
• **Local chambers of commerce**
Advocating for Impact: Ballot Measure Campaigns

Reflections and Lessons Learned from the 2016 Election Cycle

Nov. 22, 2017

www.vantage-eval.com
Review of the 2016 Ballot Measures
Boulder Sugary Drink Tax 2H
Proposed a two-cents per ounce excise tax on the... The facility would provide acute treatment, substance abuse detox and treatment, and intensive residential treatment.

Amendment 70: Minimum Wage
Amendment 69: ColoradoCare
Amendment 72: Tobacco Tax
Larimer County Behavioral Health Tax Issue 1A
Colorado Priorities Fiscal Reform
Learning from 2016

For each ballot measure, what were the key strategic decisions, challenges, and successes throughout the lifecycle of the ballot process?

What key themes influenced the difference in outcomes between 2016 ballot measures?

Based on the successes and challenges of 2016 ballot measures, what learnings can inform future efforts?

For advocates?

For funders?
Ballot Development

- **Right Tool**
- Systematic and Transparent (Use Research & Vetting)
- Language is Carefully Crafted
- Financing Matches Opposition
- Weigh Pros and Cons of Early Filing
Governance

- Segmented levels of involvement (three tiers)
- Defined Skills & Expectations
- Diverse and Representative
- Multidirectional Communication
- Effective Use of Consultants
Funding

Available

Diversified (local, national, in kind)

Infused throughout campaign

Informed by Ongoing Research
Campaign Messages

- Tested
- Targeted
- Multi-Model (Emphasizing Social Media)
- Well-Funded
Grassroots Involvement

Worth the time to leverage broad networks

Enables effective implementation (after the election)

(For demanding on-the-ground campaigns only)
Implementation

Early decisions affect ease of implementation

Retain financial and human resources
Thank you!

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Where to find resources?

Visit our website:
http://www.coloradohealth.org/advocating-impact