

Ballot Measure Campaigns

Advocating for Impact
Workshop Series

Today's moderator

Dustin Moyer

Policy Officer
Colorado Health Foundation



Our vision

That across Colorado each of us can
say: “We have all we need to
live healthy lives.”



Ballot Measure Campaigns Presenters

Cara Lawrence
and
Martha Tierney

- Partners
- Tierney Lawrence LLC

David
Weinstein

- Associate Conservation strategies Director
- Trust for Public Land

Elena
Harman

- Founder and Principal
- Vantage Evaluation



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

Cara B. Lawrence
Martha M. Tierney

Nov. 22, 2017

tierney
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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 lobby using any public dollars.

Definition of Legislation

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.

Types of Lobbying

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.

Types of Lobbying

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.

▪

Definition of Specific Legislation

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!

**What
Activities Are
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
4. Signatures – 98,492 (for 2018)
 - 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

BALLOT
MEASURES
AND
501(C)(3)s

Thank you!

tierney
lawrence

The Trust for Public Land Conservation Finance

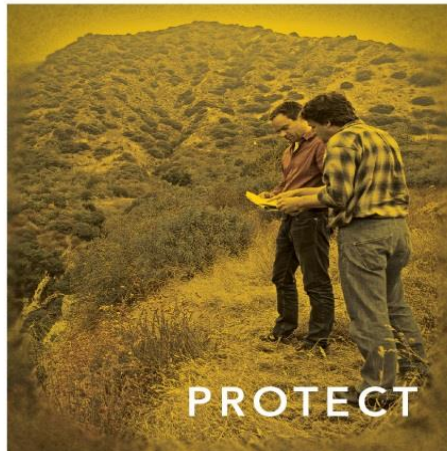
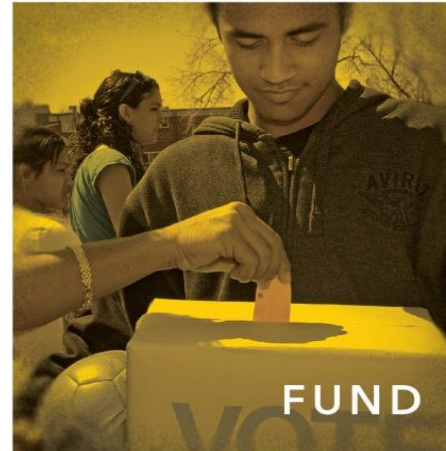
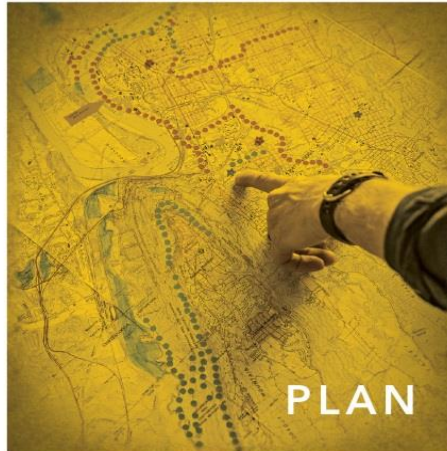
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David Weinstein – The Trust for Public Land – david.weinstein@tpl.org

The logo for The Trust for Public Land, featuring a green square with a gradient from light green at the top to a darker green at the bottom. The text "THE TRUST FOR PUBLIC LAND" is written in white, uppercase, sans-serif font, stacked vertically within the square.

THE
TRUST
FOR
PUBLIC
LAND

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



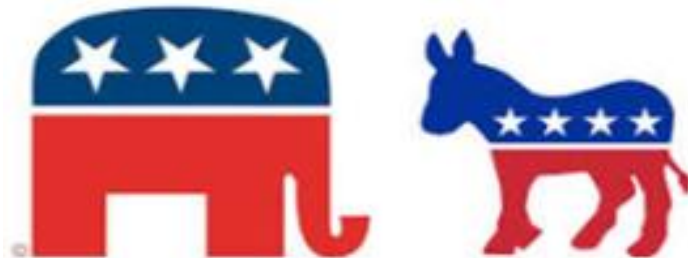
Gallatin Valley Land Trust

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

Feasibility Research



Public Opinion Survey



Program Recommendations



Ballot Language



Campaign

Conservation Finance Structure

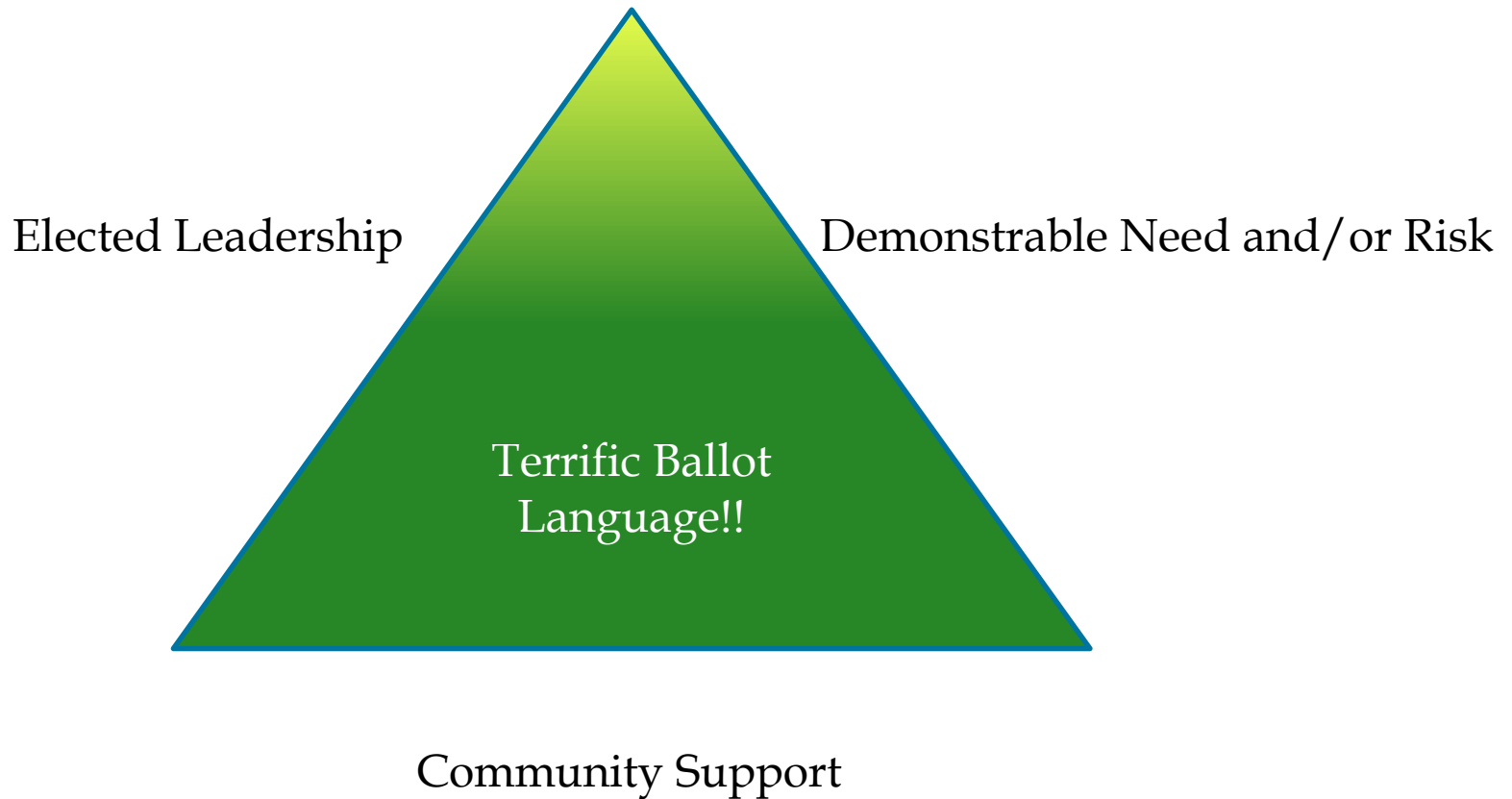


- The Trust for Public Land 501 (c)(3)
- Donations to the org are tax deductible
- Can lobby, but work against a cap
- Can provide research and technical assistance prior to ballot measure



- 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



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

Learning from 2016

**Amendment 70:
Minimum Wage**

**Boulder Sugary
Drink Tax 2H**

**Larimer County
Behavioral
Health Tax Issue
1A**

**Amendment 69:
ColoradoCare**

**Amendment 72:
Tobacco Tax**

**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



Governance



Funding



Available



Diversified (local, national,
in kind)

Infused throughout
campaign



Informed by Ongoing
Research



Campaign Messages



Tested



Multi-Model (Emphasizing
Social Media)

Targeted



Well-Funded

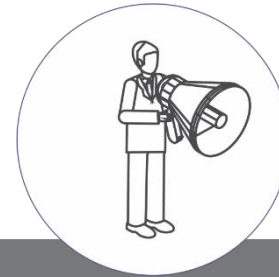


Grassroots Involvement



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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www.vantage-eval.com

Where to find resources?

Visit our website:

<http://www.coloradohealth.org/advocating-impact>

