

***The Citizen's Guide
to
Arts Advocacy and the Legislative Process***



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Citizens for the Arts in Pennsylvania (CFA/PA) is a nonprofit 501(c)(3) organization committed to advancing the arts in Pennsylvania through advocacy, programs, and services. CFA/PA speaks out for the interests of artists and arts organizations across the Commonwealth. As Pennsylvania's only statewide multi-disciplinary arts organization, we are uniquely positioned to make the case to the public and to policy makers. We work to publicize the contributions of the arts to society, increase public and private investment in the arts, expand the role of the arts in tourism, and promote the positive impact of arts education.

Preface

This handbook was developed to help Pennsylvania citizens communicate their concerns about arts-related public policy to not only their state legislators, but to other public policy makers at the local, state, and federal levels. Although intended for the members of Citizens for the Arts in Pennsylvania, it is our hope that others in Pennsylvania's cultural communities may find it useful as well.

Too many Americans hesitate to approach public policy makers. Among the reasons given for their hesitation is a lack of knowledge on the issues, shyness around the trappings of power, and a cynicism about the political system in general. We have drifted alarmingly far from Lincoln's suggestion of our government being "for the people, by the people, and of the people," but each of us has the opportunity to reverse this drift.

In this handbook, we encourage you to start with simple steps and to recognize how well-prepared you actually are to discuss arts and culture issues with public policy makers. We hope that we have provided you with basic tools to equip yourself to become a more effective arts advocate.

We thank all the organizations that belong to Americans for the Arts' State Arts Action Network who have generously shared their materials with us. Many of the ideas and techniques described in this handbook are adapted from these excellent resources.

Best of luck!

Pamela Snyder Eppers, Executive Director

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Should You Advocate for the Arts?

“Advocacy: The act of pleading or arguing in favor of something, such as a cause, idea, or policy; active support.”

American Heritage Dictionary of the English Language

If you believe that arts and culture are essential elements to the economic and educational prosperity of your community then you should be an advocate for the arts. You are affected by the decisions made by public policy makers every day and it is your constitutional right to petition the government to let them know how you feel about the issues.

As an arts advocate, you have the expertise needed to make the case for issues concerning arts and culture in the Commonwealth of Pennsylvania. You have first-hand knowledge about how arts and culture affect your community and its citizens and you can provide your legislators with that information. Also, you can provide recognition for your legislators’ efforts on your behalf.

There are five basic “first” steps with which you can begin your journey as an arts advocate. They are:

1. The realization that even one or two advocacy actions each year can make a difference;
2. Meeting your state senator and your state representative. Add them to your newsletter and event mailing lists, take note of the media coverage about your legislators, their public positions, and personal interests;
3. Becoming a member of an advocacy organization like Citizens for the Arts in Pennsylvania. An advocacy organization should provide you with the resources you need to be an advocate such as basic information about your legislators, how-to advice like this guide, and current talking points on the issues. Citizens for the Arts in Pennsylvania notifies you when urgent action is needed and your membership provides Citizens for the Arts in Pennsylvania with *credibility* – a grassroots base of citizens committed to the arts – and with *competence* – the capacity to mobilize these members at critical moments to send letters and make calls;
4. Examining yourself, your schedule, and your resources. Know your comfort level and begin there, and;
5. Starting your journey today.

Creating Relationships with Policy Makers

We all know people we only hear from when they want something. No one, including legislators, likes to be the object of such treatment.

Our goal as advocates should be to establish relationships, over time, with our legislators, rather than to show up just when we want them to do something for us. Pennsylvania advocates have an advantage in that our state legislators, on average, remain in office longer than those in other states.

Legislators and other public policy makers are elected to serve the best interests of the public and most take their public service mission seriously. Even the most self-interested politician will try to make enough of his constituents happy to secure the votes needed for re-election. Political leaders face a wide array of issues – from insurance reform to education to internet regulation – about which they will need to make decisions. They cannot, nor do they pretend to be, experts on every issue. Both the legislators and their staffs depend on outside resources for guidance.

Who do we think will educate decision-makers about the importance of the arts, if we don't? It is the responsibility of Citizens for the Arts in Pennsylvania (CFA/PA) to educate decision-makers, but our credibility rests largely on our ability to demonstrate that we speak for citizens across the state. A legislator is much more likely to pay attention to CFA/PA's position if he or she hears a similar message from people within their own district.

Your ultimate goal as an arts advocate is to persuade your legislators to also become an advocate on behalf of the arts, or at least an ally on key issues. Like any sales or marketing campaign, this requires both making the case and negotiation – adjusting the pitch to the client. Your first step is to introduce yourself to your legislators and begin establishing yourself as a resource on the arts.

Where do I begin?

Relationships are a two-way street. While you want to introduce your legislators to your organization and your work, don't overlook the importance of learning about him or her. Citizens for the Arts in Pennsylvania has a webpage devoted to information concerning your legislators at <http://www.capwiz.com/artsusa/pa/state/main/?state=PA>. You also can request a biographical sheet from the legislator's office. (You can find contact information in Appendix C of this guide). Notice stories in the local press and media, and, of course, talk with people who know your legislators. You may want to focus on questions such as "what are his/her primary concerns and issues, his/her areas of expertise?" A legislator whose focus is economic development, for example, might be especially interested in economic data that supports the case for the arts.

Special Events - Inviting legislators to tour theatres, schools, and galleries, or to attending performances, openings, and exhibitions is an excellent way to inaugurate or to enhance a relationship with your legislators. Pick a time when you don't have a particular issue pending to invite your legislators to your facility. Most of us feel at ease showing off what we do, and legislators who actually experience an event or a space are more likely to be influenced by what they observe than if they were simply told about it. The legislator who spends an afternoon touring a facility or an evening watching a performance may:

- ❖ Enjoy him/herself
- ❖ See his constituents enjoying themselves
- ❖ Experience art firsthand
- ❖ Learn about an art form
- ❖ Learn about issues facing those presenting, performing, or creating art
- ❖ Perceive the value to the community of the art venue or event

The legislator who spends several hours at your site is much more likely to gain a lasting impression than one who visits with you for ten minutes in his office.

Keep these points in mind when inviting a legislator to a special event:

- Invitations. To make a legislator feel truly welcome, always send a personal letter or make a telephone call to follow up a printed invitation. You will probably talk with the staff scheduler. To make the invitation more appealing, you may indicate other VIPs you expect to attend, and any special recognition you plan to offer the legislator.
- Be flexible. Be prepared with back up dates when you call with an invitation. Most legislators are in Harrisburg during legislative sessions, returning home to their districts late Wednesday, making Thursdays, Fridays, or weekends more likely. Summer or other extended periods out of session may be less pressured.
- Be sensitive to the legislator's comfort zone. He may be an amateur actor, or a board member of the local opera – or he may have little exposure to the arts. Make discreet inquiries ahead of time, if possible, but don't make assumptions or unintentionally set the legislator up for any embarrassment. (“And now we'd like to hear Senator Doe's reflections on Warhol's later works.”)
- Acknowledge the legislator's presence publicly at the event, when appropriate. You might want to introduce the legislator at a small reception for board members and patrons after the performance, and even offer him/her the opportunity to say a few words. Treat him/her as an honored guest.

- No surprises. Let the legislator's staff know exactly what the invitation includes and clear any activities to spotlight the legislators. Let them know if you expect media coverage.
- Photographs and Media. Legislators usually welcome photographs of their visit, especially if you provide prints for their constituent newsletters. Think it through before inviting the media to attend. Legislators like positive media coverage, of course, and so do you. You may not want to turn an opportunity for building relationships into a public event.
- Legislative Breakfasts. Some organizations hold special events that make legislators the focus – breakfasts, receptions, lunches, in the Capitol or at their home district.

Face-to-face meetings - A second way to begin or sustain a relationship with a legislator is to arrange a meeting. Go into the meeting with a clear message to deliver, but think about each visit as one step toward building a long-term relationship. Like all significant events, these meetings require preparation and follow-up.

- Schedule an appointment. Never expect to be able to meet a legislator, congressperson, or even their staff members on a walk-in basis. The meeting can be scheduled at the Capitol or at the district office. Besides avoiding the stress of travel for yourself, meetings in the district office tend to be less rushed and more relaxed, far from the hectic pace of the General Assembly in session. You may telephone, e-mail, or write for an appointment, but don't be surprised if you're asked to follow up a phone call with a letter.
- Meet with a staff assistant. If you cannot set up a meeting with the legislator, welcome the chance to meet with a staff member instead. Staff assistants are important because they are responsible for researching issues, assessing constituent views, and advising the legislator. Assistants may be very knowledgeable about issues and are more accessible than legislators, a great asset should you ever need to reach a legislator's office quickly. Remember that in government, an administrative assistant is usually the top ranking staff member in the office. If the staff member you meet with does not usually handle arts matters, get the name of the staff person who does.
- Prepare in advance with all who plan to attend. Define a goal for the meeting, develop questions, and anticipate the questions you may be asked. Back up each of your statements with anecdotes, personal experiences, facts, and other information. Think of constructive responses for any negative comments you may anticipate.
- Contact Citizens for the Arts in Pennsylvania for our current talking points on a particular issue. Remember that your strength in talking to your legislator is your knowledge of his/her district. Use materials developed by CFA/PA or other advocacy groups to bolster the points and local documentation that you provide.

- Appoint a spokesperson for the group. Choose one person to make introductions and to get the meeting started. If your group is large, decide ahead of time who will speak to each critical point. Have others add supportive statements.
- Be on time for the meeting. Allow extra time to search for parking, getting lost, etc. Do not underestimate how long it can take to find parking near the U.S. Capitol or, during session, the State Capitol in Harrisburg.
- Don't be surprised or miffed if, at the last minute, you meet with a staff member instead of the legislator. When the legislature is in session, legislators are continually called away by votes or last minute meetings that could not be anticipated when you originally scheduled your meeting. Staff members can be great allies, as noted earlier.
- Speak from your experience as you explain the impact of the arts on the legislator's district. Try to convey the sense that the arts are part of the community, not a separate entity.
- Listen and answer questions directly. Explore the views of your legislator by asking questions and giving him/her a chance to respond. Listen to the response and take notes. Also, if asked a question and you don't know the answer, offer to find out and get back to the legislator – then do so.
- Ask directly at the end of the meeting: “Will you support our position?” Don't, however, be discouraged if your legislator is noncommittal or negative. Try to understand his/her reservations so that, in the future, you may be able to figure out how to persuade him/her to change or modify his/her position.
- Leave “leave-behind” packets of relevant and concise information.
- Offer to be a resource for the legislator.
- After the meeting, immediately send a thank you note. Restate the main points of the meeting, provide any information you promised, and again offer yourself as a resource.

After your meeting, contact **Citizens for the Arts in Pennsylvania** to let us know that you met with your legislators, what the legislator's concerns or special interests were, any staff members you met, and so forth. Please call us at 717-234-0959 or e-mail us at execdir@citizensfortheartsinpa.org. This information is valuable to us.

Letter writing – The letter or e-mail is a powerful and effective tool for communicating a message to a legislator. State legislative staff members report that they interpret even 10 letters on a single issue as a sign of significant public interest. Federal congressional staff takes note of even 20 or 30 letters and e-mails.

Written correspondence tells the legislator that you are paying attention to an issue, paying attention to his/her response to that issue, and that you care enough about the issue to write your legislator. The letter or e-mail is likely to become part of the legislator's file on the subject, making you more likely to be called on again as a resource.

You should send a letter by mail to members of the Pennsylvania General Assembly, if possible. Letters written to the members of the Pennsylvania Delegation to the U.S. Congress should be sent via fax or e-mail. Handwritten letters, if clearly written, can be extraordinarily effective, for they suggest the author is a sincere individual rather than a member of a well-orchestrated letter writing campaign.

Addresses for all members of the Pennsylvania General Assembly, the Pennsylvania delegation to the U.S. Congress, and the Pennsylvania Governor's Office are included in Appendix C of this handbook. If you need further information, please call CFA/PA at 717-234-0959 or e-mail us at execdir@citizensfortheartsinpa.org.

When sending an e-mail or letter remember some of the following:

- ✓ Address Senators and Representatives, as well as higher officials such as the Governor or the Secretary of Education, Budget, etc., as "The Honorable (first and last name)."
- ✓ Use the proper salutation:
 - For Senate members: Dear Senator (last name):
 - For House members: Dear Representative (last name):
- ✓ Write on letterhead and include your return address on the letter.
- ✓ Be concise and informative, avoiding jargon and form letters.
- ✓ Focus on a single issue and state your position clearly, offering personal observations and experiences.
- ✓ Be accurate, factual and honest. Misleading or misinforming a legislator will discredit you and other arts advocates.
- ✓ Show, through examples and other documentation, how the issue affects the legislator's district, and how his decision on the issue would have a direct impact on his constituents.
- ✓ Ask the legislator to take a specific action.
- ✓ Mention previous meetings or connections that you may have with the legislator.
- ✓ Be polite, positive, timely and persistent.

- ✓ Reply to any response for the legislator with a thank you letter.

Communicating with legislators when speed matters – Legislative and gubernatorial staff members and the policy makers they work for count every letter, every fax, every phone call, every e-mail and every visit. Don't let yourself fall victim to ennui when you receive an urgent request from **Citizens for the Arts in Pennsylvania**, another advocacy organization, or a colleague to send a message to a policy maker. Remember that any clear communication is better than none at all. Place a telephone call or send an e-mail if that's all the time you have. What matters most is that the request be counted. A fax is also effective when there is too little time for mail delivery, and it does have the advantage of leaving a paper record.

Follow the same guidelines that we mentioned above for letter writing and, once again, thank the legislator for his or her time, whether or not he/she votes as you requested. If the legislator is supportive, make sure your members and other arts supporters hear about it. Policy makers need to know that arts advocates pay attention and remember their friends. If the legislator votes against your position, repeat the basic points in your letter and promise to continue your communication with the legislator.

Think Long-Term

Through special events, meetings, and other forms of communication, we hope you have introduced yourself, your organization, and your colleagues to your legislators and other public policy makers. We hope you've established yourself as a resource and a person for the legislative staff to call when a question or issue related to the arts arises.

To sustain and strengthen these new relationships over time:

Look for opportunities to educate the policymaker. Make opportunities to interact with your legislators and other public officials throughout the year. Be sure that they remain on your mailing lists so they see newsletters, event invitations, and other information describing your work in the community and reminding them and their staff that you are a resource. Occasionally send a personal invitation to a special event or performance. Correspond regularly about issues and make it clear that you are paying attention to their response to issues. Look for more relaxed times and places to visit such as the district office.

A legislator with whom you have an established relationship is more likely to respond favorably to your urgent request for specific legislative action because (1) he/she knows you and (2) you have ensured that he/she has a better understanding of what the arts are and how they contribute to the health of his/her community and constituents.

Look for allies. Call upon board members, or others within your organization, who know the legislators as

a business colleague, friend, or campaign contributor, to help you sustain connections. Encourage other friends throughout the community to communicate their concerns to their legislators. Reach beyond the cultural community to educators, community leaders, to your vendors and suppliers. Approach community groups not directly involved in the arts, but with a stake in the arts such as tourism groups, community revitalization organizations, etc.

Look to the policy maker's staff. It can't be said enough, building relationships with staff members, who play important roles in developing specific policy positions and providing access to policy makers, is important. These individuals have more time to study your concerns in depth and will air your concerns to the legislator.

Structure your organization for advocacy. Assign lead responsibility for advocacy to one staff member. People in marketing or development are often especially suited to this assignment because its demands and strategies are so similar to their work. Determine who decides the position your organization will take on an issue and what process of decision making is required. Simpler is better because often such a quick turnaround is required that there is no time to poll the entire board. The board of directors may delegate the determination to the executive director, the executive committee, or a committee of the board. However, you should have every board member send advocacy messages at critical times.

Top Six Excuses for Not Doing Advocacy

Pennsylvania has a strong history of political involvement by its citizens. Many of the Nation's founding fathers were Pennsylvanians. However, today too many of us have drifted into a hands-off posture towards the people and institutions that govern us. It's time for you to stand up and voice your opinions to your elected officials. Below are six excuses for not doing advocacy and reasons to dispel those excuses.

1. **Too Busy.** How do we combat too much to do in our lives?

- *Keep it simple.* Don't agonize over a letter; make a phone call instead. Invite the legislator to a performance already scheduled; it won't add much to your workload to assign a volunteer to escort him/her through the evening.
- *Focus on your passion.* What is your passion? Music, theatre, children's education, revitalizing your community, helping artists make a living at their craft? Stay connected to that passion and you will find time for advocacy.

2. **Uninformed.** Turn this around...do you believe your legislator is well informed about the value of the arts? Not likely – legislators cannot possibly be well informed on all the issues they must consider.

- *Focus on what you already know.* Think of yourself as a resource. Your legislator wants to keep in touch with what is happening in the district that elected him/her. Add his/her name to your mailing list, invite him/her to events, and consider how to communicate the values (economic impact, child development, etc.) that the arts contribute to his/her district.
- *Focus on the basics of the legislative process.* Review the primer that begins our description of Pennsylvania Policy Making (Appendix B).
- *Get the basics on specific issues by becoming a member of an advocacy organization.* Citizens for the Arts in Pennsylvania can provide you with fact sheets and talking points.

3. **Too shy.** Some of us feel intimidated approaching people in power.

- *Make your first legislative contact on home ground.* Invite the legislator to an event or to tour your facility. You will probably feel more relaxed talking about what you know on your own turf.

- *Travel with friends.* Whether visiting a legislator or hosting him/her at an event, ask people to accompany you. You may be able to find someone who already knows the legislator. Citizens for the Arts in Pennsylvania always welcomes opportunities to accompany advocates.
- *Remember you legislator needs you.* He/she needs you to let him know what is happening in the district.

4. Not sure government has an impact on the arts. What does government have to do with art? Here are a few issues that state and federal representatives influence or determine:

- *Public funds* -- grants to arts organizations, for cultural tourism, for community revitalization, for education, for technology...
- *Nonprofit organizations* – tax exemption, reporting, deductions, oversight...
- *Taxation* – sales tax, property tax, amusement tax, hotel tax...
- *Education policy* — arts courses in public schools, credit for arts coursework, standards for arts courses and instructors...
- *Public attitudes* – censorship, public funds, public spaces...

5. Not sure I can make a difference. Behind the first four excuses often lurks a deeper cynicism that advocacy is simply not important because we won't be able to have an impact. The last two Presidential elections should have dispelled this myth. Not convinced? Let's peel away the assumptions under "won't make a difference."

- *Money is all that counts.* **VOTES** are what count. Money counts only insofar as it helps politicians get votes. Many politicians are motivated by broader concerns.
- *Money is all that counts, part 2.* Many financially successful people are deeply committed to the arts, out of personal interest, concern for children and grandchildren, or public service. Identify one or more of these people and ask their help you're your advocacy efforts.
- *Grassroots advocates don't have an impact.* Look at your school board, county commissioners, town council, and the U.S. House of Representatives – often you will see people elected because grassroots advocacy mobilized the votes.
- *Arts Advocacy can't have an impact in Pennsylvania.* The fact is advocacy has made a difference in Pennsylvania. While other states' arts agencies were receiving major cuts to their budgets during the past two years, the appropriation for grants to arts organizations administered by the Pennsylvania Council on the Arts has seen modest increases. This happened because concerned

citizens convinced the Governor and the members of the General Assembly that increases were in the best interest of the Commonwealth.

- *I have to focus on my own organization.* When you cultivate public policy makers for the good of the cultural community, you will soon find that the relationships you've developed may prove useful to you and your organization as well.
6. **Worried that lobbying endangers a nonprofit's tax status.** The First Amendment of the Constitution guarantees your right to petition the government.
- As an individual, your right to lobby is without limits.
 - As an official representative of a nonprofit organization, you also have the right to lobby, within certain limits of time and money that most nonprofits will never come close to reaching.
 - What is forbidden to nonprofit organizations is political campaigning – the act to endorsing one candidate over another and the organization contributing to a political campaign.

See Appendix A for an introductory discussion of lobbying and nonprofit organizations.

APPENDIX A

Provisions for Lobbying by Nonprofit Organizations

This section of the handbook is intended to provide a simple introduction to an extremely complex subject. It is not intended, and should not be taken, as a substitute for professional legal advice.

It is perfectly legal for a nonprofit charitable (501(c)(3)) organization to lobby. It is also legal for such an organization to work for passage of a piece of legislation during a political campaign or any other time.

Prior to 1976, the Internal Revenue Service (IRS) held charitable organizations to a certain standard when engaging in lobbying activities. The standard, which states “no substantial part of an organization’s activities constitute propaganda or otherwise attempting to influence legislation” was vague and did not have set expenditure limits. In 1976, the U.S. Congress enacted the 501(h) election to the IRS code that allows charitable organizations to make an election and have their lobbying activities governed by an expenditure test. The test permits organizations to spend 20 percent of their first \$500,000 of their annual expenditures on lobbying. Organizations with budgets that exceed \$500,000 may spend 15 percent, etc. with an overall cap set at \$1 million. Expenditures for grassroots lobbying are limited to one-quarter of the applicable ceiling for that organizations. A nonprofit that exceeds its ceiling is subject to a 25 percent excise tax on the excess spent on lobbying. Loss of tax exemption is invoked only if spending normally exceeds 150 percent of the limit, aggregated over four years.

Some nonprofits have hesitated to file for a section 501(h) coverage for fear that doing so will threaten their section 501(c)(3) status or prompt an IRS audit. Both fears appear to be groundless. Nonprofits that file do not lose their 501 (c)(3) status. An IRS letter dated February 12, 1999 to Independent Sector states unequivocally that the fact that a nonprofit elects to come under the IRS (h) rules will not prompt an audit.

For organizations that have elected to come under the law, lobbying is defined as the expenditure of money for the purpose of attempting to influence the passage or defeat of a specific piece of legislation. The IRS standard is strictly financial – the only factor is the cost of communications for lobbying which include the cost of preparing the communication (i.e. staff time, facilities, overhead). Lobbying by a volunteer is not counted as lobbying against the organization’s ceiling.

The IRS recognizes two types of lobbying efforts. They include direct lobbying and grassroots lobbying.

Direct lobbying is defined as communication with a legislator, a legislative staff member or any other government official that may participate in the formation of legislation by the organization’s staff and its members. The communication must refer to a specific piece of legislation and reflect a point of view. Under the direct lobbying definition, the 501 (h) rule recognized that there are certain types of activities that may contribute to the formation of public policy but are not considered lobbying. These activities include:

- **Providing research** on a legislative issue. An organization may make public the results of nonpartisan research if it presents a “full and fair” exposition of the facts, even if it takes a position on the legislation, provided the organizations does not directly ask its readers to take action.
- **Self defense** – lobbying legislators on matters that may affect the organization’s own existence, such as tax status or exemption. If you ask for the public’s support, then it becomes lobbying. Lobbying in the nonprofit’s own field (i.e. arts, education, museums, historical preservation) is not considered self-defense.
- **Response to written requests** for assistance from committees or other legislative bodies (not a single legislator) for technical advice on pending legislation, even if the testimony provided takes a position.
- **General public education communications** that discuss and take clear positions on broad public policy issues, including issues whose resolution would require legislation so long as specific legislative proposals are not discussed.
- **Communications** with an organization’s members that discuss specific legislation but don’t urge members to take action

Grassroots lobbying is defined as communication that encourages the general public, other than an organization’s members, to contact their legislators in support of a particular piece of legislation. Additionally, grassroots communication must ask the participants to take specific action on the particular piece of legislation. Grassroots lobbying does have a separate expenditure limit. Expenditures are limited to 25 percent of an organization’s total lobbying limits. For example: if an organization’s overall annual expenditures are \$100,000 then \$20,000 may be spent on lobbying and \$5,000 of that \$20,000 may be spent on grassroots lobbying.

Federal tax laws do impose some restrictions on lobbying by charitable organizations. These restrictions include endorsing or opposing a political candidate; collecting and distributing funds for political campaigns, use of a charitable organization’s facilities for political fundraising, formation of a political action committee, giving membership or subscription lists to political candidates, and publishing materials that favor one candidate over another.

Staff, board members and the general members of a charitable organization, as individuals, have the right to participate in political campaigns. In doing so, however, it is **critically important that you do not advertise yourself as representing the charitable organization**. Do not send campaign correspondence on the organization’s letterhead, or sign yourself as a representative of the organization, or identify yourself verbally in public speaking or on broadcasts as a representative of the organization.

Nonprofits may also engage, carefully in certain “quasi-political” activities. Remember that anything you do for one candidate you must do for all bona fide candidates. Here are some examples of “quasi-political” activities:

- Printing voting records

- Circulate questionnaires. If not all candidates return the questionnaire, you can use the ones that were returned but you must say the other candidates declined and be able to prove that they did.

- Hold public forums

- Sell mailing lists to candidates but do not give them away because their monetary value means giving them away is a de facto political contribution

- Register voters, so long as the process is nonpartisan

This brief synopsis has focused on the federal 1976 *Public Charity Lobbying Law* and its 1990 regulations. Another law, *Lobbying Disclosure Act of 1995*, applies strictly to lobbying of the federal government, and requires lobbyist to register and abide by its provisions only if an individual lobbyist devotes 20% or more of his/her salaried time to lobbying or is spending at least \$20,000 every six months on lobbying.

Pennsylvania was previously governed by *The Pennsylvania Lobbying Disclosure Act of 1998*. At the time of this printing, the Pennsylvania Supreme Court issued, in 2002, a per curiam order denying reargument in the case of Gmerek v. State Ethics Commission. With reargument having been denied, the Commonwealth Court's decision stands, and the Lobbying Disclosure Act is considered void. The Pennsylvania State Ethics Commission is no longer administering the Lobbying Disclosure Act and therefore is not accepting filings or registration fees under the act.

APPENDIX B

Pennsylvania Policy Making

Primer. Every citizen of Pennsylvania is represented by one state senator and one state representative. The General Assembly of Pennsylvania consists of a 203-member House of Representatives elected for two-year terms and a 50-member Senate elected for four-year terms. The Governor of Pennsylvania is elected for a four-year term and is limited by law to serving two terms.

Each year, early in February, the Governor presents his budget to the members of the Pennsylvania General Assembly. The budget includes funds for grants to arts organizations, the monies administered by the Pennsylvania Council on the Arts, a state agency under the Governor's jurisdiction. Both the Pennsylvania Senate and House of Representatives hold hearings on the proposed budget and mark up their versions of the "general fund" appropriations bill. The House version of the bill is sent to the Senate, which typically strips off all amendments added by the House, adds its own amendments, and then sends both versions to the conference committee. The conference committee reaches an agreement (usually in late April or early May) and its report is passed by both houses before being sent to the Governor for his signature.

How a Bill Becomes Law. Pennsylvania's legislature meets every year. The legislative session convenes on the first Tuesday in January and continues throughout the year with recess periods.

New laws, and changes to existing laws, are introduced as bills by individual House or Senate members. The process begins when the legislator submits his/her ideas to the Legislative Reference Bureau, the bill-drafting agency of the General Assembly, which prepares the bill in proper legal form. The legislator then signs the bill becoming its "prime sponsor." Each bill is numbered and printed and available to the public as well as to the General Assembly.

During each two-year session, between 4000-5000 bills are introduced in the legislature. Some bills never leave committee while others become the focus of lengthy debate and amendment.

There are 22 standing committees in the Pennsylvania Senate and 28 in the House. Many have subcommittees. These committees are responsible for careful study and analysis of any and all bills referred to them. They carry out much of the work of the legislature when the General Assembly is not officially in session. Public hearings or testimony may be held on a bill. Once the committee has considered a bill, it may report the bill "to the floor" as is, with amendments, or with a negative recommendation. Many times committees will decide not to report out a bill.

Each bill must be "considered" on three different days. First consideration occurs when the bill is reported from the committee and placed on the calendar, and then the bill is considered a second time, and on the third consideration it is amended, debated, and prepared for a vote. The House passes a bill

by a constitutional majority of 102 while the Senate passes a bill with a majority vote of 26. A bill passed by the House will go to the Senate and pass through the same course of committee review and consideration before being voted upon. If the Senate passes the bill exactly as the House passed it, then it is sent to the Governor's office for his signature.

However, if the Senate changes or amends the bill, it is returned to the House. If the House agrees to the changes, the bill is sent to the Governor. If the House does not concur with the Senate changes, the bill is referred to a conference committee consisting of three members from the Senate and three from the House, each appointed by the presiding officer of that body. The conference committee resolves the differences between the two bodies and submits its report to both houses. A conference report requires a constitutional majority in both the House and the Senate. The bill is signed by the Speaker of the House and the President of the Senate in front of the assembled chambers and sent to the Governor.

Once the bill is transmitted to the Governor, he may sign it into law. If the Governor does not act on a bill within 10 calendar days will the General Assembly is in session, or 30 days after the legislature has adjourned, the bill automatically becomes law. If he disapproves, he vetoes the bill and returns it to the chamber where the bill was introduced, with an explanation of his action. The General Assembly may pass a bill over the Governor's veto by a 2/3 majority of the members in each house.

The Budget Process

There are four cycles to the state budget cycle: preparation and submission to the Governor; approval (involving both the executive and legislative branches of the government); execution, and program performance evaluation and financial audit. Below is a list of when each cycle is implemented:

Pennsylvania Budget Cycle	
July 1	Fiscal Year Begins
August	PPGs and budget instructions issued by the Governor's Office
October	Agencies submit budget requests
Nov. – Jan.	Budget office and the Governor review requests
February	Governor submits budget proposal to the legislature
Feb. – June	Legislature reviews and enacts budget
July – Aug.	Agencies submit revised budget plans for approval

The state's fiscal year begins on July 1, and the preparation for that new year begins almost a year earlier. The Governor distributes Program Policy Guidelines (PPGs) and budget instructions to the agencies of the state government in August. The PPGs define major policy issues and problems faced by the Commonwealth and identify the Administration's priorities, providing direction for the preparation of each agency's budget request.

Beginning in mid-October and no later than November 1, agencies submit their budget requests to the Secretary of the Budget. The Secretary of the Budget and his staff, along with the Office of Administration and the Office of Policy Development, review agency budget requests for accuracy and adherence to the policy guidelines. The Secretary makes recommendations to the Governor on each agency's budget request. The Governor then conducts reviews with his cabinet officers to make the final budget decisions. The Governor and the Secretary of the Budget hold budget hearings over a two-week period with each state agency.

During December, the Governor meets with legislative leaders to inform them of anticipated spending and revenue levels and to discuss major fiscal issues. In late December or early January the Governor makes the final decisions on the budget, and the budget document is printed.

The Governor submits the budget document to a joint session of the General Assembly through his budget address, no later than the first full week in February. (In the first year of a Governor's first term, the budget may be submitted no later than the first full week in March.)

Copies of agency budget requests are transmitted to the Majority and Minority Committees on Appropriations of both houses of the General Assembly and to the Legislative Budget and Finance Committee. The Administration drafts the General Appropriations Bill (which includes funds for the Pennsylvania Council on the Arts) and other appropriations bills.

The Appropriations Committees schedule hearings at which agency heads provide additional information and answer specific questions raised by committee members. Once committee members reach agreement, the General Appropriations Bill and other bills proposing specific expenditures are introduced into the House or the Senate. After floor discussion and debate, the House and Senate act on the appropriations bills. If both houses of the General Assembly fail to agree on an appropriations bill, a conference committee composed of three members of each house is formed to resolve the points of difference. After both houses concur with a conference committee report, it is submitted to the Governor, who may sign the bill, or through the item veto, delete or reduce an appropriation, allowing the remaining portions of the bill to become law. A veto may be reversed if two-thirds of both houses vote to reinstate the bill or the vetoed parts of a bill.

To the extent that the final budget varies from the Governor's original budget, each agency must redo its program plan to reflect the financial and programmatic changes.

APPENDIX C

Sample Messages

Letter writing is a valuable communication tool when advocating with your legislators. The points presented here will help you turn your letter-writing skills into effective advocacy. When you write your letter you should:

1. Use a formal address and salutation. Use stationary with a letterhead. If you are writing on behalf of an organization, use their stationary which should include a list of the board members. Type or write legibly. As a constituent, be sure to include your home address as part of the letter format.
2. In the first paragraph of your letter, reference the reason for the correspondence. In the same sentence ask for the legislator's support or non-support and be sure to focus on a single issue.
3. In the second paragraph explain to your legislator why this bill, issue, legislation, etc. matters to you personally. Provide one or two persuasive points to make clear how it affects you and your organization and the quality of life in your district (how many constituents would be affected, etc.). Keep in mind that local examples concerning the impact of this bill are very powerful.
4. In the third paragraph, if the legislator supports the bill, express your gratitude and ask how you can help to improve its chances of passage. If the legislator does not support the bill, stress the broader implications of the bill beyond its value to your organization and your legislative district.
5. Close with thanks for your legislator's consideration of your request and ask how the legislator will vote. Offer yourself as a resource in explaining the bill's importance to colleagues or to other constituents.
6. Follow up. If you agree with your legislator's vote, take the time to let the legislator know that. Similarly, if you disagree with the vote, inform your legislator.
7. Send Citizens for the Arts in Pennsylvania copies of all the letters you send to your legislator.

SAMPLE LETTERS (use letterhead)

Letter requesting support for legislation:

March 30, 2007

The Honorable John Doe

Pennsylvania House of Representatives (or Pennsylvania Senate)

P.O. Box 20XXXX

Harrisburg, PA 17120-XXXX

Dear Representative (or Senator) Doe:

I am writing to urge you to vote for budget that includes a \$15.725 million appropriation for the Pennsylvania Council on the Arts (PCA) grants to arts organizations. Last year, grants from this line item reached approximately 1600 nonprofit organizations and artists in Pennsylvania.

As a board member of ABC Arts Council, I can attest to the direct impact this funding has in our legislative district. These funds provided necessary support to enable us to take our performing arts programs into the 7 elementary schools in our district as well as providing outreach via visual arts to our community's senior citizen centers. The grants received from the PCA have also allowed us to leverage additional private support from area foundations and individuals for these programs.

You have the opportunity to show the people of 15th Legislative District of Pennsylvania that you are taking positive steps to improve their quality of life. Please vote for a \$15.725 million appropriation for the PCA grants to arts organizations.

Your commitment to maintaining a strong partnership between the arts and the public sector will be very much appreciated.

Sincerely,

Mary Smith, President

Thank-you Letters:

This is an example of a letter written to a legislator in thanks for support for a piece of legislation. Sending thanks for support is absolutely as important as asking for the support and legislators are well aware when they see fewer thanks than requests. Some things to remember when writing a thank you letter: identify yourself; express thanks for the support; provide examples of how the legislation will benefit the legislative district, and; express thanks in anticipation of continued support.

April 1, 2007

The Honorable John Doe

Pennsylvania House of Representatives

P.O. Box 20XXXX

Harrisburg, PA 17120-XXXX

Dear Representative Doe:

Recently I wrote to you asking that you support a Pennsylvania Budget that included a \$15.725 million appropriation for the Pennsylvania Council on the Arts (PCA) grants to arts organizations. As a resident of your legislative district, I felt strongly that an appropriation of \$15.725 million would help provide greater access to arts and culture in our community. I want to express my appreciation for your support during the Budget process.

You may be interested to know that last week the ABC Arts Council sponsored its annual Living Arts Festival, supported in part by a grant from the PCA. More than 20,000 people attended and we were able to do outreach to our area's day care centers and senior citizen centers as the result of this funding.

I appreciate your support and look forward to continuation of the same. I am looking forward to meeting you when I visit Harrisburg in May.

Sincerely,

Mary Smith, President

Writing a thank you letter after meeting with a legislator is also essential. It gives you another opportunity to restate your position and to send the legislator data supporting your position. Below is an example of a thank you letter for an appointment.

April 1, 2007

The Honorable Jane Doe

Pennsylvania Senate

P.O. Box 203XXX

Harrisburg, PA 17120-3XXX

Dear Senator Doe:

Thank you for meeting with my colleagues and me on March 30, 2005 concerning the appropriation for the Pennsylvania Council on the Arts (PCA). As we discussed in the meeting, we support an appropriation of \$15.725 million for the PCA grants to arts organizations for the fiscal year beginning July 1, 2005.

I hope the meeting was helpful in eliminating any reservations you may have had about a \$15.725 million appropriation for the PCA grants to arts organizations and that you will vote for a budget that includes this amount.

I have enclosed the most current issue of our newsletter as well as some facts and figures on the jobs created by arts-related businesses in your senatorial district. Please contact me if you should need further information or background materials.

Very truly yours,

Robert Jones

Chair

APPENDIX D

Online Advocacy Resources

Government			
Commonwealth of Pennsylvania	www.state.pa.us	Pennsylvania Department of Education	www.pde.state.pa.us
The Pennsylvania Council on the Arts	www.pacouncilonthearts.org	Pennsylvania Department of Community and Economic Development (DCED)	www.inventpa.com
Pennsylvania General Assembly www.legis.state.pa.us			
Pennsylvania Senate Democrats	www.pasenate.com	Pennsylvania Senate Republican News	www.pasenategop.com
Pennsylvania House Republican Caucus	www.pahousegop.com	Pennsylvania House Democratic Caucus	www.pahouse.net
The White House	www.whitehouse.gov	U.S. House of Representatives	www.house.gov
U.S. Senate	www.senate.gov	National Endowment for the Arts	www.arts.gov
U.S. Department of Education	www.ed.gov	Legislative Information from The Library of Congress	http://thomas.loc.gov
Advocacy Organizations			
Citizens for the Arts in Pennsylvania	www.citizensfortheartsinpa.org	Pennsylvania Travel & Lodging Association	www.patavel.org
Pennsylvania Music Educators	www.pmea.net	Pennsylvania Art Education Association	www.paea.org
Greater Philadelphia Cultural Alliance	www.philaculture.org	Greater Pittsburgh Arts Council	www.pittsburghartscouncil.org
Americans for the Arts	www.artsusa.org	National Assembly of State Arts Agencies	www.nasaa-arts.org
National Governors Association	www.nga.org	Theatre Communications Group	www.tcg.org
American Symphony Orchestra League	www.symphony.org	Dance /USA	www.danceusa.org
Association of Performing Arts Presenters	www.artspresenters.org	Opera America	www.operaam.org
Travel Industry of America	www.tia.org	Arts Education Partnership	http://aep-arts.org/
The Kennedy Center's ArtsEdge	http://artsedge.kennedy-center.org/	American Music Conference	www.amc-music.com
National Art Education Association	www.naea-reston.org	The National Association for Music Education	www.menc.org

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