
Education, Advocacy, Lobbying & Electioneering

Appropriate Use of Public Funds

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Housekeeping

- Please mute your phone
- Questions
- Slides will be available on HPCDP

Connection



Oregon
Health
Authority

- Please mute your phone
- There will be time for questions at the end of the presentation. Questions can also be asked throughout the presentation via the webinar.
- Slides will be available on HPCDP Connection

Objectives

At the end of this webinar, you will be able to:

- Identify types of public policy*
- Define public funds*
- Determine allowable and unallowable uses of public funds*
- Establish the boundaries for use of public funds*



At the end of this webinar, you will be able to:

Identify types of public policy

Define public funds

*Determine allowable uses of public funds for education,
advocacy, lobbying and electioneering*

*Establish the boundaries for use of public funds during an
election or legislative process*

DEFINITIONS



Public Policy

Public policy is a system of laws, regulatory measures, courses of action, and funding priorities concerning a given topic adopted by a governmental entity or its representatives.



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Good public policy provides the greatest level of protection and service to the whole of society, within the general context of society's needs.

Examples of Public Policy

- Laws passed by the Oregon state legislature
- Laws passed by the vote of the people
- Ordinances passed by county commissioners
- Resolutions passed by tribal councils
- Rules passed by local parks bureaus
- Budget decisions made by government agencies



Governments and societies use these types of public policy to shape the environments where we live, work, play, learn and how we receive health care. Thus, public policy shapes the opportunity that communities and individuals have to be healthy.

You may have heard people refer to “health in all policies.” This phrase refers to the vital role that public policy plays in creating (or hindering) a healthy society.

Because of the tremendous influence policy has on health, developing, implementing and enforcing public policies that support, protect and ensure health are among the 10 Essential Public Health Services described by the American Public Health Association.

Tobacco control offers a number of examples of public policies that are essential to reduce tobacco related illness and death. These include:

- Laws to ensure that vendors do not sell tobacco to children;

- Laws to ensure that children are not exposed to secondhand smoke while in childcare; and

- Laws that protect workers from secondhand smoke at work.

Other public policies that influence health include those that create access to healthy food, create safe walking and biking areas, and foster public involvement in communities or neighborhoods.

What is an example of a public policy that you're working on now?

We now see the influence that public policy has on health, and understand that working towards the adoption of public policies that support health is an essential function of public health for local, tribal and state public health authorities.

But funding also influences our role in policy change processes. Public money generally pays for government public health work. This brings particular constraints, opportunities and concerns to the role we can play in public policy change.

Public Funds

Federal, state or local dollars that are used to run government.

Guidelines for using public funds:

#1 – Know your boundaries

#2 – Understand the type of policy change process



Public funds are often referred to as “taxpayer dollars.” Some examples of public funds include Ballot Measure 44 funds and grants from the Centers for Disease Control and Prevention. TPEP and Healthy Communities grants are paid for by public money.

There are very important laws and guidelines that must be followed when using public funds to influence public policy. Over the next several slides, I will talk about how public health’s role in policy change processes, public funding and laws come together to shape the work that you do, and the activities that you can undertake to help change public policy.

There are two essential guidelines to keep in the forefront as you consider using public funds for public policy change activities.

Guideline #1 is to know your boundaries. The use of public funds to influence public policy is very sensitive and can be very controversial. Work closely with your agency's leadership, and always follow their guidance.

Guideline #2 is to understand that the type of policy change process that is underway will dictate how public funds may be used. This guideline defines your role in public policy change processes by bringing together the public health role in promoting health policy, the constraints brought by public money and the law.

We will explore this further over the course of this presentation.

Education

Education is the communication of basic information to decision makers

- program description, goals, current budget, people served, accomplishments and impacts, etc.
- does not make value judgments or seek legislative action.



To educate means to provide with information.

For example, providing fact-based information to tribal council on the beneficial impact of a smokefree powwow. We can provide information on benefits as well as the negative impact of policies. Education does not make value judgments or seek legislative action.

Advocacy

Advocacy conveys support for a particular value in a general sense.

- does not seek specific legislative action.



To advocate means to argue for, defend, maintain, or recommend a cause or proposal.

For example, providing fact-based support to the county council to pass a tobacco retail licensure law.

Advocacy does convey a value judgment, but does not seek legislative action.

Lobbying

Lobbying occurs when you support or oppose a particular candidate or proposed legislation

– makes value judgment and *seeks legislative action*



To lobby means to attempt, by persons not members of a legislative body and not holding government office, to influence legislators or other public officials through personal contact. So, lobbying is when a member of the public attempts to influence legislators or other public officials through personal contact. For example, when staff from a community organization meets with a legislator to ask them to vote for pending sugar-sweetened beverage tax legislation.

Lobbying makes a value judgment AND seeks legislative action.

Electioneering

Electioneering refers to active participation in an election campaign.



To electioneer means to take an active part in an election campaign; to try to sway public opinion especially by the use of propaganda. For example, purchasing media/ads to convince people to vote for an increase in the tobacco tax.

In summary, educating, advocating, lobbying and electioneering are all activities that influence public policy makers. Each is unique, and understanding their differences is critical to fulfilling public health's role in public policy change.

PUBLIC POLICY CHANGE PROCESS



A public policy change process is any process that involves people or citizens voting, elected officials voting, or a public agency codifying a decision.

How can public funds be used for each of these processes?

Vote of the people – Initiative or Referendum



Since 1902, the Oregon Constitution has provided voters with two methods of directly affecting changes to the Oregon Revised Statutes and the Oregon Constitution. Those methods are the Initiative and the Referendum. These methods place the ultimate authority to change the law in the hands of the people.

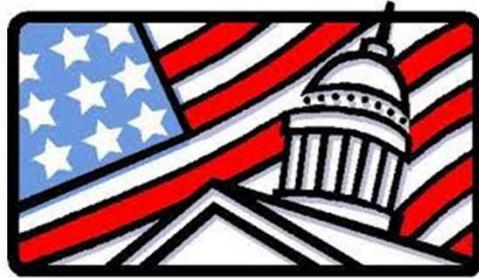
The initiative process gives direct legislative power to the voters to enact new laws, change existing laws, or amend the Oregon Constitution.

The referendum process allows voters the opportunity to reject legislation (Acts) adopted by the Oregon Legislature. Acts with an emergency clause are exempted from a referendum.

As we heard, electioneering is defined as taking an active part in an election campaign; or trying to sway public opinion especially

by the use of propaganda. You cannot use public funds for electioneering in any way, shape or form.

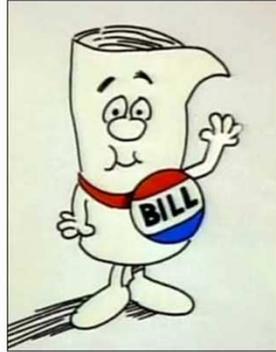
Decisions of Government Agencies



Part of educating government agencies is informing them about the ramifications of their decisions on the general public or a segment of the public. As we've heard, educating lawmakers is a legitimate use of public funds. Public funds may also be used to educate agency decision makers.

For example, The Cross Agency Health Improvement Project (CAHIP) works with DHS and OHA agency leadership to integrate cessation services through their systems to reach DHS and OHA clients.

Decisions by Elected Lawmakers



Providing neutral, factual information for a governing body to use in determining what position to take is a public health role. When public employees inform lawmakers about a public health problem and present ideas about public policies that are potential solutions we are educating these lawmakers.

Public funds may be used for educating elected lawmakers. Education takes place before a specific piece of legislation is introduced into a governing body or when a lawmaker asks questions about a specific piece of legislation.

To lobby means to take action to influence a lawmaker about a specific piece of pending legislation. Until legislation is pending, we educate. As soon as legislation is introduced, we are lobbying and we must think about the following considerations before taking any action with lawmakers.

1. As a grantee receiving public funds, you must adhere to the rules of your funding agency, in this case HPCDP. (Remember Guideline #1).
2. You must adhere to the rules and the will of the government or agency that employs you. (Remember Guideline #1).
3. You must be aware that many policy makers/lawmakers are very sensitive to public employees lobbying, and therefore, your lobbying efforts may end up doing more harm than good. (Remember Guideline #2, which begins to become clear).

Technically, public funds may be used for advocacy and lobbying, but you must think about the perception of such activity, the lawmakers response to such activity, and the rules set forth by your funding agency and your employing agency.

Encouraged Activities

- Convening interested parties to discuss policy approaches
- Sharing information, data, and resources
- Sharing evidence-based policy approaches, including model legislation



Allowable Activities

Proceed With Caution

- Advocacy
- Lobbying



Government employees, as part of their official work, MAY

- communicate through normal channels with elected officials and their staffs in support of Administration or Department positions.
- communicate with the public through public speeches, appearances and published writings to support Administration positions. Although the Department of Justice has interpreted the statute as not applying to speeches, it nevertheless recommends against using such communication to call on the public to contact legislators or other government officials in support of or opposition to legislation because it is unclear what will be perceived as a grass roots campaign in any given context.
- communicate privately with members of the public to inform them of Administration positions and to promote those positions -- but only to the extent that such communications

- do not involve the prohibited activities listed above.
- lobby Congress or the public to support Administration positions on nominations.

SOURCED FROM: <https://ethics.od.nih.gov/topics/lobbying.htm>

Public Perception

The Oregonian Test



Keep in mind that though you may be legally permitted to do so, you may not engage in any official action without appropriate permission. It is also important to consider how your activities are perceived by decision makers, the media, and the public. If word of your activities was front page on the Oregonian, would that be ok?

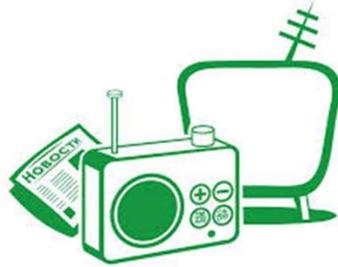
If you are unsure about whether or not you might be engaging in inappropriate activities or if those activities might be perceived as electioneering, talk to your Department Administrator or check with your liaison.

Prohibited Activities

- Electioneering



Media Advocacy



Public funds cannot, must not, be used for media outreach when there is a tobacco issue up for vote by the people.



As a HPCDP grantee, you are encouraged and funded to use media advocacy to advance policy goals.

Media advocacy, or the use of media strategically to apply pressure for changes in policy to promote public health is a critical tool for public health. But, anytime people or lawmakers are approaching a vote on a policy, we have to be particularly careful in its use.

Tobacco control work has particular restrictions, due to the highly political nature of the policies that tend to be under consideration.

One of HPCDP's hard and fast rules is: Public funds cannot, must not, be used for media outreach when there is a tobacco issue up for vote by the people, whether initiative or referendum.

For example, if there is a tobacco tax initiative on the ballot, public funds may not be used to purchase media to promote higher tobacco taxes, higher retail prices for tobacco, or tout the effect of higher tobacco prices on decreasing youth initiation – despite all of these things being true! Media purchase in the context could easily be, and likely will be, construed as electioneering.

This same prohibition applies to earned media during an election process. Public employees may not organize earned media efforts about issues that are on a ballot; nor may public funds be used to orchestrate these efforts.

This does not mean that you cannot talk to the media when there is a tobacco issue under consideration. Public employees should respond to press questions about a ballot issue with timely, accurate, and fact-based information. We can also continue to conduct earned media about other tobacco topics.

Questions or Concerns?

Regarding your activities

- Contact your liaison
- Ask your agency leadership

Concerning appropriate use of HPCDP funding

- Contact Karen Girard

(971) 673-1046



Questions regarding whether or not your planned activities are acceptable with HPCDP funding should be directed to your liaison. Your liaison will connect with the appropriate HPCDP staff and determine who can address your question.

Individuals, groups or agencies who are concerned about the use of HPCDP funds for educating or lobbying, or who believe they are witness to inappropriate use of HPCDP funds are asked to present concerns in writing to the HPCDP Section Manager, Karen Girard. These concerns will be investigated and addressed by the Section Manger (Karen).

When in Doubt – Ask!

- Your local leadership
- Your liaison

