



## Education vs. Lobbying

May 11, 2021



## About the Center

**The Center's mission is to create a healthy future for West Virginia by improving the health of our residents and the strength of West Virginia's health care delivery system, especially in rural and underserved communities.**

**Institute for Health Care Governance is driven by a strong commitment to impact organizational performance. We focus our work in the Boardroom, along with the CEO and senior leaders, to strengthen governance functions and implement governance best practices – so everyone benefits - - - board members, staff leadership and most of all your patients.**





## WEBINAR INFORMATION

This webinar is being recorded and the recording will be available on the Center's website by May 12, 2021.

To view the archived webinar, visit [www.wvruralhealth.org](http://www.wvruralhealth.org).

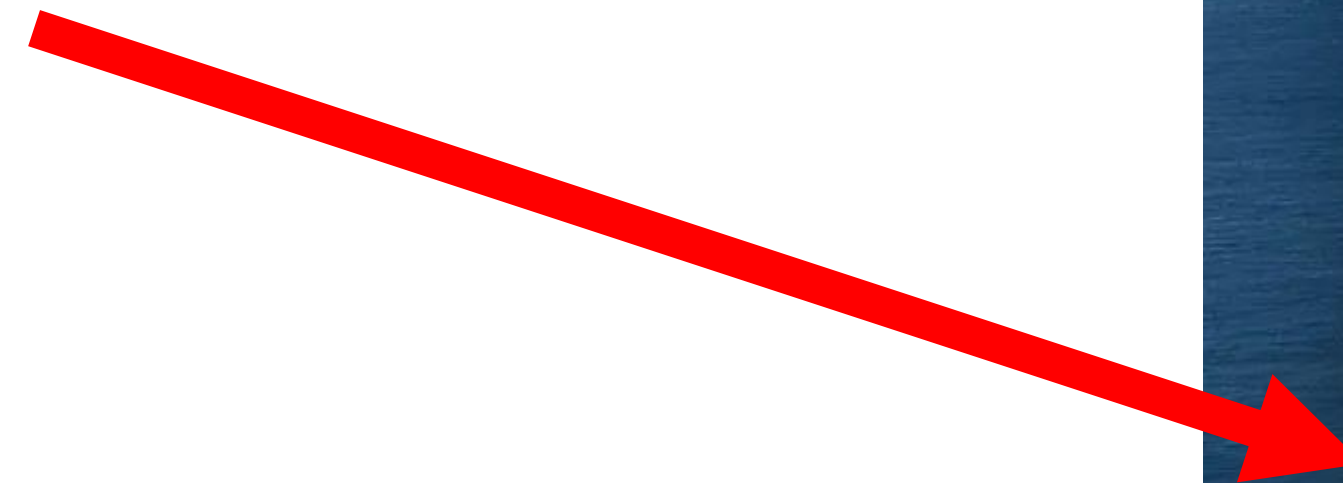
Please post any questions you may have in the **Question box** in the grey GoToWebinar panel that popped up on your computer when you logged in. These questions will be answered in the Q&A period after Ritchie's presentation has ended.



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## QUESTIONS?

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Richard R. Heath, Jr., Special Counsel  
Government Relations  
Bowles Rice

# Bowles Rice

## **Education vs. Lobbying:**

Making Your Case without Crossing the Line

# What is lobbying?

- “Lobbying” or “lobbying activity” – the act of communicating with a government officer or employee ***to promote, advocate or oppose or otherwise attempt to influence...***
  - The passage, defeat, approval or veto of any legislation considered by the Legislature, or
  - The adoption or rejection of any rule, regulation, legislative rule, rate fee or other action taken by an executive department. W.Va. Ethics Act, W.Va. Code § 6B-3-1

# Am I a lobbyist?

## Yes

- Receive compensation for lobbying
- Spend money on a public servant in furtherance of advocacy efforts

## No

- Attend receptions, dinners, parties or other group functions
- Lobby without compensation and do not spend money on public servants
- Appearing before public committees or hearings
- Lobby without compensation on behalf of non-profit for no more than 20 days of any regular session



# Bowles Rice

## **Lobbying Reporting Requirements**

Lobbyist Registration Form

Quarterly Lobbyist Activity & Spending Reports

Grass Roots Lobbying:

Program aimed at the public with the primary intent of influencing legislation before the W.Va. Legislature

# Educate vs. Advocate



- Key distinction:
  - Providing expert or subject matter testimony/information to policymakers
  - Advocating for a specific policy position

# Blurred lines

- When does education become advocacy?
- WV Ethics Commission Advisory Opinions help clarify many questions about lobbying
- Many questions are unanswered by the text of the Ethics Act and require further clarification by the Commission
- ***If you are unsure, then ask!***

## Examples of Non-Profit Lobbying Opinions

- AO 90-193: A non-profit health centers association reception for employees and legislators is a lobbying event where there is an apparent legislative agenda.
- AO 90-200: Non-profit association must report the cost of distributing free coffee to legislators.
- AO 90-191: Urging members of an association to contact legislators on issues pertaining to the Association does not require registration or reporting by the specific members.

<https://ethics.wv.gov>



*West Virginia*  
**Ethics Commission**

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# Approaching Officials & Staff

## Contacting Decision Makers

- It's never inappropriate to reach out to elected officials or their staff on an issue of importance.
- However, there are appropriate ways of doing so depending on the circumstances.

## Tips for Doing so

- Be mindful of the official's time
- Be respectful of differences of opinion
- Be clear about your interest in the issue
- Be honest and forthcoming

# Elected Official or Administrative Staff?

- Questions to consider:
  - What's the issue?
  - Who is the critical decision-maker?
  - What is the goal of your outreach?
- Make your interest in an issue known beforehand – don't wait until after the fact!
- Often requires touching base with both

# Elected Officials vs. Administrative Staff

- Officials:
  - Big-picture
  - Issue Awareness
  - Time constraints
  - Part-time service
  - “Grassroots” lobbying
- Administrative Staff:
  - Detail oriented
  - Research & analysis
  - Greater bandwidth
  - Day-to-day operations
  - Scheduling & agendas

# Always Be Mindful of the Ethics Act

- W.Va. Code § 6B-1-1, *et seq.*
- Governs a wide-range of activity relating to elected officials:
  - Meals & Beverages
  - Endorsements
  - Gifts & Ceremonial Gifts
  - Reasonable Expenses
  - Private Gain





## Questions & Answers

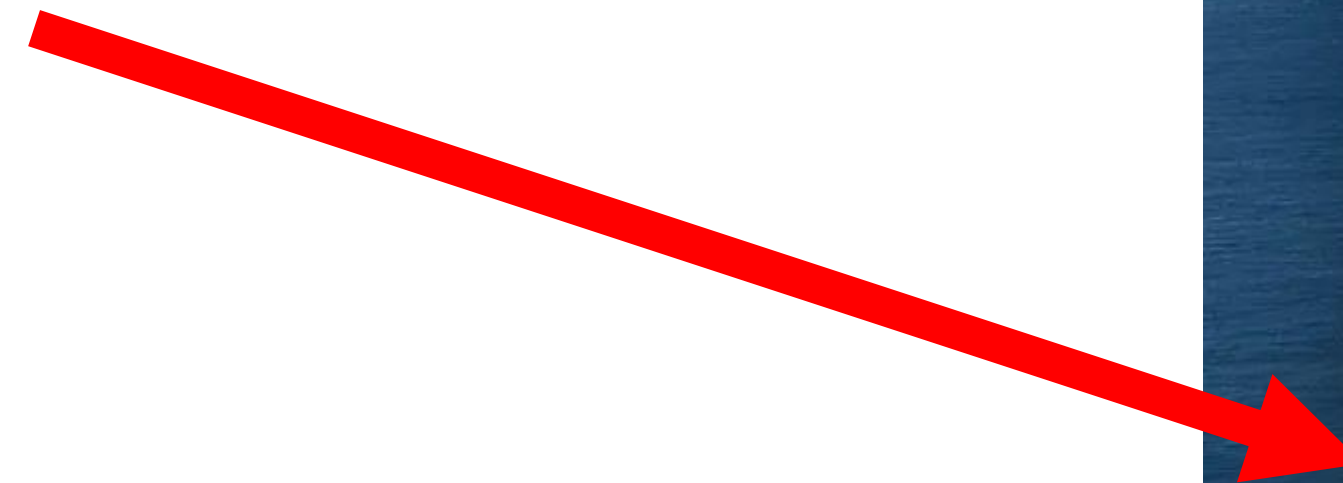
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## 2021 Winter/Spring Board Development Lunch & Learn Series

### *Sustaining & Renewing Your Culture When Dealing with the Unexpected*

June 8, 2021 • 11:30 AM - 1:00 PM

Presenter: Joe Tye, CEO and Head Coach, Values Coach, Inc.

Register at: [www.wvruralhealth.org/events](http://www.wvruralhealth.org/events)

**Board Development Lunch & Learn Series will resume in  
September 2021**

**Past webinars available on above website**





Community immunity  
**BEGINS WITH**  
**WEST VIRGINIA.**

#CommunityImmunityWV

The more West Virginians  
who choose vaccination,  
the faster we build  
**#CommunityImmunityWV.**

Together, we can stop the  
spread of COVID-19.  
**#ItsUpToYou**



**Choosing to get vaccinated against COVID-19 helps protect the health and wellbeing of our communities.**

**Together, we can stop the pandemic and build [#CommunityImmunityWV](#).**



**Thank you for taking part in this  
webinar!**

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