

Guidelines for Advocacy

From the Foundation's Communications and Law Departments



Robert Wood Johnson Foundation

As a private foundation, the Robert Wood Johnson Foundation (RWJF) is prohibited from using its resources for direct lobbying or grassroots lobbying, from engaging in political activities and from making grants for such purposes. This means that you cannot use RWJF's funds, name, program names, products or other resources for lobbying or political activities. **This document is a brief summary of these restrictions. It is not intended to be construed as legal advice. Please contact your own legal counsel with specific questions of how these rules may apply to you in your capacity as an RWJF grantee.**

WHAT ARE THE PROHIBITIONS?

Prohibited direct lobbying is a direct communication with a legislator or legislative staff that:

- refers to pending or potential legislation; and
- reflects a view on such legislation.

Prohibited grassroots lobbying is any communication with the general public that:

- refers to pending or potential legislation; and
- includes a “call to action,” which is any of the following:
 - urging contact with a legislator;
 - providing contact information for a legislator;
 - providing a petition, draft e-mail, postcard or other means to communicate with a legislator;
 - identifying a legislator as opposing pending or potential legislation, being undecided or serving on the committee to vote on the legislation; or
 - identifying a legislator as the recipient’s representative.

Prohibited political activities include, but are not limited to:

- endorsing political parties, candidates or platforms;
- making campaign contributions;
- issuing or distributing statements that favor or disparage a particular candidate;
- allowing a candidate or political organization to use RWJF assets or facilities;
- inviting candidates to speak at RWJF-sponsored functions; and
- linking to candidate websites.

DEFINITIONS & SPECIAL RULES

LEGISLATOR: A legislator or legislative staff is any elected member or staff member of any general purpose legislative body (e.g., Congress, state legislature, city council) or any other government official if the primary purpose is influencing legislation.

LEGISLATION: Legislation is any action taken through a vote of Congress, any state legislature, local council or similar publicly elected legislative body or law that must be enacted by public vote. It does not include: (1) regulations of an administrative agency or body, even if the regulations implement specific legislation; or (2) the actions of special-purpose bodies, such as school boards and zoning boards.

PAID MEDIA RULE: A paid advertisement within two weeks of a vote on legislation may constitute grassroots lobbying without a reference to specific legislation or a call to action.

SPECIAL RULE FOR BALLOT MEASURES: A communication with the general public concerning a pending or potential ballot measure is lobbying if it both refers to the ballot measure and reflects a view on the measure. No call to action is needed.

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WHAT IS NOT LOBBYING?

- Discussing broad social issues without reference to specific legislation.
- Communicating about nonlegislative policies, such as regulations.
- Developing and distributing to anyone in-depth nonpartisan analysis and research materials; such materials may make reference to legislation and reflect a view, so long as they:
 1. include a full, fair and objective discussion of the relevant facts sufficient to permit the audience to form an independent opinion;
 2. are broadly distributed to persons on both sides of the issue discussed; and
 3. do not include a “call to action.”
- Providing technical assistance or testimony to a legislative or governmental body in response to a written request for technical assistance. The request should: (1) be on behalf of the governmental body or committee (not an individual official or staffer); (2) note that information provided will be distributed to all members; (3) specifically address the assistance requested; and (4) be received **BEFORE** you provide the assistance or testimony. **CHECK WITH YOUR LEGAL COUNSEL BEFORE RESPONDING TO SUCH A REQUEST TO MAKE SURE THAT THE LETTER MEETS ALL REQUIREMENTS PRIOR TO PROVIDING ASSISTANCE OR TESTIMONY.**
- Urging enforcement of existing laws or regulations.

IF IT IS NOT LOBBYING, IS IT OK TO PROCEED?

Whether or not a communication constitutes lobbying is just a threshold question; we also rely on our grantees to employ good judgment in determining whether a communication funded by RWJF or using an RWJF brand is appropriate under the circumstances. Please take care to avoid content that is or may be construed as political campaign intervention, or communications that are likely to be considered partisan, slanderous, libelous, or discriminatory in nature, or might otherwise negatively impact the reputation of RWJF and its programs.

IS LOBBYING OK IF WE DO IT WITH NON-RWJF FUNDS?

You must first confirm that any communication or activity is consistent with the tax rules and other laws that apply to your organization, as well as your organization's internal policies and the requirements of other funders. **Organizations and projects that bear the RWJF name or brands associated with the RWJF name may not lobby, even with non-RWJF funds, because such activities may still be construed as lobbying by RWJF.**