

\_\_\_\_\_ **SOIL AND WATER CONSERVATION DISTRICT  
ADVOCACY POLICY**

**Date:**

This document establishes policy and guidance for advocacy conducted by \_\_\_\_\_ Soil and Water Conservation District. This policy addresses requirements in Oregon. If advocating at the Federal level, different requirements may apply.

*Advocacy* means influencing or attempting to influence governmental laws, regulations, policies, procedures, and political campaigns. It does not include business transactions with government organizations such as applying for and receiving grants and permits and negotiating and executing projects and programs.

Advocacy is divided into three categories:

- Political Campaigning
- Lobbying
- Other Advocacy

There are distinct laws and regulations governing political campaigning and lobbying. The third category, other advocacy, is used to capture all other forms of advocacy.

**DECISION MAKING AND AUTHORITY**

The Board is responsible for setting directions and policy on advocacy. This includes but is not limited to establishing positions on issues and authorizing advocacy actions.

The Board hereby adopts the Oregon Association of Conservation Districts position statements dated \_\_\_\_\_. All advocacy shall be consistent with the established positions unless otherwise authorized by the Board.

The Board hereby delegates authority to conduct advocacy, other than political campaigning, as follows.

**Formal Advocacy (Excluding Political Campaigning)**

Formal actions are written or spoken communications in formal public venues intended to be entered into the public record.

Authority to approve actions is delegated to:

- \_\_\_\_\_, Chair of the Board
- \_\_\_\_\_, Director
- \_\_\_\_\_, District Manager

Approval requires concurrence from at least two individuals with the delegated authority. The District Manager may further delegate tasks to staff.

All actions shall be reported to the Board, preferably at the next Board meeting.

### **Informal Advocacy (Excluding Political Campaigning)**

Authority to approve actions is delegated to:

All Directors and Associate Directors  
\_\_\_\_\_, District Manager

The District Manager may further delegate tasks to staff.

All major actions shall be reported to the District Manager who may bring the actions to the attention of the Board.

## **POLITICAL CAMPAIGNING GUIDANCE**

*Political campaigning* means promoting or opposing any political committee, the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder.

### **Directions**

- Board Members and staff shall strive to follow all applicable laws and regulations pertaining to political campaigning.
- Staff shall not participate in political campaigning while on duty.
- Staff shall not display messaging for political campaigns within District facilities.
- Board members may participate in political campaigning on behalf of the Board. The District Board must approve all political campaigning actions.
- Staff and Board members may participate in political campaigning on their own time, but it must be clear that the action is not associated with the District.
- The District shall post the notice to all public employees regarding prohibitions on political campaigning per ORS 260.432(3).

### **Good Practices**

- In deciding whether to participate in political campaigning, the Board should exercise caution and get involved only when the need is clearly relevant to the mission of the District.
- If a Board member or staff engages in political campaigning on their own, they should not display information that could be interpreted to mean that they are acting as a District representative (e.g., wearing District hat or shirt). If there is potential for confusion, they should make it clear that their actions are not on behalf of the District.
- If a Board member participates in political campaigning as a representative of the District, they should state that they represent the organization and have been given the authority to participate.
- Use of District facilities by third parties for political campaigning is discouraged but may be allowed and should be authorized the Board. If District facilities are provided to third parties involved in political campaigning, access must be provided on the same terms and conditions to all interested parties regardless of political affiliation or position.
- The District may produce impartial, factual information pertaining to a political campaign. Any such material should be reviewed in advance by the Secretary of State, Elections Division, before being disseminated to the public.
- Although it is allowed per statute, staff should not be put in a position of handling elected officials calls about the official's availability for political events.

## **LOBBYING GUIDANCE**

*Lobbying* means influencing, or attempting to influence, legislative action through oral or written communication with legislative officials, solicitation of executive officials or other persons to influence or attempt to influence legislative action or attempting to obtain the goodwill of legislative officials.

*Legislative action* means introduction, sponsorship, testimony, debate, voting or any other official action on any measure, resolution, amendment, nomination, appointment, or report, or any matter that may be the subject of action by either house of the Legislative Assembly, or any committee of the Legislative Assembly, or the approval or veto thereof by the Governor.

*Legislative official* means any member or member-elect of the Legislative Assembly, any member of an agency, board or committee that is part of the legislative branch, and any staff person, assistant, or employee thereof.

*Executive official* means any member or member-elect of an executive agency and any member of the staff or an employee of an executive agency. A member of a state

board or commission, other than a member who is employed in full-time public service, is not an executive official.

*Executive agency* means a commission, board, agency, or other body in the executive branch of state government that is not part of the legislative or judicial branch.

The Oregon Government Ethics Commission defines the following three types of lobbyists:

*Professional Lobbyists* are those who agree to provide personal services for money or other consideration.

*Representative Lobbyists* are those who engage in lobbying as a representative of a corporation, association, organization, grassroots group, or other group in which they are employed or to which they belong.

*Public Official Lobbyists* are those who engage in lobbying on behalf of the public body that they represent.

District staff would be categorized as representative lobbyists and district Board members would be categorized as public official lobbyists.

## **Directions**

- Board Members and staff shall strive to follow all applicable laws and regulations pertaining to lobbying.
- Oregon laws establish time and expense thresholds for determining whether registration as a lobbyist is required. No Board or staff member shall intentionally cross these thresholds without approval of the Board. If the thresholds are crossed, registration with the Oregon Government Ethics Commission shall be done.
- In the event that the District has a lobbyist that is required to register as a lobbyist, the District shall file the required Employer Lobbying Expenditure Report with the Oregon Government Ethics Commission.

## **Good Practices**

- Any person lobbying on behalf of the District is expected to present information accurately and in a clear and straightforward manner.
- Each staff and Board member who engages in lobbying on behalf of the District should track their time to ensure compliance with registration requirements.

- Board members and staff may assist industry associations with their lobbying efforts. Any time spent lobbying on behalf of industry associations should be considered when determining whether registration as a lobbyist is required.
- The Oregon Association of Conservation Districts (OACD) has a mission and authority to represent Oregon's Soil and Water Conservation Districts in legislative matters, and to lobby on their behalf. It is good practice to coordinate with OACD, as OACD representatives can provide background on issues and assist with setting up meetings and providing testimony.
- Giving and receiving gifts while lobbying may result in violations of Oregon's Ethics Laws for Public Officials and should be avoided.

### **Thresholds for Lobbyist Registration**

Registration as a lobbyist is not required for representative and public official lobbyists unless they exceed either of the following time and expenditure limits:

- Aggregate of 24 hours spent on lobbying in any calendar quarter, or
- Aggregate of more than \$100 spent on lobbying during any calendar quarter.

The \$100 threshold is based on the dollar amount that is received by the person being lobbied. For example, if an individual were to invite and pay for a legislator's lunch and the lunch engagement was established and conducted for the purposes of lobbying, the cost of the lunch would count towards the \$100 threshold. The threshold does not include monies received by the lobbyist while lobbying or providing services for the purposes of lobbying.

Lobbying does not include time spent researching, reviewing, and analyzing legislative actions and time spent preparing letters, testimony, or other documents for the purpose of lobbying. These activities do not need to be counted in the 24-hour allotment.

Providing factual information is not lobbying as long as it is not intended to influence legislative action. Staff and Board members can provide unbiased information to those involved in legislative actions to help them make good decisions without being considered lobbyists. However, the criterion for lobbying is whether the information is intended to influence legislation.

### **OTHER ADVOCACY GUIDANCE**

Other advocacy includes forms of advocating that are not political campaigning and lobbying. This includes influencing actions of state agencies and local jurisdictions.

State rulemaking results in the Oregon Administrative Rules (OARs). This is done through branches of the State outside the legislative branch and such rules are usually not subject to legislative approval. Advocating on rulemaking is not considered to be lobbying.

Advocating for local laws, (e.g., cities and counties) is not subject to the state lobbying requirements.

## **POSITION STATEMENT GUIDANCE**

If there are doubts about consistency with established positions, the matter should be brought to the Board for direction. If the matter is urgent and it is not practical to wait until the next opportunity to consult with the Board, action may proceed by applying best judgment on consistency with subsequent notification of the Board as soon as practical.