



LEGISLATIVE ADVOCACY HANDBOOK

2019 Edition

The Nevada Coalition to End Domestic and Sexual Violence's Legislative Advocacy Handbook is a tool designed to assist non-profit organizations utilize public policy to further their individual missions. For more information or further assistance, please contact the NCEDSV Policy Department at publicpolicy@ncedsv.org.

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Contents

NONPROFITS CAN AND SHOULD LOBBY.....	5
FEDERAL RIGHTS & RESTRICTIONS.....	5
FEDERAL LAW PROTECTS NONPROFIT ADVOCACY & LOBBYING	5
UNITED STATES CONSTITUTION	5
UNITED STATES CONGRESS.....	5
IRS 501(H) ELECTION EXPENDITURES TEST	6
IRS' TAKE ON LOBBYING	7
DIRECT LOBBYING.....	7
GRASSROOTS LOBBYING	7
LOBBYING ELEMENT DEFINITIONS.....	8
LEGISLATOR.....	8
PUBLIC.....	8
NOT LOBBYING	9
MORE SPECIFICALLY, YOUR ORGANIZATION IS NOT LOBBYING WHEN	9
WATCH YOUR TIME	10
KNOW THE RULES	10
MAKE SURE EVERYONE KNOWS THE RULES.....	10
ELECTIONS.....	10
FEDERAL OR STATE FUNDS.....	10
COMMUNICATING YOUR MESSAGE.....	12
Do.....	12
DON'T.....	12
WAYS TO CONNECT	13
PHONE CALLS.....	13
Sample Script for Phoning a Policymaker	14
E-M	15
IL.....	15
Sample E-mail to a Policymaker.....	16
WRITING LETTERS.....	17
Sample Letter Supporting Legislation.....	18
TESTIFYING BEFORE THE LEGISLATURE	19
Sample Testimony	20
SOCIAL MEDIA	21
Sample Social Media.....	22
TOUR YOUR FACILITY	23
OVERVIEW	24
NEVADA ASSEMBLY AND SENATE	24

REGULAR SESSIONS OF THE NEVADA LEGISLATURE	24
SPECIAL SESSIONS OF THE NEVADA LEGISLATURE	25
TERMS OF OFFICE	25
LEGISLATIVE COUNCIL BUREAU	25
INTERIM COMMITTEES OF THE NEVADA LEGISLATURE	25
NEVADA LEGISLATURE LIVE ONLINE BROADCASTS	25
LAW MAKING 101	26
INITIAL STEPS BY THE AUTHOR	26
• Idea.....	26
• Drafting.....	26
• Introduction and First Reading.....	26
ACTION IN THE HOUSE OF ORIGIN	26
• Committee.....	26
• Second Reading before the Full House	26
• Floor Debate and Vote by the Full House.....	27
ACTION IN THE SECOND HOUSE	27
• First Reading.....	27
• Committee.....	27
• Second Reading before the Full House	27
• Floor Debate and Vote by the Full House.....	27
RESOLUTION OF DIFFERENCES AS NECESSARY	27
• Consideration of Amendments	27
• Conference	27
ROLE OF THE GOVERNOR	28
ASSESS YOUR LEGISLATIVE KNOWLEDGE	30
ONLINE RESOURCES	31



Disclaimer

The Nevada Coalition to End Domestic and Sexual Violence (NCEDSV) does not provide legal advice. The contents of this handbook are for informational purposes only. Nothing in this handbook constitutes an attorney-client relationship. The information is not a substitute for expert legal, tax, or other professional advice. The Nevada Coalition to End Domestic and Sexual Violence publishes this handbook as a plain-language guide regarding the process and laws governing the advocacy of nonprofits but encourages each organization to seek expert legal advice on their own situation. For questions or assistance with connecting with Nevada Representatives, feel free to contact the Policy Department at publicpolicy@ncedsv.org.

Introduction

The Policy Department at Nevada Coalition to End Domestic and Sexual Violence (NCEDSV) has developed the Legislative Advocacy Handbook to assist non-governmental organizations, programs, and advocates who wish to engage with the legislative system in their efforts to assist victims of domestic and sexual violence. The legislative system can seem complex to those unfamiliar with it and is perceived as overwhelming or intimidating to many who try to navigate it blindly. This handbook is designed to guide programs and individuals through the basic steps to influence legislation and public policy issues by bringing about systemic change that affect our communities.

Under federal tax law, non-profits are restricted in their lobbying efforts and expenses, so it is important that they understand exactly what activities meet the definition of lobbying. Lobbying is a term for a specific type of advocacy, and includes both direct and grassroots lobbying.

Direct Lobbying

Communication with a legislator that expresses a view about *specific* legislation.

Grassroots Lobbying

Communication with the public that expresses a view about *specific* legislation and includes a call to action.

Legislation can be an effective response to domestic and sexual violence. For service providers, programs, practitioners, advocates, attorneys, and concerned citizens alike, lobbying can be a powerful tool to represent the interests of those affected by violence in your community.

While this handbook is designed to serve as a tool to guide you in your policy efforts, as a member of the Nevada Coalition to End Domestic and Sexual Violence (NCEDSV), our policy team is here to help. NCEDSV's Policy Department specializes in lobbying on issues of concern on behalf of our member programs. We are available to discuss issues of concern or help your organization in its lobbying efforts. It is also important that your Legislative Representatives know the programs and services available for victims in their districts. We can help facilitate meetings with your Assembly or Senate Representatives if you do not already have a relationship.

For any questions or assistance, please feel free to contact us at publicpolicy@ncedsv.org.

Lobbying

Nonprofits Can and Should Lobby

Not only is it legal, but it is also imperative for 501(c)(3) organizations to advocate (lobby) for local, state, and federal laws that will benefit the individuals they serve. Legislative advocacy enables one to directly influence the laws that affect the issues they care about. Understanding and utilizing statutes and legislation is one of the best ways to help those who have been and are susceptible to being victimized. Not only should a nonprofit know which laws effect their community members but they should also be able and willing to work within the law making system to create, adapt, or oppose laws that could affect those members.

Federal Rights & Restrictions

Federal Law Protects Nonprofit Advocacy & Lobbying

The federal government, including its agencies, Congress, and the IRS, support legislative lobbying by 501(c)(3) non-profits. Specific laws are in place to protect the rights of nonprofits who formally lobby.

“Congress shall make no law respecting... the right of the people peaceably to assemble and to petition the government for a redress of grievances.”

-First Amendment

United States Constitution

This means that everyone, including non-profits, has the freedom of association and the right to advocate on public policy, including legislative lobbying.

United States Congress

Throughout the history of the United States, the U.S. Congress has said it is legal, and they have reassured the right, for non-profits to lobby.

1919

1934

1976

- 1919 – The U.S. Treasury Department issues its first regulations restricting non-profit lobbying. Direct Lobbying.
- 1934 – Congress strengthened these regulations by adopting language that stipulated any nonprofit engaged in "substantial" lobbying could not retain its tax-deductible status.

- 26 U.S.C. § 501(c)(3) is a Congressional statute allowing non-profits “organized and operated exclusively for religious, charitable... or educational purposes” to be exempt from federal income taxes, provided that, among other things, “no *substantial* part of the activities of” the non-profit organization is for “carrying on propaganda, or otherwise attempting to influence legislation....”

Leaders recognized the rights of non-profits to lobby and they chose to limit it rather than place a ban on the needed efforts.

- 1976 – Congress once again chose to reiterate the rights of non-profits to lobby and chose to establish clear guidelines and limits, in the hopes to encourage non-profit lobbying participation while ensuring organizations could keep their non-profit status.
 - 26 U.S.C. § 501(h), allows non-profits the option to use the bright-line “expenditure” test rather than the vague “no substantial part of activities” test, by creating specific financial guidelines for a non-profit to follow.
 - 26 U.S.C. § 4911, for non-profits that choose to use the above 501(h) election, complete the 501(h) election form which spells out the specific amounts these non-profits can financially spend on lobbying efforts. The amounts work on a sliding scale per the organizations “non-taxable” income, and sets clear numerical guidelines for the IRS to follow.

As the IRS table below shows, very few non-profits will ever come close to spending these numbers strictly on lobbying efforts.

IRS 501(h) Election Expenditures Test

If the amount of exempt purpose expenditures is:	Lobbying nontaxable amount is:	Total Grassroots Lobbying Expenditures Allowable
Up to \$500,000	20% of the exempt purpose expenditures up to \$100,000	One-quarter of the total direct lobbying expenditure ceiling
\$500,00 to \$1 million	\$100,000 + 15% of the excess of exempt purpose expenditures over \$500,000	\$25,000 + 3.75% of excess over \$500,000
\$1 million to \$1.5 million	\$175,000 + 10% of the excess of exempt purpose expenditures over \$1 million	\$43,750 + 2.5% of excess over \$1 million
\$1.5 million to \$17 million	\$225,000 + 5% of the exempt purpose expenditures over \$1.5 million	\$56,250 + 1.25% of excess over \$1.5 million
Over \$17 million	\$1 million	\$250,000

Source: IRS Website¹

¹ <https://www.irs.gov/charities-non-profits/measuring-lobbying-activity-expenditure-test>

IRS' Take on Lobbying

Information provided by the National Council of Nonprofits states, “The IRS has material on its website reassuring nonprofits that legislative lobbying is legal. There are pages about legislative lobbying clearly stating that charitable nonprofit “organizations may engage in some lobbying” and “involve themselves in issues of public policy without the activity being considered as lobbying.”

There is an IRS form – Form 5768 (which is free and less than a page long) – that nonprofits can file that gives them the opportunity to safely engage in lobbying activities as long as the money spent on lobbying (both grassroots and direct) falls under an established threshold.”²

The uncertainty and lack of experience from most non-profits continues to make many uncomfortable with the idea of lobbying. To help make it clear once and for all, the Center for Lobbying in the Public Interest asked the IRS to answer basic questions about charitable nonprofits engaging in legislative lobbying.³ In its official response, the IRS provided lots of reassurance, including:

Q: Is lobbying by section 501 (c)(3) organizations permissible under federal tax laws?

A: Yes.

Direct Lobbying

Direct lobbying is any attempt to influence *specific legislation* by communicating with legislators or government officials that participate in the making of laws. Examples of direct lobbying include visiting a legislator to discuss a particular bill or contacting a legislator to ask him/her to support a bill. The key element of lobbying is mentioning or discussing specific bills or pieces of legislation. If you are not talking about specific legislation, you are not lobbying.

Grassroots Lobbying

Grassroots lobbying is any attempt to influence *specific legislation* by trying to affect the opinions and actions of the general public. Examples of grassroots lobbying include requesting in a newsletter that readers contact their legislator to ask for more funding for domestic violence programs or giving a television interview and stating your organization’s support for a particular bill. Again, if you mention your position on a specific bill, or urge readers/viewers to act, you are lobbying. It is important to note that you are only lobbying when there is an expenditure of funds. Of course, your time is an expenditure if you are on the clock.

² <https://www.councilofnonprofits.org/federal-rights>

³ <https://www.councilofnonprofits.org/federal-rights>

Lobbying Element Definitions

According to the Alliance for Justice's lobbying initiative BoulderAdvocacy.org, "In order for an action to be considered direct or grassroots lobbying it must contain *all* of the [below] elements. It is not lobbying if one or more of the required elements is missing. Understanding the meaning of each element is key."⁴ BoulderAdvocacy.org defines the following to assist nonprofits with accurately understanding what is and what is not lobbying.

Communication: A conversation in person, or through a phone call, letter, email, fax, social media, or other mechanism to convey a message.

Legislator: A legislator is defined as a member of a legislative body or his/her staff. In addition, executive branch officials who participate in the formulation of legislation are considered legislators (such as the governor or mayor when vetoing a bill or an agency secretary when helping the legislature draft a bill). Members of administrative bodies, however, such as school boards, sewer and water districts, housing authorities, zoning boards, and other special purposes bodies, whether elected or appointed, are not considered legislators. Voters are considered legislators when voting on ballot measures.

Public: The public is defined as anyone except a legislator or member of an organization. Communications to an organization's members are treated more favorably, so a communication to an organization's members that urges them to contact legislators to express a view about specific legislation is considered to be direct lobbying.

Expresses a view about specific legislation: Lobbying occurs when a view is expressed about a bill or resolution that has been introduced in a legislative body or a specific proposal to solve a problem. Specific legislation includes budget appropriations and taxes, ballot measures, and attempts to influence the confirmation of judicial and executive branch nominees. A proposal may qualify as specific legislation even if it has not yet been introduced, been written down, or even fully fleshed out. Specific legislation does not include rulemakings/promulgation of regulations, executive orders, litigation, or attempts to enforce existing laws.

Call to action: A call to action is a specific means of encouraging the communication's recipient to take lobbying action. A call to action must comprise one of the following actions: 1) telling the recipient to contact a legislator; 2) providing information on how the recipient can contact his legislator, such as providing the phone number or address; 3) providing a mechanism for enabling the recipient to contact his or her legislator, such as a postcard, petition, or e-mail form; or 4) identifying a legislator or legislative committee member who will vote on the legislation as being opposed to or undecided about the organization's view on the legislation.

⁴ http://www.bolderadvocacy.org/wp-content/uploads/2012/05/Lobbying_Defined_for_Private_Foundations.pdf

Ballot measure activity is considered direct lobbying. Although ballot measures, such as referenda, bond measures, and ballot initiatives, are determined at the voting booth, efforts for or against them are considered direct lobbying, not impermissible electoral activity. Efforts aimed at convincing the public to support or oppose ballot measures are direct lobbying since the voting public serves as the legislature.

Not Lobbying

More specifically, your organization is not lobbying when:

- You communicate with the public, legislators or others about broad social issues requiring legislative solutions, so long as you don't mention specific legislation or ask them to take action.
- You are a membership organization and you communicate with your members about specific legislation without urging them to take action (i.e. *NCEDSV Legislative Update* is not considered lobbying unless we encourage readers to take action based on the information provided.)
- Volunteers are not lobbying because no money is being spent. However, it is important to note that while you can't use their time for match on Federal grants, you would have to claim any travel reimbursement you provide them. Also, some states require anyone who lobbies in an official capacity, including volunteers, to register as a lobbyist.
- You communicate with elected officials about regulations.
- You are testifying before a legislative committee at the request of the committee (not a single legislator).
- You are lobbying legislators about matters that affect your organization's existence, powers, tax exempt status, etc.
- You conduct research on legislation, so long as the research contains a full and fair analysis of the facts.

If you ever find yourself questioning if something is a lobbying activity, it is better to be safe than sorry and go with "yes it is." While the laws try to keep everything black and white, a gray area may arise on occasion. However, it will serve your organization better to consider it a lobbying activity in the long run rather than risk your tax-exempt status.

Areas of Caution

Watch Your Time

While the IRS does not prohibit lobbying by nonprofits, it does limit the amount of lobbying work a nonprofit may engage in. Thankfully, the IRS only considers lobbying of legislative bodies (i.e. Congress, state legislatures and local legislatures) when analyzing the time and money spent by a nonprofit. The lobbying of executive agencies, at any government level, are not regulated by the IRS.

Know the Rules

While most nonprofits are aware that their lobbying activities are regulated by the IRS, many may not know that they're also regulated by state and possibly local statutes as well. A representative with your organization may need to register with the state, county, or city as a lobbyist for you to be in compliance. Always check before you begin your lobbying efforts.

Make Sure Everyone Knows the Rules

Any direct or indirect communication from your nonprofit may be lobbying. An innocent email or tweet from an employee, or even intern, could be considered lobbying on your part. So, how do you know what to review? It is important to look at both oral and written communications, including the copy on your website, and items posted to social media sites. Clear personnel policies on this matter can also be helpful.

Elections

Nonprofits must be careful when participating in or encouraging their employees to participate in political campaigns. Nonprofits cannot endorse or contribute money to political candidates, nor can they encourage their employees towards supporting one candidate over another. Under certain circumstances they can sponsor debates, political surveys, etc. if they do so in a neutral position and all candidates are invited.

Federal or State Funds

An employee, contractor, or a person being paid by a federal or state grant cannot engage in lobbying. This means you cannot lobby legislators, attend legislative events or analyze legislation while billing your time to a federal or state grant. You may be exempt if your grant specifically authorizes you to conduct activities such as analyze legislation, develop materials to support public policy, etc. Usually however, salary and expenses related to lobbying will need to be maintained by unrestricted funds, donations or another fundraising revenue. But remember, if your efforts are off the clock not on behalf of an organization, or completed by an unpaid volunteer, there are no restrictions on the lobbying efforts.

Top Ten Rules for Advocacy

The following “Top Ten Rules for Advocacy”⁵ were developed by the American Public Health Association, and serve as a helpful guide for individuals and non-profits seeking to navigate the legislative advocacy process.

1. **Get to know legislators well** - their districts and constituencies, voting records, personal schedules, opinions, expertise and interests. Be sure to have a good understanding of the legislator and his/her concerns, priorities and perspectives.
2. **Acquaint yourself with the staff members** - for the legislators, committees and resource officials with whom you will be working. These people are essential sources of information and have significant influence in some instances in the development of policy and access to the legislator.
3. **Identify fellow advocates and partners** - in the anti-violence community to better understand the legislative process, monitor legislation, and assess strengths and weaknesses. Finding common ground on an issue sometimes brings together strange bedfellows but makes for a stronger coalition.
4. **Identify the groups and other legislators** - with whom you may need to negotiate for changes in legislation. Do not dismiss anyone because of previous disagreements or because you lack a history of working together. Yesterday’s opponent may be today’s ally.
5. **Foster and strengthen relationships** - with allies and work with legislators who are flexible and tend to keep an open mind. Don’t allow anyone to consider you a bitter enemy because you disagree.
6. **Be honest, straightforward and realistic** - when working with legislators and their staff. Don’t make promises you can’t keep. Never lie or mislead a legislator about the importance of an issue, the opposition’s position or strength or other matters.
7. **Be polite, remember names and thank those who help you** - both in the legislature and in the advocacy community.
8. **Learn the legislative process and understand it well.** - Keep on top of the issues and be aware of controversial and contentious areas.
9. **Be brief, clear, accurate, persuasive, timely, persistent, grateful and polite** - when presenting your position and communicating what you need/want from the legislator or staff member.
10. **Be sure to follow up with legislators and their staff.** - If you offer your assistance or promise to provide additional information, do so in a timely and professional manner. Be a reliable resource for them today and in the future.

While these rules are written for addressing legislators, they also apply when working on a local level with city councils, school districts, county government offices, etc. Laws on the local, state, and federal levels can help victims in their daily lives. No matter someone’s position or title, always ensure you treat them with the same level of respect when seeking their assistance on issues.

⁵ <https://www.apha.org/policies-and-advocacy/advocacy-for-public-health/coming-to-dc/advocacy-tips/top-ten-rules-of-advocacy>

Building Relationships with Legislators

Communicating Your Message

The main aspect of lobbying is building meaningful relationships with key individuals and organizations, which takes both patience and persistence. Your reputation and credibility as a lobbyist, representative, and nonprofit is tied directly to how easily these relationships will be to develop. According to the office of retired Vermont Senator Jim Jeffords, there are several keys, including dos and don'ts, proper communication etiquette, and understanding how to testify before a committee, that a legislative advocate must remember when preparing for this work. He recommends the following:⁶

Do...

- Do your homework. Know the issue, how it affects your area, the resume and voting record of the legislature you are meeting with, and their passions.
- Develop a good relationship with your legislators and their staff.
- Treat your legislator with dignity and respect. The interaction will be mutual.
- Work with your legislator's staff. Staff do research, draft bills, make recommendations, and develop expertise in specific areas. They can be great allies.
- Develop strong grassroots support. The more people there are advocating your position, the more impact you'll have.

Don't...

- Don't be rude, offensive or argumentative. A good guideline to follow is "Will the legislator invite me back or avoid me in the future?"
- Don't give an ultimatum. Learn to accept rejection without destroying the relationship; this week's enemy is often next week's ally.
- Don't ever resort to name-calling. If you use strong negative labels for those who oppose your proposals, you may alienate them forever.
- Don't expect to change a legislator's mind immediately.
- Don't get frustrated. We can't expect victory overnight. We often have to learn to rejoice in small victories.
- Don't take a shotgun approach. Focus on your board's priorities for the district, rather than trying to accomplish everything at once.
- Don't forget that legislators are faced with hundreds of bills and thousands of constituents. While they are the elected officials with policy-making responsibilities, you are both accountable to many of the same constituents.

⁶ <https://www.sec.state.vt.us/kids/difference.html>

Ways to Connect

There are a variety of ways to contact legislators and express your opinion on an issue. The following information is a compilation of advice from experts across the public policy field and is designed to serve as an outline for nonprofits participating in the lobbying process. There is no ‘best’ way - each one lends itself to a particular type of information sharing. Each overview includes a basic strategy with suggestions and sample scripts.

Phone Calls

Phone calls are most effective when time is short. Also, phone calls can be used immediately following a favorable vote to express your appreciation for the support. When you make your phone call, keep the following points in mind:

- **Identify Yourself as a Constituent** – Ask to speak to your legislator. If he/she is unavailable, take the time to talk with a staff member. If you have met with the legislator or a staff member, remind them of the contact.
- **Make a Phone Appointment** – If possible, schedule your call ahead of time so you can make sure that he/she will be available at an appointed time.
- **Identify the Specific Issue** – If it is a bill, refer to it by number.
- **Briefly State Your Position** – Explain your position and tell your legislator you would like their support through a vote (either for or against).
- **Ask** – your legislator’s view on the issue at hand, they may already have a strong opinion.
- **Offer to Provide Information** – Sending further information may help your legislator make an informed decision, but only send if requested. You may also offer to visit them in person.
- **Express Your Appreciation** – for the time the staff or your legislator spends with you.
- **Timing is Important** – Phone calls are most effective when made within a week of the issue being heard in committee. Another effective time for calling is immediately before your issue goes before the entire legislative body.
- **Keep It Personal** - Personal phone calls are much more effective than a “blitz” of organized, generic phone campaigns.

Sample Script for Phoning a Policymaker

If you reach the Representative, ask if this is a good time to talk. If not, ask him/her when you can call back. If you reach a staff member who says the Representative is unavailable, ask if they can direct you to someone who can assist you. Most likely, they will be able to take note of your concerns.

Hi. I am Susan Voter, calling for Assemblyman John Smith. I live at 123 Green Valley Circle in your district.

****If you get voicemail, leave a message:***

I am calling to urge your support of SB66. This bill authorizes the Attorney General's Office to organize a statewide multi-disciplinary team to review the deaths of domestic violence victims. It also expands the authority of the courts and local agencies to organize such teams. These death review teams will only review adjudicated cases and make recommendations as to how to better respond to and prevent domestic homicides.

Again, I urge your support of SB 66. If you have any questions or comments, please call me back at 555-5555. Thank you for your time and for your public service.

E-mail

E-mail is a quick and efficient way to communicate with your legislators. Be careful with your form, structure, formality, and spelling. You are still making an impression and you want it to be credible. Here are some tips for sending effective e-mails:

- **Legislators Get Hundreds of Emails** – Make sure your subject line lets the legislator know the contents of the email. Example: Support SB 66.
- **Show You are a Constituent** – Put your name and address at the top of your message.
- **Make Your Message *Personal*** – Share your experiences, feelings, and beliefs about your specific issue. This information “humanizes” the issue and illustrates the potential impacts.
- **Be Brief** – Share only the strongest points regarding your issue. Limit these points to two or three short paragraphs.
- **State Your Request Plainly** – “I would like your support on SB 66.”
- **Timing is Everything** – Send your message when the legislation is being considered.
- **Be Respectful** – Don’t threaten or be argumentative in your e-mail.
- **Do Not Send Attachments** – Offer to send support information if it is requested.
- **Do Not “Spam”** – Do not send repeated e-mails every day. Your message will be lost and your credibility damaged.
- **Do Not Send Mass Messages** – Don’t send a copy of your message to everyone in Congress. This mass “cc” undermines the direct link you are trying to establish with your legislator.
- **Proof Your Message** – Take a break before you press “send” and then review your message again.
- **Thank Your Legislator** – Thank them for taking the time to read your message and ask for a response and commitment.
- **Understand** – Most likely if you get a response it will be written by a staff member, and that is okay. The support staff for a Representative is imperative to the work.

Sample E-mail to a Policymaker

To: Assemblyman John Smith
From: Susan Voter
Subject: Support SB 66

Hello Assemblyman Smith,

I am Susan Voter and I live at 123 Green Valley Circle in your district.

I am writing to urge your support of SB66. This bill authorizes the Attorney General's Office to organize a statewide multi-disciplinary team to review the deaths of domestic violence victims. It also expands the authority of the courts and local agencies to organize such teams. These death review teams will only review adjudicated cases and make recommendations as to how to better respond to and prevent domestic homicides.

Again, I urge your support of SB 66. If you have any questions or comments, please contact me via my email address. Thank you for your time and for your public service.

Susan Voter

Writing Letters

An important way to get a legislator's attention is with a short, well-reasoned letter. Writing a letter to your legislator does not have to be a chore. You are taking a stand and advocating your position. By writing to your legislator, you are engaging in your political system. Your voice is being heard.

- **Identify yourself as a Constituent** — Put your name and complete address on both the envelope and the letter. It's important to identify yourself as a constituent so your legislator will know you live in his/her district. Additionally, it will make it easier for your legislators to contact you with questions if they want more information. Do not use postcards!
- **Use Proper Salutations** — Address your legislator as "The Honorable." Also, be sure to use their correct title, e.g. Representative, Assembly Member. Use "The Honorable" in the address and the office title in the salutation (Dear Representative Smith).
- **Keep It Short and Simple** — Keep the length of your letter to two pages at the most. In the first paragraph, state your purpose and what you want. Don't get into an extensive explanation or argument. Stick to your main point. Refer to the issues specifically or by bill number, if possible.
- **State Your Position** — Make your position and/or request clear in both your opening and closing paragraphs. Be specific. State what action you want. If you want to advance a piece of legislation, say so. If you want support on a particular issue, request it.
- **Personalize Your Message** — A personal letter is much more effective than a form letter. Persuasive constituent mail humanizes issues by placing them in a local, personal context. Share your personal story to illustrate your point and position.
- **Do Not Enclose Additional Material** — Additional reports or articles are rarely read or filed. If you have a good resource, simply mention it in your letter and offer to send a copy upon request. Don't overwhelm the office with paper or you run the risk of your letter being discarded along with the mass of additional material.
- **Do Not Exaggerate or Lie** — Stick to your facts and experiences. Exaggeration undermines your credibility. Many legislators and staff become adept at spotting a tall tale. Be a source of reliable information.
- **Make Your Message Timely** — Don't procrastinate. Timing is critical. If your letter arrives too early, it may be forgotten before the vote. If it arrives too late, it will be ineffective. Be aware of the legislative process and time your letter accordingly.
- **Keep a Copy** — Keep a copy of your letter for your own records. Note the date you sent the letter so you can estimate the reply, if requested.
- **Use Plain Paper** — Save your fancy stationery for your friends. Write your letter in business style on plain paper. If you need a reminder about business letter formats, there are numerous books in your library or on the internet that show you how to create a letter in business style.

Sample Letter Supporting Legislation

The Honorable John Smith
c/o Nevada Senate
401 South Carson Street
Carson City, NV 89701-4747

Dear Senator Smith:

I am writing to urge your support of SB 66, which authorizes the Attorney General's Office to organize a statewide multi-disciplinary team to review the deaths of domestic violence victims. This bill is part an ongoing effort to improve Nevada's response to domestic violence, as this state repeatedly is in the top five states for domestic homicides. It also expands the existing authority of a court or local agency to organize such teams. These teams will only review adjudicated cases and make decisions as how to better respond to and prevent these social catastrophes in our communities. Your consideration and support will be greatly appreciated.

Sincerely,

Susan Voter
123 Green Valley Lane
Reno, NV 89510
(775) 555.5555
svoter@yahoo.com

Testifying Before the Legislature

When you speak before a group of government officials who are conducting a public hearing on a proposed law or a government policy, your remarks are called “*testimony*.” These hearings, often required by law, are opportunities for individuals to tell whether they are in “support”, “opposition”, or “neutral” on a bill or a policy. Officials may not always want to hear what you have to say, but you always have a right to be heard at an official public hearing.

According to *Speak Out: A Short Guide to Citizen Lobbying in Missouri*, “When you testify — whether it is in a formal hearing, a face-to-face meeting or another type of public forum — follow these general rules:”⁷

- **Be Brief and to the Point** — This makes it easier to keep the officials interested in what you have to say. Try not to repeat what others have already said.
- **Face the Committee When You Speak** – Begin by identifying yourself for the official record. Tell whom you represent, what your organization does, what it stands for, the number of members it has, what other group it is affiliated with, i.e. NCEDSV.
- **Give a Clear Statement of Your Position** – “*We are opposed to this bill and urge you to vote against it.*” Then state the reasons for your position.
- **Don’t Try to be More of an Expert Than You Are** — just give your own reasons for your position, in your own words. Your sincerity is a valuable asset.
- **Give Examples to Support Your Position** – If you have case histories, statistical data, etc., give it to the committee in written form and summarize it orally. Be careful to provide a limited amount of paper: three pages maximum, if possible.
- **Do Not Read Your Entire Statement** – Use notes, an outline, or whatever you need. Eye contact with the persons you’re addressing is very important.
- **End Your Remarks** – Thank the committee and offer to answer any questions they may have.
- **Dress to Impress** – It is no secret that appearance is important to some and your first impression can mean a lot, but dress comfortably, so you can relax and *be yourself*.
- **If You Can’t Make the Meeting** – Legislative committees will accept written testimony when an interested person or group can’t be present to testify in person. However, unless the chairman or a committee member asks for and uses this written statement, it will receive little attention.

⁷ <http://www.ncdsv.org/images/TenCommandmentsofLobbying.pdf>, Originally an excerpt from *Speak Out: A Short Guide to Citizen Lobbying in Missouri*, produced by the Coalition for Sensible and Humane Solutions.

Sample Testimony

April 28, 2011

Chair William Horne
Assembly Judiciary Committee
Nevada State Assembly
Legislative Building
Carson City, NV 89701

Chair Horne and Members of the Committee;

My name is Susan Voter. I am the Executive Director of the Nevada Coalition to End Domestic and Sexual Violence (NCEDSV), the statewide coalition of domestic violence programs in Nevada. I am here to speak in support of SB 66 which allows the Nevada Attorney General's Office to convene fatality review teams to review domestic violence homicides.

Since 1995 NCEDSV has been collecting information about domestic violence homicides in Nevada. I have attached our list for 2009. It is an unscientific process. We have volunteers who review newspaper clippings and pull information about domestic homicides. We began this process in 1995 to create the Nevada Silent Witness Project and have continued it until today. These accounts provide only a snapshot of the end of a life. Fatality review seeks to examine the totality of the relationship and identify what could have been done differently to prevent this deadly outcome.

Nineteen states, including Nevada have statutes convening fatality review teams for domestic violence. In some states those teams are based solely in communities, in other states they are entirely a statewide effort and in other states it is a combination of the two. While Washoe County has had a team for many years and Clark County is working to reconstitute their team, rural communities may find it difficult to sustain a team over time. This bill would provide an option for a state team to conduct reviews in communities that don't have a standing team or to be a resource for those who do.

We know that Nevada ranks high (per capita) in the number of women killed by men using handguns. You have the stories of the 19 individuals killed in 2009 as a result of domestic violence and the 5 individuals who subsequently took their own lives. The goal of this bill is to create a process to better understand why these murders and suicides occur and to develop or improve processes that will prevent these tragedies.

I appreciate your attention to my testimony and would be happy to answer any questions you might have.

Social Media

According to the National Priorities Project, “The newest and easiest method of contacting your representatives is through social media sites like Facebook, Twitter, and Instagram. While phone calls and letters may still carry more weight in the eyes of lawmakers and congressional aides, speaking to your legislators through social media has the advantage of occurring in the public eye. When you comment on your legislator’s Facebook page or send a tweet, other constituents can read your message. This may spark a dialogue. It could also help increase awareness about the issue you’re raising and build support for your cause.”⁸

However, this can also create conflict if those who oppose your view are more numerous or more vocal online. You should use social media with extreme caution when it comes to policy issues. Some things you may consider using social media for include:

- **Ask Questions** – Platforms like Facebook and Twitter are a place to ask a specific question of your legislator such as, “Where do you stand on...,” “Are you following...,” or “Are you supporting...?”
- **Respond** – Respectfully respond to post made by a legislator about issues you are passionate about. However, avoid getting into confrontations with other posters whose views vary.
- **Encourage** – If there is a bill coming up, encourage your legislator to take an affirmative or negative stance on the issue with a one sentence reason as to why.
- **Thank Them** – When your legislator takes action, take the moment to thank them publically via social media. They will appreciate the public accolades and acknowledgement.
- **Be Aware** – Many legislators pay close attention to social media. NCEDSV cautions members from saying negative things about members of the legislature. This can impact future relationships and conversations. Focus on positive messaging and fact based information.
- **Personal Accounts** – Even if you are tweeting/posting from your own personal account and not your organizational account, remember that legislators and the public may still associate your message with that of your organization.
- **Don't Feed the Trolls!** – Social media can be a place where negative conversations emerge quickly. NCEDSV recommends not responding to negative comments as this rarely resolves or brings clarity to an issue.

⁸ <https://www.nationalpriorities.org/take-action/contact-your-representative/>

Sample Social Media

Twitter



NCEDSV
@ncedsv



Following

@legislator we urge your support for AB162. This bill keeps victims safe in Nevada!

← Reply ↻ Retweet ★ Favorite ⋮ More

4:22 PM - 7 Dec 16 · ...

Facebook



Sarah Sample

"@legislator, have you seen this report on how greater funding for prevention can help keep kids safe from violence?"

www.nytimes.com/newdvprograms

Like · Comment · 9 minutes ago · 🌐

👍 34 people like this.



Write a comment ...

Tour Your Facility

One more way to not only engage local, state, and national policymakers, but also get them passionate about your organization and the work you are doing, is by getting them to visit your program or to attend an event. Legislators and other elected officials want to meet and hear from their constituents, and learn about organizations that help their constituents. In-person visits can help forge strong relationships with your program and build their understanding of victim services.

If you do not have a relationship with your state representatives and need assistance, NCEDSV's Policy Department is willing and able to help make these connections.

Once a representative has agreed to tour, it is crucial to make the most of the time you have with them, but remember that legislator's schedules can change in an instant and you will need to remain flexible. Most state legislators have full time jobs outside of their duties as an elected official. They may arrive early, late, reschedule, or even cancel last minute. Remember this when doing anything that will fiscally impact your program in relation to the tour.

Hosting a program "Open House" to welcome multiple representatives, community leaders, policymakers, donors, media members, etc. may also be a good option for your organization. Although this takes more planning and has a higher cost (refreshments, marketing, staffing, etc.), it may be beneficial to welcome many people at once rather than offering individual tours of your program.

*** Remember, if you will be taking a tour of a shelter, make sure all participants are aware of your confidentiality policy and have a signed confidentiality agreement before the tour. NCEDSV does not recommend inviting the press. However, if press will be attending or following the legislator, make sure they are aware of your confidentiality policies.

Nevada Legislative Introduction

Overview

Nevada has a bicameral legislature which consists of the Senate and the Assembly and meets on a biennial basis. The Legislature is composed of a 42 member Assembly and a 21 member Senate. During biennial regular sessions, which are limited by a Constitutional amendment to 120 days, the Legislature works on proposed new laws and regulations, deals with proposed changes to existing statutes, and adopts a budget for the next two years. Every 10 years after the federal census, the Nevada Constitution requires the Legislature to reapportion district boundaries to reflect population changes.

Nevada Assembly and Senate

Just like the United States' Congress, each of Nevada's houses serves a unique, but collaborative, function together as "The Legislature of the State of Nevada".⁹ The Nevada Constitution limits the number of both houses to a total of 75 members, requiring the Senate to be at least one third, but no more than one half, the size of the Assembly. However, a 1983 Nevada statute has since limited the Assembly to 42 members and the Senate to 21.

Most of these legislators represent districts in Clark County (Las Vegas) and Washoe County (Reno), where the majority of Nevada's population are concentrated. The remaining legislators represent rural residents spread across the vast open spaces of Nevada.

Regular Sessions of the Nevada Legislature

The Nevada Legislature is one of only six states to meet on a biennial (every two years) basis, which occurs during odd-numbered years. Regular sessions begin on the first Monday in February and are limited to 120 days due to a 1988 Constitutional amendment. One of the top priorities of each Legislative session is for the members to adopt and pass the state budget for the next two years. The Governor is constitutionally required to submit their proposed budget to the Legislature at least two weeks before the regular session begins.

⁹ <http://www.leg.state.nv.us/Division/Research/Publications/PandPReport/14-L.pdf>

Special Sessions of the Nevada Legislature

Any official state business which does not occur within the mandated 120-day regular session, must be completed in a special session called by the Governor. Special sessions are unique in that the Governor controls the agenda and must state the specific purpose for calling the session in a proclamation. While it is usually related to a budget issue, it can be on any issue the Governor feels needs immediate attention and cannot wait until the next regular session. The Legislator may only act on the issues on hand and may not submit proposals of their own into the session.

Terms of Office

Assembly members serve two-year terms, requiring elections every two years. Members of the Senate serve four-year terms, with elections staggered every other year between the 21 seats. Term limits were adopted in 2010 and members can only serve 12 years in either house, however, they can serve office in the other house once they meet their term limit, with another 12-year limit in the additional house.

Legislative Council Bureau

The Legislative Council Bureau is a state agency that provides staff support to the Legislature through several divisions - fiscal, legal, research, audit, and administrative. The Bureau is non-partisan and is supervised by a Legislative Commission composed of six members from each house of the Legislature.¹⁰

Interim Committees of the Nevada Legislature

While regular sessions may only occur every other year, a number of interim committees research, debate, hold public hearings, and make recommendations on various issues for the twenty months before the next regular session. Examples of interim committees include the Legislative Committee on Child Welfare and Juvenile Justice, the Legislative Committee on Education, and the Legislative Committee on Energy.

Nevada Legislature Live Online Broadcasts

Live broadcast of various meetings and proceedings are available online on the “Live Broadcast” page of the Nevada Legislature website. All floor meetings of both the Senate and the Assembly are broadcasted on the website.

¹⁰ <http://www.leg.state.nv.us/Division/LCB/>

Nevada Legislative Process

Law Making 101

Passing a bill in the Nevada Legislature may seem like a daunting task, but while the process is laborious and can take many unexpected turns, it is doable if you are patient, steadfast, and diligent in your efforts. The following is a guide created by the Nevada Legislative Counsel Bureau to show the basic steps involved with the legislative process.¹¹

Initial Steps by the Author

- **Idea:** Sources of ideas for legislation include state agencies, local governments, elected officials, businesses, lobbyists, organizations and citizens.
- **Drafting:** Requests for drafting may be made by the Governor, legislators, legislative committees, state agencies and local governments. A staff attorney for the Legislature prepares a formal draft of a bill.
- **Introduction and First Reading:** A bill is submitted for introduction by an individual legislator or committee chairman. The bill is then numbered, read for the first time, referred to the committee and printed. A bill or resolution may be introduced in either the Senate or the Assembly and cosponsors in the other house may be listed on the front of the measure. A bill however must begin in the sponsoring legislator or chairman's house of origin.

Action in the House of Origin

- **Committee:** A committee holds a hearing to take testimony and gather information about the bill. The committee may recommend that the House pass a bill as it is written, pass it with amendments or not pass it at all. If members of a committee feel a bill requires further committee consideration, it may recommend that the legislative house amend the bill and re-refer it to the same committee or that it re-refer the bill to a different committee. Finally, a committee may vote to indefinitely postpone consideration of a bill, in effect "killing the bill", or it may take no action at all. After committee reports are read, bills are placed on second reading for the next legislative day unless the committee recommends the bill be placed on a Consent Calendar. This action is limited to certain, non-controversial bills reported out of committee with no amendments
- **Second Reading before the Full House:** A bill given a "Do Pass" recommendation is read a second time before the House and placed on the General File for debate and vote. A bill that is given an "Amend and Do Pass" recommendation is read a second time, amended and reprinted before being placed on the General File for action.

¹¹ <http://www.leg.state.nv.us/Division/Research/Publications/LegManual/2011/AppC.pdf>

- **Floor Debate and Vote by the Full House:** Bills are read a third time and debated. A roll-call vote follows. For passage of a measure that requires a constitutional majority, 11 votes are needed in the Senate and 22 in the Assembly. The passage of a measure that imposes or increases a tax or fee requires a two-thirds majority or 14 votes in the Senate or 28 votes in the Assembly. A measure that does not receive at least the required number of votes is defeated. Any member who votes against a measure that is defeated may serve notice of reconsideration to request a second vote. All bills that are passed by the first legislative house are then forwarded to the second legislative house where the process begins again.

Action in the Second House

- **First Reading:** The bill is read for the first time and referred to committee.
- **Committee:** Procedures and possible actions are identical to those in the first legislative house, or house of origin.
- **Second Reading before the Full House:** If passed by the committee, the bill is read a second time and placed on the daily file, or agenda, for debate and vote.
- **Floor Debate and Vote by the Full House:** The procedure is identical to that in the first legislative house. If the second legislative house considers and passes a bill without amendment, it is returned to the first legislative house for enrollment and transmittal to the Governor. Resolutions that are passed are routed to the Secretary of State. If the second legislative house amends a measure, it is returned to the house of origin for consideration of amendments.

Resolution of Differences as Necessary

- **Consideration of Amendments:** The house of origin decides whether to accept the second legislative house's amendments. If the house of origin accepts the amendments, the bill goes to the Governor. If the amendment is rejected, the bill is returned to the second legislative house for a decision whether to withdraw the proposed changes. If the second legislative house does not recede, the bill is referred to a two-house conference committee.
- **Conference:** After meeting, the conference committee attempts to reconcile the differences and presents its recommendation in the form of a conference report and both legislative houses vote on the report. If both legislative houses accept the report, the bill goes to the Governor. If either legislative house rejects the report, a second and final conference committee may be appointed. The bill dies if the members of the second conference committee fail to agree.

Role of the Governor

Generally, the Governor must act on a bill within five days of receiving it if the Legislature is still in session, not including Sundays. However, if there are fewer than five days remaining in session, or if the bill is delivered after the adjournment or sine die (end of session), the Governor has 10 days to act following sine die. The Governor may sign the bill into law, allow it to become law without signature or veto it. A vetoed bill returns to the house of origin for a possible vote of overriding the veto. An override requires a two-thirds majority vote of both legislative houses. If the Governor vetoes a bill following sine die, it returns to the next legislative session. Measures become effective on October 1 following the end of the legislative session, unless otherwise specified in the bill.

*The process for a resolution varies slightly depending upon whether it is a simple, concurrent or joint resolution. Deadlines for final action on bills and resolutions by committee and house are typically established by rule at the beginning of session.

Assess Your Legislative Knowledge

Understanding who the players are in the legislative process and being comfortable communicating with them is an important part of legislative advocacy. The quiz below will help you identify what you know and what you don't know. It is not meant to be a comment on your IQ rather a tool to help you broaden your awareness of the variety of players in the process.

Please fill out and score this exercise before you begin reading this handbook.

DIRECTIONS: Answer Y for Yes, N for No

1. ___ Do you know the name of your Governor and Lt. Governor?
2. ___ Do you know the name of your State Representative?
3. ___ Do you know the name of your State Senator?
4. ___ Do you know the name of your Attorney General?
5. ___ Do you know the names of your District, Municipal and Justice Court Judges and Mayor?
6. ___ Have you ever written one of the people mentioned above?
 - Bonus: ___ Have you written to one of the people above more than once?
7. ___ Have you ever met personally with one of the people mentioned above?
8. ___ Do you know how to find out where a bill is in the process in the legislature?
9. ___ Do you know how much money from the state goes to domestic and sexual violence programs?
10. ___ Do you know your police chief?
 - Bonus: ___ Have you met with the chief regularly?
11. Do you know your local sheriff?
 - Bonus: ___ Have you met with the sheriff regularly?
12. ___ Do you know the District Attorney/Prosecutor?
13. ___ Do you know at least one of your judges?
14. ___ Have you ever visited with the Editorial Board of your newspaper?

Scoring: Give yourself 1 point for each "yes" answer.

Total ___

SCORES:

A Legislative Wizard:	16 +
A Legislative Expert:	12 – 15
A Legislative Advocate:	9 – 11
A Legislative Novice:	6 – 8
A Legislative Beginner:	0 – 5

Online Resources

1. To listen or view a legislative meeting via computer:
 - <http://www.leg.state.nv.us/MeetingDisplay/AudioVideo/>
2. To look a bill from last session, watch testimony, see exhibits submitted for the bill:
 - <https://www.leg.state.nv.us/App/NELIS/REL/80th2019>
3. To find a lobbyist or an organization who has a lobbyist:
 - <https://www.leg.state.nv.us/Lobbyist/80th2019/Lobbyist>
4. Contact information on Legislators
 - <http://asm.leg.state.nv.us/Assembly/>
 - <https://www.leg.state.nv.us/Senate/>
5. To find out who your legislator is:
 - <http://mapserve1.leg.state.nv.us/whoRU/>
6. To sign up to receive information on a committee:
 - <https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2019>
7. Frequently asked questions:
 - <http://www.leg.state.nv.us/Division/Research/Library/FAQ/FAQ.cfm>

Please note: All web links provided are current and active as of 8/2/2019. Please contact the NCEDSV Policy Department if you reach an inactive link and need assistance alternatively finding the information.