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[Patricia\\_Nault@health.state.ak.us](mailto:Patricia_Nault@health.state.ak.us)**UNDERSTANDING LOBBYING RULES RELATED TO  
THE TURNING POINT MODEL STATE PUBLIC  
HEALTH ACT**

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This information is provided for the purpose of helping organizations that receive funding from the Robert Wood Johnson Foundation (RWJF) understand the lobbying constraints imposed in federal tax rules on tax-exempt private foundations. These rules limit the ways in which RWJF grant funds may be used to communicate about the Turning Point Act.

According to federal tax rules, lobbying is defined as *attempting to influence legislation*. The Turning Point Act is considered to be legislation for the purposes of tax rules. Tax rules define the kinds of activities that are considered to be lobbying; the rules also define six types of communications that are not considered to be lobbying. RWJF funds cannot be spent on any activity that is defined in tax rules as lobbying, but it can be used to support activities that are defined as exceptions to lobbying.

The following information is excerpted from Internal Revenue Service Publication 557:

*Attempting to influence legislation* means:

1. Any attempt to influence any legislation through an effort to affect the opinions of the general public or any segment thereof (grassroots lobbying), and
2. Any attempt to influence any legislation through communication with any member of or employee of a legislative body or with any government official or employee who may participate in the formulation of legislation (direct lobbying).

However, the term *attempting to influence legislation* does not include the following activities.

- 1) Making available the results of nonpartisan analysis, study, or research.
- 2) Examining and discussing broad social, economic and similar problems.
- 3) Providing technical advice or assistance (where the advice would otherwise constitute the influencing of legislation) to a governmental body or to a committee or other subdivision thereof in response to a written request by the body or subdivision.
- 4) Appearing before, or communicating with, any legislative body about a possible decision of that body that might affect the existence of the organization, its powers and duties, its tax-exempt status, or the deduction of contributions to the organization.
- 5) Communicating with a government official or employee, other than:
  - a) A communication with a member or employee of a legislative body (when the communication would otherwise constitute the influencing of legislation).
  - or
  - b) A communication with the principal purpose of influencing legislation.

Also excluded from the definition of lobbying are communications between an organization and its bona fide members about legislation or proposed legislation of direct interest to the organization and the members, unless these communications directly encourage the members to urge nonmembers to attempt to influence legislation, as explained earlier.

Additional information about lobbying is available at [www.irs.gov](http://www.irs.gov) and from *Being a Player: A Guide to the IRS Lobbying Regulations for Advocacy Charities* which is available for purchase at [www.allianceforjustice.org](http://www.allianceforjustice.org).