

NEW YORK STATE OFFICE FOR THE AGING

GRANT POLICY MEMORANDUM

LOBBYING AND FUNDRAISING ACTIVITIES

Lobbying

Grant funds administered by the New York State Office for the Aging (NYSOFA) are public tax dollars provided by the State to non-profit or public agencies to serve the older adults of New York State.

State funds cannot be used for any partisan political activity or for lobbying. For purposes of this memorandum, lobbying is generally considered to be any activities with the potential to influence legislation or the election or defeat of any candidate for public office.

NYSOFA can fund advocacy efforts for older adults' interests only when they are solely informational and educational. Such activities that involve older adults, community leaders, members of the public or non-partisan community groups, are not considered lobbying. These activities are fundable by a grant if the purpose stated on the Legislative Initiative Form provided to NYSOFA permits that kind of service to be funded.

Efforts in support of older adult interests, or any special interest, that are made to Legislators, the Governor or their respective staffs are considered lobbying since these individuals have the authority to participate in enacting or approving legislation. These efforts cannot be funded by a grant.

Liaison activities such as attendance at legislative or committee hearings are unallowable, as well as the gathering of information regarding legislation or analyzing the effects of legislation for the purposes of supporting lobbying efforts.

Combined activities that include informational and educational activities, as well as any planned or formalized communication with Legislators or their staffs intended to influence legislation, are also not fundable since the lobbying effort would influence the non-lobbying activities that are an inherent part of the advocacy effort. In the event that the lobbying efforts can be shown to be incidental to the informational and educational activities, NYSOFA may consider funding the allowable portion of the activities.

Examples:

- 1) A conference held with other social action groups within the geographic area served by the sponsoring organization(s) that includes educational seminars on older adult issues, older adult leadership training, advocacy, or the status of various Federal and State statutes that affect older adult interests is fundable. If political leaders are invited to speak at such a conference based on their expertise on older adult issues, and attend and share this expertise with the older adults who attend the conference, this is not

considered lobbying. The conference is still fundable in such a case. Honoraria to the Legislative speakers cannot be funded under the grant.

2) If a similar type of conference, as in No. 1 above, includes attendance by, organized visits to, or meetings with members of the Legislature or the Governor (or their respective staffs) to discuss older adult issues for the purpose of gathering information regarding legislation, or analyzing the effects of legislation, this changes the nature of the conference. These types of activities would be interpreted as lobbying efforts. In this instance, the entire trip and conference are unfundable by a grant as they are considered part of a lobbying activity.

Older adults can take tours of the Legislative chambers and/or Legislative offices or of the Capitol in general as an educational activity, but, where the tour includes personal visits with the Governor, Legislators or their staffs, or any organized effort to visit these individuals, there is the possibility of influencing legislation and the lobbying issue would arise. As a State Agency, we are held to a very strict standard regarding the use of public funds, and we can only approve the use of grant funds for purposes that are unquestionably non-political in nature.

Because Albany is the State Capitol and it is where the Legislature and Governor enact legislation, we require that any proposed grant funded trips to Albany are explained in detail in terms of the planned activities to be conducted by the grantee. Any reimbursement request for costs associated with travel to Albany will not be paid if lobbying activities are conducted.

The prohibition as to lobbying activities also extends to district offices of State Legislators and the Governor, as well as **local** legislative bodies and their staffs.

Other non-fundable activities would include, but are not limited to:

- Educational conferences or other events where only political leaders affiliated with one party or holding one political viewpoint are invited to attend;
- Trips held at the Capitol or local government buildings that include an older adult rally or organized protest;
- Any miscellaneous costs associated with lobbying trips (e.g., printing of programs, conference videotaping).

An application for funding or reimbursement request that includes costs that appear to be associated with lobbying activities will not be approved and/or paid by NYSOFA unless we can make a determination that no lobbying activities were conducted. If you have any questions as to whether an activity is allowable, you should write to the NYSOFA for a determination before planning for or incurring such expense with grant funds.

Fundraising

Grant funds cannot be used for any fundraising activities. Such activities include financial campaigns, endowment drives, raffles, fundraising dinners or any other solicitation of funds or gifts. Expenses associated with such activities cannot be paid for with grant funds (e.g., supplies, printing and postage cost for mailing).

An employee or consultant cannot be paid to organize, coordinate, or perform fundraising activities with grant funds. If this individual also performs other allowable duties, their salary or fee should be prorated so that only non-fundraising duties are funded with the grant. Grant funds also cannot be used to hire personnel or consultants to perform grant or proposal writing as these are also considered fundraising.

If you have any questions concerning lobbying or fundraising issues, please contact our office at (518) 473-4808.