

## DOCUMENT RESUME

ED 444 733

PS 028 822

AUTHOR Burrall, Alexandra; Schaefer, Stephanie  
TITLE Spark the Debate: An Electoral Tool Kit. What State and Local Child Advocates Need To Know for Election 2000 and Beyond.  
INSTITUTION National Association of Child Advocates, Washington, DC.  
PUB DATE 2000-00-00  
NOTE 77p.  
AVAILABLE FROM National Association of Child Advocates, 1522 K Street, NW, Suite 600, Washington, DC 20005. Tel: 202-289-0777; Fax: 202-289-0776; Web site: <http://www.childadvocacy.org>.  
PUB TYPE Guides - Non-Classroom (055)  
EDRS PRICE MF01/PC04 Plus Postage.  
DESCRIPTORS Activism; \*Child Advocacy; Child Health; Child Welfare; \*Children; Day Care; Early Childhood Education; \*Elections; Federal Legislation; Internet; Juvenile Justice; Legal Responsibility; \*Lobbying; \*Political Issues; Politics; Poverty; Public Officials; \*Public Policy  
IDENTIFIERS Welfare Reform

## ABSTRACT

Noting that the national, state, and local elections in 2000 provide an important opportunity for child advocates nationwide to make their message known, this kit is designed to assist child advocates in their electoral advocacy efforts. The kit includes questions for candidates, ideas for action within individual communities and states, voter statistics, public opinion information on children's issues, and resources related to advocacy. Section 1 of the kit provides tips for posing questions to candidates and lists sample questions in the following areas: (1) general children's issues; (2) child health; (3) child welfare; (4) early care and education; (5) devolution/welfare reform; and (6) juvenile justice/prevention. Section 2 presents statistics and facts to use with candidates on education, the family, health care, race, welfare and poverty, crime, and child care. Section 3 details techniques that child advocates have found effective in the past and suggests ways to connect nonpartisan politics to children's policy. Section 4 discusses what nonprofit organizations registered as 501(c)(3) organizations can legally do, including lobbying and election-related activity on the Internet, and federal law governing election-related advocacy. Section 5 provides statistics on voter registration, demographics, and voter turnout. Section 6 delineates the number of openings in each state for the U.S. Congress, state legislatures, and governors; describes each state's term limits; and discusses the problems with term limits. Section 7 discusses strategies for following up and monitoring elected officials by analyzing governors' first budgets or whether the implementation of programs follows candidates' promises. Section 8 lists resources. (KB)

ED 444 733

U.S. DEPARTMENT OF EDUCATION  
Office of Educational Research and Improvement  
EDUCATIONAL RESOURCES INFORMATION  
CENTER (ERIC)

This document has been reproduced as received from the person or organization originating it.

Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.



National Association of  
Child Advocates

---

**Spark the Debate:**  
**Electoral**  
**Tool Kit**  
**2000**



PERMISSION TO REPRODUCE AND  
DISSEMINATE THIS MATERIAL HAS  
BEEN GRANTED BY

Nancy S.  
Scanyers

TO THE EDUCATIONAL RESOURCES  
INFORMATION CENTER (ERIC)

1

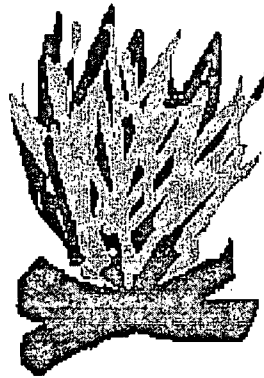
IS 028822

**"I hope... you realize that we politicians answer these questions as you would want us to answer them, yet follow-up is often lacking. Lots of legislators know full well that it's in the committees and with leadership that decisions helping/hurting children happen, and that we can say we support an issue, but unless we are willing to track every step and go to the mat early and often, our promises of support are empty ones.**

**Keep our feet to the fires!" - May 29, 2000**

**Senator Susan W. Longley, State Senator, Maine**

# **Spark the Debate: An Electoral Tool Kit**



## **What State and Local Child Advocates Need to Know for Election 2000 and Beyond**

028822



National Association of Child Advocates  
1522 K St., NW \* Suite 600 \* Washington DC 20005  
202-289-0777 \* 202-289-0776 (fax)  
[www.childadvocacy.org](http://www.childadvocacy.org)  
Prepared by: Alexandra Burrall and Stephanie Schaefer



# NATIONAL ASSOCIATION OF CHILD ADVOCATES

"Raise Your Hand For Kids"

June 2000

☆ NACA's Nationwide Network ☆

- VOICES for Alabama's Children
- Children's Action Alliance - Arizona
- Arkansas Advocates for Children & Families
- Children Now - California
- Children's Advocacy Institute - California
- Coleman Advocates for Children & Youth - California
- Kids in Common - California
- Colorado Children's Campaign
- Connecticut Association for Human Services
- Connecticut Voices for Children
- KIDS COUNT in Delaware
- DC Action for Children
- The Center for Florida's Children
- Georgians for Children
- Hawaii Kids Watch!
- Idaho KIDS COUNT
- Voices for Illinois Children
- Indiana Youth Institute
- Child & Family Policy Center - Iowa
- Kansas Action for Children
- Kentucky Youth Advocates
- National Institute on Children, Youth & Families, Inc. - Kentucky
- Agenda for Children - Louisiana
- Maine Children's Alliance
- Advocates for Children and Youth - Maryland
- Maryland Association of Resources for Families & Youth
- Massachusetts Children's Campaign
- Michigan's Children
- Children's Defense Fund - Minnesota
- Mississippi Forum on Children and Families
- Citizens for Missouri's Children
- Voices for Children in Nebraska
- Children's Alliance of New Hampshire
- Association for Children of New Jersey
- New Mexico Advocates for Children & Families
- Citizens' Committee for Children of New York
- Rochester Area Children's Collaborative - New York
- Statewide Youth Advocacy, Inc. - New York
- Westchester Children's Association - New York
- North Carolina Child Advocacy Institute
- Kids Are Important in North Dakota
- Children's Defense Fund - Ohio
- Voices for Children and Families - Ohio
- Oklahoma Institute for Child Advocacy
- Children First for Oregon
- Pennsylvania Partnerships for Children
- Philadelphia Citizens for Children & Youth
- Rhode Island KIDS COUNT
- Alliance for South Carolina's Children
- South Dakota Coalition for Children
- Black Children's Institute of Tennessee
- A Vision for Children Center c/o Atty Baby Can, Inc. - Texas
- CHILDREN AT RISK - Texas
- Prevent Child Abuse Texas
- Tarrant County Youth Collaboration - Texas
- Texans Care for Children
- Utah Children
- Vermont Children's Forum
- The Action Alliance for Virginia's Children and Youth
- Children's Alliance - Washington
- Virginia KIDS COUNT Fund
- Wisconsin Council on Children and Families
- Wyoming Children's Action Alliance

Dear Colleague,

This year is monumental; elections will occur at the national, state and local levels. Election 2000 provides a great opportunity for child advocates nationwide to make their message known, to make their presence felt and to urge their supporters to be vocal. Candidates and elected officials must be made aware that there is a constituency for children – a constituency who votes.

Electoral advocacy can encompass a broad range of action, from direct contact with the candidates and voter registration, to community interaction and follow-up/monitoring strategies. This tool kit is designed to assist you in your electoral advocacy efforts.

*Spark the Debate* includes questions for candidates, ideas for action within your community and state, voter statistics, up-to-date public opinion on children's issues and critical resources that alert you to what you can and cannot do as a 501c3 organization. We have also included a profile of this year's federal and state elections.

The National Association of Child Advocates hopes that you will take the opportunity Election 2000 presents to spark the debate on children's issues among the candidates who will be representing you and your children in this new millennium. Thank you for working to make children's voices heard and their needs addressed.

Sincerely,

Tamara Lucas Copeland  
President

BEST COPY AVAILABLE



# Spark The Debate

## Table of Contents

### Section 1: Candidates in the Hot Seat - Candidate Questions

- A. Tips for Posing Questions to Candidates
- B. Sample Questions
- C. What to do with responses

### Section 2: Public Concerns - Stats and Facts to Use with Candidates

### Section 3: Get the Community Fired Up - Ideas for Your Organization

- A. Eight Electoral *Great Ideas*
- B. *Connecting Non-Partisan Politics to Children's Policy*

### Section 4: Electoral Advocacy - What can a 501(c)(3) do?

### Section 5: Who Votes? - Voting Statistics

- A. Voter Registration and turnout
- B. Demographics of turnout

### Section 6: US Election 2000

- A. US Congress
- B. State legislatures
- C. Governors

### Section 7: Keeping Their Feet to the Fire

### Section 8: Useful Resources





# **Spark The Debate**

## **Section 1: Candidates in the Hot Seat: Candidate Questions**

### **Tips for Posing Questions to Candidates**

The following tips and questions are intended for use with state and local-level candidates. For questions for federal candidates, please visit NACA's website at [www.childadvocacy.org/candqa.htm](http://www.childadvocacy.org/candqa.htm).

- Make sure your questions are to the point and very focused. This will improve the chance of obtaining substantive answers from candidates and help avoid receiving only generic platitudes about kids.
- Frame questions in a way that enables you to seek and obtain a commitment from the candidate to a policy position. Try to have candidates commit to take a specific action to achieve a desired goal. If you are asking a question orally, asking a yes/no and including an open-ended section is useful.
- If you will be posing your questions orally at a candidate's forum, select only a few questions. Try to find out how many questions you will be able to ask the candidate, and prioritize your questions accordingly.
- If you will be submitting your questions in writing, use that opportunity to provide some background information with a few succinct sentences on the issue, which can serve to educate the candidate.
- Try to have a mix of open-ended questions and Yes/No questions, especially for questions submitted in writing. Open-ended questions allow the candidate to freely characterize his/her position, which can provide insight into the candidate's priorities and overall perspective on the issues. Yes/No questions are effective to obtain the candidate's position on a specific issue.
- To provide a context for your question, lead off with a relevant fact about the issue, and then ask your question.
- The response you are seeking from candidates may vary by the stage of the electoral process. In a primary, since you want to help voters distinguish among the candidates, open ended questions that allow a candidate to stake out his/her position are useful. In the general election, the goal is to have children's issues at the top of the agenda, so questions which lead the candidate toward your desired position can be appropriate.

# Sample Questions for State and Local Candidates

These are sample questions that you can pose to your state and local candidates. We know issues differ from state to state, so use your discretion in selecting the questions which are most relevant to your state or community. We have indicated with brackets where you will need to insert locality-specific information. We recommend sources for this information in Section 8: Useful Resources.

## Children's Issues - General

- Our state budget is running a surplus for the *[X]*th year. How should that surplus be invested to best meet the needs of our children, and what criteria do you use to make that decision?
- Many Americans think kids are in trouble today, and they tend to blame parents for it. Yet parents need economic supports to give them the time and resources they need to do a good job. What steps would you take to help support families in their tough job of raising children?

## Child Health

- *[x]*% of children in *[state]* lack health insurance. If elected, how would you address the issue of health care for children?
- What, if anything, do you see as *[state]* and *[local government's]* role in providing health care services and benefits to children?
- What are some actions that you think would make it easier for businesses to provide health insurance for their employees and families?
- In our state, you must do *[describe steps]* to enroll in *[the health care program/SCHIP]*. What three steps should *[state]* take to simplify the health care coverage enrollment process?

## Child Welfare

- *[x]*% of reports of neglect and abuse in *[state]* are not investigated because there are insufficient staff to do such investigations. What do you intend to do about the pressing need for more resources in the child protective services area?
- *[X]* cases in which children were found to have been abused and neglected in *[state]* received no services to ameliorate the effects of the maltreatment. How do you intend to increase the resources available for services to this vulnerable population?



- Caseworkers in the child welfare system in *[state]* carry on average a caseload of *x* active cases, although the established best practices procedure for ongoing cases is 12 active cases.<sup>1</sup> What steps will you take to increase resources and lower the caseload for these social workers?
- *[X]* foster children in *[state]* have had their parents' parental rights terminated, and are waiting in the foster care system to be placed with adoptive families. What do you plan to do, if you are elected, to recruit more adoptive families for these waiting children?
- The new Foster Care Independence Act authorizes the federal government to make Medicaid coverage and at least \$500,000 available to every state for services for youth ages 18-21 who have graduated from foster care. If elected, would you opt into extending Medicaid to this population? If elected, would you apply for federal funding for independent living services for these youth?

### Early Care and Education

- Many states are supporting the provision of universal prekindergarten for three- and/or four-year-olds. Do you support a universal prekindergarten program? If yes, how would you fund such a program in *[state]* and what would be the role of the existing child care and Head Start infrastructure?
- What steps would you take to ensure that all children enter kindergarten ready to learn?
- How would you describe quality child care? If elected, how would you improve the current quality of child care in *[state]* and ensure that low-income parents can afford quality child care for their children?
- Do you support increasing child care subsidies to reflect the current costs of care, and to allow all low-income, working parents earning up to the state's median income to choose quality care for their children?
- What role, if any, should the *[state]* government have in working with employers to address child care needs of employees?
- Parent copayments for child care subsidies are charged to families whose income is as low as *[x]*. What is your position on restricting copayments to parents earning above *[x]*.
- What would be your strategy to address the high turnover rate among child care providers?

---

DC <sup>1</sup>Child Welfare League of America. (1995). *Child Abuse and Neglect: A Look at the States*. Washington, DC

## Devolution / Welfare Reform

- What policies do you support that will specifically help children growing up in low-income working families?
- Welfare caseloads in *[state]* have declined *[X]* % since *[year]*, but while most of these families have a working parent, nearly all remain below the poverty level. How should *[state]* use the money saved from declining welfare caseloads?
- *[State]* ranks *[x]* among all states for taxing low income families. What tax policies do you support that will specifically help children growing up in low-income families?
- In *[year]*, families in *[state]* will begin to reach their five year lifetime limit on cash assistance paid with federal funds. What should *[our state]* do to protect and serve children in these families?
- Research shows that college graduates are much more likely to earn a living that raises their families above the poverty level. Should parents be able to receive post-secondary education, such as attending community college, while on welfare, and what supports should the state provide these families?
- While welfare caseloads have declined *[x]*% since *[year]*, the Medicaid caseloads have declined even more--a full *[X]*%, and food stamps have declined *[X]*% over the same period. What steps should our state take to ensure that those leaving welfare continue to receive other benefits for which they are eligible and which they need to maintain self sufficiency?

## Juvenile Justice / Prevention

- Do you support increasing state funding to address prevention of youth violence? If so, where would you invest expanded funding?
- *[x]*% of our children died as a result of firearms last year. What measures would you support to prevent children's access to guns?



Spark the Debate: Section 1

National Association of Child Advocates

1522 K St., NW, Suite 600 \* Washington DC 20005 \* 202-289-0777 \* 202-289-0776(fax)

Prepared by: Alexandra Burrall and Stephanie Schaefer

Contact Stephanie for more information at ext. 203 [schaefer@childadvocacy.org](mailto:schaefer@childadvocacy.org)

Helpful suggestions for this section were provided by Dana Naimark, Assistant Director at Children's Action Alliance in Arizona and Senator Susan W. Longley, Maine Senator. Some questions were adapted from candidate questionnaires developed by CAA and Colorado Children's Campaign



# Spark The Debate

## Section 2: Public Opinions: Stats and Facts to Use with Candidates<sup>1</sup>

This is national data on what Americans feel are their priorities.

### On Education:

- Nearly all Americans (89%) say education will be either a "very or extremely important" consideration in voting for President.
- The public says that lack of parental involvement, drugs, undisciplined students, and overcrowded classrooms are the biggest problems facing public schools.
- More than half (51%) of black parents call underachievement among black students a "crisis".
- Nearly all (88%) of Americans say low academic standards are a serious concern, but a majority (57%) says standards are "about right" locally.
- Less than half (37%) of Americans say their local school is "extremely" or "very" safe, and most say a school shooting in their community is at least "somewhat likely" (66%).
- Employers and professors report that recent graduates lack the basic academic skills needed for success at work or in college.

### On The Family:

- Three-quarters of Americans say that "the problems of raising children in today's culture" will be a "very important" consideration in voting for President.
- 70-80% of Americans say that teens face more problems and get less parental supervision today than in the past.
- Four in ten teens say they have had sex, and most Americans say teen pregnancy is a major problem.

### On Health Care:

- 82% of Americans say health care issues will be either "very important" or "extremely important" in voting for President.

---

<sup>1</sup>Source: Public Agenda [www.publicagenda.org](http://www.publicagenda.org) unless otherwise noted

- 83% of Americans said that too many children lacking adequate health coverage was a "major problem" (In fact today 11.3 million children -more than 90% of them in working families - have no health insurance (15.1% of American children)).
- Most Americans (61%) say that the health care system needs fundamental changes and that uninsured children and expensive long-term care are major problems (83% and 79% respectively).
- Half of Americans worry "a great deal" about the uninsured, and more than half say providing insurance for those who cannot afford it should be a top priority.

#### **On Race:**

- People view teenage pregnancy, drugs and alcoholism, and crime as the biggest problems facing African-American families.
- Whites are much more likely than blacks to say the income gap between the races will close.
- African-Americans are far more likely than whites to say there is police brutality in their area and say they have been pulled over because of their race.
- Most blacks and substantial numbers of whites say the police and criminal justice system treat African-Americans more harshly.

#### **On Welfare and Poverty:**

- More than half of the public says that dealing with the problems of the poor should be a top priority and that the government should guarantee every citizen adequate food and shelter.

#### **On Crime:**

- 92% of police chiefs agreed with the statement "America could sharply reduce crime if government invested more in programs to help children and youth get a good start."<sup>2</sup>
- 92% also agreed that "In the long run, America could sharply reduce crime if government invested more in programs to help children and youth get a good start."<sup>2</sup>
- 81% of Americans say crime and gun control will be "very important" considerations in voting for President.

---

<sup>2</sup>Fight Crime Invest in Kids: Early Childhood and After-School Programs Cut Dramatically.

- 93% of Americans say they worry that “children in America are no longer safe in their own schools.”

#### **On Child Care:**

- 86% of Americans believe that child care should be available to all low income families so that parents can work.<sup>3</sup>
- 80% of Americans believe if Congress “provides new tax breaks to middle income families” then Congress should also provide “child care assistance for low-income working families.”
- 68% said they were extremely likely or very likely to vote for a candidate for office who supports child care and preschool activities “so that all children can enter school ready to learn.”<sup>4</sup>
- 73% of Americans say the federal government should “provide financial assistance to help pay for child care” to working families since the government already provides working families with financial assistance to help pay for their children’s college tuition.<sup>4</sup>

#### **General:**

- When asked what would be either an “extremely important” or “very important” consideration in their voting preferences, 89% indicated education, 82% health care, and 81% crime.



Spark the Debate: Section 2  
 National Association of Child Advocates  
 1522 K St., NW, Suite 600 \* Washington DC 20005 \* 202-289-0777 \* 202-289-0776(fax)  
 Prepared by: Alexandra Burrall and Stephanie Schaefer  
 Contact Stephanie for more information at ext. 203 [schaefer@childadvocacy.org](mailto:schaefer@childadvocacy.org)

<sup>3</sup>Mott Foundation: Poll finds overwhelming support for afterschool enrichment programs:  
[www.mott.org/special\\_report/sr\\_press\\_release.htm](http://www.mott.org/special_report/sr_press_release.htm)

<sup>4</sup>Child Care Action Campaign: “Pre-Election Poll Finds Strong Support for Child Care Policies Helping Working Families”



# Spark The Debate

## Section 3: Getting the Community Fired Up: Ideas for Your Organization

### Electoral Advocacy *Great Ideas*

NACA publishes the *A Great Idea Series*, techniques which child advocate members of NACA have used in the past that were effective. Those that apply to electoral advocacy have been summarized here and are attached.

Candidate Forums, September 1998. Candidate forums can be a useful tool for identifying candidates' stands on children's issues not only for your organization but also for the community as a whole. Specifics on how to organize a forum are given. Please note, it is essential to remember your status as a 501(c)(3) and maintain that status by remembering to invite members of all parties running and other measures, thus remaining nonpartisan. Other resources for guidance in doing electoral work are *The Children's Advocates Campaign Strategy Book* published by the Coalition for America's Children on Who's for Kids and Who's Just Kidding and *The Rules of the Game: An Election Year Legal Guide for Non-Profit Organizations* from the Alliance for Justice.

Nebraska Educates Legislators Through Surveys (Voices for Children), June 2000. To increase legislators' awareness of children's issues and recognition of child advocacy organizations, legislators were surveyed on children's issues. The candidates are interviewed in person and provided fact sheets. The surveys allowed Voices for Children to increase personal contacts with legislators, increase participation in their membership and educate current and prospective members of the legislative body about issues of concern to child advocates. This increased recognition of children's issues and their organization among newly elected senators.

Child Advocates' Use of Legislative Report Cards, March 2000. Legislative report cards may be compiled to outline bills and records of elected officials' votes on legislation in order to ensure accountability among your representatives. However there are strict guidelines to follow related to your 501(c)(3) status, particularly in an election year.

Children's Action Alliance Early Balloting Campaign in Arizona, May 1999. The CAA produces a brochure that gives voters facts about Arizona's children, suggests specific questions about children's issues that voters can ask candidates, and includes a request for an early ballot. This both informs voters and facilitates voting.

Conversation Guides: Florida Children's Campaign, November 1998. In order to facilitate informed conversations among the public and legislators, FCC gathered and condensed research into a two page guide of their platform, and questions to ask candidates.

Corporate Campaign for Kids: Colorado Children's Campaign, November 1998. To increase the involvement and efficient usage of corporate groups, the Corporate Campaign for Kids was created. They have dues, yearly projects and engage in corporate fundraising. Many of the corporations who are members donate themselves and use their influence with PACs, trade organizations or other politically active groups, demonstrating that corporations are interested in children's issues as well. This gives a new angle of leverage to child advocacy.

Youth Candidate Debates: Florida Children's Campaign, October 1998. Youth Candidate Debates are useful in making youth aware of the dynamics of electoral politics and knowledgeable about issues that affect them while ensuring through media coverage and focus on high profile races that both youth and candidates take the debates seriously, as they will be held to their word. It is an opportunity for future leaders and advocacy workers alike.

"Vote for Kids- Hawaii", September 1998. To elect champions for children to office Hawaii Advocates for Children and Youth spearheaded a voter registration effort through a registration coalition. This not only registered many voters but also demonstrated to officials the prevalence of voters concerned with children's issues, a strong children's constituency.

Registering Parents to Vote Through Child Care Centers in Arkansas, August 1998. Arkansas Advocates for Children and Families entered a new role for themselves and coordinated with five other children's organizations a registration drive at 87 child care sites across the state to respond to the low rates of registration among parents of young children. This also gathered new voters and brought attention to a voting block very concerned with children's issues.



Spark the Debate: Section 3  
National Association of Child Advocates  
1522 K St., NW, Suite 600 \* Washington DC 20005 \* 202-289-0777 \* 202-289-0776(fax)  
Prepared by: Alexandra Burrall and Stephanie Schaefer  
Contact Stephanie for more information at ext. 203 [schaefer@childadvocacy.org](mailto:schaefer@childadvocacy.org)

# A Great Idea



Strategies that work from the members of the National Association of Child Advocates

September 1998

*Electoral Advocacy*

## Candidate Forums

### Summary

Candidate forums encourage the public, media, and advocates to engage in a dialogue with candidates about an agenda for children. They act as a "news peg" for the media, attracting publicity and extending the audience for children's issues beyond those who can actually attend. They force candidates to become aware of children's issues, and to take a children's agenda seriously if they have not already done so. They show candidates that there is a constituency for children in their electoral district. They can demonstrate that sponsoring organizations have strong community links. And, perhaps, most importantly, they publicize candidates' views on children's issues, helping voters decide which candidate to support.

### Background

In an attempt to bolster candidates who support children's issues, and to increase their numbers, John Niblock spearheaded his first candidate forum as the Executive Director of the North Carolina Child Advocacy Institute in 1988. The first few years, he hosted about 10 forums and the number gradually increased until more than 20 forums were conducted in a given election year. Attendance rose each year as it became increasingly important to candidates and children's constituencies that they attend.

### Producing a Candidate Forum

◆ Six months before the election, find a corporate sponsor with statewide presence. Approximately \$8,000 is necessary to cover promotional and

travel costs for 20 forums. Ensure that the sponsors' logo appears on posters, briefing book, agendas, banners, podium logo, etc. Identify local host organizations. Schedule forums by region to minimize travel time and reserve space. An after work time slot (7:00 - 8:30 p.m.) is recommended. Line up a local celebrity (e.g. TV news anchor, county commissioner) to be moderator and decide which of your board members will attend/participate in which forum.

- ◆ Five months before the election, prepare PSA's, posters, sample agenda, candidate invitation/confirmation letter, tips on facility arrangements, and sample bulletin board flyers. Assess emerging issues based on the previous state legislative session, pending or newly enacted federal legislation, needs of the children and families in the district, and reports from parents and service providers. Use this information in preparing a briefing book. Include key statewide and county/district data on children and families, questions for candidates, and a list of statewide resource organizations.
- ◆ Four months before the election (or after the filing deadline), send a copy of the briefing book to every candidate. Follow up with local sponsors on logistics of event planning. Local hosts should contact media outlets for press, radio, and TV coverage.
- ◆ Three months before the election send local sponsors PR materials including sample news releases, PSAs, etc. Send postcards to local mem-



bers in the area inviting them to the forum as special guests. Ask each member of the local sponsoring committee and board members to bring five people to the forum.

- ◆30 to 45 days before the election, hold forums. Offer attendees copies of the briefing book, additional child advocacy information, including KIDS COUNT materials, and the candidates' campaign literature.

### Sample Agenda

- 6:45 As people arrive, give them index cards on which to write questions for the candidates. Collect all cards before the questioning begins. A small committee screens the questions.
- 7:00 Welcome from local host. Introduction of celebrity and state child advocacy organization's local board member. Issue overview given by the Executive Director of the NACA member organization.
- 7:20 Candidates discuss their positions on children issues.
- 8:00 Candidates answer questions.
- 8:30 Moderator concludes forum, invites participants to reception and informal talks with candidates. Light refreshments.

### Staff Commitment

- ◆The Executive Director will spend approximately 80 hours directing staff in preparation for forums. Once the forums begin, he/she will introduce the issues at each one, a time commitment of approximately three days a week for one month.
- ◆Three staff work part-time collecting the data and compiling the materials. Once the materials have been developed for the first year, the time commitment decreases as only updating is necessary.

### Lessons Learned

- ◆Invite all candidates running in the race selected. In the invitation, tell candidates they may bring campaign literature and that substitutes will not be allowed to appear in their place. Remain non-partisan. Clearly state the purpose and structure of the

forum in the literature and ask the moderator to be firm with candidates to prevent them from drifting from children's issues. Each candidate is given two minutes to answer each question. Have an official timer raise a STOP sign when the time is up.

- ◆Avoid scheduling conflicts with other constituencies hosting forums (e.g. farmers groups) by planning ahead. If a candidate cannot appear and the justification is unreasonable, the host may represent the absent candidate with an empty chair on stage.
- ◆The night of the forum, a small committee should screen the questions attendees have written on index cards to ensure each candidate gets his/her share of challenging questions and to prevent any candidate from having an unfair advantage. Then, open the floor to questions from the audience.
- ◆It is very important to have a good local host organization with clout and extensive local contacts. The League of Women Voters or the Junior League make good choices because they signal broad based support for and interest in children's issues.
- ◆Hold forums where there are important races. Never mix candidates running in different level races at one forum—invite only federal candidates or state legislators or county commissioners.

### Contacts

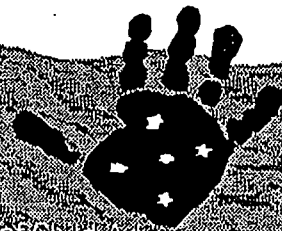
John Niblock  
16 Governors Hill  
Columbia, SC 29201 or  
Julie Rehder  
Senior Director for National and Community  
Partnerships  
NCCAI  
311 East Edenton Street  
Raleigh, NC 27601-1017 (919) 834-6623

A publication of the  
**National Association of Child Advocates**  
1522 K Street, NW • Suite 600 • Washington, DC, 20005  
202-289-0777 • Fax 202-289-0776

The *Great Idea* series is supported by the Annie E. Casey Foundation. The "electoral advocacy" component of this series is supported by the Chernoff Foundation.

# A Great Idea

Strategies that work from the members of the National Association of Child Advocates



June 2000

## Organizational Development

### Nebraska Educates Legislators Through Surveys (Voices for Children)

#### Summary

*Voices for Children in Nebraska* uses a candidate survey to gain legislative friends for the organization. Candidates for Nebraska's Unicameral legislature are surveyed after the primary but before the fall election. The survey tool is primarily intended to be a "friend" raiser and educational tool, rather than a measure of the candidates' potential to support issues important to the organization. The survey process also increases the participation of members of *Voices for Children* by making them actively involved in the interview process.

#### Background

*Voices for Children* has conducted this survey four times since 1992. The Director of Policy oversees the project, developing the survey questions with input and background materials from other program staff. Interns or volunteers assist with recruitment of interviewers, distribution of surveys and tabulation of results. Each individual is provided with step-by-step instructions on how to complete the task. Instructions are primarily given over the phone and in writing. The candidates are interviewed in person using very detailed questions. Candidates are also provided fact sheets on topic areas as well as the issues supported by the organization. *Voices for Children* later releases a press release on the results, to bring attention to children's issues on election day.

*Voices for Children* finds the survey very productive. It allows *Voices for Children* to educate prospective members of the legislative body about issues of con-

cern to child advocates. One result is that legislators have increased recognition of the organization and the issues it represents. Because the interviews occur in person, they also facilitate opportunities for the organization to approach the legislator later for further discussion of the issues.

#### Key Elements

- ◆ In May and June, two volunteers are solicited in each legislative district to interview legislative candidates. Interviewers are recruited from the *Voices for Children* membership and board of directors.
- ◆ Immediately following the conclusion of the legislative session, a list of approximately eight questions are developed covering as many of the issue areas relevant to the next legislative session. The questions are worded to give a significant amount of information. Survey questions are drafted based on carryover issues, unresolved issues, or items expected to be dealt with during the next legislative session. The survey educates legislators and interviewers alike about issues expected to be of importance. Following the primary election, *Voices for Children* obtains the list of candidates including their addresses and phone numbers from the Secretary of State's office.
- ◆ A fact sheet is developed giving background information on each of the topic areas covered by the questions. It ensures that the person asking the questions has a minimum level of information about each topic as well as leaves the prospective senator with basic facts about the issues.
- ◆ The questions are printed on a pressure sensitive

duplicate copy set so that the interviewer can leave the questions and responses with the legislative candidate and mail a second copy to *Voices for Children*.

- ◆ In July, a packet is mailed to each volunteer interviewer providing the name and contact information for their candidates as well as process instructions, surveys and background information. Guidelines are included in the packet which indicate effective ways to contact and schedule with candidates. A four to six week deadline is given.
- ◆ In August and September, interviews occur. After the interview, the volunteers leave one copy with the candidate, keep another copy and send the original back to *Voices for Children* for tabulation.
- ◆ Once responses are in, they are tabulated and returned collectively to the interviewees. The collective results indicate the percentage of senators who would support certain initiatives if elected.
- ◆ In October, *Voices for Children* issues a press release shortly before election day reporting the collective results of the survey, drawing attention to children's issues on election day. Individual results are not published.

#### Outcomes

- ◆ The survey has led to increased awareness about children's issues and about *Voices for Children* among all candidates. After elections, the Executive Director and Director of Policy attempt to meet with each newly elected legislator to introduce them to *Voices for Children* and brief them on issues they know will be addressed during the session. Now they are greeted with recognition by several of the newly elected senators, who indicate that they are familiar with their work and often recall the name of the individual who interviewed them.
- ◆ Twenty-five to fifty members of *Voices for Children* from across the state became more actively involved in the work of *Voices for Children*.
- ◆ Over half the legislative body attended a legisla-

tive breakfast celebrating the release of *Voices for Children's Kids Count Report*.

#### Lessons Learned

- ◆ The project is very time consuming and labor intensive. A summer intern can be very helpful.
- ◆ The survey may prove to be an important piece of ongoing development. It can function as part of the advocacy movement. Increased member involvement makes the organization much stronger.
- ◆ A pre- and post-meeting with each of the volunteer interviewers would prove beneficial. These meetings would inform interviewers about the issues as well as facilitate discussions so that they feel more connected to the issues.
- ◆ Over 80 members of *Voices for Children* attended a legislative training session held for members. Their presence may provide *Voices for Children* with a stronger core of surveyors for the next election and bring increased recognition to the organization and the issues they support.

#### Unanticipated Results

- ◆ One candidate used background information provided by *Voices for Children* to fill out a candidate survey from another organization. She sought the expertise of *Voices for Children* because she knew they would provide her with objective, well-researched background information.

#### Contact

Lisa Gibson, Policy Director  
 Voices for Children in Nebraska  
 7521 Main Street, Suite 103  
 Omaha, NE 68127  
 Tel:402-597-3100  
 Fax:402-597-2705  
 email: lgibson@uswest.net

A publication of the  
 National Association of Child Advocates

1522 K Street, NW • Suite 600 • Washington, DC, 20005  
 202-289-0777 • Fax 202-289-0776

The *Great Idea* series is supported by the Annie E. Casey Foundation. The "electoral advocacy" component of this series is supported by the Chernoff Foundation.

# A Great Idea



Strategies that work from the members of the National Association of Child Advocates

March 2000

## Electoral Advocacy

### Child Advocates' Use of Legislative Report Cards

Electoral advocacy is a critical component of the work of child advocates. However, once public officials are elected, advocates and the general public must follow through and hold them accountable for their decisions. With this in mind, child advocates are beginning to see the value of publishing legislative report cards.

#### *A Legislative Report Card*

A legislative report card outlines bills and records elected officials' votes on them. This kind of report educates the public on elected officials' votes affecting children with the goal of holding them accountable.

Many nonprofit organizations have an interest in educating the public about positions elected officials take, especially during election years. However, there are strict guidelines under tax and election law that 501(c)(3)s must follow. For example, the Internal Revenue Service regulates the production of "report cards" by 501(c)(3)s to prevent electioneering,<sup>1</sup> an illegal activity for a 501(c)(3).

This document highlights choices advocates face in producing a legislative report card. Since some decisions have ramifications for maintaining 501(c)(3) status, we have taken a conservative approach. Bob Fellmeth, Executive Director of NACA member

Children's Advocacy Institute, has generously offered to serve as a resource for those whose timing for release may be necessarily close to an election date, or who are otherwise concerned about current guidelines.<sup>2</sup>

NACA member Citizens for Missouri's Children (CMC) researched the legal parameters for publishing a legislative report card. This document was inspired by that research.

#### *The Legal Parameters*

There is no dispute that 501(c)(3)s are legally able to publish a legislative report card if the organization's intent is nonpartisan and educational. However, the timing, content, and dissemination must be carefully considered.

Trouble may arise if the legislative report card is purposely timed to impact an election or is linked to an election. If the IRS decides that the purpose for disseminating a legislative report card was to influence the outcome of an election, the organization's 501(c)(3) status could be revoked. Legislative report cards that are published on an annual basis or at other regular intervals, and not just during election years, are more likely to be viewed as public education materials. It may be best to first

*Continued on reverse side*

1 Electioneering refers to participating or intervening in any political campaign on behalf of or in opposition to a candidate running for office. This includes the publishing or distributing of any type of statement that would either positively or negatively influence an election.

2 Bob Fellmeth can be reached at (619) 260-4806 or cpil@acusd.edu

release a legislative report card in a non-election year, and make it an annual publication thereafter. If the report card is published during election time, the 501(c)(3) organization must not compare the incumbent's record with the challenger's platform. The report card must also not appear to have been designed with the goal of influencing the election.

The content determines whether the report card can be disseminated to the general public or just to member organizations.<sup>3</sup> For report cards for members, there is more leeway in what the organization is able to include. It may include a narrower range of issues, indicate agreement or disagreement with votes, and make conclusions about the ratings or percentages of "correct" or "wrong" votes by legislators. The report card must include all incumbents, even if they are not running for re-election. It is critical that advocates do not single out one party or just a couple of candidates.

When report cards are distributed to the general public, they must not contain any editorial opinion or approval/disapproval of incumbents' votes, may not state any position and must cover a range of issues. They also must include all incumbents and must not single out one party or certain candidates, just as when you are dealing with an audience of members.

#### *Steps To Take In Compiling A Legislative Report Card*

- ◆ Identify the bills that impact children and families and be fair in the selection of votes to be polled. A balance tends to defuse allegations that you are not measuring performance for children,

<sup>3</sup> An individual or group can be considered a member if they contribute more than a nominal amount of time or money to an organization. The IRS has considered a "newsletter list" a member list if that list consists mostly of member organizations or individuals.

but to further a "more government" political agenda. Become familiar with the legislative agendas of other organizations that work on behalf of children to ensure that all relevant bills are included.

- ◆ Identify recorded votes taken on the bills selected.
- ◆ Review the votes, checking and rechecking for accuracy. Check the record carefully for any corrections to the votes.
- ◆ Provide a disclaimer stating that the voting record is in no way intended to reflect an endorsement for, or opposition to, any candidate or political party.
- ◆ Include a message to the readers of the legislative report card which states the intent of the report card, to educate the public on their legislators' progress on improving the outcomes for children in their state.
- ◆ Do not communicate with anyone's campaign or campaign officials about anything relating to the report card.

—Julie R. Cohen

Legal research that was included in this "Great Idea" was collected from the following: *The Rules of the Game* by The Alliance for Justice, *The Children's Advocates Campaign Strategy Book* by the Coalition for America's Children, and an article in *The Grantmanship Center Magazine* entitled, "Voter Education vs. Partisan Politicing: What a 501(c)(3) can and can not do" by Caplin and Drysdale. Research was also provided by NACA member CMC.

*A publication of the*

*National Association of Child Advocates*

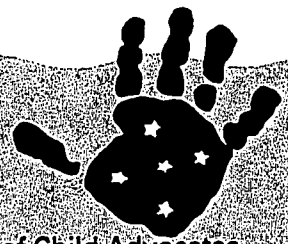
1522 K Street, NW • Suite 600 • Washington, DC, 20005

202-289-0777 • Fax 202-289-0776

The *Great Idea* series is supported by the Annie E. Casey Foundation. The "electoral advocacy" component of this series is supported by the Chernoff Foundation.

# A Great Idea

Strategies that work from the members of the National Association of Child Advocates



May 1999

Electoral Advocacy

## Children's Action Alliance Early Balloting Campaign in Arizona

### Summary

Children's Action Alliance (CAA) has developed a unique way to encourage voters to support child-friendly candidates in Arizona elections. CAA produces a brochure that gives voters facts about Arizona's children, suggests specific questions about children's issues that voters can ask candidates, and includes a request for an early ballot. This brochure, which uses the slogan *Who's For Kids and Who's Just Kidding?*, makes it more convenient for Arizona residents to vote while allowing CAA to inform and educate voters about children's issues.

### Background

The majority of Arizona voters want elected officials to make children a top priority. However, in this era of snappy soundbites and empty rhetoric, it can be difficult for voters to know who truly supports children.

In 1998, CAA designed the *Who's For Kids* brochure to help voters choose candidates who put children at the top of their agendas. Additionally, by completing the request for an early ballot form, any registered voter can vote early from the convenience of their home. For several years, Arizona has had a state law that allows anyone to request an early ballot and then vote by mail. The request form also gives CAA a database of high-efficacy voters who they can encourage to support candidates with specific and realistic plans to improve children's well-being.

### Key Elements

- ◆ The 1998 brochure included facts on prevention and family support, children's health, child abuse and neglect, child care, and family income, along with questions to ask candidates about these issues. It also included a request for an early ballot form. The brochure encouraged voters to ask candidates questions, check their answers, and then vote for those who put children at the top of their agenda. A flap of the brochure gave information about CAA.
- ◆ CAA chose likely voters from their 25,000 person database to receive the brochure. CAA staff also gave approximately 30 speeches to educate voters, and brochures were passed out at these events.
- ◆ Voters who requested an early ballot through this brochure sent their form to CAA. CAA staff entered the contact information in their database and sent the request to the appropriate county recorder's office. The county recorder's office then sent the voter their early ballot.
- ◆ CAA staff followed up with a phone call to all voters who requested early ballots through the brochure. Staff gave voters contact information for candidates in their precinct and encouraged them to vote for children.
- ◆ CAA staff also referred voters to their website, which contains links to the Legislature, Secretary of State, the County Recorder Offices, and the County Election officers. CAA's website also allowed users to print out a Voter Registration form, request an early ballot, and access the *Who's For Kids* brochure.

BEST COPY AVAILABLE

*Planning Required*

- ◆CAA began designing the brochures in May and mailed them out in August in time for the September primary election and November general election. Policy and communications staff were involved in writing the substance of the brochure, and a graphic designer was also needed.
- ◆Beyond the time involved in the development and dissemination of the brochure, a CAA full-time staff person devoted about 80 percent of his time to campaign work between May and November. Although the brochure is only part of CAA's electoral work, follow-up with early ballot requests and questions about the elections requires a significant amount of time.
- ◆CAA paid for the brochure from unrestricted funds and donations. The graphic designer donated labor. Significant costs included the printing and dissemination of the brochure and staff time.

*1998 Outcomes*

- ◆Over 10,000 *Who's For Kids* brochures were distributed.
- ◆CAA staff spoke to 29 organizations and over 850 people between August and November of 1998 regarding the *Who's For Kids* campaign.
- ◆CAA's website had 5000 visitors between August and November including 400 hits on the *Who's For Kids* website and 350 hits on the voter resources page.
- ◆486 requests for early ballots were received.
- ◆CAA handled about 5-10 calls per day between August and November regarding *Who's For Kids*, early ballots, and the 1998 Gubernatorial Forum for Arizona's Children.
- ◆CAA received over 450 requests to be added to their fax and e-mail alert system between August and November.
- ◆Five to ten percent of the people that CAA spoke with about the *Who's For Kids* campaign had not previously been involved with CAA's work.

*Barriers/Concerns*

- ◆CAA is not allowed to endorse specific candidates because of its nonprofit status. Many voters wanted to know exactly who they should vote for, and CAA could only refer these people to candidates and encourage them to ask questions.
- ◆In the first year of the brochure, CAA targeted likely voters who had previously been involved in their organization's work; it was not cost-effective to send out brochures to a wider audience.

*Lessons Learned*

- ◆It is important to build relationships with the county recorder offices. It took some tinkering to come up with a standardized early ballot request form that met the needs of all of the offices.
- ◆Policy-related brochures must contain simple language that engages the public; people are not familiar with every issue.
- ◆Early ballots seem to be the wave of future electoral advocacy. Many candidates now do direct mailings to voters with the voters' information already filled out on the early ballot request form. Child advocates need to do their part in ensuring that voters choose leaders who will provide opportunities for the next generation.

-Amy Checkoway

*Contacts*

Rhian Evans

*Special Assistant to the Director*

or Dana Naimark

*Assistant Director*

Children's Action Alliance

4001 N. 3rd Street, Suite 160

Phoenix, AZ 85012

Ph: 602/266-0707 • Fax: 602/263-8792

[www.azchildren.org](http://www.azchildren.org)

*A publication of the*

*National Association of Child Advocates*

1522 K Street, NW • Suite 600 • Washington, DC, 20005

202-289-0777 • Fax 202-289-0776

The *Great Idea* series is supported by the Annie E. Casey Foundation. The "electoral advocacy" component of this series is supported by the Chernoff Foundation.

# A Great Idea



Strategies that work from the members of the National Association of Child Advocates

November 1998

*Electoral Advocacy*

## Conversation Guides Florida Children's Campaign

### Summary

To facilitate informed discussions with candidates, Florida Children's Campaign has created a series of conversation guides on specific children's electoral issues. These are publications based on research that present information clearly, state the Florida Children's Campaign's (FCC) platform, and identify questions to ask candidates. These conversation guides present a wealth of information in two pages. FCC gathers research and data on children's issues which Florida citizens have identified as important in community meetings. After sifting through the information and consulting with experts in the chosen topic area, FCC translates the research into an attractive, easy-to-read booklet to encourage informed conversations around electoral issues.

### Background

FCC realized that although they could target frequent voters and political contributors with electoral advocacy information, they did not have a method to educate voters, community leaders, the media and candidates about children's issues. Thus, they created conversation guides. FCC chose which issues to target by holding community meetings around the state. So far, they have completed two conversation guides: *Quality Child Care-School Readiness-After School Care and Parental Responsibility*. A third topic has been chosen: *Vocational Training and Job Preparedness*. FCC created the guides and began to distribute them this summer. The guides are free and have been well received by the public.

### Developing the Guides

- ◆ Choose a topic from those issues identified in community meetings around the state.
- ◆ Staff research each topic, pulling together relevant information and then create the guide. A great deal of effort goes into translating the data and research into effective language for easy reading.
- ◆ When the final draft is ready, FCC approaches an organization which champions the issue that is the focus of that particular guide, and asks that organization to fund its printing. For example, FCC approached The Florida Children's Forum to pay the \$3,000 printing fee for 10,000 conversation guides on quality child care-school readiness-after school care. The Forum's funding also covered the printing of special mailing envelopes.

### Key Elements

- ◆ FCC identifies a catchy unifying theme for headings in the guide that are free from social service jargon and are fun to read. They organize sections around that theme. For example, for a conversation guide focused on quality child care, school readiness, and after school care, the theme was "it's a lot more than child's play." FCC then incorporated children's games as subtitles in the publication.
- ◆ FCC sends the final draft to issue experts to get a final check on the copy.
- ◆ FCC mails conversation guides **without** a cover letter so the reader can go directly to the information.



◆FCC insures that all individuals who were involved in the community meetings, community leaders, the media, and CEO's receive a conversation guide. Conversation guides are also made available to the public on the Internet. They can be downloaded using Adobe Acrobat from the FCC web page at <http://www.floridakids.com>.

### Timeline

This is a suggested timeline for producing conversation guides for the electoral season.

- ◆FEBRUARY: Hold community meetings around the state to identify salient issues.
- ◆MARCH/APRIL: Request reference material from researchers and compile literature on the topic chosen.
- ◆MAY/JUNE: Write materials, selecting pertinent facts to appear in sidebars.
- ◆MID-JULY: Complete rough draft and have graphic artist prepare art for piece. Give issue experts 48 hours to critique piece. Make revisions based on feedback of issue experts. Secure funding for printing.
- ◆END OF JULY: Send Conversation Guide to printer.
- ◆AUGUST: Begin disseminating conversation guides.

### Dissemination Strategy

In the past, FCC has had specific targeted strategies to inform frequent voters and financial contributors. Now, they have conversation guides, through which they can inform and encourage community leaders to raise children's issues during the electoral process. FCC volunteers distribute conversation guides when they walk door to door during election season as a way of informing voters. After reading the guides, including the questions for candidates, voters are prepared to engage in meaningful exchanges with candidates.

Having identified the primary electoral issues (e.g. quality child care or vocational job training and job

preparedness), FCC also uses conversation guides to get information on those issues to people who can influence decision making: the guides are mailed to CEO's, policy makers, and the media.

### Outcomes

The conversation guides have made a mark in Florida. They have been used in campaign literature, to develop political platforms, and at organizational meetings around the state. In addition, they have been cited in editorials and newsletters.

### Lessons Learned

- ◆Issue experts are helpful in critiquing the final product. They catch mistakes and misinterpretations of the research and help by clarifying the language.
- ◆FCC uses Adobe Acrobat to post the conversation guides on the web so the public can obtain the guides as they were designed. However, people with older computers have trouble downloading the publication.
- ◆In the future, FCC plans to distribute Conversation Guides by mid July.

—Monica Heuer

### Contacts

Shannon Singleton, Intern  
or  
Roy Miller, Director  
Florida Children's Campaign  
P.O. Box 6646  
Tallahassee, FL 32301  
Ph: (850) 222-7140  
Fax: (850) 224-6490

A publication of the  
National Association of Child Advocates

1522 K Street, NW • Suite 600 • Washington, DC, 20005

202-289-0777 • Fax 202-289-0776

The Great Idea series is supported by the Annie E. Casey Foundation.  
The "electoral advocacy" component of this series is supported by the Chernoff Foundation.

# A Great Idea



Strategies that work from the members of the National Association of Child Advocates

November 1998

*Electoral Advocacy*

## *Corporate Campaign for Kids Colorado Children's Campaign*

### *Background*

Four years ago, the Colorado Children's Campaign decided to increase the corporate representation on its Board of Directors; today three to four senior level executives serve on its board at all times. But the corporate commitment to children's issues has gone even further. Inspired by the example of corporate involvement set by the Connecticut Association of Human Services (see September 1997 Great Idea), the Colorado Children's Campaign Board Chair, a corporate executive himself, pledged to further increase the involvement of corporate Colorado in children's issues. And in 1997, the Corporate Campaign for Kids (CCK) was born.

### *Summary*

CCK, made up of approximately 30 senior-level, Colorado corporate executives, focuses civic will, private initiative and public policy to better the lives of Colorado's children. Members recognize that investments in the health, education and safety of children can help reduce many long-term problems. The membership represents a cross section of the Colorado private sector and includes executives of banks, law firms, the media (television, newspaper, cable), local Chambers of Commerce, retailers, health care facilities, and stock brokerages.

Members are asked to lend their personal influence and individual expertise through advocacy projects. Corporate fund-raising is a longer term goal, although several members have already been significant financial supporters. Each year the CCK selects projects and raises funds to support them.

In 1998, they chose a candidate and voter education effort entitled "'98 Campaign for Kids." Next, CCK will join the Colorado Children's Campaign in writing advocacy goals for the year 2000 and beyond.

### *'98 Campaign for Kids*

The "'98 Campaign for Kids" project is CCK's inaugural project. It involves various steps toward educating candidates and voters. CCK members who made personal endorsements of political candidates met with those candidates and Barbara O'Brien, President of the Colorado Children's Campaign, to inform the candidates about children's issues. This provided an opportunity for advocates to get to know the candidate and for candidates to associate the corporate community with children's issues.

CCK members are also encouraged to introduce children's issues in their work with any PAC, trade organization, or other politically active group. For example, issues information could be sent to every candidate along with political contributions made by a PAC. Or, a CCK member may question candidates about children's issues at a political forum or debate held by a trade organization.

Many CCK members work for corporations that use market research and opinion polls. CCK members were requested to ask their companies to include a question about children's issues in any opinion polling they performed. This added little to the companies' cost for the polling and provided the Colorado Children's Campaign with valuable information on public opinion.

Through this project, CCK compiled voter education information on children's issues and the 1998 election. CCK member corporations were asked to donate printing, postage, and other resources to reduce the cost of publishing and distributing this information.

### Key Elements

- ◆ Attract a corporate executive with a background in children's issues (e.g., a present or former board member) who is a visible leader in the business community to head this corporate group.
- ◆ Invite politically active corporate members to join who are willing to use their networks of influence for children's issue. (Be sure to ask key executives from corporations that have funded children's programs in the past).
- ◆ Locate a funding source to pay for food, location, and materials for the quarterly meetings. Senior executives have certain expectations about "important" meetings. It is the child advocate's obligation to meet those expectations. Meetings should be held in an upscale location, run in a timely and professional manner and accompanied by a nice meal. The meetings should say "We value your time." The Colorado governor sponsored the first meeting and held it in the Governor's Mansion. Subsequent meetings have been held at a hotel and a full, hot breakfast is always served.
- ◆ CCK members pay annual dues of \$1,000, an amount a Colorado corporate executive can usually spend without a complicated approval process. Ninety percent of contributions fund the projects chosen by CCK and ten percent supports an endowment fund.

### Timeline

Membership dues are paid annually, the group meets quarterly, and members work on projects year-round, but particularly during the election season.

### Involvement

The Colorado Children's Campaign's executive director spends a significant amount of time planning and coordinating work with CCK members. She also attends and presents at the quarterly meetings. The development director provides information and help with the membership nomination process. The Kids Count Coordinator provides background material and information for the issue papers and works with the chair of the committee on the meeting agenda and implementation of the work plan.

### Lessons Learned

Working closely with business leaders has taught the Colorado Children's Campaign to frame children's issues from a business perspective. Business leaders require not only more information on the context and history of children's issues, but demand that child and family policy focus on outcomes, not process. Working with business leaders has challenged the Colorado Children's Campaign to develop a new language and innovative strategies. Although policies and goals have not changed, the communication style has.

— Ellen Kelley

### Contacts

Barbara O'Brien  
President  
Colorado Children's Campaign  
2225 East 16th Avenue, Suite B-300  
Denver, CO 80203  
303-839-1580

A publication of the  
National Association of Child Advocates  
1522 K Street, NW • Suite 600 • Washington, DC, 20005  
202-289-0777 • Fax 202-289-0776

The Great Idea series is supported by the Annie E. Casey Foundation. The "electoral advocacy" component of this series is supported by the Chernoff Foundation.

# A Great Idea



Strategies that work from the members of the National Association of Child Advocates

October 1998

*Electoral Advocacy*

## *Youth Candidate Debates Florida Children's Campaign*

### *Summary*

Even before they can vote, youth can participate meaningfully in the electoral process. Youth Candidate Debates provide future leaders with an opportunity to become engaged in electoral politics. Teens research relevant topics, develop questions and pose them to candidates in selected races. By choosing high profile races, setting clear ground rules and attracting media coverage, the Florida Children's Campaign (FCC) ensures that youth candidate debates are taken seriously by teens and candidates alike. Candidates come prepared and respond carefully as they know they will be held to their word. Youth become aware of the dynamics of electoral politics, knowledgeable about issues that affect them, and are inspired to become active in the political process.

### *Selection and Coordination of Races*

FCC has established itself as a player in the political arena and thus has the clout to attract candidates running in high profile races to participate in youth candidate debates. Each year FCC chooses to sponsor debates in one major, statewide and approximately five local races that range from education commissioner to governor. Approximately six weeks before the election, candidates are invited to participate; they are informed that there will be an empty podium with their name on it should they decline.

In addition to the high profile races, FCC also cosponsors other youth candidate debates with local organizations (e.g., League of Women Voters)

who may not have the capacity to do such an event alone. This kind of a partnership gives FCC and the local group visibility while boosting knowledge of children's issues in local communities. The local partners select and prepare youth and organize the event with guidance and supporting materials from FCC.

### *The role of the media*

FCC solicits a television station to broadcast the debate statewide at least three months before the debate. To attract viewers and add legitimacy, a high profile television personality or newspaper editor serves as moderator. Both FCC and the media partner gain from the visibility, receive political and public recognition for working with youth and contribute to building a broader, better informed children's constituency. In addition, the debate partners develop a positive working relationship which will benefit both in the future.

### *Selection and Preparation of teens*

The recruiting of youth panelists begins about six weeks before a debate and strategies vary by district/region size. When recruiting from a large area, FCC requests nominations from community agencies, e.g., health clinics. When recruiting from a rural/small district, FCC might work with local schools and/or community organizations. All prospective youth panelists complete applications and review teams select youth based on criteria such as race, ethnicity and gender as well as com-

munity service and academic achievement. As many youth as possible are included in the process. Three weeks prior to the debate, FCC hosts a meeting with the panelists to orient them to the debate procedure. Each youth chooses a separate issue area and is assigned an issue expert who provides the youth with specific materials and support for designing a question. Students create their own questions, although FCC examines each one for clarity and grammar. One or two weeks prior to the debate, youth come prepared with their question and a mock debate is held.

### *The debate format*

In designing the debate format, FCC made every effort to maximize legitimacy and to remain non-partisan. The debates are often broadcast from the chambers of the county commission or city council because they are usually pre-wired for TV, have space for a large audience and set the appropriate tone for the debate.

Candidates stand facing the camera at podiums featuring an FCC logo. The youth face the candidates, and behind them is the audience. FCC believes that the camera is a necessary ingredient to a successful debate because it reminds candidates that, in addition to the audience, they are speaking to the public and that their remarks will be on record.

To ensure the setting and tone of the event convey that serious issues are being weighed, all literature and campaign materials remain outside the debate room. There are no political banners displayed and no applauding is permitted.

A panel consists of four to six youth for each contested race which is part of the debate. Each youth poses one question to each candidate. The first candidate has one minute to respond. The opposing candidate then has 30 seconds rebuttal before he/she is given a minute to respond to the next question. The first candidate then has a 30 second

rebuttal. A youth time keeper signals candidates when their time is up. With each debate lasting 20 minutes or less, five or six debates can be held in one evening.

### *Resources*

Ninety days before the debate, FCC identifies one major sponsor to contribute \$25,000 for the statewide debate. Their logo is placed on all correspondence. \$2,500 is raised from local sponsors to fund postage and travel expenses.

Two staff and two interns spend 80 hours over a six-week period preparing for each debate.

### *Lessons Learned*

- ◆ Remain nonpartisan.
- ◆ Remember the questions posed by the teens are their questions. Review them for grammatical errors, word clarity and relevancy to the elected office, but do not change them materially.
- ◆ Always have a camera filming the candidates for a debate. It reminds candidates that they will be held to their word.
- ◆ Follow up with the candidates whether they agree to participate or not. Keep all correspondence on file in the event a candidate or parent questions the procedure.

### *Contact:*

Roy Miller  
Florida Children's Campaign  
515 East Park  
P.O. Box 6646  
Tallahassee, FL 32301  
Tel. 850/222-7140 Fax 850/224-6490

*A publication of the*

*National Association of Child Advocates*

1522 K Street, NW • Suite 600 • Washington, DC, 20005

202-289-0777 • Fax 202-289-0776

The *Great Idea* series is supported by the Annie E. Casey Foundation. The "electoral advocacy" component of this series is supported by the Chernoff Foundation.

# A Great Idea

Strategies that work from the members of the National Association of Child Advocates



September 1998

## Electoral Advocacy

### "Vote for Kids – Hawaii!"

#### Summary

Recognizing the need for encouraging voter participation of individuals interested in children's issues, Hawaii Advocates for Children and Youth (HACY) embarked on a voter registration effort, "Vote for Kids – Hawaii!" HACY's overarching goal was to elect officials who would be champions for children. To reach that goal, they created a coalition that set about registering members of the child advocacy constituency to vote. In addition, in order to assess their efforts, through an agreement with state voter registration officials, HACY was able to track how many people they had actually registered. Using a strategy of targeted voter registration, HACY was able to demonstrate to elected office holders that there is a children's constituency in Hawaii who is concerned and involved that votes.

#### Background

The necessity of registering voters that care about children's issues had long been apparent to Hawaii Advocates for Children and Youth. They decided a coalition effort would be the best approach to address this issue.

Due to limited staff capacity, HACY chose not to develop new contacts but to partner with those agencies with whom they already had a relationship. They included the Mental Health Association, the Learning Disabilities Association, several regionally based Community Children's Councils, and the Hawaii Children's Campaign (with whom HACY now jointly operates under the trade name "Hawaii Children's Watch"). HACY coordinated coalition efforts for the project.

#### Key Elements/Planning Required

- ◆ Establish a linkage with state/county voter registration officials so you can devise a process by which you can track registrations made by the different organizations that are participating.
- ◆ Identify those organizations that can be counted on to be active in voter registration efforts for coalition partners.
- ◆ Register individuals connected to the coalition's members as a first step. These might include employees, clients, or volunteers.
- ◆ Identify community events which those interested in children's issues might attend, obtain permission and set up a voter registration table. Provide materials which explain issues about which child advocates are concerned.
- ◆ Provide ongoing connection with coalition members to maintain interest.
- ◆ Document the number of people registered over time and use this in the media and in the organization's printed material to create and enforce the message that children are important to voters.

#### Lead Time

A lead time of six months before the primary is plenty if the voter registration office is cooperative. If you anticipate problems, start earlier. Allow enough time to recruit partners; it takes time and patience.

#### Involvement (Staff and Board)

Hawaii Advocates for Children and Youth carried out this project with about 80 staff hours. The Board president oversaw the endeavor. HACY staff

Continued on reverse side

generally did not staff the registration efforts at community events; individuals from partner agencies were responsible for that task.

### Lessons Learned

- ◆ Making the voter registration process as simple and straightforward as possible contributes to success.
- ◆ A close working relationship with the voter registration officials is critical. HACY persuaded the state voter registration officials to use coded forms so the coalition's efforts at registering voters could be assessed.
- ◆ The agencies in the coalition that HACY worked with were glad to participate, but follow through became difficult. "Vote for Kids – Hawaii!" was implemented just as the state was entering an economic downturn. As a result, many of the coalition members had to re-prioritize fundraising to maintain their own organizations and were not always able to follow through on their commitments to the project. Even without such an emergency, lead organizations probably should be prepared to provide support to partner agencies to help ensure that they maintain interest.
- ◆ A relatively new organization probably should not play a lead role in this kind of a project until it has established a long record of accomplishments. The credibility established from such a history is important because the trust of voter registration officials and coalition members are necessary for success.

### Barriers

The voter registration process was more complicated than HACY had thought. Voter registration officials advised the coalition partners not to mail the registration forms in themselves to prevent problems of perceived partisanship. Therefore, "Vote for Kids – Hawaii!" put stamps on the pre-addressed forms and asked registrants to mail them in themselves. HACY directed newly registered individuals to the closest mailboxes, but suspect that there was some loss in the process.

Due to the unexpected economic downturn in the state, HACY lost support from some of the coalition members. It is best to be as realistic as possible about the support an organization might expect from coalition members.

### Outcomes

- ◆ HACY expected that they would be able to set up a relationship with voter registration offices and be able to track the number of voters registered over many years. They were successful in this regard.
- ◆ HACY expected that they would be able to demonstrate to candidates and to elected officials a broader interest in children's issues. This expectation was met.
- ◆ HACY expected that they would be able to register a vast number of people. However, they were only able to register a few hundred individuals, probably due to getting less support than originally anticipated from coalition members. However, they were able to build a base for the future.
- ◆ The formation of "Vote for Kids–Hawaii!" helped position HACY as a group with a broad interest in children's issues. This was important because HACY's position as a plaintiff in a class-action suit, *Felix v. Waihee*, had created the impression that they were interested solely in mental health issues.

### Contact

Hawaii Advocates for Children and Youth  
(HACY)/Hawaii Kids Watch  
805 Kokea Street  
Honolulu, HI 96817  
Richard Behenna, President  
e-mail- hikids@pixi.com  
Ph: 808/845-0701, Fax: 808/845-0418

A publication of the  
National Association of Child Advocates  
1522 K Street, NW • Suite 600 • Washington, DC, 20005  
202-289-0777 • Fax 202-289-0776

The *Great Idea* series is supported by the Annie E. Casey Foundation. The "electoral advocacy" component of this series is supported by the Chernoff Foundation.

# A Great Idea



Strategies that work from the members of the National Association of Child Advocates

August 1998

*Electoral Advocacy*

## Registering Parents to Vote Through Child Care Centers in Arkansas

### Summary

Knowing that parents of young children are often unregistered voters and that they are very committed to what is in the best interest of their children, Arkansas Advocates for Children and Families (AACF) entered new territory: voter registration. In collaboration with five other children's organizations, AACF coordinated a voter registration drive at 87 child care sites across the state. The effort was made possible by the Motor Voter law. Arkansas' innovative approach not only registered new voters, but also drew attention to children's issues for those parents and child care staff who were already voters.

### Background

In the spring of 1996, AACF wanted to encourage political support for children's issues in the upcoming November elections. AACF, in partnership with the Arkansas Early Childhood Association, the Arkansas Early Childhood Commission, the Arkansas Chapter of the National Association for the Education of Young Children, the Southern Early Childhood Association, and the Arkansas Head Start Association, focused their efforts on developing a child advocacy voter constituency. Because they have a vested interest in promoting children's issues, the coalition targeted parents of young children and agreed that the best way to reach them would be through child care centers. The coalition developed a packet to send to child care centers, which included voter registration cards, pledge forms, and a tally sheet. The pledge form, entitled "I Care About Kids and I Vote",

included a place for parents to sign under the pledge "I Will Vote on Election Day 1996!". After developing the materials, the coalition contacted licensed child care centers; 87 centers in 34 counties agreed to participate.

### Key Elements

- ◆ The voter registration efforts were scheduled around two holidays to link them with patriotic celebrations. Each center had one registration period. Centers open during the summer held registrations around the 4th of July; centers that were open only during the school year held their registrations just before Labor Day.
- ◆ The coalition developed a paper fan, reading "I Care About Kids and I Vote!"; that children in the centers could decorate.
- ◆ Southwestern Bell donated \$250 to cover mailing expenses. Kaplan Companies, a school supply business, donated the fans and pledge forms. Every completed pledge form was entered into a Kaplan-sponsored sweepstakes; the prize was a TV/VCR combo.
- ◆ Each packet included voter registration cards, pledge forms, fans, and a tally sheet with instructions for the center's staff. The instructions encouraged center staff to complete the voter registration cards and pledge forms themselves, and suggested that they create red, white, and blue displays for the materials.
- ◆ AACF requested that the centers send all of the voter registration cards and pledge forms to their office in order to count how many were complet-

BEST COPY AVAILABLE



ed. AACF then forwarded the registration cards to the Arkansas Secretary of State's office.

- ◆ Prizes were awarded to the centers that enrolled the most new voters and to those where all of the parents signed a pledge form.
- ◆ To encourage parents and community members to attend the registration efforts, AACF prepared a press release that was sent to local media across the state.

### Planning

- ◆ Fund raising is necessary to finance production and mailing. Southwestern Bell donated \$250 for mailing expenses, and Kaplan Companies donated the fans and pledge forms. AACF staff time was partially funded through a grant.
- ◆ Pledge forms and instructions for the center staff were developed by the coalition. The instructions included a tally sheet and information about where to send the completed cards.
- ◆ Obtain enough voter registration cards from the electoral office.

### Timeline

Although Arkansas conducted this initiative in the spring and summer, child advocates still have time to plan voter registration drives. Check the time constraints that apply for your state.

- ◆ **MAY/JUNE:** The coalition met to develop materials. They compiled a list of licensed centers and contacted them to solicit their participation. Volunteers put together the packets and mailed them at the end of June.
- ◆ **JULY:** The first registration effort was held from June 27 through July 3. AACF mailed the voter registration cards to the electoral office upon receiving them from the centers, and kept the pledge forms as a record of the project.
- ◆ **AUGUST:** Volunteers mailed the packets to centers that were not open during the summer.
- ◆ **SEPTEMBER:** The second registration effort was held from September 1-6.

### Involvement

- ◆ One representative from each member of the coalition attended the weekly meetings, which lasted about two hours each.
- ◆ Ten volunteers were drawn from the organizations to assist with the preparation and mailing of packets, which was completed in three days.

### Outcomes

- ◆ At least 5,000 parents received information about the election through the centers, which presumably increased political support for children's issues.
- ◆ AACF received over 170 pledge cards and 50 voter registration cards from the centers.
- ◆ The coalition was later contacted by several children's and youth organizations that were interested in participating in the project.

### Barriers/Concerns

- ◆ Some centers did not send the materials back to AACF but instead forwarded them directly to the electoral office. This made it difficult to gain an accurate count of how many parents participated.

### Lessons Learned

- ◆ The effort was targeted at child care centers in both urban and rural areas, and the coalition found that they had unanticipated success in the rural areas.
- ◆ Coalition members believe it would have been useful to provide a one-page fact sheet for parents about key children's issues.

### Contact

Connie Whitfeld  
Arkansas Advocates for Children and Families  
103 East 7th St., Suite 931  
Little Rock, AR 72201-4531  
(501) 371-9678

A publication of the  
National Association of Child Advocates

1522 K Street, NW • Suite 600 • Washington, DC, 20005  
202-289-0777 • Fax 202-289-0776

The *Great Idea* series is supported by the Annie E. Casey Foundation. The "electoral advocacy" component of this series is supported by the Chernoff Foundation.

# A Great Idea



Strategies that work from the members of the National Association of Child Advocates

October 1999

## Electoral Advocacy

### Colorado Children's Campaign '98 Campaign for Kids

#### Summary

The Colorado Children's Campaign (CCC) designed an innovative voter education effort, the '98 Campaign for Kids, to encourage candidates to address children's issues in their platforms and raise public awareness about child care, child health, and youth violence prevention in an effort to ensure that kids were a top priority. This was a nonpartisan effort and did not endorse or oppose candidates.

#### Background

1998 was a critical campaign year in Colorado because it was the first time term limits would affect a large number of state legislators. That year, two-thirds of the state legislature and the governor, who had been in office for 12 years, left office. Because Colorado was experiencing such a major transition, the CCC decided that it was their responsibility to ensure that all candidates were talking about kids. The '98 Campaign for Kids was launched in June 1998 and continued through Election Day. Hundreds of child advocates organized across the state to send strong messages about children to voters and candidates. The '98 Campaign for Kids received funding from The Denver Foundation and Blue Cross/Blue Shield of Colorado Foundation. The CCC was also able to use public opinion polling results from a public awareness project, funded by the Rose Community Foundation, to develop messages for the voter education effort. The '98 Campaign for Kids demonstrated that electoral advocacy is a key part of child advocacy and significantly increases the visibility

and importance of children's issues during elections and subsequent legislative sessions.

#### '98 Campaign for Kids

The CCC conducted a statewide poll and focus group of registered voters to determine what voters perceived as the critical issues. The key issues on the minds of voters were child care, child health, and prevention. The poll and focus group helped shape the '98 Campaign for Kids messages for use in diverse communities throughout Colorado. A "key community contact," a local child advocate from each community, helped organize the local efforts. Community organizing meetings (with almost 300 participants) created a strong network of volunteers and trained advocates to work with the media, develop local messages, and identify unique local strategies that would be effective in raising awareness. The CCC coordinated and supported all of these local efforts with materials and technical assistance, including: 4,000 yard signs, 35,000 public awareness brochures, public service announcements that aired on 35 stations statewide, and movie theater advertisements on 31 screens in Metro Denver. Five-hundred '98 Campaign for Kids Tool Kits were distributed that contained technical assistance on key issue areas, sample questions for candidates, and tips on working with the media. It also provided a list of local and state experts who agreed to be available for additional information and strategic advice.

BEST COPY AVAILABLE

### Preparation Required

The planning process spanned several months and involved securing funding, conducting the research poll, hiring two new staff, and forming an advisory committee. The Advisory Committee, comprised of corporate leaders, child advocates, pediatricians, child care providers, and marketing experts met monthly to help plan and implement the '98 *Campaign for Kids*.

### 1998 Outcomes

- ◆ A statewide poll of 400 registered voters and a focus group of 15 registered voters were conducted to examine public opinions about children's issues.
- ◆ 7 communities committed over 250 local volunteers to attend candidate debates and disseminate '98 *Campaign for Kids* materials and messages.
- ◆ 33% of candidates completed a questionnaire that defined their platform on child health, child care and prevention. Candidate responses were posted on the CCC website and printed in *Colorado Parent* magazine and in local newspapers.
- ◆ 18 media briefings were held with key reporters and editors.
- ◆ A major press conference kicked off the '98 *Campaign for Kids* and highlighted the gubernatorial candidates' platforms on children. This event received statewide and national press coverage.
- ◆ Intensive briefings on children's issues were held between business leaders (who were recruited by the CCC) and candidates for governor, attorney general, and key legislative districts.
- ◆ During the 1999 legislative session, a strong group of freshman legislators showed leadership on children's issues and turned to the CCC for briefings and policy recommendations. They had learned of the CCC through the '98 *Campaign for Kids*.
- ◆ Gubernatorial candidate Bill Owens initially had

no substantial agenda on child health and child care. During the election, his platform expanded to include both of these issues. Once elected, Governor Owens announced that the Child Health Plan, a '98 *Campaign for Kids* issue, would be his top priority for addressing child health needs. Three months into his term, Governor Owens signed bills that expanded the Child Care Pilot Project, strengthened safety standards in child care facilities and created an interim committee on child care.

### Lessons Learned for Campaign 2000

- ◆ The CCC website needs to be more comprehensive and interactive. Colorado is a geographically diverse state and a strong website provides a great way for citizens to be involved even if they live in rural communities.
- ◆ Seven communities were involved in the '98 *Campaign for Kids*. In future efforts, the CCC wants to double that number by asking each '98 *Campaign for Kids* community to mentor a neighboring community. Communities will also be selected more strategically, according to their political importance, rather than by geography.
- ◆ The '98 *Campaign for Kids* did not have a system for tracking and collecting press coverage because it is such a time intensive activity. In the next election, monitoring press coverage will be included and the CCC will look for volunteers to help.

-Julie R. Cohen

### Contact

Moira Cullen  
Policy and Communications Coordinator  
225 East 16th Avenue • Suite B-300  
Denver, Colorado 80203-1607  
(303) 839-1580 x 225  
mcullen@coloradokids.org

A publication of the  
National Association of Child Advocates

1522 K Street, NW • Suite 600 • Washington, DC, 20005  
202-289-0777 • Fax 202-289-0776

## Electoral Advocacy *Management Brief*

The following is an excerpt from the April 1999 NACA Management Brief, *Connecting Non-Partisan Politics to Children's Policy: The Florida Model*. The Center for Florida's Children suggests various ways to motivate voters, campaign contributors and community leaders to put children as their priority. The article includes questions for the candidates, and makes suggestions such as distributing conversation guides and sponsoring Youth Candidate Debates (See *Great Ideas*). They discuss how to effectively use the media, and other means of getting out your message.

# Management Brief



April 1999 • National Association of Child Advocates

## Connecting Non-Partisan Politics to Children's Policy: The Florida Model

Jack Levine, President, The Center for Florida's Children  
Roy Miller, Director, The Florida Children's Campaign

The Center for Florida's Children is a member of the  
National Association of Child Advocates

### 1998 Election Year Activities

The Campaign targets those Floridians who have the power to take action, the people who truly drive politics: frequent voters, campaign contributors, and community leaders. When these influential Floridians are motivated to put children at the top of their priority list, candidates and elected officials do respond. The Campaign's 1998 initiatives included:

#### 1998 Questions for Candidates.

The format is Yes/No responses to a range of child and family concerns. The Questions were sent to all candidates for statewide and legislative district offices (House and Senate). The response rate of 75% was triple the rate of four years ago. All responses are posted on our webpage ([www.floridakids.com](http://www.floridakids.com)) and were distributed to the media, community leaders, and through our allied networks to more than 20,000 child and family advocates statewide. Candidates who choose not to

respond were identified by name and office sought.

Because we can't ignore the influence of political contributions to the election process, we have developed an outreach program to major contributors. "I'm for Kids and I Vote" stickers were mailed to influential and active political contributors throughout the state. Contributors were asked to put this sticker on the memo section of checks they write to candidates or to the political parties.



Election year **Conversation Guides** were sent to community leaders throughout the state, and to voters through distribution by our campaign allies and through our webpage ([www.floridakids.com](http://www.floridakids.com)). Voters, the media, and other concerned citizens have direct access to children's experts who can answer questions about the state of our children and suggest concrete ways they and their families can be stronger and safer.

**Youth Candidate Debates**, where future voters of the state question candidates directly, test the resolve of candidates to help children and families. Florida's only statewide televised debate for the position of Education Commissioner was organized and sponsored by the Florida Children's Campaign. The major feature of this historic event was the direct participation of students who served as the questioners of the candidates.

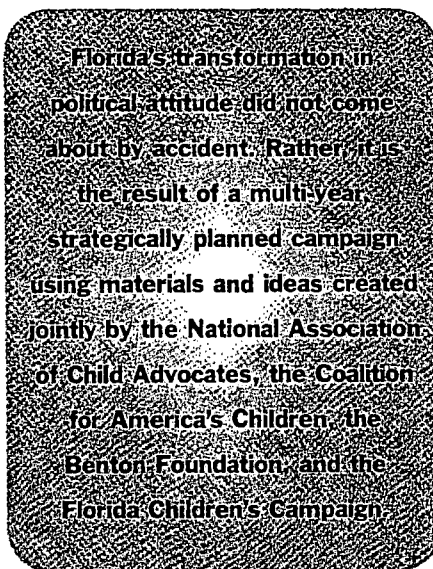
Community volunteers throughout Florida distributed our **Children Need Champions** door-hangers in their neighborhoods, at their offices, places of worship, and at the polls on election day. The goal is to build an informed voter base on children's needs, starting the process anew for future local and state elections. The Campaign distributed its message through 150,000 - 200,000 hand-outs, doorhangers, mailings, and website hits. Considering television and magazine ads and special broadcasts, message penetration represented a five-fold increase over 1996.

## The 1998 Campaign

### **The Real Meaning of *Who's for Kids and Who's Just Kidding***

At the heart of the Campaign is the Coalition slogan, "*Who's for Kids and Who's Just Kidding*," one of the most powerful political statements coined in years. The slogan is especially effective

when used in the context of a well orchestrated children's campaign, patterned after real-life candidate campaigns, with selective audience targeting, message development, and grassroots strategies.



When coupled with issues of real concern to voters, the slogan creates a startling contrast between those who only say that children's needs are important and those who are actively working to put children first on the political priority list. The slogan implies that candidates should no longer feel free to kiss babies on the campaign trail and forget about them after election day. Use of the slogan helps separate the contenders from the pretenders.

This clear-cut delineation is important because partisan party politics is a game of sharp contrasts. Political parties strive constantly to put themselves on one side of an issue and their opponents on the other. While real-life issues are never that clear-cut, political campaigns make them appear to be. That's why *Who's for Kids and Who's Just Kidding* works-it gives the non-partisan Children's Campaign a powerful tool to level the playing field when it comes to public

perception. We never tell voters for whom to vote, but we can persuade them to pay attention to every candidate's platform and vote according to the strength and depth of their commitment to children.

### **The Three M's of an Effective Campaign - Message, Media and Management**

Even the best campaign pitch requires a good wind-up and smooth delivery to be effective. The success of the Florida Children's Campaign is attributed in large part to staying focused on the three "M's": Message, Media, and Management.

### **Message and Audience**

The target audience for the message of the Florida Children's Campaign consists solely of the people who truly drive politics in our state: **frequent voters, political contributors, and community leaders.** It is the Campaign's premise that when these audiences are motivated to put children at the top of their priority list, candidates and elected officials will respond. Will Rogers said it best, "Smart politicians know where there's a parade and get in front of it."

Smart politicians know that among Florida's 11.7 million adults who are eligible to vote, only 70 percent (8 million) are registered, and only 30 percent of those vote in the "primaries", where a startling number of elections are actually decided because of the impact of carefully "drawn" district boundaries, favoring one party or the other.

Florida, like many states, has a "closed" primary system - restricting the choice of voters to candidates within their own party. With Florida voter registrations running fairly equal between Democrats and

Republicans, this means that only half of primary voters, or as few as **11 of every 100 eligible voters cast meaningful ballots** for the candidate who will ultimately represent their district in the state or national capital.

Smart politicians do the math and run their campaigns accordingly. They restrict their outreach to a narrowly defined voting audience. In its mission to win victories for kids, the Florida Children's Campaign uses the same targeting strategies that partisan candidates use to get elected.

Political contributors - the small number of politically active people who are the source of most campaign donations, along with the 300 to 500 community leaders in every county who are "insiders", members of the most influential boards, groups, or associations, whether they be business, economic development, health, civic, or educational - make up the balance of the target audience for a political campaign. Identifying this group of contributors/community leaders, by name, address, and telephone number, can lead to the development of a statewide database, making it possible for a children's campaign to put key messages and print materials in the hands of the most influential people.

Arriving in Tallahassee only a couple of years ago, Campaign Director Roy Miller recalls a meeting where children's advocates spoke about reaching community and business leaders with their message. He remarked that the idea was great, but who had the list? While he really thought one was available, it wasn't. As valid as their intentions were, assuming "the public" is their audience would not bring their desired results. So the Campaign immediately went about the business of developing a key leader database and a compelling

campaign message to deliver to that target audience.

Campaign messages must resonate with the target audience, speaking to issues of great concern to them. Care should be given to the best way of linking children's needs to thematic goals unfolding in political circles and

**Effective political communication is a conversation, not a lecture.**

throughout the media. For this reason, polls regarding voter attitudes about children's issues become essential, providing a road map, ensuring the "hottest" buttons are pushed in the campaign message delivery process, whether it be through direct mail, hand-outs, or through the media.

The Florida Children's Campaign commissions our own polls and makes active use of the excellent data provided through the Coalition for America's Children, such as the *Great Expectations* (<http://www.kidscampaigns.org/Smart/CACpoll/home.html>) survey. We also use poll findings posted on the Internet from various interest groups.

Another way to ensure that children's campaign themes stay "on message" is through the strict adherence to the consensus platform which narrows the list of agenda items put before the voters for their active consideration.

The foremost guideline we follow is the "30-second" rule: the time it takes for a voter, campaign contributor, or community leader to retrieve our campaign letter from their mailbox, read it, and drop it into the first garbage can they pass. Thirty seconds

is also the length of most public service announcements and television news clips. We found it simply isn't possible to go to voters with a 25 item children's agenda, or 15, or even 10. It must be pared down to three issues, carefully selected to spark voter interest and call them to action.

Election year conversation about children in Florida is guided by our three-pronged consensus campaign platform, developed through citizen input at eight regional Community Action Days. Platform issues were chosen from 18 key challenges to the health and well-being of Florida's children, compiled from polling results, focus groups, and indicators highlighted in the Annie E. Casey Foundation National Kids Count and the Florida Kids Count reports.

This consensus building process leading to the Florida Children's Campaign platform involved more than 325 citizens statewide representing politically active organizations with diverse interests. Guided by expert facilitators to ensure fairness and impartiality, participants worked to prioritize the top issues most likely to translate into action that significantly enhances the well-being of Florida's children.

If all this sounds like a lot of work, it is. But we keep in mind there is only one opportunity to make a first impression with a voter, political contributor, or community leader.

#### **Media**

Quite frankly, in politics, talk is cheap. While constituent groups like to boast of their power to influence political outcomes, most often that "power" is not translated into political action. We are finding that when our constituency leaves the comfort of their kitchens and backyards to communicate our message in



public, through the media, candidates and elected officials take notice.

The media-print and broadcast-plays an important role in any political campaign. The media is the public's voice both locally and statewide. Therefore, we made a commitment to learn how to access the media so that our campaign message was amplified.

The Florida Children's Campaign did this by watching, listening, and reading. We considered the following questions: (1) What's the audience focus of the various media outlets? (2) Do the radio stations or other media sources target certain populations in the community? (3) Do the TV stations focus primarily on local news or do they rely heavily on national network broadcasting? (4) Is access available to cable companies which broadcast special emphasis programming?

With these questions in mind, the Florida Children's Campaign developed a statewide media database, listing basic contact information as well as general managers, key editorial editors, assignment editors, and news directors. This information is available to us at a click on the computer.

With this contact information in hand, the Campaign develops press releases and makes pitches for coverage of our activities, resulting in some "home runs", including televised prime-time town meetings on children's issues, televised debates where youth direct questions to candidates, news coverage of campaign rallies, and radio "talk" show appearances in key markets.

The Campaign has generated print ads appearing in statewide publications, such as our series of four-color, full page *Pity Won't Save Them* ads in Florida Trend, the leading

## The Functions of Strategic Communication

Overall, the Florida Children's Campaign website and strategic media communications serves four major functions:

- to win voter awareness and understanding of the campaign's point of view and place in the broad context of political events;
- to establish rapport with those individuals, groups and public audiences whose sentiment and support are necessary to achieve our goals;
- to enlist volunteer participation, enhance professional relationships, and increase financial support for our campaign;
- to promote our platform which will result in better educational conditions and the community as a whole.

business magazine (60,000 circulation and a readership of 155,000). In addition, we produced a compelling TV PSA (same theme as the ads - one with a female voice-over, another with a male) and formed a distribution partnership with the Florida Cable Telecommunications Association to air a public service announcement throughout the state. The TV PSA was aired more than 6,900 times.

The political consideration behind our media outreach strategy recognizes that candidates and elected officials will take us seriously only if we're talking to their constituents. Consider for example that most campaigns are won within a spread of 6 to 8 points, 53 - 47, or 54 - 46. If through our media outreach strategy, using the "Who's for Kids and Who's Just Kidding?" slogan, 3 to 4 percent of the voting public base their final decision on their perception of who's best for kids, that "safe" margin of victory is now a "toss-up" election. No smart candidate will ignore those numbers. Therefore, no smart candidate will

be able to ignore a children's campaign with an active and well-honed media strategy.

### Management

Like any campaign, the Florida Children's Campaign lacks the time, money, and human resources to "do it all." Choices have to be made. But how?

Our most important management tool was the development of a strategic plan, outlining in summary fashion the campaign mission, vision and priorities, including outcomes, activities, infra-structure, types and frequency of contacts with the target audience, and revenue needs.

Our strategic plan not only is useful in promoting internal communications between staff, but also improves external communications between staff and volunteers, most of whom are scattered throughout the state and who need a unifying "action" document to stay on track. Our strategic plan is not lengthy; in fact, it consists of fewer than 750 words, outlining specifically what we want to accomplish.

Adherence to the strategic plan is integral to our success. It helps us stay "on message" to our intended audience in time frames advantageous to building an informed voter base. It also helps us to sort through the many requests received in the office, providing a polite way of saying "no" when an incoming request, however worthy, does not match our current campaign emphasis. We like to say that we will not spend one dime, one hour, or the energy of one volunteer on activities that do not take us where we want to go.

Another management tool we have found effective was the development of a central campaign structure, patterned after real-life political campaigns, controlling the core message, theme, and images, complemented by grassroots input in the development phase and vast grassroots dissemination.

Campaign materials are produced by a central creative team, all with political campaign experience. Local print inserts, linked directly to the core campaign themes, provide community-based statistics and situations. To help other advocacy groups who want to distribute information about their specific platforms, and to gain their support, the central creative team produces voter friendly hand-outs from the advocacy group's sometimes complex service-related information.

The most important infra-structure consideration in Florida was the development of a State Campaign Committee of influential Floridians who open doors and recruit their peers and community leaders. Equal number of registered Democrats and Republicans serve on the Campaign Committee, most with backgrounds of service as elected officials (former only), political consultants, commu-

nity organizers, and business and civic leaders.

Because effective campaigns must be responsive, flexible, and opportunistic, the Campaign Committee is empowered to act in a decisive manner in coordination with the professional campaign staff. The Campaign Committee is not advisory to another policy making body and is not dependent on approval from the parent organization's board of directors. It is truly an affiliate structure, with the authority to make and follow-through with decisions.

A grassroots network, *Champions for Florida's Children*, is raising awareness at the local level. Timed with the launch and major activities of our Campaign, volunteers go door-to-door in their neighborhoods, distributing a colorful voter outreach door-hanger. Our call to action is as simple as remembering the 3V's: Voice, Vote, and Volunteer.

The Campaign's Website: [www.floridakids.com](http://www.floridakids.com) makes communication with large numbers of Floridians effective and efficient. People can click to the webpage and keep pace with campaign developments while also downloading sign-up forms and hand-outs.

## Conclusion

The change that has occurred in Florida is not a one-way street; it goes well beyond a new responsiveness from elected officials and candidates. Advocates, too, are finding new ways to plan strategy and work together. We realize that cooperation, not competition, results in public attention and action for a broader range of children's initiatives. The days of the "circular firing squad"-when single issue advocates loaded their own ammunition but shot at each other-are gone.

## For Additional Information:

Jack Levine, President  
*The Center for Florida's Children* or  
Roy Miller, Director  
*Florida Children's Campaign*  
P. O. Box 6646 • Tallahassee, FL 32314  
850/222-7140 • 850/224-6490 (FAX)  
Flcampaign@aol.com  
[www.floridakids.com](http://www.floridakids.com)

**BEST COPY AVAILABLE**







## **Spark The Debate**

### **Section 4: Electoral Advocacy - What can a 501(c)(3) do?**

Non-profit organizations registered as 501(c)(3) organizations can conduct voter education activities and promote participation in the electoral process as long as they do so in a nonpartisan manner. A variety of electoral advocacy activities, including policy questionnaires, and legislative scorecards, are generally permissible if conducted without the appearance of endorsement of or opposition to any candidate or political party. However, since federal, state, and, in some case, local laws govern the electoral activity of 501(c)(3) organizations, please familiarize yourself with applicable laws or seek legal counsel.

Under federal law, 501(c)(3) organizations are absolutely prohibited from supporting or opposing candidates for public office. Since the prohibition against “electioneering” for or against political candidates or political parties is absolute, NO SAFE EXCEPTION exists for “de minimis” violations. The political prohibition is stricter than the lobbying limitation: even an “insubstantial” degree of political intervention violates federal law which will likely result in a loss of your status as a 501(c)(3).

Two excellent resources which provide additional information on the federal laws governing 501(c)(3)s and other non-profit organizations are available from the Alliance for Justice, an organization with expertise in non-profit advocacy activities.

- The Rules of the Game: An Election Year Legal Guide for Non-Profit Organizations is a very clear guide about the legal parameters applicable to non-profit organizations engaging in electoral work. You may recall that NACA provided you a copy of this publication in August 1998. To obtain another copy, please visit the Alliance’s web site at <http://www.afj.org/pubs.html> for ordering information. Although this is a 1996 publication, the laws haven’t changed substantially, so it is still largely applicable. Also, the Alliance is preparing an insert, which is forthcoming, to this publication containing a 2000 election-year update.
- E-Advocacy for Non-Profits: The Law of Lobbying and Election Related Activity on the Net focuses on internet electoral advocacy and can be ordered or obtained on-line from the Alliance for Justice at <http://www.afj.org/summary.htm>. Section III of this 2000 publication, attached and reprinted with permission, contains a nice summary of election related advocacy activities for non-profit organizations permissible under federal law.



National Association of Child Advocates  
1522 K St., NW, Suite 600 \* Washington DC 20005 \* 202-289-0777 \* 202-289-0776(fax)  
Prepared by: Alexandra Burrall and Stephanie Schaefer  
Contact Stephanie for more information at ext. 203 [schaefer@childadvocacy.org](mailto:schaefer@childadvocacy.org)

# E-Advocacy for Nonprofits: The Law of Lobbying and Election Related Activity on the Net

By Elizabeth Kingsley, Gail Harmon,  
John Pomeranz, and Kay Guinane



A Publication by  
The Alliance for Justice

[Click Here to Purchase a Copy of E-Advocacy](#) •

[Contents](#) • [Preface](#) • [Introduction](#) • [Internet Tools](#) • [Lobbying Law](#) • [Election-Related Advocacy Law](#) • [Questions & Answers](#) • [Conclusion](#) • [Glossary](#) • [Authors](#) • [Home](#) •

Online version produced by the [Technology Project](#) and designed by [Dungeness Communications & Design](#).

## Contents

### Section III: Selected Federal Law Governing Election-Related Advocacy

- A. 501(c)(3) Organizations: Nonpartisan Electoral Activities
  - 1. Policy Advocacy
  - 2. Candidate Questionnaires and Voter Guides
  - 3. Legislative Voting Records
  - 4. Candidate Debates and Forums
  - 5. Voter Registration and Get-Out-the-Vote Activity
- B. 501(c)(4) Organizations: Some Advocacy of Candidates Permitted
  - 1. 501(c)(4) Electoral Activity Under the Federal Tax Code
  - 2. 501(c)(4) Activity in Federal Elections
    - a. Membership Communications Exception
    - b. Qualified Nonprofit Corporations (the MCFL Exception)
    - c. 501(c)(4) Activity in State Elections
- C. PACs: Maximum Electoral Advocacy

## Section III: Selected Federal Law Governing Election-Related Advocacy

Election season presents many opportunities for nonprofits to put their message before the public at a time when attention is most focused on public policy. Depending on their category of tax-exempt status, groups may engage in everything from nonpartisan get-out-the-vote (GOTV) efforts to candidate endorsements and other support.

This section summarizes some of the basic rules and highlights provisions that are particularly important in considering Internet-based electoral activity. Readers who would like a more complete discussion of the rules governing election-related activities by nonprofits are urged to consult the Alliance's publications *The Rules of the Game: An Election Year Legal Guide for Nonprofit Organizations* and *The Connection: Strategies for Creating and Operating 501(c)(3)s, 501(c)(4)s, and PACs*.

As with lobbying, the general legal rules that apply to an organization's electoral advocacy communications and activities will likely carry over into Internet-based activity. Federal, state, and sometimes local laws govern electoral activity. 501(c)(3)s are regulated primarily by the IRC, which restricts them to nonpartisan educational activities, forbidding intervention for or against candidates. 501(c)(4)s have more latitude under the IRC, but their federal election activities must comply with the Federal Election Campaign Act (FECA), which restricts corporate activity in federal elections.<sup>20</sup> Unlike 501(c)

(4)s, the FECA allows PACs to directly support federal candidates, but they must comply with federal campaign contribution limits and may face fundraising restrictions.

In state and local elections, state and local laws govern electoral activity for nonprofits and may offer more opportunities for electoral advocacy by 501(c)(4)s and PACs. For example, some states allow corporations, including 501(c)(4)s, to contribute to candidates. State and local election law is largely irrelevant to



501(c)(3)s because, even at the state and local level, federal tax law prohibits 501(c)(3)s from engaging in partisan political activity. However, 501(c)(3)s should be aware that state and local election law may govern the organization's advocacy on ballot measures, an activity that federal law treats as permissible 501(c)(3) lobbying. As with state lobbying laws, coverage of state and local election law is beyond the scope of this guide, but information is available from each state's election commission and local governments. Contact information for state election offices is available on the Alliance for Justice web site .

### A. 501(c)(3) Organizations: Nonpartisan Electoral Activities

501(c)(3)s can conduct voter education activities and promote participation in the electoral process as long as they do so in a nonpartisan manner. Both the substance and form of these activities must be strictly educational. 501(c)(3)s are forbidden from promoting or opposing the election of any candidate to public office, either expressly or by implication. Nor may 501(c)(3)s



support or oppose political parties.<sup>21</sup> The rule applies to all candidates and parties in federal, state, and local elections. The IRS uses a very broad definition of "candidate." People may be considered candidates even if they have not taken any action to put themselves into the race but other people have formed a draft committee or otherwise support their candidacy. The sanctions for violation of the prohibition on partisan activities are severe, ranging from revocation of exempt status to fines on the organization, individual managers, and board members who knowingly allow the activity to take place.

In spite of this, a broad range of educational, nonpartisan electoral activities remain available to 501(c)(3)s, such as voter registration drives, GOTV activity, candidate forums, and candidate questionnaires. Groups need to make sure these activities are conducted in a nonpartisan manner. It is essential to avoid the



appearance of endorsing or opposing any candidate when the activity is considered in light of all the facts and circumstances. At a minimum there should be no formal or informal coordination of activity between the group, a candidate, political party, or PAC. In addition, all educational literature should have disclaimers stating that the group is nonpartisan and that the publication does not reflect the endorsement of any candidate or party.

The application of these rules is very context specific. Unlike the clear lobbying guidelines provided by the Section 501(h) expenditure test, the IRS has issued

very little specific guidance on electoral activity by 501(c)(3)s. Instead, the permissibility of electoral activities by 501(c)(3)s depends on the facts and circumstances surrounding those activities. For example, an advertisement promoting the group's stance on childhood immunization would ordinarily be appropriate, but it may be considered impermissible electioneering if the ad runs during a contentious gubernatorial race in which funding for children's health is a key issue.

Within these general guidelines, 501(c)(3)s have successfully pursued many activities to inform and empower voters in an election year. Many of these election-related activities - policy advocacy, voter guides, voting records, and more - are finding renewed success when coupled with the power of the Internet to distribute information.

### **1. Policy Advocacy**

Elections are an excellent opportunity for 501(c)(3)s to educate the public on important issues because the public is more likely to focus on policy concerns during an election season. 501(c)(3)s must be certain, however, that their policy advocacy does not appear to be intervention that supports or opposes candidates for office. For example, a newspaper advertisement about the need for more shelters for the homeless may constitute an impermissible campaign intervention in a town where housing concerns are the key issues of a heated mayoral campaign. The advocacy should likewise not refer to candidates using "code words" such as "conservative," "liberal," "pro-choice," or "green," which can be seen as labels by which voters can identify the organization's favored candidates. An organization with a history of advocacy around the issues is in a better position to demonstrate that its election-year advocacy is part of its ongoing activities and not an attempt to influence voters' support for particular candidates.

### **2. Candidate Questionnaires and Voter Guides**

501(c)(3)s can produce nonpartisan voter guides to educate the public on the candidates' positions on the issues based on the candidates' responses to a questionnaire. (Candidate questionnaires that are based on the candidates' publicly stated positions or press reports may also be permissible, but the IRS has not specifically approved such voter guides.)

Questionnaires must be distributed to all candidates, address a broad range of topics, and be written to avoid suggesting the organization's position on the issue. The format of the guide should not give one candidate prominence or otherwise create an appearance that one or more candidates is acceptable or unacceptable to the organization.<sup>22</sup>

### **3. Legislative Voting Records**

501(c)(3)s may publish legislative voting records or legislative scorecards as an educational or lobbying activity if there is no appearance of endorsement or opposition to candidates based on evaluation of their past voting records. Release of the voting record or scorecard must not be deliberately timed to coincide with the election and is frequently done soon after the legislative

session ends. The 501(c)(3) must publish the records for all legislators (or all representing the organization's region) and must not indicate which ones are up for reelection.

The IRS has issued only two rulings that describe permissible voting records. The IRS has stated that a 501(c)(3) may prepare records that cover votes on a broad range of issues and distribute them to the general public. Release of this voting record may not be deliberately timed to coincide with an election.<sup>23</sup>

The IRS has also approved a regularly published legislative scorecard that focused on a narrower range of issues and that indicated whether the 501(c)(3) agreed with the position each legislator took. In the case of this scorecard, the 501(c)(3) distributed it via its newsletter to its regular mailing list, comprised mostly of the organization's members.<sup>24</sup>

It is likely that a 501(c)(3) could post the first type of voting record - covering a broad range of issues - on its web site. However, because most web pages are available to the general public, the IRS could well challenge a 501(c)(3) that posted a more narrowly focused legislative scorecard for public distribution on the web.



#### **4. Candidate Debates and Forums**

501(c)(3) organizations can sponsor or conduct candidate debates or forums as long as all candidates are treated in a fair and impartial manner. All candidates (or perhaps all viable candidates<sup>25</sup>) must be invited, and the location for the forum must be based on non-political considerations. The event or events must cover a broad range of issues and the format should include elements to insure its impartiality, such as a neutral moderator, an independent panel of questioners, etc. Results of the forum may be reported without editorial comment and circulated through the group's normal channels of communication. This can include posting a report on the organization's web page.

#### **5. Voter Registration and Get-Out-the-Vote Activity**

Voter registration and GOTV must also be nonpartisan. Both the content of the message and the choice of audience must reflect a limited agenda: encouraging the exercise of the right to vote. The organization may not ask people it contacts how they intend to vote. The geographic area selected as the target for the voter registration or GOTV drive should be selected based on neutral, nonpartisan criteria, not reasons related to the results of the election. For example, it is permissible to select locations based on the number of the organization's members in the community or the proximity to the organization's headquarters, but a 501(c)(3) could not choose to conduct a GOTV drive in a legislative district because it is represented by a key congressional supporter of the organization.

Likewise, the choice of people that a 501(c)(3) targets in voter registration and GOTV drives must be made to further the legitimate charitable purpose of encouraging voting, and not based on political criteria. However, a 501(c)(3) may target disadvantaged or under-represented groups, such African-Americans

or women, even if their historical voting pattern favors one party over another. The 501(c)(3) can also target its members or other groups defined by a set of common interests or problems that are broadly shared, such as farmers or factory workers, if the choice is made because of that organizational connection and not with an eye toward influencing the outcome of an election.

The messages the organization uses to encourage registration and voting should not discuss issues in a way that conveys an implicit endorsement.

### **Example**

It would be appropriate to encourage people to vote because "this election will

determine the quality of our children's education," but it might not be appropriate to encourage people to vote because "our children need more computers in their schools." The latter message might be perceived as an attack on the incumbent candidate who failed to fund school computers.

## **B. 501(c)(4) Organizations: Some Advocacy of Candidates Permitted**

### **1. 501(c)(4) Electoral Activity Under the Federal Tax Code**

Unlike 501(c)(3)s, federal tax law allows 501(c)(4) organizations to participate in partisan political activities. As long as these activities are not the organization's primary purpose - and they comply with federal, state, and local election laws described below - 501(c)(4)s can endorse candidates, distribute statements for or against candidates, and publish comparative ratings of candidates. They may also make direct and in-kind contributions to campaigns where permitted by state and local law. (The FECA generally prohibits such contributions in federal races.) There is no fixed rule about how to measure "primary," but the IRS is likely to look at both expenditures and activities in measuring a 501(c)(4)'s partisan activity. This limitation does not restrict nonpartisan activity that would be educational or promote exercise of the right to vote, such as the types of issue advocacy, debates, voter guides, voter registration, and GOTV drives discussed above.

Although the tax law permits 501(c)(4)s to engage in political activities, 501(c)(4)s may have to pay taxes on any expenditures for political purposes.<sup>26</sup> The 501(c)(4) can avoid the tax if it pays these political expenditures out of a separate segregated fund, a kind of PAC described below.

### **2. 501(c)(4) Activity in Federal Elections**

The FECA applies when 501(c)(4) organizations get involved in federal elections.<sup>27</sup> The FECA prohibits almost all corporations, including most 501(c)(4) nonprofit corporations, from making contributions to candidates, political parties, or PACs. This prohibition applies to both cash and "in-kind"

contributions in the form of goods or services.

The FECA also prohibits most incorporated 501(c)(4)s from making or spending the organization's funds on "independent expenditures," defined as communications made without coordination with a candidate or campaign that include "express advocacy." In turn, "express advocacy" is defined as statements that urge the election or defeat of a candidate for federal office. In determining whether a communication is express advocacy, the FEC considers whether:

- i. the communication refers to a clearly identified federal candidate with phrases such as "vote for," "support," "defeat," "reelect your Democratic nominee," or "reject the incumbent." Also included are campaign slogans such as "Carter '76" and phrases such as "vote pro-choice" with a list of names or photographs of candidates supporting or opposing choice, and "reject the incumbent"; or
- ii. a reasonable person could only interpret the communication to advocate the election or defeat of a clearly identified federal candidate, because its electoral message is unambiguous and unmistakable in light of the language and external facts, such as the proximity of the election.<sup>28</sup>

Federal courts currently disagree about the constitutional validity of the second half of this test, which substantially broadens the definition of "express advocacy" beyond the first.<sup>29</sup>

In addition to communications that contain express advocacy, the FEC may treat some other political communications that do not contain express advocacy as prohibited in-kind contributions if they are coordinated with a party or candidate. Recent court decisions have cut back on the FEC's ability to regulate such communications,<sup>30</sup> and the Commission is in the middle of a rule-making process to define precisely the types of communications and extent of coordination necessary to make a political communication a prohibited in-kind



contribution.<sup>31</sup> Because the law is in such flux, it is difficult to give precise advice. A safe approach would be not to discuss the timing, content, or distribution of any public communications which mention candidates with any candidate or political party. This is a conservative approach that may impinge on an organization's ability to make bona fide grass roots lobbying communications. Organizations seeking to explore the limits of the prohibition on coordinated communications should seek advice from a lawyer knowledgeable about this area of law.

There are two important exceptions that allow a 501(c)(4) to support or oppose federal candidates despite the general FECA prohibition on express advocacy.

***a. Membership Communications Exception***

The ban on express advocacy applies to communications with the general public, not with a group's members, executive and administrative personnel, and their families. For purposes of FECA, a "member" is someone who either:



- i. pays annual dues to the organization or
- ii. has a significant attachment to the organization, such as the right to participate in the governance of the organization (for example, by electing one or more members of the organization's board) and affirms their intention to be a member at least annually.<sup>32</sup>

Under this exception, a 501(c)(4) can send an e-mail to its members endorsing a candidate or even encourage members to make contributions directly to the candidate by providing an address for sending checks. The 501(c)(4) may coordinate these communications with a political party or campaign. The member communication exception also allows voter registration and GOTV activities targeted to members that are specifically designed to solicit support for candidates or parties.

A 501(c)(4) can also endorse a candidate to its membership and announce that endorsement to its usual press list, as well as in newsletters and other communications that go to members. A 501(c)(4) may not coordinate its press release or press conference announcing its endorsement with the campaign, but the campaign may independently publicize the 501(c)(4)'s endorsement.



The 501(c)(4) organization must keep track of all expenditures for express advocacy to its membership. If the aggregate amount exceeds \$2,000 for any election (primary, general, or special), the 501(c)(4) must report the expenditures to the FEC.

***b. Qualified Nonprofit Corporations (the MCFL Exception)***

A few incorporated 501(c)(4)s that meet strict criteria can make independent expenditures for communications that advocate election or defeat of federal candidates to the general public, not merely the organization's members. The FEC created this exception as the result of a U.S. Supreme Court case, *FEC v. Massachusetts Citizens for Life*, which successfully challenged the FEC's rules as an unconstitutional limit on speech.<sup>33</sup> The rules now provide that a 501(c)(4) that meets the standards for a "qualified nonprofit corporation" may make independent expenditures for communications to the general public in support of or in opposition to candidates.<sup>34</sup> To qualify, a 501(c)(4) may not have been operated by or received support from a business (for-profit) corporation or labor union. In addition, such organizations may not engage in business activities (this does not include fundraising) or have officials or shareholders who may have a claim on the organization's assets.

Expenditures of these "MCFL" groups must be truly independent. There can be absolutely no coordination, cooperation, or consulting with a candidate, campaign, or party. Each communication must include a notice identifying the group as its source of funding. If an MCFL group spends more than \$250 for these communications in any year, it must report the expenditures to the FEC.

### 3. 501(c)(4) Activity in State Elections

FECA applies to federal elections, but each state has its own election laws that govern 501(c)(4) electoral activities around state and local elections. In a few jurisdictions, there are also local election laws with which 501(c)(4)s must comply. In some states, corporations are permitted to make expenditures to support or oppose candidates. In these states, a 501(c)(4) may be permitted to contribute to a candidate or fund express advocacy communications to the general public. Furthermore, state and local election laws, which vary from state to state, may regulate 501(c)(4) participation in ballot measure campaigns.



Note that although the federal election law does not apply to state and local elections, IRC restrictions on 501(c)(4) electoral activity still apply. Thus, even if state or local law permits a greater degree of electoral advocacy by 501(c)(4)s, it must still not become the primary purpose of the organization, and the 501(c)(4) may still be subject to tax on those activities.

### C. PACs: Maximum Electoral Advocacy

Political committees organized under Section 527 of the IRC are created with the specific purpose of influencing the nomination or election of candidates for public office. They may endorse candidates, create and distribute partisan material, operate voter registration and GOTV drives designed to favor a particular candidate or party, and conduct other types of electoral activity that would be impermissible for 501(c)(3)s or 501(c)(4)s.

There are two types of PACs.<sup>35</sup> Connected PACs (also known as separate segregated funds or SSFs) are PACs sponsored by another organization, such as a 501(c)(4). Typically, the connected PAC exists simply as a separate bank account, controlled by the connected organization and governed by the reporting and expenditure requirements of federal (or state) election law. Because of the federal tax law prohibition on campaign intervention by 501(c)(3)s, a 501(c)(3) may not create a connected PAC. The greatest drawback of connected PACs is that they may only solicit funds for their activities from the connected organization's members and qualifying employees. However, the connected organization may pay all of the administrative and fundraising costs for the connected PAC.

Nonconnected (or independent) PACs, as the name implies, are PACs that are not sponsored by any other organization, but are instead created by individuals. Although nonconnected PACs must pay their own administrative expenses, they are permitted to solicit the general public for contributions.

Federal and most, if not all, state election laws require extensive reporting of a PAC's expenditures. (However, each state's laws differ from the federal law and those of other states.) The reporting and expenditure laws governing nonconnected PACs and connected PACs are very similar. It is advisable to seek the help of an election



---

law attorney in creating a system to comply with these laws.

[Contents](#) • [Preface](#) • [Introduction](#) • [Internet Tools](#) • [Lobbying Law](#) • [Election-Related Advocacy Law](#) • [Questions & Answers](#) • [Conclusion](#) • [Glossary](#) • [Authors](#) • [Home](#)



# Spark The Debate

## Section 5: Who Votes? - Voting Statistics<sup>1</sup>

- The national turnout for federal elections in 1996 was 49.08% (of a voting age population of 196,511,000). Although a rise from 1994 (38.8%), the percentage still reflects a continuing downward trend in participation in a presidential election year since 1960<sup>2</sup>.
- In 1996, 55.5% of voting age females and 52.8% of males voted in the national election (67.3% and 64.4% were registered).
- In 1996, 56% of whites, 50.6% of African Americans and 26.7% of Latinos voted in the national election (67.7%, 63.5% and 35.7% were registered).
- Among African Americans this percent represents a small increase in participation.
- For the Latino community, on the other hand, this percent represents a significant decrease, reflecting a 20 year trend (from 44% in 1972 to 26.7% in 1996).
- In 1992 and 1996 the Midwest had the highest voting percentage, followed by the Northeast, the South and the West<sup>3</sup>.



National Association of Child Advocates  
1522 K St., NW, Suite 600 \* Washington DC 20005 \* 202-289-0777\* 202-289-0776(fax)  
Prepared by: Alexandra Burrall and Stephanie Schaefer  
Contact Stephanie for more information at ext. 203 [schaefer@childadvocacy.org](mailto:schaefer@childadvocacy.org)

<sup>1</sup> Source: Federal Election Commission: [www.fec.gov](http://www.fec.gov)

<sup>2</sup> From 63.1% in 1960, to 53% in 1980, to 49.1% in 1996

<sup>3</sup> 59.3%, 54.5%, 52.2% and 51.8% respectively in 1996 reflecting previous years as well

Population numbers in thousands

back to top	November 1992					November 1994					November 1996				
	Voting Age Pop.	Registered #	%	Voted #	%	Voting Age Pop.	Registered #	%	Voted #	%	Voting Age Pop.	Registered #	%	Voted #	%
<b>AGE/ GENDER</b>															
<b>Both Sexes</b>	185,684	126,578	68.2	113,866	61.3	190,267	118,994	62.5	85,702	45.0	193,651	127,661	65.9	105,017	54.2
18-20 yrs.	9,727	4,696	48.3	3,749	38.5	10,258	3,835	37.4	1,707	16.6	10,785	4,919	45.6	3,366	31.2
21-24	14,644	8,091	55.3	6,693	45.7	14,924	6,824	45.7	3,343	22.4	13,865	7,099	51.2	4,630	33.4
25-44	81,319	52,726	64.8	47,389	58.3	83,006	48,023	57.9	32,689	39.4	83,393	51,606	61.9	41,050	49.2
45-64	49,147	37,016	75.3	34,399	70.0	50,934	36,541	71.7	28,878	56.7	53,721	39,489	73.5	34,615	64.4
65+	30,846	24,049	78.0	21,637	70.1	31,144	23,771	76.3	19,086	61.3	31,888	24,547	77.0	21,356	67.0
<b>Male</b>	88,557	59,254	66.9	53,312	60.2	91,006	55,737	61.2	40,716	44.7	92,632	59,672	64.4	48,909	52.8
18-20 yrs.	4,876	2,274	46.6	1,786	36.6	5,139	1,871	36.4	809	15.7	5,372	2,294	42.7	1,521	28.3
21-24	7,158	3,797	53.0	3,086	43.1	7,371	3,249	44.1	1,520	20.6	6,901	3,417	49.5	2,140	31.0
25-44	39,974	25,022	62.6	22,319	55.8	40,896	22,876	55.9	15,766	38.6	41,005	24,453	59.6	19,211	46.8
45-64	23,620	17,681	74.9	16,490	69.8	24,620	17,462	70.9	13,991	56.8	25,945	18,829	72.6	16,530	63.7
65+	12,929	10,483	81.1	9,631	74.5	12,981	10,279	79.2	8,629	66.5	13,408	10,680	79.7	9,507	70.9
<b>Female</b>	97,126	67,324	69.3	60,554	58.3	99,260	63,257	63.7	44,986	45.3	101,020	67,989	67.3	56,108	55.5
18-20 yrs.	4,851	2,421	49.9	1,962	35.2	5,119	1,964	38.4	898	17.5	5,413	2,625	48.5	1,845	34.1
21-24	7,486	4,294	57.4	3,607	40.3	7,553	3,576	47.3	1,822	24.1	6,964	3,681	52.9	2,490	35.8
25-44	41,345	27,704	67.0	25,069	60.6	42,110	25,147	59.7	16,923	40.2	42,388	27,153	64.1	21,840	51.5
45-64	25,527	19,335	75.7	17,909	70.2	26,314	19,079	72.5	14,887	56.6	27,776	20,662	74.4	18,085	65.1
65+	17,918	13,568	75.7	12,006	67.0	18,164	13,491	74.3	10,456	57.6	18,480	13,867	75.0	11,849	64.1

back to top	November 1992					November 1994					November 1996				
	Voting Age Pop.	Registered #	%	Voted #	%	Voting Age Pop.	Registered #	%	Voted #	%	Voting Age Pop.	Registered #	%	Voted #	%
<b>ETHNICITY</b>															
White	157,837	110,684	70.1	100,405	63.6	160,317	103,614	64.6	75,769	47.3	162,779	110,259	67.7	91,208	56.0
Black	21,039	13,442	63.9	11,371	54.0	21,799	12,762	58.5	8,095	37.1	22,483	14,267	63.5	11,386	50.6
Hispanic*	14,688	5,137	35.0	4,238	28.9	17,476	5,473	31.3	3,522	20.2	18,426	6,573	35.7	4,928	26.7

back to top	November 1992					November 1994					November 1996				
	Voting Age Pop.	Registered #	%	Voted #	%	Voting Age Pop.	Registered #	%	Voted #	%	Voting Age Pop.	Registered #	%	Voted #	%
<b>REGION</b>															
Northeast	38,329	25,673	67.0	23,448	61.2	38,387	23,599	61.5	17,513	45.6	38,263	24,772	64.7	20,852	54.5
Midwest	44,410	33,137	74.6	29,830	67.2	44,507	30,675	68.9	21,752	48.9	45,177	32,364	71.6	26,798	59.3
South	63,659	42,762	67.2	37,590	59.0	66,365	40,552	61.1	27,128	40.9	68,080	44,891	65.9	35,550	52.2
West	39,286	25,005	63.6	22,997	58.5	41,009	24,167	58.9	19,309	47.1	42,131	25,634	60.8	21,816	51.8

BEST COPY AVAILABLE

EDUCATION	November 1992					November 1994					November 1996				
	Voting Age Pop.	Registered #	Voted #	%		Voting Age Pop.	Registered #	Voted #	%		Voting Age Pop.	Registered #	Voted #	%	
	Less than high school	15,391	6,570	43.9	5,406	35.1	14,734	5,996	40.7	3,479	23.6	13,986	5,697	40.7	4,188
Some high school	20,970	10,575	50.4	8,638	41.2	20,717	9,326	45.0	5,661	27.3	21,002	10,059	47.9	7,099	33.8
High school graduate	65,281	42,355	64.9	37,517	57.5	64,929	38,465	59.2	26,436	40.7	65,208	40,542	62.2	32,019	49.1
Some college, incl. associates degree	46,691	35,226	75.4	32,069	68.7	50,441	34,770	68.9	24,966	49.5	50,939	37,160	72.9	30,835	60.5
Bach. degree or higher	37,351	31,672	84.8	30,236	81.0	39,446	30,437	77.2	25,160	63.8	42,517	34,203	80.4	30,877	72.6

back to top

LABOR FORCE	November 1992					November 1994					November 1996				
	Voting Age Pop.	Registered #	Voted #	%		Voting Age Pop.	Registered #	Voted #	%		Voting Age Pop.	Registered #	Voted #	%	
	In labor force	124,553	85,750	68.8	77,866	62.6	129,076	80,799	63.0	57,702	44.7	132,043	87,532	66.3	71,682
Employed	116,290	81,313	69.9	74,138	63.8	122,584	77,756	63.4	55,844	45.6	125,634	84,166	67.0	69,300	55.2
Unemployed	8,263	4,437	53.7	3,820	46.2	6,492	3,043	46.9	1,858	28.6	6,409	3,365	52.5	2,383	37.2
Not in labor force	61,131	40,828	66.8	35,908	58.7	61,191	38,195	62.4	28,000	45.8	61,608	40,129	65.1	33,335	54.1

\*Persons of Hispanic origin may be of any race.

Source: US Bureau of the Census

BEST COPY AVAILABLE

# Voter Registration and Turnout - 1998

State	1998 VAP	1998 REG	% REG of VAP	TURNOUT*	% T/O of VAP
Alabama	3,293,000	2,316,598	70.3	1,317,842	40
Alaska	437,000	456,914	104.5	221,807	50.7
Arizona	3,547,000	2,265,879	68.8	1,013,280	28.6
Arkansas	1,882,000	1,412,617	75.1	700,644	37.2
California	23,665,000	14,983,950	63.3	8,314,953	35.1
Colorado	2,961,000	2,099,364	70.9	1,327,235	44.8
Connecticut	2,464,000	1,806,750	73.3	964,457	39.1
Delaware	568,000	445,067	78.3	180,527	31.8
District of Columbia	414,000	353,503	85.4	139,825	33.8
Florida	11,383,000	7,494,005	65.8	3,900,162	34.3
Georgia	5,678,000	3,910,740	68.9	1,753,911	30.9
Hawaii	878,000	601,404	68.5	398,124	45.3
Idaho	888,000	661,433	74.5	378,174	42.6
Illinois	8,755,000	6,493,881	74.2	3,394,521	38.8
Indiana	4,410,000	3,377,956	76.6	1,588,617	36
Iowa	2,157,000	1,763,827	81.8	947,907	43.9
Kansas	1,925,000	1,403,682	72.9	727,245	37.8
Kentucky	2,990,000	2,512,318	84	1,145,414	38.3
Louisiana	3,149,000	2,511,141	79.7	969,165	30.8
Maine	957,000	882,329	92.2	421,009	44
Maryland	3,824,000	2,569,316	67.2	1,507,447	39.4
Massachusetts	4,731,000	3,378,165	71.4	1,935,277	40.9
Michigan	7,266,000	6,838,858	94.1	3,027,104	41.7
Minnesota	3,483,000	2,667,692	76.6	2,091,766	60
Mississippi	2,014,000	1,729,200	85.8	517,212	25.7
Missouri	4,042,000	3,240,657	80.2	1,576,857	39
Montana	658,000	494,763	75.2	338,733	51.5
Nebraska	1,231,000	981,160	79.7	545,238	44.3
Nevada	1,314,000	904,050	68.8	435,790	33.2
New Hampshire#	890,000	763,845	85.8	314,956	35.4
New Jersey	6,075,000	4,126,782	67.9	1,815,489	29.9
New Mexico	1,250,000	821,006	65.7	498,703	39.9

New York	13,590,000	9,553,665	70.3	4,989,877	36.7
North Carolina	5,685,000	4,349,290	76.5	2,012,143	35.4
North Dakota	476,000	N/A	N/A	213,358	44.8
Ohio	8,401,000	6,058,808	72.1	3,404,351	40.5
Oklahoma	2,463,000	1,737,229	70.5	859,713	34.9
Oregon	2,484,000	1,965,981	79.1	1,117,747	45
Pennsylvania	9,118,000	6,966,461	76.4	2,957,499	32.4
Rhode Island	751,000	629,786	84	306,383	40.8
South Carolina	2,886,000	2,021,763	70	1,068,367	37
South Dakota	538,000	452,785	84.2	262,111	49
Tennessee	4,120,000	3,057,008	74.2	976,236	23.7
Texas	14,299,000	9,582,505	67	3,738,078	26.1
Utah	1,432,000	1,045,071	73	494,909	34.6
Vermont	448,000	389,191	86.9	214,036	47.8
Virginia	5,165,000	3,470,660	67.2	1,917,261	37.1
Washington	4,257,000	3,119,562	73.3	1,888,561	44.4
West Virginia	1,406,000	951,581	67.7	351,277	25
Wisconsin	3,877,000	N/A	N/A	1,760,836	45.4
Wyoming	354,000	230,360	65.1	174,888	49.4
<b>UNITED STATES</b>	<b>200,929,000</b>	<b>141,850,558</b>	<b>70.6</b>	<b>73,117,022</b>	<b>36.4</b>

**1998 VAP** in this case refers to the 1998 Projected Voting Age Population provided by the Bureau of the Census

and represents scientific estimates based on statistics available in January 1998. This chart will be revised using the

traditional Current Population Survey numbers generated in November 1998 when they become available in December 1999

**1998 REG** refers to the total number of registered voters designated as "active" under the terms of the

National Voter Registration Act of 1993 and reported by the 50 States and the District of Columbia for November 1998.

\* **TURNOUT** in this instance turnout refers to the total vote cast for the highest office contested on the ballot in each

of the 50 States and the District of Columbia. In most cases this figure represents total votes cast for either U.S. Senator

or Governor. In a few instances, U.S. Representative was the highest office on the ballot.

# Including registrations at the polling place on election day.

**N/A** Not applicable. North Dakota has no voter registration and therefore reports no total registration figures. Wisconsin has





election day registration at the polls.

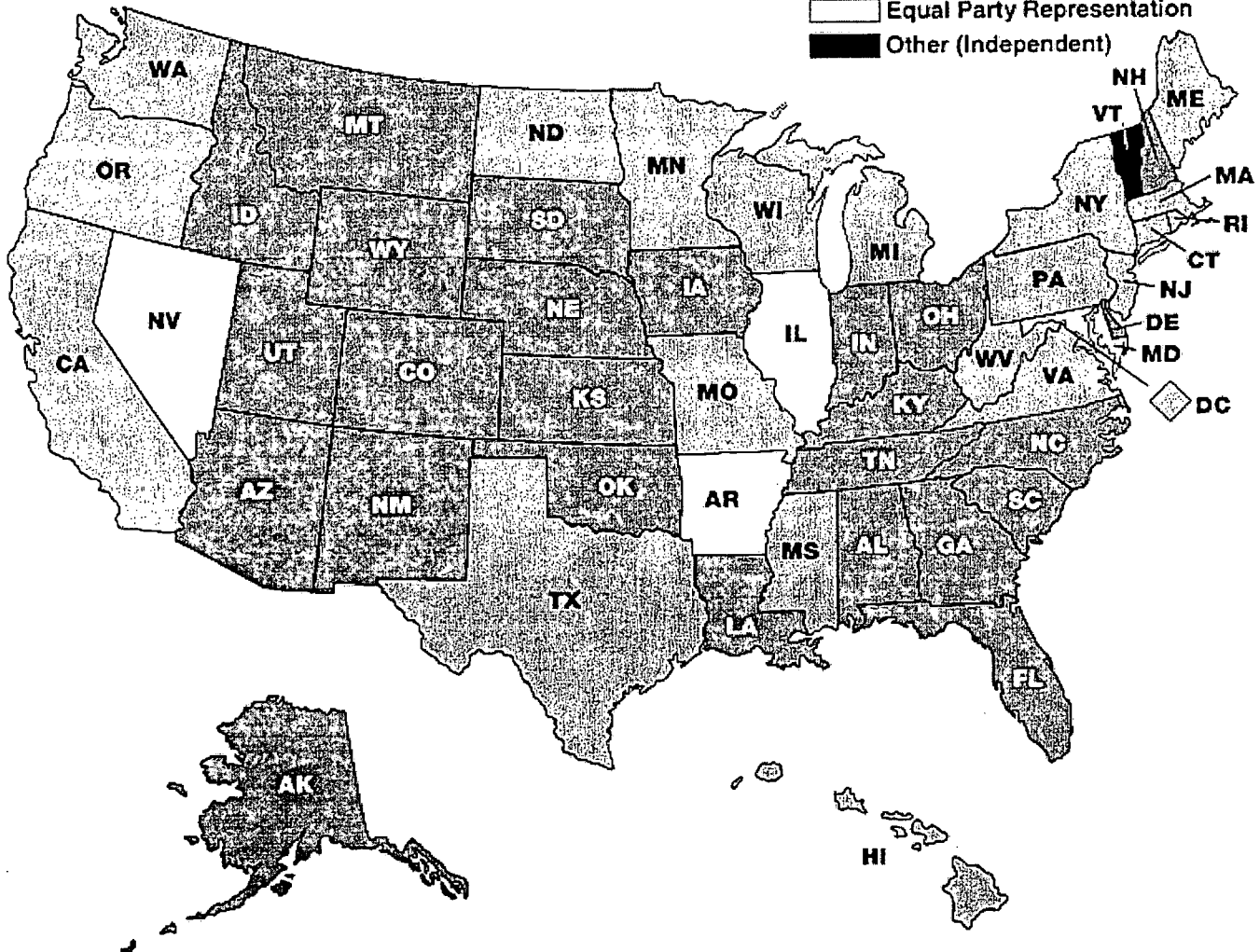
*Figures courtesy of the State Election Offices and the U.S. Bureau of the Census*

6/3/99



# 1999 U.S. House Delegations

-  Majority Democratic
-  Majority Republican
-  Equal Party Representation
-  Other (Independent)



BEST COPY AVAILABLE



# Spark The Debate

## Section 6: US Election 2000

- Election 2000: US Congress, State Legislatures and Gubernatorial Races
- Opening US Senate Seats and Incumbents
- Gubernatorial Races and Incumbents
- State Legislative Term Limits
- State Gubernatorial Term Limits
- Pitfalls of Term Limits



National Association of Child Advocates  
1522 K St., NW, Suite 600 \* Washington DC 20005 \* 202-289-0777 \* 202-289-0776(fax)  
Prepared by: Alexandra Burrall and Stephanie Schaefer  
Contact Stephanie for more information at ext. 203 [schaefer@childadvocacy.org](mailto:schaefer@childadvocacy.org)

# Elections in 2000

STATE	US House Primary (Date of Runoff) <sup>1</sup>	US Senate Election <sup>1</sup>	State Legislatures <sup>2</sup>		Governors <sup>3</sup> (indicates if incumbent is eligible for reelection)
			# Senate seats up for election	# House seats up for election	
Alabama	6/6 (6/27)				
Alaska	8/22		10	40	
Arizona	11/7	yes	30	60	
Arkansas	9/12 (6/13)		17	100	
California	3/7	yes	20	80	
Colorado	8/8		18	65	
Connecticut	9/12	yes	36	151	
Delaware	9/9	yes	11	41	yes
District of Columbia	5/2				
Florida	9/5 (10/3)	yes	20	120	
Georgia	7/18 (8/8)		56	180	
Hawaii	9/23	yes	13	51	
Idaho	5/23		35	70	
Illinois	3/21		19	118	
Indiana	5/2	yes	25	100	yes - Incumbent (D)
Iowa	6/6		25	100	
Kansas	8/1		40	125	
Kentucky	5/23		19	100	
Louisiana	11/7 (12/9)				
Maine	6/13	yes	35	151	
Maryland	3/7	yes			
Massachusetts	9/19	yes	40	160	
Michigan	8/8	yes		110	
Minnesota	9/12	yes	67	134	
Mississippi	3/14 (4/4)	yes			
Missouri	8/8	yes	17	163	yes
Montana	6/6	yes	25	100	yes
Nebraska	5/9	yes	25		
Nevada	9/5	yes	10	42	

New Hampshire	9/12		24	400	yes - Incumbent (D)
New Jersey	6/6	yes			
New Mexico	6/6	yes	42	70	
New York	9/12	yes	61	150	
North Carolina	5/2 (5/30)		50	120	yes
North Dakota	6/13	yes	24	98	yes
Ohio	3/7	yes	16	99	
Oklahoma	8/2 (9/19)		24	101	
Oregon	5/16		15	60	
Pennsylvania	4/4	yes	25	203	
Rhode Island	9/12	yes	50	100	
South Carolina	6/13 (6/27)		46	124	
South Dakota	6/6 (6/20)		35	70	
Tennessee	8/3	yes	16	99	
Texas	3/14 (4/11)	yes	15	150	
Utah	6/27	yes	14	75	yes - Incumbent (R)
Vermont	9/12	yes	3	150	yes - Incumbent (D)
Virginia	6/13	yes			
Washington	9/19	yes	25	98	yes - Incumbent (D)
West Virginia	5/9	yes	17	100	yes - Incumbent (R)
Wisconsin	9/12	yes	16	99	
Wyoming	8/22	yes	15	60	
American Samoa	11/7 (11/21)				yes - Incumbent (D)
Guam	9/2				
Puerto Rico	11/14/99				yes
Virgin Islands	9/9				

1. The entire US House of Representatives is up for reelection in 2000, source: Federal Election Commission - [www.fec.gov](http://www.fec.gov)

2. National Conference of State Legislatures - [www.ncsl.org](http://www.ncsl.org)

3. Democratic Governors' Association - [www.democraticgovernors.org](http://www.democraticgovernors.org)

# US Congressional Races<sup>1</sup>

## US Senate seats opening in 2000 with current incumbents

ARIZONA: Jon Kyl (R)	NEW JERSEY: Frank R. Lautenberg (D)
CALIFORNIA: Dianne Feinstein (D)	NEW MEXICO: Jeff Bingaman (D)
CONNECTICUT: Joseph I. Lieberman (D)	NEW YORK: Daniel P. Moynihan (D)
DELAWARE: William V. Roth, Jr. (R)	NORTH DAKOTA: Kent Conrad (D)
FLORIDA: Connie Mack, III (R)	OHIO: Mike DeWine (R)
HAWAII: Daniel K. Akaka (D)	PENNSYLVANIA: Rick Santorum (R)
INDIANA: Richard G. Lugar (R)	RHODE ISLAND: John H. Chafee (R)
MAINE: Olympia J. Snowe (R)	TENNESSEE: Bill Frist (R)
MARYLAND: Paul S. Sarbanes (D)	TEXAS: Kay Bailey Hutchison (R)
MASSACHUSETTS: Edward M. Kennedy (D)	UTAH: Orrin G. Hatch (R)
MICHIGAN: Spencer Abraham (R)	VERMONT: James M. Jeffords (R)
MINNESOTA: Rod Grams (I-R)	VIRGINIA: Charles S. Robb (D)
MISSISSIPPI: Trent Lott (R)	WASHINGTON: Slade Gorton (R)
MISSOURI: John Ashcroft (R)	WEST VIRGINIA: Robert C. Byrd (D)
MONTANA: Conrad R. Burns (R)	WISCONSIN: Herbert H. Kohl (D)
NEBRASKA: Bob Kerrey (D)	WYOMING: Craig Thomas (R)
NEVADA: Richard H. Bryan (D)	

## US Senate seats opening in 2002 with current incumbents

ALABAMA: Jeff Sessions (R)	MONTANA: Max Baucus (D)
ALASKA: Ted Stevens (R)	NEBRASKA: Charles Hagel (R)
ARKANSAS: Tim Hutchinson (R)	NEW HAMPSHIRE: Robert C. Smith (R)
COLORADO: Wayne A. Allard (R)	NEW JERSEY: Robert Torricelli (D)
DELAWARE: Joseph R. Biden, Jr. (D)	NEW MEXICO: Pete V. Domenici (R)
GEORGIA: Max Cleland (D)	NORTH CAROLINA: Jesse Helms (R)
IDAHO: Larry E. Craig (R)	OKLAHOMA: James M. Inhofe (R)
ILLINOIS: Richard J. Durbin (D)	OREGON: Gordon Smith (R)
IOWA: Tom Harkin (D)	RHODE ISLAND: Jack Reed (D)
KANSAS: Pat Roberts (R)	SOUTH CAROLINA: Strom Thurmond (R)
KENTUCKY: Mitch McConnell (R)	SOUTH DAKOTA: Tim Johnson (R)
LOUISIANA: Mary Landrieu (D)	TENNESSEE: Fred Thompson (R)
MAINE: Susan Collins (R)	TEXAS: Phil Gramm (R)
MASSACHUSETTS: John F. Kerry (D)	VIRGINIA: John W. Warner (R)
MICHIGAN: Carl Levin (D)	WEST VIRGINIA: Jay Rockefeller (D)
MINNESOTA: Paul D. Wellstone (D)	WYOMING: Mike Enzi (R)
MISSISSIPPI: Thad Cochran (R)	

## Gubernatorial Races:

With the current trend toward devolution, state governors are increasingly gaining power within the structure of the US government. As such it becomes increasingly important to track them, understand their policies and promises and hold the governors to them with vigor.

### *Eleven State Elections*

State	Incumbent (if eligible for reelection)
Delaware	
Indiana	Gov. Frank O'Bannon (D)
Montana	
New Hampshire	Gov. Jeanne Shaheen (D)
North Carolina	
North Dakota	
Missouri	
Utah	Gov. Mike Leavitt (R)
Vermont	Gov. Howard Dean (D)
Washington	
West Virginia	
American Samoa	Gov. Tauese Sunia (D)
Puerto Rico	

# State Legislative Term Limits

Making a Difference One State at a Time

State	Year	Limited: terms (total years allowed)	Year law takes effect	Percent Voting Yes
Arizona	1992	House: 4 terms (8 years) Senate: 4 terms (8 years)	House: 2000 Senate: 2000	74%
Arkansas	1992	House: 3 terms (6 years) Senate: 2 terms (8 years)	House: 1998 Senate: 2000	60%
California	1990	Assembly: 3 terms (6 years) Senate: 2 terms (8 years)	House: 1996 Senate: 1998	52%
Colorado	1990	House: 4 terms (8 years) Senate: 2 terms (8 years)	House: 1998 Senate: 1998	71%
Florida	1992	House: 4 terms (8 years) Senate: 2 terms (8 years)	House: 2000 Senate: 2000	77%
Idaho	1994	House: 4 terms (8 years) Senate: 4 terms (8 years)	House: 2004 Senate: 2004	59%
Louisiana **	1995	House: 3 terms (12 years) Senate: 3 terms (12 years)	House: 2007 Senate: 2007	76%
Maine *	1993	House: 4 terms (8 years) Senate: 4 terms (8 years)	House: 1996 Senate: 1996	68%
Michigan	1992	House: 3 terms (6 years) Senate: 2 terms (8 years)	House: 1998 Senate: 2002	59%
Missouri	1992	House: 4 terms (8 years) Senate: 2 terms (8 years)	House: 2002 Senate: 2002	75%
Montana	1992	House: 4 terms (8 years) Senate: 2 terms (8 years)	House: 2000 Senate: 2000	67%
Nevada	1994	Assembly: 6 terms (12 years) Senate: 3 terms (12 years)	House: 2006 Senate: 2006	70%
Ohio	1992	House: 4 terms (8 years) Senate: 2 terms (8 years)	House: 2000 Senate: 2000	66%
Oklahoma	1990	12 year combined total for both houses	State Legislature: 2002	67%
Oregon	1992	House: 3 terms (6 years) Senate: 2 terms (8 years)	House: 1998 Senate: 2000	70%
South Dakota	1992	House: 4 terms (8 years) Senate: 2 terms (8 years)	House: 2000 Senate: 2000	64%
Utah **	1994	House: 6 terms (12 years) Senate: 3 terms (12 years)	House: 2006 Senate: 2006	<sup>§</sup> n/a
Wyoming ***	1992	House: 6 terms (12 years) Senate: 3 terms (12 years)	House: 2004 Senate: 2004	77%
<b>AVERAGE % of Vote</b>				68%

BEST COPY AVAILABLE

Advocates in states with term limits may want to review *A Great Idea, Nebraska Educates Legislators Through Surveys* included in Section 3.

***Italics*** Indicate states limited by statute. All others are limited by state constitutional amendment.

\* Maine's law is retroactive.

\*\* Louisiana and Utah's laws were passed by the state legislature.

\*\*\* Wyoming's law was originally passed by initiative in 1994. The legislature amended the law to allow members of the House to serve 12 years. A referendum to return to the original 6 year House limits garnered 54% of the vote but failed to get 50% plus 1 of all voters to veto the legislature.

Alaska, Massachusetts, New Hampshire, North Dakota and Washington — in addition to all of the states above (excluding Louisiana) — passed federal congressional term limits before the 5-4 U.S. Supreme Court decision in *U.S. Term Limits v. Thornton* declared the necessity of a constitutional amendment to limit the terms of Congress.

All of the above have gubernatorial limits in addition to 20 other states.

**The following state's term limits are consecutive:**

Arizona, Florida, Louisiana, Maine, Ohio, South Dakota and Utah.

**The following state's term limits are lifetime:**

Arkansas, California, Michigan, Missouri, Nevada, Oklahoma and Oregon.

**The following state's term limits are a time-out four years or longer:**

Colorado, Idaho, Montana and Wyoming.



# State Gubernatorial Term Limits

Making a Difference One State at a Time

State	Year	Length of Terms	Votes Yes	Percent of Vote
Alabama	1968	2 consecutive terms allowed; Terms last 4 years.	State Legislature	N/A
Alaska	1994	2 consecutive terms allowed; Terms last 4 years.	126,960	63%
Arizona	1992	2 consecutive terms allowed; Terms last 4 years.	1,026,830	74%
Arkansas	1992	2 consecutive terms allowed; Terms last 4 years.	494,326	59%
California	1990	2 consecutive terms allowed; Terms last 4 years.	3,744,447	52%
Colorado	1990	2 consecutive terms allowed; Terms last 4 years.	708,975	71%
Delaware	1787	2 consecutive terms allowed; Terms last 4 years.	State Constitution	N/A
Florida	1992	Governor limited to 8 consecutive years in office.	3,625,500	77%
Georgia	1976	2 consecutive terms allowed; Terms last 4 years.	772,441	64%
Hawaii	1978	2 consecutive terms allowed; Terms last 4 years.	171,518	68%
Idaho	1994	Governor limited to 2 consecutive 4 year terms, then eligible to serve again after a 4 year respite.	234,703	59%
Indiana	1851	Governor limited to 2 consecutive 4 year terms, then eligible to serve again after a four year respite.	State Constitution	N/A
Kansas	1972	2 consecutive terms allowed; Terms last 4 years.	362,173	61%
Kentucky	1992	2 consecutive terms allowed; Terms last 4 years.	540,156	51%
Louisiana	1812	2 consecutive terms allowed; Terms last 4 years.	State Constitution	N/A
Maine	1993	2 consecutive terms allowed; Terms last 4 years.	159,785	68%
Maryland	1947	2 consecutive terms allowed; Terms last 4 years.	162,043	60%
Michigan	1992	2 consecutive terms allowed; Terms last 4 years.	2,323,171	59%
Mississippi	1890	2 consecutive terms allowed; Terms last 4 years.	State Constitution	N/A
Missouri	1821	2 consecutive terms allowed; Terms last 4 years.	State Constitution	N/A
Montana	1992	Governor limited to 8 years in a 16 year period.	264,174	67%
Nebraska	1966	2 consecutive terms allowed; Terms last 4 years.	258,332	63%

<b>Nevada</b>	1970	2 consecutive terms allowed; Terms last 4 years.	259,211	70%
<b>New Jersey</b>	1844	2 consecutive terms allowed; Terms last 4 years.	State Constitution	N/A
<b>New Mexico</b>	1986	2 consecutive terms allowed; Terms last 4 years.	168,850	61%
<b>North Carolina</b>	1977	Governor limited to 2 consecutive 4 year terms, then eligible to run after a 4 year respite.	307,754	53%
<b>Ohio</b>	1992	Governor limited to 2 consecutive 4 year terms, then eligible to run after a 4 year respite.	3,028,288	69%
<b>Oklahoma</b>	1966	2 consecutive terms allowed; Terms last 4 years.	300,954	62%
<b>Oregon</b>	1992	Governor limited to only 8 years.	1,003,706	70%
<b>Pennsylvania</b>	1874	2 consecutive terms allowed; Terms last 4 years.	State Constitution	N/A
<b>Rhode Island</b>	1992	2 consecutive terms allowed; Terms last 4 years.	215,040	60%
<b>South Carolina</b>	1980	2 consecutive terms allowed; Terms last 4 years.	418,937	56%
<b>South Dakota</b>	1972	2 consecutive terms allowed; Terms last 4 years.	182,248	65%
<b>Tennessee</b>	1978	2 consecutive terms allowed; Terms last 4 years.	218,600	57%
<b>Utah</b>	1994	If Governor serves 12 consecutive years he cannot seek re-election.	State Legislature	N/A
<b>Virginia</b>	1851	Governor cannot serve 2 consecutive terms, but can seek re-election after 4 year respite.	State Constitution	N/A
<b>West Virginia</b>	1872	2 consecutive terms allowed; Terms last 4 years.	State Constitution	N/A
<b>Wyoming</b>	1992	Governor limited to 2 terms in a 16 year period.	150,113	77%

# The Pitfalls of Term Limits

**M**any states will feel the full effects of term limits in the 2000 elections. Eleven chambers in Arizona, Florida, Montana, Ohio and South Dakota will enforce term limits for the first time.

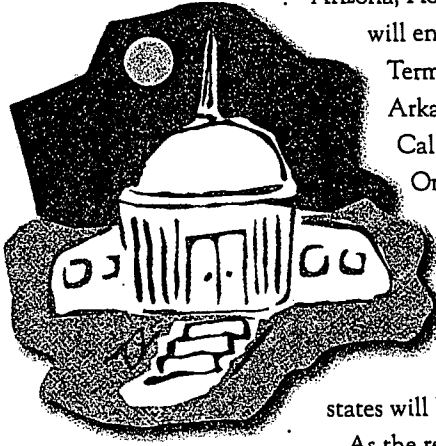
Term limits will continue to be felt in the Arkansas House and in both chambers in California, Colorado, Maine, Michigan and Oregon. In some states, almost half of the legislators will be affected by term limits. For example, in Florida, 66 of 160 members (41%) and in Ohio, 49 of 132 members (40%) will be term limited. A total of 378 legislators in 12 states will be ineligible to run in 2000.

As the reality of term limits hits, their usefulness will be tested in legislatures across the states. Term limits move increased responsibility for innovative policy making into the hands of less seasoned leaders. With shorter terms, state legislators will move into leadership positions more quickly.

Term limits can create pitfalls for the legislative process. Consider:

- Term limits increase the power of the Executive and the lobbyists because they become the repository of institutional memory.
- Since term-limited legislators feel they have less time to shepherd ideas over the course of several terms, they are less inclined to get involved in complex issues that require long-term advocacy strategies. Instead, due to time constraints, legislators push for their own legislation.

However, some states have begun to reverse the trend toward term limits. Proposals to limit the terms of state legislators have been the subject of public policy debate since 1990, when citizen initiatives were passed by voters in California, Colorado and Oklahoma. Subsequently, 18 other states adopted term limits but in three—Nebraska, Massachusetts and Washington—term limits were thrown out by the state Supreme Court. Term limits currently in effect for legislators and other elected officials. The final outcome of pending litigation could reduce the number of term limit states further.



CENTER FOR  
POLICY  
ALTERNATIVES

1875 Connecticut Ave., NW • Suite 710  
Washington, D.C. 20009-5728  
202/387-6030; 800/935-0699; (fax) 986-2539  
info@cfpa.org • www.stateaction.org



## **Spark The Debate**

### **Section 7: Keeping Their Feet to the Fire**

While electoral activity is essential, following-up and monitoring elected officials. Included in this section are materials describing two follow-up strategies. The first describes a NACA project in which NACA staff looked at whether gubernatorial candidates kept their campaign promises by analyzing governors' first budgets. The second offers an approach advocates could use to demonstrate whether the implementation of programs follows candidates' promises.

#### **GUBERNATORIAL FOLLOW-UP**

The following article, written by Nancy Sconyers and Tamsin Levy, *Promises to Children*, analyses whether gubernatorial candidates commit to concrete actions on behalf of children and if elected whether they follow through. The article monitors the gubernatorial elections of 1996 looking at seven policy areas: SCHIP, Head Start, Child Care subsidies for working TANF families and other low income families, programs for at-risk youth, school construction and hiring more teachers.

#### **“THE DEVIL IS IN THE DETAILS” – POST-LEGISLATIVE SESSION FOLLOW-UP**

According to Bob Fellmeth, our colleague at Children's Advocacy Institute, “Any advocate knows that the devil is in the details, and a single phrase in a rule can mean that either ten thousand or a hundred thousand children receive public investment when needed.” CAI publishes the *Children's Regulatory Law Reporter* to explain recently passed laws and to analyze their impact on children. This approach acknowledges the critical role that agencies play in the rulemaking process and the impact of these rules on the way in which the legislation ultimately affects children. This information could be used to gauge follow through on campaign promises. A brief excerpt is attached. For more details on Bob's approach, email him at [cpil@acusd.edu](mailto:cpil@acusd.edu) or phone 619/260-4806.



National Association of Child Advocates  
1522 K St., NW, Suite 600 \* Washington DC 20005 \* 202-289-0777 \* 202-289-0776(fax)  
Prepared by: Alexandra Burrall and Stephanie Schaefer  
Contact Stephanie for more information at ext. 203 [schaefer@childadvocacy.org](mailto:schaefer@childadvocacy.org)

# Promises to children



Alaska children welcome their governor.

*Advocates for children look at whether governors are keeping their campaign promises.*

**BY NANCY SCONYERS AND TAMSIN LEVY**

*Nancy Sconyers is vice president with the National Association of Child Advocates, based in Washington, D.C.*

*Tamsin Levy is a NACA research assistant. The association represents 60 state and local child advocacy organizations in 44 states. For more information, please call (202) 289-0777.*

In the early months of 1999, governors and state legislatures are hammering out budgets for the coming year. As a result of governors' rising influence, it is important to ask whether they are incorporating their campaign promises into their policy decisions. While such research would be fruitful for a variety of areas, the National Association of Child Advocates examined this question as it relates to children.

Children are frequently the subject of political discourse. As South Dakota Gov. Bill Janklow observed in his 1999 State of the State address, "It's so politically easy and convenient to talk about kids and children and use them for rhetoric."

But are the candidates going beyond rhetoric and committing to concrete actions on behalf of children? When elected, are they following through on their promises? Which children's issues did the gubernatorial candidates support during their campaigns? Of those issues supported, which did the

newly elected governors incorporate into their proposed budgets for fiscal 2000?

The reason it is critical to examine governors' positions is that over the past decade, governors' influence in state and federal policy arenas has increased dramatically. One oft-cited cause for their rise in power is the devolution of federal control to the state level, particularly in areas that affect children, such as health and welfare policy. Another factor is the enactment in the early 1990s of term limits for legislators in 20 states, which has weakened the ability of state legislatures to challenge governors' power. As governors gain the authority to make more decisions and control more funds, they are able to exert greater influence on the wellbeing of the children in their states.

## Rising influence

For the 36 governors elected in November 1998, the trend of increased

gubernatorial power is accelerating for several reasons. Public disapproval of congressional handling of President Clinton's impeachment has resulted in governors, not congressional leaders, being looked to for leadership in the Republican party. New York Gov. George Pataki accused his party of having "gone off on tangents" and making a series of "horrible blunders" in 1998. He said Republican governors must guide the party back to a more successful course.

Second, governors will play pivotal roles in fashioning the face of American politics in the next decade. Governors elected in 1998 will have veto power over the new boundaries of legislative districts (based on the 2000 census), giving these governors influence over the partisan makeup of the U.S. House of Representatives and of their own state legislatures over the next 10 years. Further, as standard bearers for their parties in the upcoming presidential elections, the governors influence fund-raising, key campaign appointments and endorsements, and impact the effectiveness of the state party's electoral efforts.

Finally, nearly all state government

budgets are well in the black: Projections for fiscal 1999 show budget surpluses of \$31 billion, the equivalent of about twice the surplus percentage of the federal budget. Such large surpluses



*Children's advocates rank Maryland Gov. Parris Glendening highly.*

reflect well on governors and give them the luxury of cutting taxes and increasing funds for government programs.

### **Campaign rhetoric and children**

NACA compared gubernatorial candidates' positions on seven children's

issues (selected from a national survey) to proposals made on those issues after candidates' election to office. The issues were selected because they are important to children's wellbeing. The seven

issues studied asked whether the candidate supports increasing or supports funding for: the Children's Health Insurance Program, Head Start, child care subsidies for low-income working families, programs for at-risk youths, child care subsidies for working welfare families, school construction and hiring more teachers.

As of late March 1999, 34 of the 36 newly elected governors had released the first budgets of their terms to their state legislatures. Of those 34, we were able to obtain data on 29 gubernatorial candidates' positions. There were 19 Republicans, eight Democrats, one Independent and one from the Reform Party. We then looked to inaugural addresses, state of the state addresses, press coverage and budget analyses to find out if governors followed through on what they had promised for children in this first year of their terms.

*How much support was there among candidates for children's issues?*

We found that as candidates, these 29 governors supported an average of 60 percent of the children's issues we selected to study. This figure is surprisingly low considering the preponderance of election season rhetoric about children. When asked to translate rhetoric into statements of support, many candidates declined. Analyzed by region, candidates in the West most frequently supported children's issues (67 percent) while candidates in the East supported them the least (54 percent). By party, Democrats showed stronger commitment than Republi-



*Alaska Gov. Tony Knowles is among governors who performed well on children's issues.*

cans (79 percent versus 58 percent).

#### *Which were the hot issues for candidates?*

While education is usually considered the issue on which governors focus, our study showed children's

so. Governors followed through on promises to increase child care subsidies and funding for school construction about 85 percent of the time. There was a follow-through rate of al-

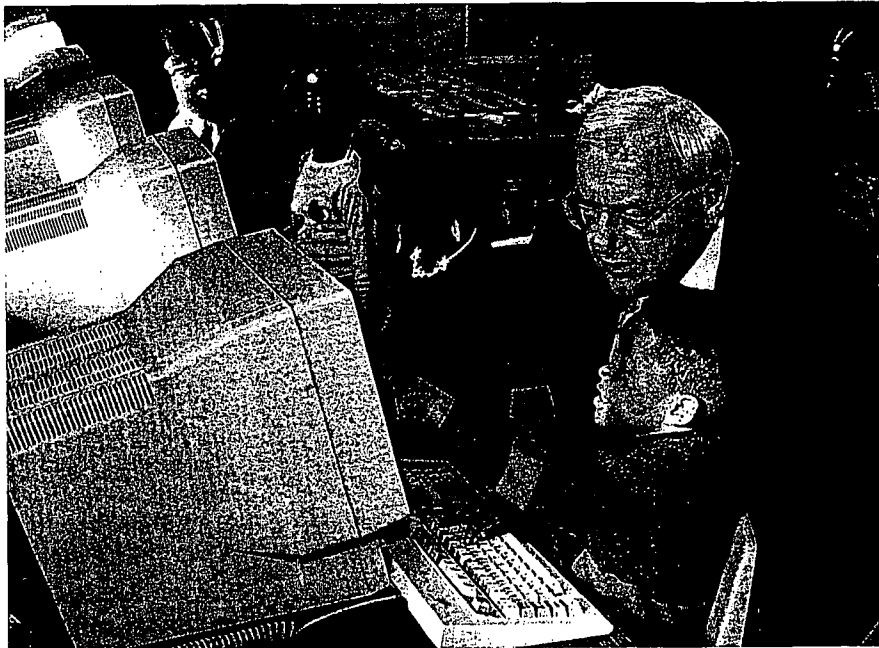
the East (68 percent). Again, Democrats led with a 93 percent follow-through rate compared to 78 percent for Republicans.

### **Commitment and accountability**

Even though our study shows that electoral commitments often lead to action, too many gubernatorial candidates are unwilling to move from rhetoric to concrete commitments to invest in children.

This winter, South Carolina Gov. Jim Hodges said, "For too many children, the state of [the] state is not bright." And this is not just the case in his state of South Carolina. In the world's richest nation, 25 percent of our children are born into poverty. More efforts need to be made in the next election cycle to educate candidates and potential candidates for state office about the core issues for children and the important role that state elected officials can play for them. Then, as governors they will invest some of their new found political capital in their youngest constituents.

Wisconsin Gov. Tommy Thompson said in his January 1999 State of the State address, "Children are the first pioneers of the new millennium." As the influence of our nation's governors in shaping policy has risen, so too has their role in securing the well being of children in the 21st century. ★



*Illinois Gov. George Ryan gets high marks from children's advocates.*

health care rated highest among 1998 gubernatorial candidates. All but one of the 29 candidates expressed support for CHIP. Three-quarters of candidates supported child care subsidies for welfare families, and two-thirds supported child care subsidies for low-income families. School construction was supported by two-thirds of candidates as well. Less than half of the candidates supported the other three issues.

#### *Did the governors follow through?*

Although candidates' support for children's issues was weaker than anticipated, the governors followed through 84 percent of the time on their campaign commitments. Given that the data represent only the first year of their terms, this seems to be a high rate of follow-through, leading us to predict good marks for accountability when the data for entire terms are analyzed.

All the governors who promised to support children's health insurance did

most 80 percent to increase funding for programs for at-risk youths, 70 percent for hiring additional teachers and 55 percent for increasing state Head Start funding. No issue fell below a 50 percent follow-through rate.

A regional analysis revealed that the highest follow-through rate was in the South (89 percent), and the lowest in

### **States studied**

This article contains a summary of the NACA study of 29 states:

Alaska, Alabama, Arizona, Arkansas, California, Connecticut, Florida, Georgia, Illinois, Iowa, Kansas, Maine, Maryland, Michigan, Minnesota, Nebraska, Nevada, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Wisconsin and Wyoming.

Individuals can assess candidate NPAT surveys on the Internet at [www.vote-smart.org](http://www.vote-smart.org). As a cautionary note, the NACA obtained data for its analysis for 12 candidates who did not respond to the NPAT survey. Some of these 12 did well in following through on their campaign promises to children. In addition, the NACA can be assessed on [www.childadvocacy.org](http://www.childadvocacy.org).

# Children's Regulatory Law Reporter

Children's Advocacy Institute ♦ Vol. 2, No. 2 (2000)

## HIGHLIGHTS

**Healthy Families  
Application Simplified**  
(see page 10)

**Comprehensive Statewide Public  
Playground Safety Standards Approved**  
(see page 14)

**Health and Safety Standards  
for Child Care Providers Adopted**  
(see page 17)





# Children's Regulatory Law Reporter

Children's Advocacy Institute ♦ Vol. 2, No. 2 (2000)

## CONTENTS

Preface .....	2
Child Poverty .....	3
Child Health .....	8
Special Needs .....	16
Child Care .....	16
Education .....	18
Child Protection .....	21
Juvenile Justice .....	27
Agency Descriptions .....	27
For Further Information .....	28

## PREFACE

Each year, the California Legislature enacts important new laws affecting children; those laws have broad mandates, and they often delegate critical details to the rulemaking or administrative process of our state's various agencies. The *Children's Regulatory Law Reporter* focuses on that rulemaking activity — an often ignored but very critical area of law. For each regulatory proposal discussed, the *Children's Reporter* includes both an explanation of the proposed action and an analysis of its impact on children. Any advocate knows that the devil is in the details, and a single phrase in a rule can mean that either ten thousand or a hundred thousand children receive public investment when needed. The *Children's Reporter* is targeted to policymakers, child advocates, community organizations, and others who need to keep informed of the agency actions that directly impact the lives of California's children.

The *Children's Regulatory Law Reporter* is published by the Children's Advocacy Institute (CAI), which is part of the Center for Public Interest Law at the University of San Diego School of Law. Staffed by experienced attorneys and advocates, and assisted by USD law students, CAI works to improve the status and well-being of children in our society by representing their interests and their right to a safe, healthy childhood.

CAI represents children — and only children — in the California Legislature, in the courts, before administrative agencies, and through public education programs. CAI strives to educate policymakers about the needs of children — about their needs for economic security, adequate nutrition, health care, education, quality child care, and protection from abuse, neglect, and

injury. CAI's mission is to ensure that children's interests are effectively represented whenever and wherever government makes policy and budget decisions that affect them.

The *Children's Regulatory Law Reporter* is funded through grants from The California Wellness Foundation and The Maximilian E. & Marion O. Hoffman Foundation, Inc.

### Children's Advocacy Institute Staff

**Robert C. Fellmeth, J.D.**  
*Executive Director*

**Kathryn R. Dresslar**  
*Senior Policy Advocate*

**Elisa D'Angelo Weichel, J.D.**  
*Administrative Director*

**Kim Parks**  
*Administrative Assistant*

**Stephanie Reighley**  
*Administrative Assistant*

**Louise Jones**  
*Administrative Assistant*

Copyright © 2000 by the Children's Advocacy Institute.

BEST COPY AVAILABLE

# CHILD POVERTY

## New Rulemaking Packages

### Child Support Cooperation

**O**n May 28, 1999, DSS published notice of its intent to adopt new section 12-110 of the MPP, to further implement AB 1542 (Chapter 270, Statutes of 1997), which shifted the responsibility for determining if an applicant/recipient of child support services has cooperated with the district attorney and/or the county welfare department in establishing and enforcing child support obligations from the IV-A (TANF/CalWORKs) agency to the IV-D (child support) agency. Specifically, section 12-110 requires the district attorney to have staff available in person or by telephone at the county welfare office during the initial eligibility interview, to obtain information necessary to establish, modify, or enforce child support for the purpose of determining applicant/recipient cooperation. If the applicant/recipient attests under penalty of perjury that he/she cannot provide the necessary information, the district attorney shall make findings as to the reasonableness of the applicant/recipient's attestation, or his/her inability to provide requested information. Prior to the determination of cooperation, the district attorney shall consider the age of the child, the circumstances of conception, the age and mental capacity of the parent/caretaker, and the last time the parent/caretaker had contact with the obligor.

Pursuant to section 12-110, cooperation would include providing the name of the alleged parent or obligor and other information about that person if known to the applicant/recipient, such as address, social security number, telephone number, place of employment or school, and the names and addresses of relatives or associates; appearing at interviews, hearings, and legal proceedings provided the applicant/recipient is provided with reasonable advance notice of the interview, hearing, or legal proceeding, and does not have good cause not to appear; if paternity is at issue, submitting to genetic tests, including genetic testing of the child, if necessary; and providing any additional information known to, or reasonably obtainable by the applicant/recipient, necessary to establish paternity or to establish, modify, or enforce a child support order.

Section 12-110 prohibits the district attorney from requiring an applicant/recipient to sign a voluntary declaration of paternity as a condition of cooperation. Finally, the regulation states that upon determination of failure to cooperate with the district attorney in the enforcement and/or establishment of a support obligation, notice shall be given to the county welfare office so that it may take the next appropriate action.

DSS held a public hearing on this proposed action on July 14 in Sacramento. The rulemaking package was approved by the Office of Administrative Law (OAL) on November 2, 1999, and went into effect on December 2, 1999.

*Impact on Children:* Consistent with this adopted rule, the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRA) requires TANF parents to "cooperate" in identifying absent parents liable for child support. And California's implementing CalWORKs statute gives the local county district attorney the authority to determine whether that parent has so cooperated. The adopted rule reinforces the district attorney's authority and does not provide for any due process protections to check erroneous or unfair judgments by a deputy DA. Where cooperation is found to be lacking, the parent's share of TANF may be cut-off. For the benchmark family of a mother and two children, this would represent a cut from just over \$600 per month to \$400 per month. This basic safety net for children was once over \$900 per month in current dollars, and would be imposed at a time of further rent increases. The impact on children of such a cut is momentous, and takes affected families below minimal subsistence levels. Such an impact increases homelessness and implicates undernutrition with well known brain development impacts.

It is unclear from the vagueness of the rule how local prosecutors are to make the apparent unilateral decision that cooperation has been insufficient. If a TANF parent discloses what she knows, is that sufficient? Is the burden on that parent to provide identifying information, and how much? Will it matter if the sexual act conceiving a child was not consensual? That the TANF parent was a minor at the time (making her the victim of statutory rape)? Must affirmative efforts be undertaken to find the absent parent? Will fear that a child's father may be violent or dangerous to the family excuse identification? If the decisions are to be devolved to assigned deputy district attorneys, how will the state maintain some consistency between counties? How will the state deal with the removal of the district attorney as the child support collection authority in legislation effective in January of 2000?

The adopted rules in this area do not address the many questions, uncertainties, and prospective injustices which may drastically affect innocent children caught in the middle of the state's effort to identify absent parents for child support assessment purposes. It is unclear at this time how many parental cut-offs will be authorized based on deputy district attorney judgments, or how erroneous decisions may be challenged outside of problematical legal aid representation. The rule provides for a deputy district attorney conclusion of failure to cooperate without any procedural safeguards (including even the obligation to allow the TANF parent to explain her inability), and without any standards. The county welfare department is simply notified of the decision, without further specification. Presumably, a challenge will crystallize only when the cut is implemented, and will require the affirmative action (and available representation or ability to proceed in pro per) by the TANF parent.

In its broad structure, the arrangement as enacted involves serious constitutional infirmities for the parent who is sanctioned without clear recourse and without standards. The arrangement appears to violate the U.S. Supreme



# Spark The Debate

## Section 8: Useful Resources

### Election Statistics:

- ✓ Looking for a lot of election statistics?  
<http://www.lib.umich.edu/libhome/Documents.center/frames/statsfr.html>
- ✓ Want to break down by race, gender, etc.?  
<http://www.rollcall.com/election/turnoutchart.html>

### Law of Lobbying:

- ✓ *E-Advocacy for Non-Profits: The Law of Lobbying and Election Related Activity on the Net.* [www.afj.org/index.htm](http://www.afj.org/index.htm)

### Child Facts:

- ✓ Kids Count Data Book: State Profiles of Child Well-Being: [www.aecf.org](http://www.aecf.org)
- ✓ Child Trends: [www.childtrends.org](http://www.childtrends.org)
- ✓ Federal Interagency Forum on Child and Family Statistics for recent government reports on children: see America's Children 1999 [www.childstats.gov](http://www.childstats.gov)
- ✓ Federal stats and good links to a lot of state by state breakdowns: [www.fedstats.gov](http://www.fedstats.gov)
- ✓ *Trends in the Well-Being of America's Children & Youth*, US Dept. of HHS, Office of the Assistant secretary for Planning and Evaluation(ASPE): <http://aspe.hhs.gov>
- ✓ State by state data: [www.childrensdefense.org/states/data.html](http://www.childrensdefense.org/states/data.html)
- ✓ Child Care stats: [nccic.org/cctopics.html](http://nccic.org/cctopics.html) and [newfederalism.urban.org](http://newfederalism.urban.org)
- ✓ Health Stats: [www.cdc.gov/nchs/fastats/fastats.htm](http://www.cdc.gov/nchs/fastats/fastats.htm)
- ✓ Stats on the Uninsured: Uninsured in America: A Chart Book, May 2000, 1(800) 656-4533 or [www.kff.org](http://www.kff.org) or [www.kff.org/docs/sections/kcmu/uninsuredmay2000.html](http://www.kff.org/docs/sections/kcmu/uninsuredmay2000.html)
- ✓ Education Stats and Graphs: Digest of Education Statistics (1999 edition) by the Dept. of Education: <http://nces.ed.gov/pubs2000/digest99/>
- ✓ Forum on Child and Family Statistics: [www.childstats.gov](http://www.childstats.gov)
- ✓ U.S. Department of Health and Human Services, National Center for Health Statistics, *Monthly Vital Statistics Report*

**For candidate questions:**

- ✓ “Quiz the candidates and get commitments”: [www.azchildren.org](http://www.azchildren.org):
- ✓ NACA’s Spark the Debate: Federal Candidate Questions:  
[www.childadvocacy.org/candqa.htm](http://www.childadvocacy.org/candqa.htm)
- ✓ [www.connectforkids.org/content1550/conent.htm](http://www.connectforkids.org/content1550/conent.htm)
- ✓ Want an election guide specifically aimed at health issues?  
*Join the Debate: Your Guide to Health Issues in the 2000 Election*, joint project of LWV and the Kaiser Family Foundation

**Public Opinions and areas of voter concern:**

- ✓ [www.publicagenda.org](http://www.publicagenda.org)
- ✓ Want good quotes? *Effective Language for Communicating Children’s Concerns*:  
[www.connectkids.org/usr\\_doc/29409.pdf](http://www.connectkids.org/usr_doc/29409.pdf)

**Federal and State Candidate Standings:**

- ✓ [www.dnet.org](http://www.dnet.org)
- ✓ [www.vote-smart.org](http://www.vote-smart.org)
- ✓ [www.freedomchannel.comwww.electionsearch2000.org](http://www.freedomchannel.comwww.electionsearch2000.org)



Spark the Debate: Section 8  
National Association of Child Advocates  
1522 K St., NW, Suite 600 \* Washington DC 20005 \* 202-289-0777 \* 202-289-0776(fax)  
Prepared by: Alexandra Burrall and Stephanie Schaefer  
Contact Stephanie for more information at ext. 203 [schaefer@childadvocacy.org](mailto:schaefer@childadvocacy.org)



*U.S. Department of Education  
Office of Educational Research and Improvement (OERI)  
National Library of Education (NLE)  
Educational Resources Information Center (ERIC)*



## NOTICE

### Reproduction Basis



This document is covered by a signed "Reproduction Release (Blanket)" form (on file within the ERIC system), encompassing all or classes of documents from its source organization and, therefore, does not require a "Specific Document" Release form.



This document is Federally-funded, or carries its own permission to reproduce, or is otherwise in the public domain and, therefore, may be reproduced by ERIC without a signed Reproduction Release form (either "Specific Document" or "Blanket").

EFF-089 (3/2000)