

San Juan Basin Archaeological Society

a Colorado Nonprofit Corporation

Advocacy and Lobbying Policies

The purpose of this policy is to guide SJBAS in complying with the laws and rules for a Federal 501(c)(3) corporation. This policy establishes processes for, and restrictions on, activities taken on behalf of SJBAS to ensure SJBAS's compliance with those laws and rules, the violation of which may result in revocation of SJBAS's tax-exempt status and/or imposition of certain taxes and/or penalties.

In addition, SJBAS may not spend a substantial amount of its resources for advocacy of political positions. SJBAS, however, may take some advocacy positions that might affect the protection of cultural/archaeological/historical resources. This policy defines when and how SJBAS may take advocacy positions, but not lobby.

DEFINITIONS:

Advocacy: Action by a group to make its voice heard on issues that affect its interests at the local, state or national level. According to the Alliance for Justice: "Advocacy is any action that speaks in favor of, recommends, argues for a cause, supports or defends, or pleads on behalf of others. It includes public education, regulatory work, litigation, and work before administrative bodies, lobbying, nonpartisan voter registration, nonpartisan voter education, and more."

Lobbying: attempting to influence legislation or executive decisions- According to the National Council of Nonprofits: "Lobbying is communicating with decision makers (elected officials and staff; voters on ballot measures), about existing or potential legislation, and urging a vote for or against. All three components of this definition are required: decision makers, actual legislation, AND asking for a vote." While all lobbying is advocacy, not all advocacy is lobbying.

Legislation: Legislation includes action by Congress, any state legislature, any local council, or similar governing body, with respect to acts, bills, resolutions, or similar items (such as legislative confirmation of public office), or by the public in referendum, ballot initiative, constitutional amendment, or similar procedure. "Legislation" does not generally include actions by executive, judicial, or administrative bodies.

ADVOCACY POLICY

SJBAS may advocate to support protection of cultural/archaeological/historical resources as defined in the following statutes and sections of the Code of Federal Regulations:

Antiquities Act as amended (54 USC Sections 320301-320303): Monuments, Ruins, Sites, and Objects of Antiquity and 18 U.S.C. § 1866(b): Historic, Archeologic, or Prehistoric, Items and Antiquities

Archaeological Resources and Protection Act as amended (16 USC 470aa-mm)

Archaeological and Historic Preservation Act as amended (54 USC 312501-312508): Preservation of Historical and Archaeological Data

Curation of Federally Owned and Administered Archaeological Collections (36 CFR 79)

NAGPRA as amended (25 USC 3001-3013)

Preservation of American Antiquities (43 C.F.R. § 3)
Protection of Archeological Resources (43 C.F.R. § 7)

Permitted Advocacy Activities

- Communicating with SJBAS members regarding Legislation, even if SJBAS takes a position on the Legislation, so long as the communication doesn't directly encourage members or others to lobby
- Engaging and educating SJBAS members to do their own advocacy by communicating information about proposed Legislative and administrative actions
- Responding to written requests from a Legislative body (but not an individual Legislator) for technical advice on pending Legislation, even if SJBAS takes a position on the Legislation
- Discussing broad social, economic, and similar policy issues the resolution of which would require Legislation, so long as the discussion does not address the merits of specific Legislation
- Making available the results of nonpartisan analysis or research on a legislative issue, even if the organization takes a position on the merits of the legislation, provided that the information is made generally available, the information contains the facts needed to enable the readers to form an independent opinion, and the information does not include a direct call on the audience to contact legislators

LOBBYING POLICY

According to the IRS: "A 501(c)(3) organization may engage in some lobbying, but too much lobbying activity risks loss of tax-exempt status." In addition, Federal laws require registration for and reporting on certain lobbying activities. Colorado law requires registration with the Colorado House of Representatives if SJBAS is to communicate with, or ask others to communicate with, certain officials to aid in or influence Legislation or appointments or rule-making. While these regulatory provisions may allow Lobbying that is not a "substantial" use of SJBAS resources, compliance with those regulations may require extensive record keeping and communication among all who may be considered to represent SJBAS. SJBAS recognizes it may not be able to reliably and consistently comply with such requirements and, therefore, **SJBAS does not permit lobbying.**

Neither SJBAS nor its members, **in their capacity as members**, may directly or indirectly participate or intervene in any political campaign on behalf of, or in opposition to, any candidate for public office, **except as individuals who do not identify themselves as SJBAS members.** This prohibition includes, but is not limited to: contributions to political campaign funds; statements of position in favor of or in opposition to any candidate for public office, including statements that make reference to voting in a specific upcoming election on an issue that has been raised as an issue distinguishing candidates for a given office; and voter education or registration activities with evidence of bias that would have the effect of favoring a candidate or group of candidates.

Direct lobbying efforts include:

- Communicating with any member or employee of a Federal or State legislative body, any government official or employee who may participate in the formulation of Legislation for the purpose of proposing, supporting, or opposing Legislation

- Communicating with the public with respect to a referendum or initiative or constitutional amendment

Grassroots lobbying efforts include:

- Engaging and educating SJBAS members through communications that refer to specific Legislation, reflect a point of view on its merits, and state a “call to action” encouraging members to engage in their own advocacy
- Communicating with certain executive branch officials or Legislative branch employees may also constitute lobbying under federal law

PROCEDURE FOR SJBAS ADVOCACY

All requests for SJBAS advocacy activities shall be submitted to the SJBAS President or Secretary, who shall communicate the request to the full Board for decision, unless the requested action requires prompt attention, in which case the action shall be submitted by the President or Secretary to the Board for Informal Action (see SJBAS Bylaws, V. L.). In addition, if there is very strong disagreement among Board members about taking a specific advocacy position, the Board shall not take a position on the issue in question.

Whether or not the Board takes a position on an issue, the Board may inform SJBAS members of the issue to allow individual SJBAS members to take an advocacy position on an issue. This may be done in the *Moki Messenger* newsletter or by special email, taking into consideration any deadlines.

Note: portions of the above policy were adapted from the Colorado Archaeological Society’s advocacy policy dated 7/18/2020.

