

ADVOCACY POLICY

This Advocacy Policy outlines activities that CAS can participate in so long as the procedures stated herein are followed; these permitted advocacy activities do not constitute lobbying. This document also deals with lobbying, which CAS cannot do at this time for the reasons stated herein. This document also states that CAS cannot participate in political campaigns. Advocacy should be limited to matters that may affect archaeological or cultural resources and activities.

In this document, references to “CAS” include both the Colorado Archaeological Society, Inc. as a state organization and the CAS chapters, unless stated otherwise.

1. SCOPE

This policy applies to the Colorado Archaeological Society, Inc. and to all directors and officers thereof, to all CAS Chapters and directors and officers thereof, and to all individual members of the Colorado Archaeological Society, Inc. except when they do not identify in any manner as being related to CAS.

All entities and individuals covered by this policy must refrain from taking any activities discussed herein except (a) in compliance with the procedures herein for actions taken on behalf of the Colorado Archaeological Society, Inc. or (b) speaking for themselves as individuals, in which case such individuals must not identify themselves as CAS members or say that they are affiliated with CAS or are representing CAS and must clearly indicate that their comments are personal and not intended to represent the views of CAS.

2. PERMITTED ADVOCACY ACTIVITIES

Advocacy activities that do not constitute lobbying include:

- 2.1 Communications to CAS members regarding legislation, even if CAS takes a position on the legislation, so long as the communication doesn't directly encourage members or others to lobby.
- 2.2 Responding to written requests from a legislative body (but not an individual legislator) for technical advice on pending legislation, even if the organization takes a position on the legislation.
- 2.3 Discussion of broad social, economic, and similar policy issues whose resolution would require legislation so long as the discussion does not address the merits of specific legislation.
- 2.4 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.
- 2.5 Raising awareness on important issues that impact preservation of cultural or

archaeological resources in Colorado in a non-partisan manner, including presenting public forums or publishing voter education guides.

3. PROHIBITION OF LOBBYING

Certain activities that attempt to influence legislation constitute lobbying for purposes of IRS regulations, federal law and Colorado law. CAS does not permit lobbying.

3.1 Direct lobbying efforts include:

3.1.1 Communications 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.

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

3.2 Grassroots lobbying efforts include engaging and educating CAS 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.

3.3 Communication with certain executive branch officials or legislative branch employees may also constitute lobbying under federal law.

3.4 Colorado law requires registration with the Colorado House of Representatives if CAS communicates with, or asks others to communicate with, certain officials to aid in or influence legislation or appointments or rule-making.

For purposes of these restrictions, “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.

Although there are some regulatory provisions that may allow lobbying that is not “substantial”, compliance with those regulations may require extensive record keeping and communication among all who may be considered to represent CAS. CAS recognizes it is not able to reliably and consistently comply with such requirements and therefore CAS does not permit lobbying.

4. PROHIBITION OF PARTICIPATION IN A POLITICAL CAMPAIGN

CAS shall not directly or indirectly participate in any political campaign on behalf of (or in opposition to) a candidate for public office. This 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. Individuals can participate as they choose, so long as they do not identify themselves as CAS members.

5. REPORTING TO CAS EXECUTIVE COMMITTEE AND BOARD REGARDING ADVOCACY ACTIVITY

- 5.1 The Executive Committee of the Colorado Archaeological Society shall be notified in advance of advocacy activities as identified in Section 2 hereinabove. Such notification shall be by email to the members of the Executive Committee.
- 5.2 Advocacy activities as identified in Section 2 hereinabove shall also be reported in writing to the Board of the Colorado Archaeological Society at its quarterly Board meetings. These reports shall include any advocacy activities of any person, Chapter, committee or other group which identified itself as related in any manner to CAS.
- 5.3 An individual who did not identify in any manner as being related to CAS is not required to report as described in this Section 5.

6. PURPOSE OF THIS ADVOCACY POLICY

Sections 501(c)(3) and 501(h) of the Internal Revenue Code of 1986, as amended, establish restrictions on the types and amounts of advocacy (including lobbying) engaged in by a Section 501(c)(3) nonprofit organization. In addition, federal and state laws require registration for and reporting on certain lobbying activities. This policy establishes processes for and restrictions on activities taken on behalf of CAS to ensure CAS's compliance with those laws. Violation of those laws may result in revocation of CAS's tax-exempt status and/or imposition of certain taxes and/or penalties.

7. SUBJECT MATTER OF SIGNIFICANCE TO CAS

CAS's advocacy should be limited to Colorado legislation and regulations that directly support protection of cultural or archaeological resources as well as the following Federal statutes and regulations:

- Antiquities Act, as amended (54 U.S.C. §§ 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 Protection Act, as amended (16 U.S.C. §§ 470aa-mm)
- Archeological and Historic Preservation Act, as amended (54 U.S.C. §§ 312501-312508: Preservation of Historical and Archeological Data)
- Curation of Federally Owned and Administered Archeological Collections (36 C.F.R. § 79)
- Native American Graves Protection and Repatriation Act, as amended (25 U.S.C. §§ 3001-3013)
- Preservation of American Antiquities (43 C.F.R. § 3)
- Protection of Archeological Resources (43 C.F.R. § 7)