

CONNECTICUT STATE ETHICS COMMISSION  
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ADVISORY OPINION NUMBER 78-2

Requirements of Section 5, Public Act Number 77-605,  
for Registration as a Lobbyist

The Commission has been requested to advise whether a non-profit corporation, any of its members, or its representative should, under the circumstances set forth below, register in compliance with section 5 of Public Act Number 77-605.

None of the corporation's officers or directors is paid. It employs no paid lobbyists, and states it does not spend \$300 per year directly for lobbying. Members of the corporation and their friends may testify at hearings, and occasionally contact individual legislators personally to express views concerning pending legislation. They are neither paid nor reimbursed for their expenses involved in this activity. The corporation issues a newsletter about six times per year, the total cost of which exceeds \$300 per year. The letter may discuss pending legislation and suggest that members advise their legislators of the corporation's position thereon.

While much of the above activity undoubtedly constitutes lobbying, it appears that the officers, directors, and members do not meet the \$300 threshold for registration established in Public Act Number 77-605. No officer, director, or member who testifies at hearings or talks with individual legislators in an attempt to influence legislation need register as a lobbyist, based on his activities in behalf of the corporation, unless the officer or member expends or receives (or a combination of both) over \$300 per year incident to that activity. Sections 1(1), 5, and 6(a), Public Act Number 77-605. In this regard, it should be noted that an individual who receives no compensation or reimbursement specifically for lobbying, who limits his activities solely to formal appearances at public hearings to give testimony, and who meets the other criteria of section 1(1)(4), Public Act Number 77-605, is expected from the definition in section 1(1) of "lobbyist".

Who the recipients of the corporation's newsletter are will affect the question of whether the corporation must register as a lobbyist. Expenditures for the purpose of publishing a newsletter to members and employees are excepted from the definition of "expenditures" in section 1(f), Public Act Number 77-605. (The regulations of the Commission define "member" as

a dues-paying member.) The corporation would not have to register as a lobbyist unless the expenses of sending the letter to other than members and employees, if such be the case, plus other costs of lobbying, if any, together exceed \$300 per year.

There is insufficient information supplied to advise whether the representative of the corporation must register as a lobbyist. Should the representative receive, expend, or a combination of both, more than \$300 per year incident to attempting to influence legislative action, administrative action, or both, he would have to register as a lobbyist as required by sections 5 and 6(a), Public Act Number 77-605.

It should be noted that any compensation the corporation paid to the representative for lobbying would be an expenditure by the corporation in furtherance of lobbying for determining whether the corporation must register as a lobbyist.

By order of the State Ethics Commission:



Marilyn P. A. Seichter  
Chairwoman, State Ethics Commission

Dated March 1, 1978