



The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth
Lobbyist Division

Marie D. Marra
Director

March 17, 2015
LAO/15-42*

[REDACTED]

Dear [REDACTED]

I have received your January 30, 2015 email request for a lobbyist advisory opinion. See G.L. c. 3, § 41. Specifically, you inquired whether performing certain background work for a registered lobbyist on behalf of a Massachusetts organization would require you to register with this office. You indicate that the tasks you would perform would be limited to researching pending legislation, identifying bills relevant to the interests of the organization and drafting summaries thereof, and monitoring the status of identified bills. You further indicate that any work product would be forwarded to the registered lobbyist for use as background material.

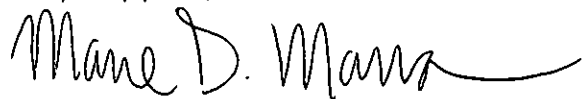
The statute defines legislative lobbying to "...include strategizing, planning and research if performed in connection with or for use in an actual communication with a government employee...." G.L. c. 3, § 39. However merely performing lobbying does not trigger the requirement to register with this office; one must further qualify as a legislative agent. The statute defines a legislative agent as "a person who for compensation or reward engages in legislative lobbying, which includes at least 1 lobbying communication with a government employee made by said person." Id.

In an advisory opinion dated January 21, 2010 this office clarified the definition of lobbying (both executive and legislative) and the registration requirement as they regard the inclusion of "strategizing, planning and researching" activities. G.L. c. 3, § 39. Specifically, that advisory opinion indicated that in addition to the time spent and the compensation received, a third requirement, that of a direct communication by the lobbyist-to-be-registered with a government official, exists. Lobbyist Advisory Opinion, LAO/10-6. Thus, for strategizing, planning and researching activities to trigger registration, the would-be lobbyist would have to communicate directly or have his work communicated, by any means of communication, to a covered government employee.

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As you indicate in your advisory opinion request, the work you would be performing would not include the required communication with a covered government official. As such, you would not be required to register with this office. However, if the work product is given to a covered governmental official, the work product would be direct communication that may necessitate registration. Consequently, it may be prudent for you to register.

Very truly yours,

A handwritten signature in cursive script, reading "Marie D. Marra", followed by a long horizontal flourish.

Marie D. Marra
Director, Lobbyist Division

*corrected AO number