



The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth
Public Records Division - Lobbyist Section

Alan N. Coe
Director

Marie D. Marra
Supervisor, Lobbyist Section

February 24, 2010
LAO/10-11

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]

I have received your February 14, 2010 email request for a lobbying advisory opinion. See G.L. c. 3, § 41 (2008 ed.). Specifically, you inquired whether members of a non-profit board must register as lobbyists. The board members lobby on the board's behalf, but do not receive any compensation or reward for their efforts.

Whereas the above-referenced individuals do not for "compensation or reward" engage in lobbying, they do not fall within the definitions of executive or legislative agent. See G.L. c. 3, s. 39 (2008 ed.). However, there is lobbying activity occurring from which the non-profit board aims to benefit. Therefore, there is a public interest in ascertaining what lobbying efforts are made and what expenditures are incurred in connection therewith. As such, the legislature enacted G.L. c. 3, s. 44, which mandates that any organization that does not employ lobbyists but expends in excess of two hundred and fifty dollars (\$250.00) during a calendar year on lobbying efforts register with the Lobbyist Section by filing the appropriate reporting statements. See G.L. c. 3, s. 44 (2008 ed.). While there are exceptions to Section 44, it should be noted that a group or organization must meet all criteria in order to be exempted from registering under this section. Id.

In conclusion, even where uncompensated individuals who lobby on behalf of a non-profit do not meet the criteria of being executive and/or legislative agents, if the board in question spends more than two hundred and fifty dollars (\$250.00) during a

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calendar year on lobbying efforts, then accordingly, the non-profit board may be required to register with the Lobbyist Section pursuant to G.L. c. 3, s. 44.

Very truly yours,

A handwritten signature in black ink, appearing to read "Alan N. Cote", written over a horizontal line.

Alan N. Cote
Director