



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

Alan N. Cote  
Director

Marie D. Marra  
Supervisor, Lobbyist Section

December 24, 2010  
LAO/10-31

[REDACTED]

I have received your request for an advisory opinion with regard to lobbying in Massachusetts. See G.L. c. 3, § 41. Specifically, you inquired as to whether the activities of board members or general members of your organization would meet the definition of lobbying and require registration with this office under the Massachusetts Lobbying Law (G.L. c. 3, §§ 39-50).

In your request, you questioned whether the work conducted by these members would meet the definition of lobbying and require registration. To the extent that the activity of any member meets the definition of either executive lobbying or legislative lobbying (See G.L. c. 3, § 39), then that member is considered to be lobbying. However, in order to trigger registration with the Lobbyist Section, a member must also meet the criteria of being an executive and/or legislative agent.

The definition of an executive agent is stated as, "a person who for compensation or reward engages in executive lobbying, which includes at least 1 lobbying communication with a government employee made by said person..." See G.L. c. 3, § 39. Similarly, a legislative agent is defined 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 order for a member to satisfy the definition of an executive agent or legislative agent, the member must be compensated or rewarded for his/her lobbying efforts. As noted in Lobbyist Advisory Opinion LAO/10-12, "compensation" is defined to include monetary value received, while "reward" is more broadly defined and may encompass benefits received in exchange for lobbying efforts (e.g. equity interest in an organization, health insurance, pension contribution, life insurance, commuter benefits).

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In your request, you stated that members will receive "no compensation of any sort for contacting legislators and members of the executive branch regarding legislative or administrative regulations." Additionally, you stated that members will "only use personal or vacation time" to conduct these activities and will thus not receive any other type of "reward" for their activities.

Whereas the members of your organization will not receive any "compensation or reward" for their participation in any activities conducted on behalf of the organization, it is the opinion of the Lobbyist Section that these members would not meet the criteria required to trigger registration with this office. As such, an analysis of whether the incidental lobbying exception may be triggered is not required

Sincerely,



Alan N. Cote  
Director