

LAO/10-8



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

January 21, 2010

[REDACTED]

I have received your January 6, 2010 request for a lobbying advisory opinion. See G.L. c. 3, § 41 (2008 ed.). Specifically, you inquired whether a non-profit volunteer must register as a lobbyist. You indicate that you act to promote legislation on the non-profit's behalf, but are uncompensated for your efforts.

Whereas you are not compensated for your efforts and have no ownership interest in the non-profit, you do not fall within the definition of executive or legislative agent. See G.L. c. 3, s. 39 (2008 ed.). That is, you are not one who for "compensation or reward" engages in lobbying. Id. However, there is lobbying activity occurring from which the non-profit 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 if an uncompensated individual who lobbies on behalf of a non-profit may not meet the criteria of being a legislative or executive agent, if the non-profit organization in question spends more than two hundred and fifty dollars (\$250.00)

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during a 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 (2008 ed.).

Very truly yours,

A handwritten signature in black ink, appearing to read "Alan N. Cote". The signature is stylized with a large initial "A" and a long horizontal stroke at the end.

Alan N. Cote
Director