



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 1, 2010

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 [REDACTED]

I have received your January 27, 2010 email request for a lobbying advisory opinion. See G.L. c. 3, § 41 (2008 ed.). Specifically, you inquired whether a private citizen who testifies at public hearings concerning certain policies and legislation and who communicates with government officials regarding same must register as a lobbyist. The citizen is not compensated for his lobbying efforts, belongs to different organizations and serves on various boards related to his cause, and often "rall[ies]" others to participate in the legislative process.

Whereas the above-referenced individual is not compensated for his efforts and has no ownership interest in the organizations or boards on which he serves, he does not fall within the definition of executive or legislative agent. See G.L. c. 3, s. 39 (2008 ed.). That is, he is not one who for "compensation or reward" engages in lobbying. Id.

Yet to the extent that the individual is acting as described above on behalf of an organization or board, there is lobbying activity occurring from which the organization 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.

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In conclusion, even if an uncompensated individual who lobbies on behalf of a board or organization may not meet the criteria of being a legislative or executive agent, if the organization in question spends more than two hundred and fifty dollars (\$250.00) during a calendar year on lobbying efforts, then accordingly, the organization 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", written over the closing "Very truly yours,".

Alan N. Cote
Director