



## The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth

Laurie Flynn  
Chief Legal Counsel

August 22, 2011  
LAO/11-XX

[REDACTED]

Dear [REDACTED]

I have received your request for an advisory opinion with regard to lobbying in Massachusetts. See G.L. c. 3, § 41. Specifically, you requested an opinion concerning lobbyist registration and disclosure requirements specific to the application of Massachusetts General Law Chapter 3, Section 44.

In the first part of your request, you questioned whether a group or organization is required to register with this office if its members do not have a direct, personal communication with a covered government employee or official. Section 44 states in part the following:

[A]ny group or organization, however constituted, not employing an executive or legislative agent which as part of an organized effort, expends in excess of two hundred and fifty dollars during any calendar year to promote, oppose, or influence legislation, or the governor's veto or approval thereof, or to influence the decision of any officer or employee of the executive branch or an authority, including, but not limited to, statewide constitutional officers and employees thereof, where such decision concerns legislation or the adoption, defeat or postponement of a standard, rate, rule or regulation pursuant thereto, or to do any act to communicate directly with a covered executive official to influence a decision concerning policy or procurement shall register with the state secretary by rendering a statement...

G.L. c. 3, § 44.

Section 44 mandates the disclosure of expenditures made by a group or organization that has not employed an executive or legislative agent, where expended funds were intended to promote, oppose or influence legislation. Additionally, the group or organization is required to disclose all campaign contributions made by the group or organization, as well as certain contributions made to the group or organization. See G.L. c. 3, § 44.



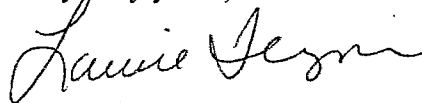
In a prior advisory opinion, this office opined that an individual must make a direct, personal communication with a government official in order to trigger registration requirements as a legislative or executive agent (See Lobbyist Advisory Opinion LAO/10-6). The registration requirements of a group or organization pursuant to Section 44 do not include similar language requiring a direct, personal communication by that group or organization in order to trigger registration.

It is conceivable that a group or organization could promote a call to action or provide direction for an organized effort intended to influence a particular piece of legislation. These actions could be conducted in a variety of forms, potentially without engaging in a direct communication with a government official. Despite the absence of a direct communication, these actions could invoke the application of this section because funds may be expended as part of activities intended to promote, oppose or influence legislation. Accordingly, a group or organization may be required to register with this office without making a direct, personal communication with a government official.

Additionally, your request also questioned the requirement that a group or organization disclose "a listing of the names and addresses of every person, group or organization from whom fifteen dollars (\$15.00) or more was contributed during the year for the objectives hereinabove stated." See G.L. c. 3, § 44. Specifically, you asked whether an organization that spends only one percent (1%) of its budget on lobbying activities would only have to report contributions from a person, group or organization in the amount of \$1,500.00 or more (one percent (1%) of \$1,500.00 is \$15.00).

To interpret the statute in the manner in which you propose provides for the possibility of neglecting to report qualified donations from a person, group or organization. As statutorily required, an organization must list the name and address of a person, group or organization "from whom fifteen dollars or more was contributed." See G.L. c. 3, § 44. The trigger for registration and disclosure reporting by a group or organization is not contingent on the budgetary allocations of that particular group or organization, but is simply determined by whether a contribution equal to fifteen dollars (\$15.00) or more has been received. Regardless of any budgetary considerations, a donation received equal to or in excess of that amount must be reported to this office.

Very truly yours,



Laurie Flynn  
Chief Legal Counsel