

**Follow up to Lobbying and Advocacy for Nonprofits  
CT Community Nonprofit Alliance, CT Nonprofit Center  
Feb. 1, 2017  
Priya Morganstern, Pro Bono Partnership and Jeff Shaw, the Alliance**

*The following questions were sent to the Office of State Ethics, and were answered by Atty Peter Lewandowski, Associate General Counsel.*

*~ Priya Morganstern 2/2/17*

Question: Often individuals who work for a nonprofit may work closely with another group – an alliance, collaborative or coalition, which may or may not be a separate legal entity – on group lobbying activities. The individual is paid by the nonprofit he or she works for, but is lobbying on behalf of the coalition. Who tracks/reports the value of that person's time?

**If the individual is on nonprofit's clock and the nonprofit pays the individual while he or she "volunteers" for the collaborative on collaborative's lobbying initiatives, then it is the collaborative that has to capture the donated time on its lobbyist reports. If the nonprofit is a registered lobbyist, in order to avoid double reporting, the nonprofit should only capture those expenditures that are not made in connection with the collaborative's lobbying initiatives and the collaborative captures all of the expenditures made on its behalf or for its benefit by member nonprofits.**

Question: often a nonprofit will ask its employees to reach out to legislators in support of a proposed bill of interest to the nonprofit. Does the cost associated with that activity – communicating with employees - count as a lobbying expenditure under state rules? Related question: If the employees then contact their legislators on their own time, that would not count as a lobbying expense attributable to the nonprofit, correct?

**There is one major exception to reportable expenditures that addresses the costs associated with internal communications. Under Connecticut General Statutes § 1-91 (6), "any expenditure made by any club, committee, partnership, organization, business, union, association or corporation for the purpose of publishing a newsletter or other release intended primarily for its members, shareholders or employees, whether in written or electronic form or made orally during a regularly noticed meeting," is exempted from expenditures that must be counted toward lobbyist registration and reporting. However, please keep in mind that communications that may be intended for organization's members or employees but are also directed to the general public, may not fall under the aforementioned exemption. See Request for Advisory Opinion No. 14417 (2016) ("...[B]ecause presently the online viewing of [an environmental organization's] newsletters is not limited to its members but is open to the public, this exception may not be applicable.") Thus, for example, if a nonprofit solicits its employees only to reach out to legislators, any cost associated with such solicitation is exempted from**

**reporting. With regards to your related question, the nonprofit is not required to count and report the lobbying activity of its employees who engage in such activity on their own time.**

Question: Often employees of nonprofits participate in entities such as the Governor's Cabinet for Health and Human Services or an advisory board to an agency. At meetings of these groups, they may engage in wide-ranging conversations about policy, strategy and other issues that may or may not relate directly to any actual existing or proposed legislation or regulation. Is participation in those kinds of groups considered an "activity in furtherance of lobbying?"

**Pursuant to General Statutes § 1-91 (12) (E), "[a] member of an advisory board acting within the scope of his or her appointment" is exempted from lobbyist registration requirements. Therefore, an employee's participation as a member of an advisory board who acts within the scope of his or her appointment is not considered an activity in furtherance of lobbying.**

Question: If employees of a nonprofit attend the CT Community Nonprofit Alliance's Legislative Reception, is that a trackable lobbying activity?

**Because a legislative reception is generally considered an event in furtherance of lobbying, the time of those employees of a nonprofit who attend the reception must be tracked.**

Question: Can you please explain the 5 hour "safe harbor" that applies to in-house communicator lobbyists?

**Pursuant to General Statutes § 1-91 (12) (G), "[a]ny person who receives no compensation or reimbursement specifically for lobbying and who spends no more than five hours in furtherance of lobbying unless such person (i) exclusive of salary, receives compensation or makes expenditures, or both, of three thousand dollars or more in any calendar year for lobbying or the combined amount thereof is three thousand dollars or more in any such calendar year, or (ii) expends fifty dollars or more for the benefit of a public official in the legislative or executive branch, a member of his or her staff or immediate family." This so-called "five-hour rule" applies to highly paid individuals who are not paid specifically to lobby but who can spend only one or two hours of time lobbying and in furtherance of lobbying, yet meet the \$3000 threshold. In any event, this exception would not apply to any in-house communicator lobbyist, who, after all, is paid specifically to lobby.**

Question: Has the OSE issued updated guides for client and communicator lobbyists?

**The updated guides are available on the Office of State Ethics website. Here are the links:**

[http://www.ct.gov/ethics/lib/ethics/guides/2016/client\\_lobbyists\\_guide\\_rev\\_july\\_2016\\_final.pdf](http://www.ct.gov/ethics/lib/ethics/guides/2016/client_lobbyists_guide_rev_july_2016_final.pdf)

[http://www.ct.gov/ethics/lib/ethics/guides/2016/communicator\\_lobbyists\\_guide\\_rev\\_august\\_2016\\_final.pdf](http://www.ct.gov/ethics/lib/ethics/guides/2016/communicator_lobbyists_guide_rev_august_2016_final.pdf)