



STATE OF CONNECTICUT

STATE ETHICS COMMISSION

ADVISORY OPINION NUMBER 80-12

Requirements for Registration as a Lobbyist

An individual was employed by a corporation to conduct an economic study of the Connecticut industry in which the corporation operates. The study was completed and a report of it was provided to the employing corporation and to other companies engaged in the same business. Thereafter, at the request of a registered lobbyist for one or more companies in the industry, the individual sent copies of the study report to some members of the General Assembly. The study related to legislation pending in the legislature at the time the reports were sent. The State Ethics Commission has been asked whether the individual who conducted the study and who sent copies of the study report to legislators must register as a lobbyist.

The answer depends in part upon the actions of the individual when he mailed the copies of the study report to the legislators. If he did no more than mail copies to legislators designated by the registered lobbyist, he performed only a clerical service. He could have provided the copies to the registered lobbyist. If the latter had given them to a secretary to mail, the secretary would not be lobbying. Neither was the individual when he carried out the same clerical chore. Cf. the status of the attorney in State Ethics Commission Advisory Opinion No. 78-8, 39 Conn. L.J. No. 48, p. 22.

On the other hand, if the individual drafted a forwarding letter taking or recommending a position on the pending legislation--indicating how the study showed that the legislation should be supported or defeated, for example--that would be communicating with a public official for the purpose of influencing legislative action, or lobbying. Subsections 1-91(k), 1-91(j), General Statutes. The individual would have to register if he met the \$300 threshold to be a lobbyist (and the over-five-hour threshold if he received no compensation or reimbursement specifically for communicating with the legislators). Subsections 1-91(l), 1-94(a), 1-95(a), *id.* The amount of time and money attributable to meeting the thresholds would be the time, and its value, spent in drafting the letter and mailing it with the study report to the legislators.

It is rather obvious that the motivation for the registered lobbyist to have the study report forwarded to legislators who would be considering legislation concerned with the subject matter of the study was to influence legislative action. Therefore, the registered lobbyist and those on whose behalf he was employed to lobby no doubt were lobbying. Subsections 1-91(k), (j), General Statutes. The cost of the lobbying should be attributed toward the threshold of the registered lobbyist's client or clients, if

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not already registered, and costs incident to the study should be considered for inclusion in the client's or clients' financial report if it or they are or become registrants. Section 1-96, id.; section 1-92-43, Regulations of Connecticut State Agencies.

It has been assumed that the study was developed for the employing corporation's or the industry's use, and sent to the legislators simply as an afterthought. In that event, with regard to the study only the costs of the copies of the study report and any office expenses incurred in mailing it are reportable lobbying expenses. State Ethics Commission Advisory Opinion No. 78-13, 40 Conn. L.J. No. 8, p. 11. Had the study been originated for the purpose of influencing legislation, its entire cost would have had to be included in the financial report of the company or companies which funded the study in anticipation of its use to influence legislative action.

By order of the Commission,

Thomas J. Lynch

Rev. Thomas J. Lynch
Chairman

Dated May 13, 1980