

Memorandum

To : Members of the Commission

Date : 6-24-77

17-339

From : FAIR POLITICAL PRACTICES COMMISSION
Ted Prim

Subject: Lobbyist Reporting.

In an opinion requested by George Hardie, the Commission stated that a person must be employed or contract with another for the purpose of influencing legislative or administrative action in order to be a lobbyist pursuant to the Political Reform Act. The question posed by this memorandum is one step removed; i.e., must a person who is already a lobbyist report his attempts to influence legislative or administrative action for which he is not compensated.

The staff concluded that a lobbyist must report all lobbying activities except for those for which he is not compensated and which are totally unrelated to the interests of his employer. Thus, the lobbyist for Standard Oil need not report his activities in connection with lobbying against smoking in public places but would have to report his activities in connection with lobbying on mass transit legislation.

If the Commission disagrees with this approach, it may wish to adopt one of the following alternatives. First, the lobbyist reporting provisions of the Act could be read to require that a lobbyist report all activities in connection with attempting to influence legislative or administrative action whether or not he receives compensation for such activities. This result has the advantage of providing a bright line and no loophole. Second, the Commission could conclude that no volunteer lobbying is reportable on the lobbyist's statement. Such an interpretation would increase the possibility that a lobbyist and the Commission would become embroiled in a dispute over whether the lobbyist really was employed to influence certain legislation in which his employer would appear to be interested.

If you are in disagreement with the staff's conclusion, please contact me by June 30, 1977. If I do not hear from any of you, I will assume that we may issue this advice.

TP:jo *The Commission approved the proposed standard*