

CONNECTICUT STATE ETHICS COMMISSION  
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ADVISORY OPINION NUMBER 78-8

Requirements for Registration as a Lobbyist

An organization has requested the State Ethics Commission to advise whether the organization's activities constitute lobbying, requiring it to register.

The organization is a coalition comprised of representatives of various professionally-related associations which also have a common interest in the act reorganizing the executive branch of the government. The coalition studied the State Government Reorganization Act and identified various amendments which would benefit the associations represented in the coalition. It hired an attorney to draft a bill incorporating the desired amendments. No lobbyist was engaged by the organization. Officers and members of the coalition, none of whom was paid anything by the coalition, asked members of the General Assembly to introduce the bill. The bill was promoted by registered lobbyists who represented the associations involved in the coalition.

From the foregoing, it is apparent that coalition representatives, on behalf of the coalition, communicated with legislators for the purpose of influencing legislative action, as that term is defined in section 1 (j), Public Act Number 77-605. Both the representatives and the coalition were, therefore, lobbying as defined in section 1 (k) of that Act. If they made expenditures or received compensation and reimbursement, or a combination of both, of more than \$300 in furtherance of lobbying in a calendar year, they are "lobbyists", section 1 (l), and must register, section 5, Public Act Number 77-605.

The officers and members of the coalition were not paid by it for their lobbying efforts. Assuming no reimbursement of expenses (or if reimbursement of expenses incident to lobbying was less than \$300), they would not pass the threshold amount of \$300 in a year. In that case, they would not be "lobbyists", and only lobbyists must register with the Ethics Commission.

The coalition, on the other hand, expended funds in furtherance of lobbying when it paid an attorney to draft a bill which the coalition sought to have introduced in the General Assembly. If the fee to the attorney, along with any other reportable expenditures, met the threshold amount set forth in section 1 (l), Public Act Number 77-605, the coalition is a lobbyist, none of the exceptions to section 1 (l) appearing applicable. As a lobbyist, it should register in accordance with section 5 of the Act.

Whether or not the fee of the attorney who drafted the bill exceeded the threshold amount of \$300 in a year, it does not appear the attorney is a lobbyist. His duties were essentially ministerial. As in the case of work performed by secretaries, data processing machine operators, printers, and similar personnel who earn income, incident to the lobbying process, which is a reportable expenditure on the part of the payor, the ministerial drafting duties performed by the attorney when he cast the desired amendments in proper language do not further lobbying in the sense which would make the attorney a lobbyist under section 1 (1), Public Act Number 77-605.

By order of the Commission,



Marilyn P. A. Seichter  
Chairwoman

Dated May 17, 1978