

ETHICAL PRACTICES BOARD

First Floor South, Centennial Building . 658 Cedar Street . St. Paul, MN 55155-1603

**THIS ADVISORY OPINION IS PUBLIC DATA
pursuant to Release of Information signed by requester**

**Issued to: Andrew H. Weinraub
State & Federal Communications
1755 Merriman Road, Suite 225
Akron, Ohio 44313-5256**

RE: Application of lobbying statutes to internet worldwide web site advocating association's positions on legislative matters.

ADVISORY OPINION # 249

SUMMARY

Creation of a worldwide web internet site on which an association publishes its positions on legislative matters does not require the registration of a lobbyist with the Ethical Practices Board.

FACTS

As the representative of a client interested in lobbying activities, you request an advisory opinion from the Ethical Practices Board based on the following facts:

- 1. Your client is an association which is considering establishing a worldwide web site on which it would include information advocating specific positions on matters before the legislature in Minnesota.**
- 2. The site may also include material advocating positions with regard to legislation in other jurisdictions and more general information unrelated to specific legislation.**

3. The site will not urge visitors to contact their legislators or other public officials with regard to issues presented, nor will it include names and addresses of such officials.
4. The association does not have estimates of the cost of establishing and operating this web site; however, it is expected that the portion of those costs allocable activities related to Minnesota will exceed \$250 per year.
5. Development and operation of the web site will be administered by paid staff of the association.
6. After the site is established, the association may provide information about the site and the address of the site to Minnesota legislators and other public officials. This information would not, in itself, include any material advocating a position on a matter before the legislature.
7. The association wants to know whether its proposed activities will require registration of a lobbyist with the Board and the subsequent reporting of lobbyist activities.

ISSUE

Does the creation of a worldwide web site which will advocate an association's positions on matters before the legislature require the registration of a lobbyist with the Ethical Practices Board?

OPINION

No, creation of the web site you describe will not require the designation and registration of a lobbyist on behalf of the association you represent.

Lobbyist registration and reporting is required when an individual, for compensation, spends more than 5 hours in a month or more than \$250 in a year attempting to influence legislative action by communicating with public officials or urging others to communicate with public officials. (Minn. Stat. § 10A.01, subd. 11. The statute provides other definitions of a lobbyist, but the foregoing statement is the only one applicable to the facts of this opinion.)

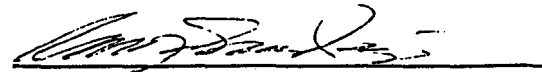
In issuing this opinion, the Board has considered whether the site, once created, constitutes "attempting to influence legislative . . . action by communicating or urging others to communicate with public . . . officials". Minn. Stat. § 10A.01, subd. 11.

Under the stated facts, the site will not urge others to communicate with public officials. The question, then, is whether the site itself constitutes communicating with public officials.

The Board concludes that maintaining the described site does not constitute "communicating . . . with public . . . officials" as that phrase is used in Minn. Stat. § 10A.01, subd. 11.

The fact that the association may inform public officials of the address of the site and about its contents is not sufficient to change the above characterization of the site.

Issued: 11-22-96



Carolyn D. Rodriguez, Chair
Ethical Practices Board

CITED STATUTES

10A.01 DEFINITIONS.

Subdivision 1. For the purposes of sections 10A.01 to 10A.34, the terms defined in this section have the meanings given them unless the context clearly indicates otherwise.

....

Subd. 11. (a) "Lobbyist" means an individual:

(1) engaged for pay or other consideration, or authorized to spend money by another individual, association, political subdivision, or public higher education system, who spends more than five hours in any month or more than \$250, not including the individual's own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials;

....