

State of Minnesota
Campaign Finance & Public Disclosure Board
First Floor South, Centennial Building . 658 Cedar Street . St. Paul, MN 55155-1603

THE FOLLOWING PUBLICATION DOES NOT IDENTIFY
THE REQUESTER OF THE ADVISORY OPINION, WHICH IS NONPUBLIC DATA
under Minn. Stat. § 10A.02, subd. 12(b)

RE: Definition of Lobbyist

ADVISORY OPINION 308

SUMMARY

An association's board member, who spends no personal money, who does not have authority to spend money on behalf of the association, and who, without compensation, spends time communicating with public officials to urge them to take particular positions on legislation is not a lobbyist within the meaning of Minn. Stat. § 10A.01, subd. 11.

FACTS

You are an individual who asks the Campaign Finance and Public Disclosure Board (Board) for an advisory opinion based on the following facts:

1. You serve on the boards of directors of numerous nonprofit organizations. You receive no pay or other consideration directly or indirectly for this service either from the associations on whose boards you serve or from any other individual or entity.
2. From time to time, you may spend more than five hours in a month talking with public officials on behalf of an organization on whose board you serve. You receive no pay or consideration directly or indirectly from any individual or entity for this time.
3. As a board member, you may vote on the approval of overall budgets and spending plans for the organization, but you do not have the authority to spend the association's money. That authority generally rests with the association's chief executive officer or in a similar position.
4. The associations on whose boards of directors you serve do, in some cases, have lobbyists who are registered with the Board.
5. You do not spend any of your own money for lobbying purposes.

ISSUE

Does an uncompensated member of the board of directors of an association become a lobbyist under Minn. Stat. § 10A.01, subd. 11, by spending more than five hours in a month communicating with public officials concerning the association's activities and concerns? Is the result different if the association is a lobbyist principal by virtue of having a paid lobbyist registered with the Board.

OPINION

The facts set forth in your request for this advisory opinion make it clear that none of the three threshold requirements for definition as a lobbyist applies. As long as those facts hold true, you are not required to register as a lobbyist with the Board.

In order to be defined as a lobbyist under Minn. Stat. § 10A.01, subd. 11, one of the following must be true:

1. the person must be authorized to spend money on behalf of an association and must spend more than \$250 of the association's money for lobbying purposes in a calendar year;
2. the person must spend more than \$250 of the person's own money for lobbying purposes in a calendar year; or
3. the person, for pay or other consideration, must spend more than five hours in a month communicating or urging others to communicate with public officials for the purpose of influencing their action.

The fact that an association on whose board you serve may have a paid lobbyist and, thus, may be defined as a lobbyist principal, does not change the above result.

Issued: 2-26-99



Carolyn D. Rodriguez, Chair
Campaign Finance and Public Disclosure Board

CITED STATUTES

10A.01 DEFINITIONS.

Subd. 11. **Lobbyist.** (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; or

(2) who spends more than \$250, not including the individual's own traveling 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.

. . . [exceptions omitted]

Subd. 28. **Principal.** "Principal" means an individual or association that:

(1) spends more than \$500 in the aggregate in any calendar year to engage a lobbyist, compensate a lobbyist, or authorize the expenditure of money by a lobbyist; or

(2) is not included in clause (1) and spends a total of at least \$50,000 in any calendar year on efforts to influence legislative action, administrative action, or the official action of metropolitan governmental units, as described in section 10A.04, subdivision 6.