



# HAWAII STATE ETHICS COMMISSION

State of Hawaii • Bishop Square, 1001 Bishop Street, ASB Tower 970 • Honolulu, Hawaii 96813

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## **ETHICS ADVISORY 2013-05**

### **“GRASSROOTS LOBBYING”**

October 24, 2013

The Hawaii State Ethics Commission has received a number of inquiries about flyers and other organized activities relating to the same sex marriage issue which will be considered during the Legislature’s Second Special Session convening on October 28, 2013. A number of the organizations that are involved in supporting and opposing the bill to legalize same sex marriage in Hawaii appear to be unaware that their activities may constitute “lobbying” under Hawaii law and, consequently, that they may be required to report certain information to the Commission.

“Lobbying” is defined as “communicating directly or through an agent, or soliciting others to communicate” with a legislator for the purpose of attempting to influence legislation.<sup>1</sup> As defined, “lobbying” includes urging members of the public to communicate with legislators (sometimes called “grassroots lobbying”).

Individuals who and organizations which engage in either direct or grassroots lobbying may be required to publicly report certain lobbying expenditures and contributions to the Commission.<sup>2</sup> For example, the following activities may constitute reportable lobbying expenses under Hawaii law: preparing or distributing flyers and other mailers encouraging members of the public to contact their legislators to support or oppose legalizing same sex marriage; producing or paying for media announcements which advocate for or against the proposed legislation, including television and radio spots, newspaper ads, and internet posts; and organizing sign-waving or rallies to demonstrate support for or against same sex marriage.

In addition, if an organization receives monetary or in-kind contributions for the purpose of lobbying, the organization may be required to report the amount and source of those contributions.

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<sup>1</sup> Haw. Rev. Stat. §97-1(7).

<sup>2</sup> Individuals who are paid to directly lobby may need to register with the State Ethics Commission within five days of becoming a lobbyist. Haw. Rev. Stat. §97-2.

Lobbying reports for expenditures made and contributions received from May 1, 2013, through December 31, 2013, must be filed with the Commission by January 31, 2014.<sup>3</sup>

If you have questions or would like to discuss this matter further, please contact Commission staff at 587-0460.

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<sup>3</sup> Haw. Rev. Stat. §97-3(b). Lobbying forms and instructions are available through the Commission's website at <http://hawaii.gov/ethics/forms/lobbying>.