



Guide to Vermont's Lobbying Registration And Disclosure Law

**Including Common practice of the
Vermont Lobbying Information
System*

2019-2020 Biennium

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“Lobby” or “Lobbying” means:

LOBBYING DEFINED

- (A) To communicate orally or in writing with any legislator or administrative official for the purpose of influencing legislative or administrative action;
- (B) Solicitation of others to influence legislative or administrative action;
- (C) An attempt to obtain the goodwill of a legislator or administrative official intended ultimately to influence legislative or administrative action; or
- (D) Activities sponsored by an employer or lobbyist on behalf of or for the benefit of the members of an interest group, if a principal purpose of the activity is to enable such members to communicate orally with one or more legislators or administrative officials for the purpose of influencing legislative or administrative action or to obtain their goodwill.

REGISTRATION

To Access the Lobbying Information System, follow this link: <https://lobbying.sec.state.vt.us>

Lobbyist Employers: Any person, other than a lobbying firm, who engages the services of a lobbyist for compensation for the purposes of lobbying. A lobbyist who employs another lobbyist shall be required to register and report both as an employer and a lobbyist.

Lobbyists: A person who receives or is entitled to receive, either by employment or contract, \$500 or more in monetary or in-kind compensation in any calendar year for engaging in lobbying, either personally or through his or her agents, or a person who expends more than \$500 on lobbying in any calendar year.

State Officer: Governor, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer and Auditor of Accounts.

Immediate Family: A person’s spouse, parent, sibling, child, or in-law, including a parent, sibling or child of a spouse.

Lobbying Firms: A sole proprietorship, partnership, corporation, limited liability corporation, or an unincorporated association which receives or is entitled to receive \$500 or more in monetary or in-kind compensation for engaging in lobbying, either personally or through its agents, in any calendar year and employs more than one individual lobbyist or contracts with at least one other lobbyist, or is affiliated with at least one other lobbyist.

Registration period: When a lobbyist or lobbyist employer registers, the registration stays active until either the end of the legislative biennium or **until such time** as the lobbyist or lobbyist employer terminates the registration. If the lobbyist or lobbyist employer terminates a registration before the end of the registration period, a final disclosure report is due (see section on Disclosure for more details). Often times, lobbyists “assume” that during the biennium their lobbyist status will automatically terminate because the issue in which they had been lobbying for has been resolved. This is **NOT** the case. A formal online termination **MUST** be filed with the Secretary of State’s office for both the lobbyist and lobbyist employer. There is a termination option on your dashboard in the LIS. <https://lobbying.sec.state.vt.us> Failure to do so will subject lobbyists and/or lobbyist employers to the possibility of late disclosure fees, should they not realize disclosures need to be filed.

REGISTRATION REQUIREMENTS AND FEES – LOBBYISTS

Every lobbyist is required to register **online** with the Office of the Secretary of State, using the **Vermont Lobbying Information System**, <https://lobbying.sec.state.vt.us> before or within **48 hours** of commencing lobbying activities. A lobbyist must file a separate registration statement for each of the lobbyist's employers that he or she represents. This can all be done online, by following the prompts in the Lobbying Information System. The initial filing fee of \$60 is paid by the lobbyist at the time of registration. An additional registration fee of \$15 is charged to list each lobbyist employer.

*Electronic payment must be rendered at the time of registration. Credit Cards or E-Checks are acceptable.
Cash Payments are not accepted in the Lobbying Information System.*

****Please note that the online system will calculate all the fees for
you.**

Fees: Each lobbyist must pay an initial registration fee of \$60 plus an additional \$15 for each lobbyist employer listed. If a lobbyist has paid the initial \$60 registration fee for the registration period, and adds additional lobbyist employers, the lobbyist needs to file a supplemental registration form and pay a fee of \$15 per lobbyist employer listed. **(Every lobbyist employer listed by a lobbyist must also file their own lobbyist employer registration.)**

LOBBYIST EMPLOYERS

Every lobbyist employer is required to register **online** with the Office of the Secretary of State, using the Lobbying Information System, <https://lobbying.sec.state.vt.us> before or within **48 hours** of engaging a lobbyist. If an employer engages an additional lobbyist, the lobbyist employer shall file a supplemental registration statement by following the prompts in the online Lobbyist Information System at the same time as the additional lobbyist registers.

Fees: Each lobbyist employer must pay an initial registration fee of \$60, plus an additional \$15 for each lobbyist added. If a lobbyist employer has paid the initial \$60 registration fee for the registration period, and adds additional lobbyist(s), the employer needs to select the "Add Lobbyist" option from their dashboard in the LIS and pay a fee of \$15 per each new lobbyist listed. (Every lobbyist listed by a lobbyist employer must also register as a lobbyist online or, if they are already registered, they will need to add the employer to their online profile.) **Payment must be rendered at the time of registration.** This can all be done online, by following the prompts in the Lobbying Information System.

*Electronic payment must be rendered at the time of registration. Credit Cards or E-Checks are acceptable.
Cash Payments are not accepted in the Lobbying Information System.*

LOBBYING FIRMS

Every lobbying firm must file a Lobbying Firm Listing by filing **online**, using the **Vermont Lobbying Information System**. <https://lobbying.sec.state.vt.us>. This indicates all lobbyists who are employed by, subcontracted by, members of, or affiliated with the lobbying firm. Each lobbying firm shall file a supplemental list **within 48 hours** of any changes that have occurred.

Fees: Every Lobbying Firm shall pay an initial Firm listing fee of \$150. There are no subsequent Firm filing fees when adding additional lobbyists to Firm listings, however **each individual lobbyist** is still required to pay the filing fees as noted under **Lobbyist Registration**.

DISCLOSURE

To Access the Lobbying Information System, follow this link: <https://lobbying.sec.state.vt.us>

Lobbyists, lobbyist employers and lobbying firms must file disclosure reports **online** using the **Vermont Lobbying Information System**, <https://lobbying.sec.state.vt.us>. Following is a list of disclosure dates as required by statute.

The seven disclosure reports due from lobbyists, lobbyist employers and lobbying firms are:

- (1) on or before **January 15**, for the preceding period beginning on September 1 and ending with December 31;
- (2) on or before **February 15**, for the preceding period beginning on January 1 and ending with January 31;
- (3) on or before **March 15**, for the preceding period beginning on February 1 and ending with the last day of February;
- (4) on or before **April 15**, for the preceding period beginning on March 1 and ending with March 31;
- (5) on or before **May 15**, for the preceding period beginning on April 1 and ending with April 30;
- (6) on or before **June 15**, for the preceding period beginning on May 1 and ending with May 31; and
- (7) on or before **September 15**, for the preceding period beginning on June 1 and ending August 31;

All registered entities (lobbyists/employers/firms) must file a disclosure report, using the online Vermont Lobbying Information System, even if there is a \$0.00 reporting figure. The “No Activity to Report” option can be used. Failure to file a report online in the LIS <https://lobbying.sec.state.vt.us> by 11:59 pm of the deadline date will result in the accumulation of late fees.

****It is the sole responsibility of each entity to file these reports in a timely manner. Although the Secretary of State’s Office generally will place reminder notices on the Lobbying Information Website and outreach as much as possible to remind folks about late filings, it is not REQUIRED by statute that we do this, rather a simple courtesy by the Lobbyist System Administrator.**

Please place these dates on your calendars in order to ensure compliance in a timely manner.

EXPENDITURES

Lobbyists, Lobbying Firms & Lobbyist Employers

For lobbyists, lobbying firms and lobbyist employers, lobbying expenditures must be broken down into four subcategories:

- Advertising: includes TV, radio, print and electronic media.
Advertising expenditures are only reported if they are intended to communicate with legislators or administrative officials or if they are intended to solicit others to communicate with legislators or administrative officials.
- Telemarketing: includes polling or similar activities (if intended to directly or indirectly influence legislative or administrative action). Telemarketing expenditures will specify the amount, to whom the expenditure was made and a brief description of the activity.
- Contracts (Over \$100): Contractual agreements or direct business relationships in excess of \$100 per year (including any that were entered into within the previous 12 months between a legislator or administrator, a legislator’s or administrator’s spouse or civil union partner, or a legislator’s or administrator’s dependent household member).

- Other expenditures: Any other lobbying expenditures (for example, travel expenses, etc.).

GIFTS – Lobbyists, Lobbying Firms & Lobbyist Employers

All lobbyists, lobbying firms and lobbyist employers must report gifts over \$15 given to or at the request of a legislator or administrative official or a member of a legislator's or administrative official's immediate family.

A gift, under the lobbying law,

is: a political contribution;

- ✓ Anything of value, tangible or intangible, that is bestowed for less than adequate consideration, including travel expenses such as travel fare, room and board and other expenses associated with travel;
- ✓ a meal or alcoholic beverage; a ticket, fee, or honorarium, except actual and reasonable travel expenses
- ✓ a loan made on terms more favorable than those made generally to the public in the normal course of business

A gift is NOT “anything given between immediate family members; printed educational material such as books, reports, pamphlets or periodicals; a gift which is not used and which, within 30 days after receipt, is returned to the donor or for which the donor is reimbursed for its fair market value; or a devise or inheritance.”

ADVERTISING EXPENDITURES

Disclosure

Any advertisement that is intended, designed, or calculated to influence legislative action or to solicit others to influence legislative action, made at any time prior to final adjournment of a session, must contain the name of any lobbyist, firm, or employer that made an expenditure for the advertisement and language that the advertisement was paid for, or paid in part, by the lobbyist, firm, or employer.

If more than three entities paid for the cost of the ad, only those three that expended the most on the ad must be disclosed on the advertisement.

If a lobbyist or a firm is making the expenditure on behalf of an employer, that employer's name must be disclosed on the ad even though the employer did not directly share in the expense.

This “paid for by” information shall appear prominently and in a manner that a reasonable person would clearly understand by whom the expenditure has been made

Reporting

In addition to any other reports required to be filed under this chapter, a lobbyist, firm, or employer must file an “advertisement report” for any advertisement or advertising campaign that has a total cost of \$1,000.00 or more.

The report shall be filed within 48 hours of the expenditure or the advertisement or advertising campaign, whichever occurs first.

The report must identify the lobbyist, firm, or employer that made the expenditure; the amount and date of the expenditure and to whom it was paid; and a brief description of the advertisement or advertising campaign.

LOBBYISTS

All registered lobbyists must file a disclosure report, using the online Vermont Lobbying Information System, even if there is a \$0.00 reporting figure. The “No Activity to Report” option can be used. **Failure to file a report online in the LIS <https://lobbying.sec.state.vt.us> by 11:59 pm of the deadline date will result in the accumulation of late fees. **It is the sole responsibility of each entity to file these reports in a timely manner. Although the Secretary of State’s Office generally will place reminder notices on the Lobbying Information Website and outreach *as much as possible* to remind folks about late filings, it is not REQUIRED by statute that we do this, rather a simple courtesy by the Lobbyist System Administrator.**

Please place these dates on your calendars in order to ensure compliance in a timely manner.

Lobbyists affiliated with a lobbying firm: A lobbyist who is employed by, subcontracted by, or affiliated with a lobbying firm as defined by 2 V.S.A. §261(12) shall report compensation paid to the lobbyist by the employer on his or her disclosure form. As the lobbyist is associated with the firm at the time of registration, the disclosure form will prepopulate that information. **“DISCLOSURE SUMMARY. COMPENSATION BEING REPORTED BY: (firm name)”** The employers pay the lobbying firm and the compensation is reported by the lobbying firm that employs, subcontracts with or is affiliated with the lobbyist.

Any unreimbursed expenditures or gifts made by a lobbyist will be reported by that lobbyist. For example, if a lobbyist buys dinner for a legislator in connection with lobbying activities, that portion of the legislator’s dinner which exceeds \$15 must be reported by the lobbyist **if the lobbyist is not reimbursed by his lobbying firm or lobbyist employer. If the lobbyist was reimbursed by the lobbying firm or lobbyist employer, the firm or employer reports this expense.**

Lobbyists NOT affiliated with a lobbying firm: Any lobbyist who is NOT employed by, subcontracted by, or affiliated with a lobbying firm reports the total compensation paid to the lobbyist for lobbying activities. The lobbyist also includes the name and address of each employer that paid compensation to the lobbyist.

Lobbyists not affiliated with lobbying firms must also report any unreimbursed expenditures that are not reimbursed by an employer. If the employer reimburses the lobbyist, then the employer reports the expense.

LOBBYING FIRMS

All registered entities (lobbyists/employers/firms) must file a disclosure report, using the online Vermont Lobbying Information System <https://lobbying.sec.state.vt.us>, even if there is a \$0.00 reporting figure. The “No Activity to Report” option can be used. **Failure to file a report online in the LIS by 11:59 pm of the deadline date will result in the accumulation of late fees. **It is the sole responsibility of each entity to file these reports in a timely manner. Although the Secretary of State’s Office generally will place reminder notices on the Lobbying Information Website and outreach *as much as possible* to remind folks about late filings, it is not REQUIRED by statute that we do this, rather a simple courtesy by the Lobbyist System Administrator.**

Please place these dates on your calendars in order to ensure compliance in a timely manner.

A lobbying firm is any “sole proprietorship, partnership, corporation, limited liability corporation, or unincorporated association which receives or is entitled to receive \$500.00 or more in monetary or in-kind compensation for engaging in lobbying, either personally or through its agents, in any calendar year AND employs more than one individual lobbyist, contracts with at least one other lobbyist, or is affiliated with at least one other lobbyist.”

Please note there is a difference between lobbying firms and lobbyist employers. A lobbyist employer is essentially a “client” of a lobbying firm and/or lobbyist. See section on Lobbyist Employers for further clarification.

Lobbying firms are required to disclose the total compensation paid to the firm by all lobbyist employers for the reporting period, and to list the name(s) and address(es) of each employer who compensated the lobbying firm.

Lobbying firms must also report any unreimbursed expenditures paid by the lobbying firm for lobbying activities. If the firm is reimbursed for the expenditure(s) by the lobbyist employer, the employer reports the expenditures.

LOBBYIST EMPLOYERS

All registered entities (lobbyists/employers/firms) must file a disclosure report, **using the online Vermont Lobbying Information System**. <https://lobbying.sec.state.vt.us> For entities who have a zero dollar reporting figure, the “No Activity Report” option can be used. **Failure to file a report online in the LIS by 11:59 pm of the deadline date will result in the accumulation of late fees. **It is the sole responsibility of each entity to file these reports in a timely manner. Although the Secretary of State’s Office generally will place reminder notices on the Lobbying Information Website and outreach as much as possible to remind folks about late filings, it is not REQUIRED by statute that we do this, rather a simple courtesy by the Lobbyist System Administrator.**

Please place these dates on your calendars in order to ensure compliance in a timely manner.

A lobbyist employer is any person, other than a lobbying firm, who engages the services of a lobbyist for compensation for the purpose of lobbying. Please note the distinction between lobbyist employers and lobbying firms; lobbying firms receive compensation for lobbying activities, while lobbyist employers pay compensation to lobbying firm(s) or individual lobbyist(s) to lobby on behalf of the employer.

Lobbyist employers must report compensation paid to individual lobbyists who are not affiliated with a lobbying firm, or to lobbying firms for any lobbyist(s) affiliated with a lobbying firm. Employers must also list the name(s) and address(es) of any lobbying firm(s) or lobbyist(s) that the employer compensated.

Pro-rating compensation: Some lobbyist employers employ only “in house” lobbyists, or staff members whose lobbying activities are incidental to the person’s regular employment or other responsibilities to the employer. The law provides that the compensation to lobbyists or lobbying firms may be pro-rated based on the value of the time devoted to lobbying activities on behalf of the employer.

Please keep in mind that the total compensation should also be pro-rated for the disclosure period; for example, if there is a contract between the employer and the lobbyist or lobbying firm that covers the legislative session, the amount of compensation reported for January 1- January 31 should cover only that one-month period.

Lobbyist employers must also report expenditures made in connection with lobbying activities. In most instances, the employer will be reporting expenditures since most employers will be either paying for expenditures (such as advertising or telemarketing) or reimbursing lobbyists and/or lobbying firms for other expenditures (such as travel expenses).

FILING DEADLINES AND LATE PENALTIES

Any required registration and supplemental registration filings not received before or within **48 hours** of commencing lobbying activities (for lobbyists) or engaging the services of a lobbyist (for employers) are subject to a late penalty of \$25 for each day the registration is late, not to exceed \$350.

A lobbyist employer, lobbyist or lobbying firm who fails to file a disclosure report through the online Vermont Lobbying Information System <https://lobbying.sec.state.vt.us> by **11:59 pm** of the filing deadline will be assessed a late penalty of \$25 for each day the report is late. The maximum penalty is \$350. **The online system automatically calculates all late fees. FEES WILL NOT BE WAIVED. **It is the sole responsibility of each entity to file these reports in a timely manner. Although the Secretary of State's Office generally will place reminder notices on the Lobbying Information Website and outreach as much as possible to remind folks about late filings, it is not REQUIRED by statute that we do this, rather a simple courtesy by the Lobbyist System Administrator.**

Please place these dates on your calendars in order to ensure compliance in a timely manner.

LIMITED EXEMPTIONS

While municipalities, elected or appointed officials and their direct employees continue to be exempt from registration, if an exempt entity or exempt individual contracts with a lobbyist firm, or independent contractor lobbyist, then that entity and the lobbyist contracted, must both comply with the lobbyist registration and disclosure law.

PROHIBITED CONDUCT

A legislator or an Executive officer, **for one year after leaving office**, shall not be a lobbyist in this State.

A lobbyist may not work on a contingency fee basis.

A legislator or administrative official cannot solicit any gift other than charitable contributions for non-profit organizations qualified under section 501(c)(3) of the federal Internal Revenue Code from a registered lobbyist employer, registered lobbyist or a lobbying firm at any time, except campaign contributions as defined in 17 V.S.A. §2901, which can be solicited by a legislator or administrative official after adjournment sine die.

A legislator or an administrative official can accept an unsolicited gift from a lobbyist, lobbyist employer or lobbyist firm. The lobbyist, lobbyist employer or lobbying firm must disclose each gift valued at \$15 or more in the next disclosure report.

When the general assembly is in session (from the beginning of the biennial session in an odd-numbered year until adjournment sine die the following even-numbered year), a legislator, a legislator's candidate committee, a legislative leadership PAC (as defined in 17 V.S.A. §2901) or an administrative official cannot solicit a campaign contribution as defined by 17 V.S.A. §2901 from a lobbyist, lobbyist employer or a lobbying firm.

While the general assembly is in session, a lobbyist, lobbyist employer or a lobbying firm cannot make or promise to make a campaign contribution as defined in 17 V.S.A. §2901 to a legislator, a legislator's candidate committee, a legislative leadership PAC (as defined in 17 V.S.A. §2901).

While the law does not mention administrative officials in its prohibition of making or promising to make a political contribution to a legislator, a legislator's candidate committee, a legislative leadership PAC (as defined in 17 V.S.A. §2901) in section 266(3), the law does prohibit solicitation of campaign contributions from lobbyists, lobbyist employers and lobbying firms by administrative officials until adjournment sine die. We suggest an administrative official consult with his or her attorney on what constitutes solicitation of a campaign contribution before deciding to accept political campaign contributions while the general assembly is in session. In campaign

finance terms, a contribution is not accepted until it has been deposited in the candidate's designated campaign checking account.

INVESTIGATIONS AND PENALTIES

The attorney general's office must now investigate complaints alleging violations of Vermont's lobbyist registration and disclosure law, either on his own initiative or in response to written complaints. The resolution of any complaint(s) found to have merit will be posted on the attorney general's website.

The attorney general may bring an action in superior court to enforce provisions of the lobbyist disclosure law, to ensure compliance or to obtain civil penalties described below.

A court may grant temporary or permanent injunctive relief and may enjoin future activities, order remedial actions to effect all registration and disclosure required, order reimbursement from any lobbyist or employer found to be in violation of the lobbyist law, or levy a civil penalty of not more than \$10,000 for each violation. An additional penalty of not more than \$1,000 may be imposed for each day the violation continues.

FREQUENTLY ASKED QUESTIONS

We include our responses to some frequently asked questions below. These issues have not been tested in court but reflect our best estimate of how a court might rule. Our conservative advice to all is to err on the side of caution, by reporting or registering in any situations where you have any question as to whether your activities would trigger registration and disclosure.

GENERAL LOBBYING QUESTIONS

How do I access the Lobbying Information System?

To Access the Lobbying Information System, follow this link: <https://lobbying.sec.state.vt.us>

What if I try to login but either can't remember my password or the system won't accept my password?

You may click on the "forgot password" link, enter your email address and the system will email a new starter password to you.

What is the difference between a lobbyist employer and a lobbying firm?

A lobbying firm is an entity that generally includes more than one lobbyist who receives or is entitled to receive \$500 or more in either monetary or in-kind compensation for lobbying in a calendar year. All lobbyists affiliated with a firm will report their compensation through the firm. The lobbying firm may have many clients (lobbyist employer clients") that are represented by all of the firms' lobbyists. Occasionally, the firm will not assign all of their lobbyists to represent a lobbyist employer (client). A lobbyist employer is an entity, or client, that engages the services of a lobbyist or lobbyist firm and compensates the lobbyist or lobbyist firm for conducting lobbying activities on its behalf. Lobbyist employers are generally either clients of a lobbyist or lobbying firm, or have "in house" staff members who lobby on their behalf.

Is it lobbying when a lawyer contacts state agency attorneys or officials for a client?

If the purpose of the communication is confined to representing a client in a contested case, it is not lobbying. If the communications with state agency staff are intended to influence the substance of law(s) that may be passed,

or the content of administrative rules or policies that may be adopted, or the manner in which policy may be carried out, then those efforts qualify as lobbying and expenditures must be reported.

Is it lobbying when a lawyer gives legal advice to a client about dealing with state agencies?

If the purpose of the consultation or research is in preparation for a lobbying effort as described above, then it would be considered a lobbying expenditure. However, if the client, after your advice is given, decides based upon the attorney's analysis not to follow through with lobbying efforts either directly or by urging others to do so, then the expenses would not be construed as lobbying and therefore there would be no reporting.

Is a member of an association that is registered as a lobbyist employer required to register as a lobbyist when the member lobbies on behalf of the association?

The answer depends on whether the member is paid by his professional employer or the lobbyist employer (association) to lobby, the amount of out-of-pocket expenditures that are incurred by the member, whether the member is reimbursed for these expenses, and if so, who provides the reimbursement. If a member of an association engages without pay in lobbying activities to advance the goals of the association, the member's activities will not be attributed to his or her professional employer. In this case, the member will not be required to register as a lobbyist unless his or her out-of-pocket expenses exceed \$500 annually. However, if the member is reimbursed more than \$500 annually for expenses incurred for lobbying on behalf of the association, then the member must register as a lobbyist and the entity that reimbursed the member must register as a lobbyist employer. If the member's employer allows the member to lobby during hours for which the employer is paying the member wages or salary (i.e., if the lobbying is done on company time), both the member and the professional employer must register as soon as the \$500 threshold is met.

Are lobbying activities by state or local officials automatically exempt?

The statute provides a limited exemption if the state or local official's activities are solely related to his or her official duties as a public official. However, if the lobbying activities go beyond matters relating to the state or local official's duties, the person must register and report if the \$500 threshold is reached. For example, an official who testifies on behalf of a private group to argue in favor of a bill would be required to register and report once the official reaches the \$500 expenditures threshold. This includes lobbying on behalf of an association of local officials, for example, the VT League of Cities and Towns or the VT School Boards Association.

What if state or local government contracts with a lobbyist to lobby on its behalf?

The law was recently changed so that if any instrumentality, agency or governmental subdivision of the United States or State of Vermont (including municipalities) contracts with a lobbyist to conduct lobbying activities on its behalf, then both the entity and the lobbyist must register and report. For example, a town manager may testify on issues that may affect the municipality without triggering registration or reporting requirements. However, if a town contracts with a lobbying firm or a lobbyist to conduct lobbying activities on behalf of the town, then the town and the lobbyist(s) must both register and report.

If a lobbyist is appointed to serve on a commission or council that includes one or more administrative officials or legislators, is that lobbyist engaged in lobbying when, as a member of that commission, he or she engages in discussions concerning policies or proposed legislation?

No. In such a situation the lobbyist is participating as an appointed state official. The communications and activities conducted in connection with duties under such an appointment are exempt from the reporting requirements as long as the activities are confined to the business of the commission or council. If a lobbyist uses the opportunity of being with other commissioners or council members to attempt to lobby on behalf of his or her clients, then that portion of time must be reported.

Is an editor or publisher of a newspaper ever required to register and report?

The news media is exempt when engaged solely in the acquisition or dissemination of news on behalf of the news medium. This exemption does not apply to an editor or publisher who participates in lobbying activities, such as testifying on behalf of a bill or rule or on behalf of an association of news media; once the \$500 threshold is reached in this situation, registration and reporting are required.

Is it lobbying when a lobbyist employer sponsors a concert for the general public with a ticket price of \$15 and provides invitations and free tickets to legislators?

The concert itself is not a lobbying event, but the employer must separately report as a gift the cost of each ticket (of \$15 or more) that is provided to a legislator or administrative official. The law was recently amended to explicitly include payment of expenses to or for any sporting, recreational or entertainment events by a lobbyist or lobbyist employer.

DISCLOSURE

Does a lobbyist employer or lobbying firm need to report advertising that is not connected with lobbying activities?

No. Only lobbying expenditures are required to be reported by lobbyist employers or lobbying firms. For example, if a hospital that is registered as a lobbyist employer runs a series of ads promoting a new brain trauma center, the hospital does not report these advertising expenses. However, if the hospital ran a series of ads urging the legislature to provide funding for a new facility, or urging citizens to contact legislators or administrative officials to change law or policy regarding the handling of certain health facility expenses, this would be a reportable lobbying expenditure. Similarly, a lobbying firm that simply advertises its services does not have to report these ads as a lobbying expenditure.

Who reports expenses that are reimbursed?

Expenses are reported by whoever actually pays. For example, if a lobbying firm pays for its lobbyists' travel expenses but is reimbursed for these expenses by the lobbyist employer, the employer is responsible for reporting the travel expenses as "other" lobbying expenditures. Similarly, if a lobbyist pays for a meal, but is reimbursed by the lobbyist employer, the lobbyist employer reports the expenditure. Lobbyists frequently report "0" expenditures, because all of the expenditures are reimbursed by a client or lobbyist employer who is the reporter.

Do contributions by lobbyists and employers for the purpose of defraying conference expenses for legislators or administrative officials constitute "goodwill" lobbying, even when the conference is sponsored by a third party, such as the National Governor's Conference?

Yes, if the value is greater than \$15. The definition of "gift" was changed in 2006 to include "anything of value, tangible or intangible, that is bestowed for less than adequate consideration, including travel expenses such as travel fare, room and board, and other expenses associated with travel." (Emphasis added)

Is it a lobbying expenditure for a lobbyist, lobbying firm or employer to buy a ticket to attend a political fundraising event sponsored by a political party?

Lobbyists are entitled to their personal political associations and the purchase of a ticket to a fundraiser would not automatically be considered an attempt to obtain goodwill. Whether or not the expenditure needs to be reported depends on whether the lobbyist uses the event as an opportunity to lobby, and on the reason for purchasing the ticket. However, if you determine that your purchase of the ticket is a lobbying expenditure, it would be report under "Other Lobbying Expenditures."

Are research expenditures made in connection with lobbying reportable?

Yes, except that research conducted to decide whether or not to lobby is not an expenditure. For example, if the object of the research is to provide your client an analysis of the judicial, administrative and legislative options for resolving a legal problem, the research costs would not be a reportable expense if the client or lobbyist employer decided after reviewing your advice that it would pursue a resolution in the courts rather than attempt to influence legislation or policy. However, if the client or lobbyist employer decides to ask you to go forward to influence legislation or administrative policy, then the sums expended on research after the client's decision would be reportable.

If a lobbyist employer hires an economist to prepare a document that provides up-to-date information on the manufacturing sector, is the cost reportable?

If the document is prepared to be used by lobbyists for the purposes of obtaining legislative or administrative action, then the expense of the research, printing and publication of the document is considered a lobbying expense.

What if a lobbyist employer distributes a more general publication designed to educate the public about the mission and activities of an employer or an industry to legislators or administrative officials?

If the document that is distributed to legislators or administrative officials falls under the statutory exception for "printed education materials such as books, reports, pamphlets, or periodicals..." then the cost of the document is not required to be reported as a gift. 2 V.S.A. §261(6)(B)(ii)

If a lobbyist employer wants to invite a legislator or administrative official to an awards ceremony, do the travel costs get reported? What if the organization is honoring the legislator or administrative official?

Any speaking fee or honorarium that is valued at greater than \$15 bestowed on a legislator or administrative official is reported as a gift.

Must gifts be connected to lobbying activities in order to be reportable?

No. If a gift, as defined in 2 V.S.A. §261(6), worth more than \$15 is given by or on behalf of a lobbyist, lobbying firm, or employer to a legislator or administrative official, it must be separately reported. The exceptions in the definition of a "gift" are: anything given between family members; printed educational materials such as books, reports, pamphlets, or periodicals; a gift which is not used and which, within 30 days after receipt, is returned to the donor, or for which the donor is reimbursed for its fair market value; and a devise or inheritance. 2 V.S.A. §261(6)(B)

Do gifts need to be reported in the total of lobbying expenditures?

No. Gifts must be listed and reported separately including contributions to political campaigns. Please read our Guide to Vermont's Campaign Finance Law for more detailed information on contribution limits, etc.

Is a lobbyist or lobbyist employer prohibited from contributing to a political party or PAC during the legislative session?

Contributions to political committees (PACs) that are not candidate committees or legislative leadership PACs as defined in 17 V.S.A. §2901 are not regulated by the Lobbyist Disclosure Law; however, lobbyists are prohibited from making any contributions to a candidate's political committee or a legislative leadership PAC until after the adjournment sine die of the complete legislative biennial session ending in even numbered years. For example, Friends of Joe Smith for Representative would be considered a candidate's political committee and donations from a lobbyist, lobbyist employer or lobbying firm to this group would be prohibited. Legislative leadership PACs are required to self-identify as such at the time they register with the Office of the Secretary of State. Contributions to legislative leadership PACs are prohibited prior to adjournment sine die.

Does the law prohibit or regulate solicitations by political parties?

No, political parties are not covered by the lobbyist disclosure law.

Are political contributions to candidates for federal office required to be reported?

No. The lobbying law only covers state administrative officials (i.e., governor, lieutenant governor, etc.). Even if a current legislator is running for federal office, if the contribution is made to the legislator's federal election campaign, it is not reportable under Vermont's lobbying law. (For further information on contributions to federal candidates, check with the Federal Election Commission at <http://www.fec.gov>.)

APPENDIX A

TITLE 2, CHAPTER 11, §§ 261-268

§§ 251-258. Repealed. 1989, No. 160 (Adj. Sess.), §1, eff. April 30, 1990.

§ 259. , 260. [Reserved for future use.]

§ 261. Definitions

As used in this chapter:

(1) “Administrative action” means any action taken by an administrative official or by any agency, department, division, office, board, or commission of State government with regard to any proposal, drafting, development, or consideration of a policy, practice, or rule. Actions as defined by this section do not include decisions of quasi-judicial boards in contested cases.

(2) “Administrative official” means a State officer, or an officer, employee, or consultant of any agency, department, division, office, board, or commission of State government who as part of his or her official duties participates in any administrative action, other than in a solely clerical, secretarial, or ministerial capacity.

(3) “Compensation” means any salary, reward, retainer, or reimbursement received or to be received by one acting as a lobbyist, whether in the form of a fee, salary, forbearance, forgiveness, or any other form of recompense, reward, retainer, reimbursement, or combination thereof.

(4) “Employer” means any person, other than a lobbying firm, who engages the services of a lobbyist for compensation for the purpose of lobbying. A lobbyist who employs another lobbyist shall be required to register and report both as an employer and a lobbyist.

(5) “Expenditure” means a payment, distribution, loan, advance, deposit, or gift of money or anything else of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. “Expenditure” includes sums expended in connection with lobbying, including research, consulting, and other lobbying preparation and travel, meals, and lodging.

(6) (A) “Gift” means:

(i) a political contribution;

(ii) anything of value, tangible or intangible, that is bestowed for less than adequate consideration, including travel expenses such as travel fare, room and board, and other expenses associated with travel;

(iii) a meal or alcoholic beverage;

(iv) a ticket, fee, or expenses for or to any sporting, recreational, or entertainment events;

(v) a speaking fee or honorarium, except actual and reasonable travel expenses;

(vi) a loan made on terms more favorable than those made generally available to the public in the normal course of business.

(B) "Gift" does not mean:

(i) anything given between immediate family members;

(ii) printed educational material such as books, reports, pamphlets, or periodicals;

(iii) a gift which is not used and which, within 30 days after receipt, is returned to the donor or for which the donor is reimbursed for its fair market value; and

(iv) a devise or inheritance.

(7) "Legislator" means any member or member-elect of the General Assembly.

(8) "Legislative action" means any action by a legislator with regard to introduction of a bill, resolution, or amendment or with regard to any bill, resolution, amendment, report, appointment, recommendation, nomination, election, proposed or final proposed rule, or other matter proposed for consideration by or pending in the General Assembly or in any committee of the General Assembly.

(9) "Lobby" or "lobbying" means:

(A) to communicate orally or in writing with any legislator or administrative official for the purpose of influencing legislative or administrative action;

(B) solicitation of others to influence legislative or administrative action;

(C) an attempt to obtain the goodwill of a legislator or administrative official by communications or activities with that legislator or administrative official intended ultimately to influence legislative or administrative action; or

(D) activities sponsored by an employer or lobbyist on behalf of or for the benefit of the members of an interest group, if a principal purpose of the activity is to enable such members to communicate orally with one or more legislators or administrative officials for the purpose of influencing legislative or administrative action or to obtain their goodwill.

(10) "Lobbyist" means a person who receives or is entitled to receive, either by employment or contract, \$500.00 or more in monetary or in-kind compensation in any calendar year for engaging in lobbying, either personally or through his or her agents, or a person who expends more than \$500.00 on lobbying in any calendar year.

(11) "State officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, and Auditor of Accounts.

(12) "Lobbying firm" means a sole proprietorship, partnership, corporation, limited liability corporation, or unincorporated association which receives or is entitled to receive \$500.00 or more in monetary or in-kind compensation for engaging in lobbying, either personally or through its agents, in any calendar year and employs more than one individual lobbyist, contracts with at least one other lobbyist, or is affiliated with at least one other lobbyist.

(13) “Immediate family” means a person’s spouse or civil union partner, parent, sibling, child, or in-law, including a parent, sibling, or child of a spouse or civil union partner. (Added 1989, No. 160 (Adj. Sess.), § 2, eff. April 30, 1990; amended 1993, No. 101, § 1; 2005, No. 99 (Adj. Sess.), § 1, eff. Jan. 1, 2007; 2007, No. 5, § 1, eff. April 12, 2007.)

§ 262. Exempted persons

The following persons are exempt from the registration and reporting provisions of this chapter:

(1) a person who engages in lobbying solely by testifying before committees of the General Assembly and agencies, departments, divisions, offices, boards, and commissions of State government and providing information requested by legislators or administrative officials;

(2) a duly-elected or appointed official or employee of the United States, the State of Vermont, or of any instrumentality, agency, or governmental subdivision of the foregoing, when acting solely in connection with matters relating to the person’s office or public duties. However, if one of the foregoing individuals or entities contracts with a lobbyist, that person or entity, as well as that lobbyist, shall comply with the provisions of this chapter;

(3) the government of the United States, of the State of Vermont, or of any instrumentality, agency, or political subdivision of the foregoing;

(4) a person who owns, publishes, or is employed by any news medium while engaged solely in the acquisition or dissemination of news on behalf of the news medium. (Added 1989, No. 160 (Adj. Sess.), § 2, eff. April 30, 1990; amended 2005, No. 99 (Adj. Sess.), § 2, eff. Jan. 1, 2007.)

§ 263. Registration of lobbyists and employers; fees

(a) On forms provided by the Secretary of State Lobbying Information Website, every lobbyist shall register with the Secretary of State before, or within 48 hours of, commencing lobbying activities. A lobbyist shall file a separate registration statement for each of the lobbyist’s employers.

(b) On forms provided by the Secretary of State, every employer shall register with the Secretary of State before, or within 48 hours of, engaging a lobbyist. If an employer engages an additional lobbyist, the employer shall file a supplemental registration statement.

(c) A registration statement filed by a lobbyist shall be signed by the lobbyist and shall contain the following information:

(1) The name, mailing address, and telephone number of the lobbyist.

(2) The name of the employer and date of employment for the biennium.

(3) A description of the matters for which lobbying has been engaged by the employer.

(4) If a lobbyist is compensated, in whole or in part, by an employer for the purpose of lobbying on behalf of another person or group or coalition, the lobbyist shall provide the name of the employer, the name of the person, group, or coalition on whose behalf he or she lobbies, and a description of the matters for which lobbying has been engaged by the employer.

(5) A current passport-type photograph of the lobbyist.

(6) All subject areas for which lobbying is performed.

(d) A registration statement filed by an employer shall be signed by the employer and shall contain the following information:

(1) the name of the employer;

(2) the trade name, if any, of the employer;

(3) the mailing address and the telephone number of the employer;

(4) the contact person for the employer;

(5) the name and mailing address of each lobbyist engaged by the employer and date of employment or contract for the biennium.

(e) A registration shall be valid from the date of filing to December 31 of the second year of a biennium, except that a registration may be made in December of an even-numbered year for the ensuing biennium.

(f) Every employer and every lobbyist shall pay an initial registration fee of \$60.00.

(g) An employer shall pay a fee of \$15.00 for each lobbyist engaged by the employer. A lobbyist shall pay a fee of \$15.00 for each employer represented.

(h) A person who fails to file on time a statement required by this section shall pay a late registration fee of \$25.00 for each day the statement is late, not to exceed \$350.00.

(i) A registration shall be terminated by the Secretary of State upon written notification by the employer or lobbyist that lobbying has ceased by or on behalf of the employer or lobbyist and that the registrant has filed a final disclosure report under section 264 of this title.

(j) The Secretary of State shall prepare a list of names and addresses of lobbyists and their employers and the list shall be published at the end of the second legislative week of each regular or adjourned session. Supplemental lists shall be published monthly during the remainder of the legislative session. No later than March 15 of the first year of each legislative biennium, the Secretary of State shall publish no fewer than 500 booklets containing an alphabetical listing of all registered lobbyists, including, at a minimum, a current passport-type photograph of the lobbyist, the lobbyist's business address, telephone, and fax numbers, a list of the lobbyist's clients, and a subject matter index. The provisions of subsection 20(d) (expiration of required reports) of this title shall not apply to the report to be made under this subsection. (Added 1989, No. 160 (Adj. Sess.), § 2, eff. April 30, 1990; amended 1993, No. 101, § 1a; 1997, No. 155 (Adj. Sess.), § 66e; 2005, No. 99 (Adj. Sess.), § 3, eff. Jan. 1, 2007; 2007, No. 5, § 2, eff. April 12, 2007; 2013, No. 142 (Adj. Sess.), § 1; 2013, No. 191 (Adj. Sess.), § 9.)

§ 264. Reports of expenditures, compensation, and gifts; employers; lobbyists

(a) Every employer and every lobbyist registered or required to be registered under this chapter shall file disclosure reports with the Secretary of State as follows:

- (1) on or before January 15, for the preceding period beginning on September 1 and ending with December 31;
- (2) on or before February 15, for the preceding period beginning on January 1 and ending with January 31;
- (3) on or before March 15, for the preceding period beginning on February 1 and ending with the last day of February;
- (4) on or before April 15, for the preceding period beginning on March 1 and ending with March 31;
- (5) on or before May 15, for the preceding period beginning on April 1 and ending with April 30;
- (6) on or before June 15, for the preceding period beginning on May 1 and ending with May 31; and
- (7) on or before September 15, for the preceding period beginning on June 1 and ending with August 31.

(b) An employer shall disclose for the period of the report the following information:

(1) A total of all lobbying expenditures made by the employer in each of the following categories:

(A) Advertising, including television, radio, print, and electronic media.

(B) Expenses incurred for telemarketing, polling, or similar activities if the activities are intended, designed, or calculated, directly or indirectly, to influence legislative or administrative action. The report shall specify the amount, the person to whom the amount was paid, and a brief description of the activity.

(C) Contractual agreements in excess of \$100.00 per year or direct business relationships that are in existence or were entered into within the previous 12 months between the employer and:

(i) a legislator or administrator;

(ii) a legislator's or administrator's spouse; or

(iii) a legislator's or administrator's dependent household member.

(D) The total amount of any other lobbying expenditures.

(2) The total amount of compensation paid to lobbyists or lobbying firms for lobbying. The employer shall report the name and address of each lobbyist or lobbying firm to which the employer pays compensation. It shall be sufficient to include a prorated amount based on the value of the time devoted to lobbying where compensation is to be included for a lobbyist or lobbying firm whose activities under this chapter are incidental to regular employment or other responsibilities to the employer.

(3) An itemized list of every gift the value of which is greater than \$15.00, made by or on behalf of the employer to or at the request of one or more legislators or administrative officials or a member of a legislator's or administrative official's immediate family. With respect to each gift, the employer shall report the date the gift was made, the nature of the gift, the value of the gift, the identity of any legislators or administrative officials who requested the gift, and the identity of any recipients of the gift. Monetary gifts, other than political contributions, shall be prohibited.

(4) Repealed.]

(c) A lobbyist shall disclose for the period of the report the following information:

(1) A total of all lobbying expenditures made by the lobbyist in each of the following categories:

(A) Advertising, including television, radio, print, and electronic media.

(B) Expenses incurred for telemarketing, polling, or similar activities if the activities are intended, designed, or calculated, directly or indirectly, to influence legislative or administrative action. The report shall specify the amount, the person to whom the amount was paid, and a brief description of the activity.

(C) Contractual agreements in excess of \$100.00 per year or direct business relationships that are in existence or were entered into within the previous 12 months between the lobbyist and:

(i) a legislator or administrator;

(ii) a legislator's or administrator's spouse; or

(iii) a legislator's or administrator's dependent household member.

(D) The total amount of any other lobbying expenditures.

(2) The total amount of compensation paid to a lobbyist, who is not employed by, subcontracted by, or affiliated with a lobbying firm, for lobbying, including the name and address of each registered employer who engaged the services of the lobbyist reporting. It shall be sufficient to include a prorated amount based on the value of the time devoted to lobbying where compensation is to be included for a lobbyist whose activities under this chapter are incidental to other responsibilities to the employer. A lobbyist who is employed by, subcontracted by, or affiliated with a lobbying firm shall not report individual compensation. The total compensation paid to the lobbying firm shall be reported pursuant to section 264b of this title.

(3) An itemized list of every gift, the value of which is greater than \$15.00, made by or on behalf of a lobbyist to or at the request of one or more legislators or administrative officials or a member of the legislator's or administrative official's immediate family. With respect to each gift, the lobbyist shall report the date the gift was made, the nature of the gift, the value of the gift, the identity of any legislators or administrative officials who requested the gift, and the identity of any recipients of the gift. Monetary gifts, other than political contributions, shall be prohibited.

(4) Repealed.]

(d) Reports for the period July 1 through December 31 shall include, in addition to the totals for the period of the report, totals for the calendar year.

(e) At the same time a report itemizing gifts is filed, the employer or lobbyist shall mail or deliver a copy of the report to the legislators and administrative officials identified in the report.

(f) If an unsolicited gift is given to a legislator or administrative official by a lobbyist or employer and the recipient does not use it and returns it to the donor within 30 days or the donor is reimbursed for its fair market value, it shall not be considered a "gift" and shall not be required to be reported as such by the donor to the Secretary of State. If the item has already been reported as a gift, the lobbyist or employer shall file an amended report with the Secretary of State.

(g), (h) Repealed.]

(i) A lobbyist, lobbying firm, or employer who fails to file a disclosure report on time shall pay a late reporting fee of \$25.00 for each day the disclosure report is late, not to exceed \$350.00.

(j) A gift from a member of an interest group to, or for the benefit of, a legislator or administrative official, which is made in connection with lobbying as defined in subdivision 261(9)(D) of this title, shall be deemed to be made on behalf of the employer or lobbyist who sponsored the activity and shall be reported and itemized. (Added 1989, No. 160 (Adj. Sess.), § 2, eff. April 30, 1990; amended 1993, No. 101, §§ 2, 3; 1997, No. 155 (Adj. Sess.), § 66f; 2005, No. 99 (Adj. Sess.), § 4, eff. Jan. 1, 2007; 2007, No. 5, § 3, eff. April 12, 2007; 2009, No. 33, § 83; 2013, No. 161 (Adj. Sess.), § 67; 2013, No. 191 (Adj. Sess.), § 10; 2015, No. 49, § 3.)

§ 264a. Repealed. 2005, No. 99 (Adj. Sess.), § 7.

§ 264b. Lobbying firm listings; reports of expenditures, compensation, and gifts; lobbying firms

(a) On forms provided by the Secretary of State, every lobbying firm shall file a listing of all lobbyists who are employed by, subcontracted by, members of, or affiliated with the lobbying firm within 48 hours of any such lobbyists commencing lobbying activities. The lobbying firm shall file an updated listing within 48 hours of any changes to the listing. Every lobbying firm shall pay an initial listing fee of \$150.00.

(b) Every lobbying firm shall file a disclosure report on the same day as lobbyist disclosure reports are due under subsection 264(a) of this title, which shall include:

(1) A total of all lobbying expenditures made by the lobbying firm in each of the following categories:

(A) Advertising, including television, radio, print, and electronic media.

(B) Expenses incurred for telemarketing, polling, or similar activities if the activities are intended, designed, or calculated, directly or indirectly, to influence legislative or administrative action. The report shall specify the amount, the person to whom the amount was paid, and a brief description of the activity.

(C) Contractual agreements in excess of \$100.00 per year or direct business relationships that are in existence or were entered into within the previous 12 months between the lobbying firm and:

(i) a legislator or administrator;

(ii) a legislator's or administrator's spouse; or

(iii) a legislator's or administrator's dependent household member.

(D) The total amount of any other lobbying expenditures.

(2) The total amount of compensation paid to a lobbying firm for lobbying with the name and address of each registered employer who engaged the services of the lobbying firm reporting. It shall be sufficient to include a prorated amount based on the value of the time devoted to lobbying where compensation is to be included for a lobbying firm whose activities under this chapter are incidental to other responsibilities to the employer.

(3) An itemized list of every gift the value of which is greater than \$15.00, made by or on behalf of the lobbying firm to or at the request of one or more legislators or administrative officials or a member of a

legislator's or administrative official's immediate family. With respect to each gift, the lobbying firm shall report the date the gift was made, the nature of the gift, the value of the gift, the identity of any legislators or administrative officials who requested the gift, and the identity of any recipients of the gift. Monetary gifts, other than political contributions, shall be prohibited.

(4) Repealed.] (Added 2007, No. 5, § 4, eff. April 12, 2007; amended 2013, No. 161 (Adj. Sess.), § 68; 2013, No. 191 (Adj. Sess.), § 11; 2015, No. 23, § 138; 2015, No. 49, § 4.)

§ 264c. Identification in and report of certain lobbying advertisements

(a) Identification.

(1) An advertisement that is intended, designed, or calculated to influence legislative action or to solicit others to influence legislative action and that is made at any time prior to final adjournment of a biennial or adjourned legislative session shall contain the name of any lobbyist, lobbying firm, or lobbyist employer that made an expenditure for the advertisement and language that the advertisement was paid for, or paid in part, by the lobbyist, lobbying firm, or lobbyist employer; provided, however:

(A) if there are more than three such names, only the three lobbyists, lobbying firms, or lobbyist employers that made the largest expenditures for the advertisement shall be required to be identified; and

(B) if a lobbyist or lobbying firm made the expenditure on behalf of a lobbyist employer, the identification information set forth in subdivision (1) of this subsection shall be in the name of that lobbyist employer.

(2) This identification information shall appear prominently and in a manner such that a reasonable person would clearly understand by whom the expenditure has been made.

(b) Report.

(1) In addition to any other reports required to be filed under this chapter, a lobbyist, lobbying firm, or lobbyist employer shall file an advertisement report with the Secretary of State if he, she, or it makes an expenditure or expenditures:

(A) for any advertisement that is described in subsection (a) of this section and that has a cost totaling \$1,000.00 or more; or

(B) for any advertising campaign that contains advertisements described in subsection (a) of this section and that has a cost totaling \$1,000.00 or more.

(2) The report shall be made for each advertisement or advertising campaign described in subdivision (1) of this subsection and shall identify the lobbyist, lobbying firm, or lobbyist employer that made the expenditure; the amount and date of the expenditure and to whom it was paid; and a brief description of the advertisement or advertising campaign.

(3) The report shall be filed within 48 hours of the expenditure or the advertisement or advertising campaign, whichever occurs first.

(4) If a lobbyist or lobbying firm made an expenditure described in subdivision (1) of this subsection on behalf of a lobbyist employer and that lobbyist or lobbying firm filed the report required by this subsection, the report shall specifically identify the employer on whose behalf the expenditure was made.

(c) Definitions. As used in this section:

(1) "Advertisement" means a notice that appears in any of the following public media: radio, television, newspapers or other periodicals, or Internet websites.

(2) "Advertising campaign" means advertisements substantially similar in nature, regardless of the media in which they are placed. (Added 2015, No. 49, § 2.)

§ 265. Submission of and access to lobbying disclosures

(a) The Secretary of State shall provide on his or her website an online database of the lobbying disclosures required under this chapter.

(1) In this database, the Secretary shall provide digital access to each form he or she shall provide to enable a person to file the statements or reports required under this chapter. Digital access shall enable such a person to file these lobbying disclosures by completing and submitting the disclosure to the Secretary of State online.

(2) The Secretary shall maintain on the online database all disclosures that have been filed digitally on it so that any person may have direct machine-readable electronic access to the individual data elements in each disclosure and the ability to search those data elements as soon as a disclosure is filed.

(b) Any person required to file a disclosure with the Secretary of State under this chapter shall sign it, declare that it is made under the penalties of perjury, and file it digitally on the online database. (Added 1989, No. 160 (Adj. Sess.), § 2, eff. April 30, 1990; amended 1993, No. 101, § 3a; 2007, No. 5, § 5, eff. April 12, 2007; 2015, No. 49, § 5.)

§ 266. Prohibited conduct

(a) It shall be prohibited conduct:

(1) to employ a lobbyist or lobbying firm, or accept employment as a lobbyist or lobbying firm, for compensation that is dependent on a contingency;

(2) for a legislator or administrative official to solicit a gift, other than a contribution, from a registered employer or registered lobbyist or a lobbying firm engaged by an employer, except that charitable contributions for nonprofit organizations qualified under 26 U.S.C. § 501(c)(3) may be solicited from registered employers and registered lobbyists or lobbying firms engaged by an employer; or

(3) when the General Assembly is in session, until adjournment sine die:

(A) for a legislator, a legislator's candidate's committee, a legislative leadership political committee, or an administrative official to solicit a contribution from a registered lobbyist, a registered employer, or a lobbying firm engaged by an employer; or

(B) for a registered lobbyist, registered employer, or a lobbying firm engaged by an employer to make or promise a contribution to a legislator, a legislator's candidate's committee, or a legislative leadership political committee.

(b) As used in this section, "candidate's committee," "contribution," and "legislative leadership political committee" shall have the same meanings as in 17 V.S.A. § 2901. (Added 1989, No. 160 (Adj. Sess.), § 2, eff. April 30, 1990; amended 1993, No. 101, § 3b; 2007, No. 5, § 6, eff. April 12, 2007; 2015, No. 49, § 8.)

§ 267. Repealed. 2015, No. 49, § 6.

§ 267a. Investigations

The Attorney General shall investigate, on his or her own initiative or in response to a complaint filed in writing with the Attorney General, whether a violation of this chapter has occurred. The Attorney General may administer oaths, require filing of a statement under oath, take evidence, and require the production, by subpoena or otherwise, of financial records, books, papers, correspondence, and other documents and records the Attorney General considers to be relevant and material to the investigation. The Attorney General shall make a determination of each complaint filed and, at the time of resolution of a complaint which is found to have merit, shall post on the website of the Office of the Attorney General a brief summary of the complaint and resolution. (Added 1997, No. 64, § 22; amended 2005, No. 99 (Adj. Sess.), § 5, eff. Jan. 1, 2007.)

§ 268. Penalties; enforcement

(a) The Attorney General shall enforce the provisions of this chapter, and may bring an action in Superior Court to ensure compliance and to obtain civil penalties in the amounts described in subsection (b) of this section.

(b) The Court may grant temporary and permanent injunctive relief, and may:

(1) Enjoin future activities.

(2) Order remedial actions to be taken to effect all registration and disclosure required by this chapter.

(3) Order reimbursement from any lobbyist or employer found to be in violation of this chapter.

(4) Levy a civil penalty as provided in this subdivision. A civil penalty of not more than \$10,000.00 may be levied for each violation. In addition, in the case of a continuing violation, a penalty of not more than \$1,000.00 may be imposed for each day the violation continues. (Added 1989, No. 160 (Adj. Sess.), § 2, eff. April 30, 1990; amended 1993, No. 101, § 4; 2005, No. 99 (Adj. Sess.), § 6, eff. Jan. 1, 2007.)

APPENDIX B

2019-2020 BIENNIUM LOBBYIST DISCLOSURE REPORTING PERIODS

2/15/19 (January 1 – January 31)

3/15/19 (February 1 – February 28)

4/15/19 (March 1 – March 31)

5/15/19 (April 1 – April 30)

6/15/19 (May 1 – May 31)

9/15/19 (June 1 – August 31)

•YEAR END 1/15/20 (September 1 – December 31)

2/15/20 (January 1 – January 31)

3/15/20 (February 1 – February 28)

4/15/20 (March 1 – March 31)

5/15/20 (April 1 – April 30)

6/15/20 (May 1 – May 31)

9/15/20 (June 1 – August 31)

•YEAR END 1/15/21 (September 1 – December 31)



APPENDIX C

<https://lobbying.sec.state.vt.us/Home/>

The screenshot shows the Vermont Lobbying Information System website. At the top left is the Vermont Secretary of State logo and the text 'ELECTIONS DIVISION LOBBYING'. A green banner with a mountain landscape is at the top. The main content area is divided into several sections:

- Welcome!**: A welcome message stating the site is for registering entities, filing reports, and searching for lobbyist information.
- REGISTRATION**: A section with a pencil icon containing three options: 'Lobbyist Registration', 'Employer Registration', and 'Lobbying Firm Registration', each with a brief description of requirements.
- SEARCH**: A section with a magnifying glass icon containing a list of search options: Search Registrants, Search Filed Reports, Search Compensation, Search Expenditures, Search Gifts, Search Contracts, Search by Lobbyist, Search by Employer, and Search by Lobbying Firm.
- STATISTICS: 2015 - 2016**: A table showing the number of lobbyists (560), employers (471), and firms (24).
- OTHER LINKS**: A section with links for 'FAQ', 'Guide', and 'Lobbyists Photobook 2015 - 2016' (last updated October 23, 2016).
- ACCOUNT LOGIN**: A dark red box with fields for 'User ID' and 'Password', a 'Remember me' checkbox, and buttons for 'LOG IN' and 'NOT YET REGISTERED?'. A link for 'FORGOT PASSWORD?' is also present.
- LATEST NEWS**: A section with two news items: 'Year-End Lobbyist Disclosure Filing' and '2017-2018 BIENNIUM', each with a 'Read more >>' link.

Vermont Lobbying Information Website

Lobbyist System Administrator: Elizabeth (Liz) Harrington

(802) 828-0771 (phone)

liz.harrington@sec.state.vt.us (email)

Director of Elections: Will Senning

(802) 828-0175 (phone)

will.senning@sec.state.vt.us (email)

APPENDIX D

https://www.sec.state.vt.us/elections/lobbying.aspx

FIND PRIOR BIENNIUM RECORDS

The screenshot shows the Vermont Secretary of State's website. At the top, there is a banner for the Vermont Secretary of State, Jim Condos, with a background image of Vermont's landscape. Below the banner is a navigation menu with the following items: Home, CORPORATIONS/BUSINESS SERVICES, PROFESSIONAL REGULATION, ARCHIVES & RECORDS, ELECTIONS (highlighted), MUNICIPAL, and SECRETARY'S DESK. There are also social media icons for Facebook, Twitter, and YouTube.

Below the navigation menu is a breadcrumb trail: » Home » Elections » Lobbying.

The main content area is titled "Lobbying". It includes a "PLEASE NOTE" section stating that all registrations and periodic disclosure filings for the 2015-2016 biennium must be filed through the online filing system. Below this is a "MEMO REGARDING NEW ONLINE SYSTEM" section, which provides detailed information regarding compliance with the lobbying law and references the "2015-2016 Updated Lobbying Guide". A "Lobbying Guide" button is provided for more information.

The "Lobbying" section also includes a definition of lobbying as follows:

The Vermont lobbying law defines lobbying as follows:

(A) to communicate orally or in writing with any legislator or administrative official for the purpose of influencing legislative or administrative action;

(B) solicitation of others to influence legislative or administrative action;

(C) an attempt to obtain the goodwill of a legislator or administrative official by communications or activities with that legislator or administrative official intended ultimately to influence legislative or administrative action; or

(D) activities sponsored by an employer or lobbyist on behalf of or for the benefit of the members of an interest group, if a principal purpose of the activity is to enable such members to communicate orally with one or more legislators or administrative officials for the purpose of influencing legislative or administrative action or to obtain their goodwill." 2 V.S.A. § 261(9).

Below the definition is a "Registration" section.

On the right side of the page, there is a "LOBBYING SYSTEM" section with a button that says "Search filings, register & report activity". Below this is a "SEARCH RECORDS FOR:" section with a list of search criteria: Lobbyists (2013–2014), Lobbyists (Legacy), Employers (2013–2014), Employers (Legacy), Gifts (2013–2014), and Gifts (Legacy). A blue arrow points to the "Lobbyists (Legacy)" option.

Below the search criteria is a "LOBBYING FAQs" section with the following questions:

- What is a lobbyist?
- What is a lobbyist employer?
- Where do I find the forms?
- How do I find out if a person or entity is registered?
- What is the registration fee?

On the left side of the page, there is a sidebar with a "VOTE" icon and a list of navigation links: ELECTIONS, ABOUT US, VOTERS, CANDIDATES, PARTIES, TOWN CLERKS & ELECTION WORKERS, TOWN MEETING & LOCAL ELECTIONS, ELECTION LAW, ELECTION RESULTS, CAMPAIGN FINANCE, LOBBYING, FORMS & PUBLICATIONS, FREQUENTLY ASKED QUESTIONS, and CONTACT US. Below the sidebar is a "CONTACT INFORMATION" section with the following details:

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