

2019-02: Indirect Lobbying

January 11, 2019



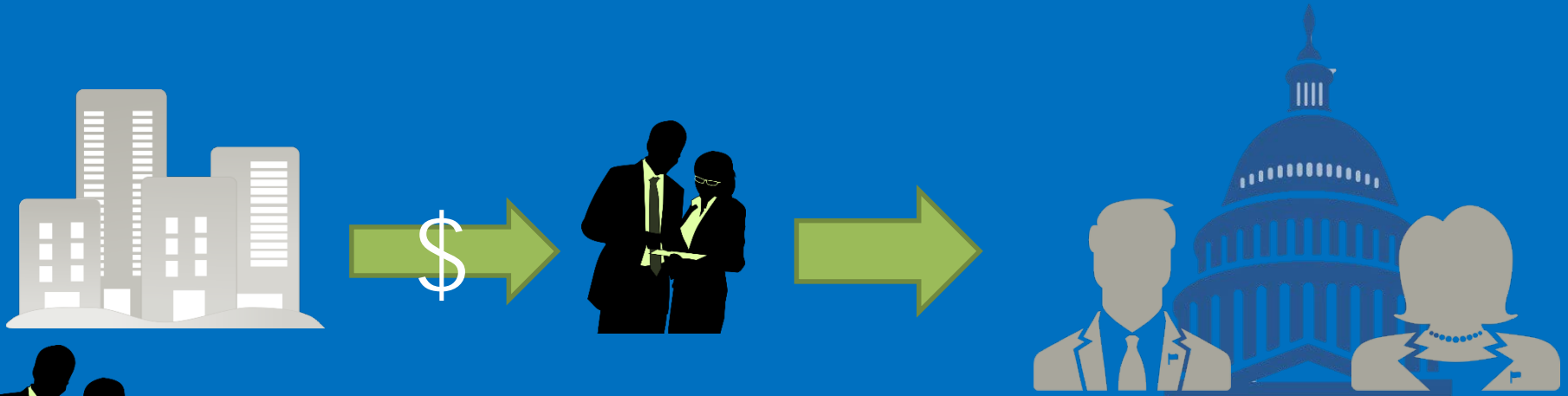
@EthicsOKgov

Current law: Direct lobbying only

Businesses, organizations pay **Lobbyists** to communicate about legislation, etc. **directly** with legislators or state officers or employees



Current law: Direct lobbying only



- Register with the Commission
- Identify the entities they are paid to represent

File reports disclosing cost of meals and gifts by identifying the recipient and date of meal/gift



Oklahoma Lobbying Law

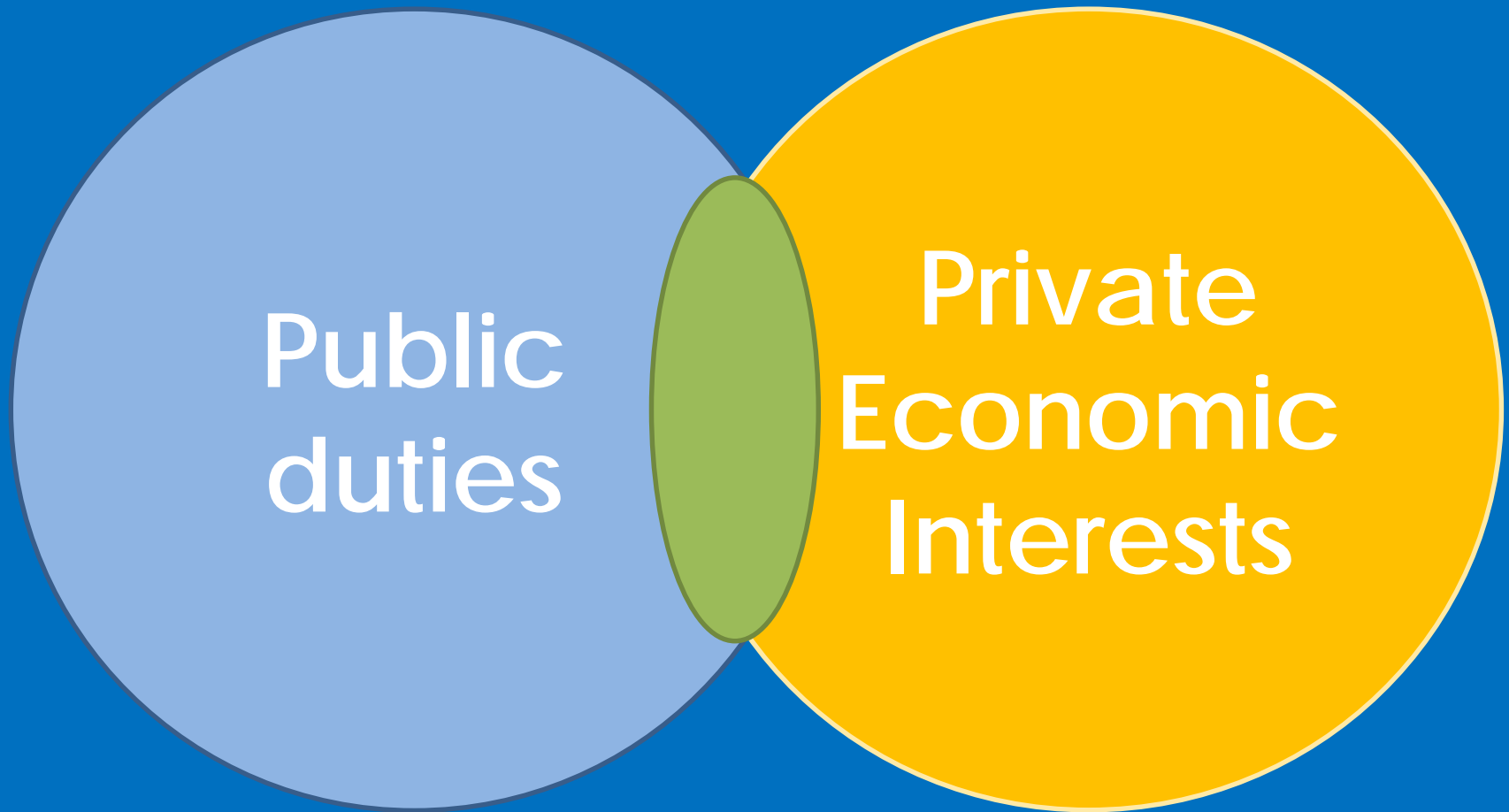
Requires:

- Lobbyists register themselves and each client
- File reports, semi-annually, quarterly, or monthly during legislative session
- Disclose each lobbyist's costs of food, beverage, and gifts
- Disclose each client's "event" costs for food and beverage

Other states may require lobbyists or clients to disclose:

- Amount each client pays to the lobbyist
- Identification of specific legislation impacted
- Dates of contacts /conversations
- Costs of “legislative advertising” / “indirect lobbying”
- Financial transactions with state officers/employees
- Living costs/travel costs associated with lobbying
- Campaign contributions

Why? Many of these laws are to avoid conflicts of interest between a state official's public duties and private economic interest.



DYK? State officers/employees are prohibited from participating in matters that may benefit them, their family, or their businesses financially.

- This ensures state officers or employees make decisions that are in the best interest of Oklahoma.

What about when a non-governmental entity is impacted financially, or otherwise, by legislation?

**State Contracts? State tax laws? Employee protections?
Safety Requirements, etc.**

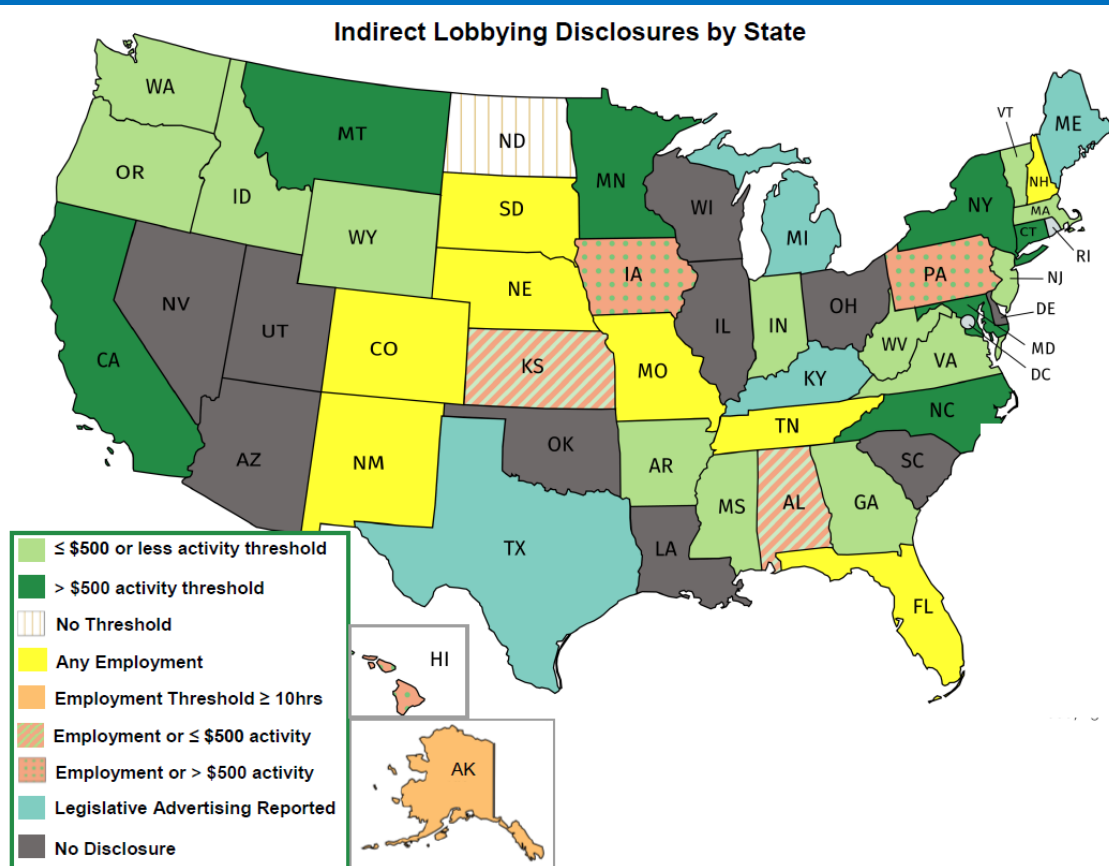
Disclosure of sources helps identify the interest the source has in legislation—public good? Or private interest?

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“ Indirect lobbying ” , “ grassroots lobbying ” ,
“ legislative advertising ” disclosed in some states
for over 20 years

Indirect Lobbying Disclosures by State



Diverse State laws:

- Registration
- Regular Reporting
- Ad Hoc Reporting
(reporting only as needed)

Making Disclosure Consistent for similar action messages



Support
Senate Bill 5



Vote for
Jane Doe

Making Disclosure Consistent for similar action messages: Without 2019-02 (Current law)



Support
Senate Bill 5



Vote for
Jane Doe

Not authorized by any candidate or candidate
committee. Authorized and Paid for by
XYZ, Inc., 123 Main St., Tulsa, OK (918) 111-1111

Making Disclosure Consistent for similar action messages:

With 2019-02

**Support
Senate Bill 5**

Lobbyist Communication authorized by
XYZ, Inc., www.xyz.com/lobbying

**Vote for
Jane Doe**

Not Authorized by any candidate or candidate
committee. Authorized and Paid for by
XYZ, Inc., 123 Main St, Tulsa, OK (918) 111-1111



Adds disclosure of sponsor

Who must include the disclosures?

Indirect lobbyist:

A person that funds or organizes indirect lobbying.

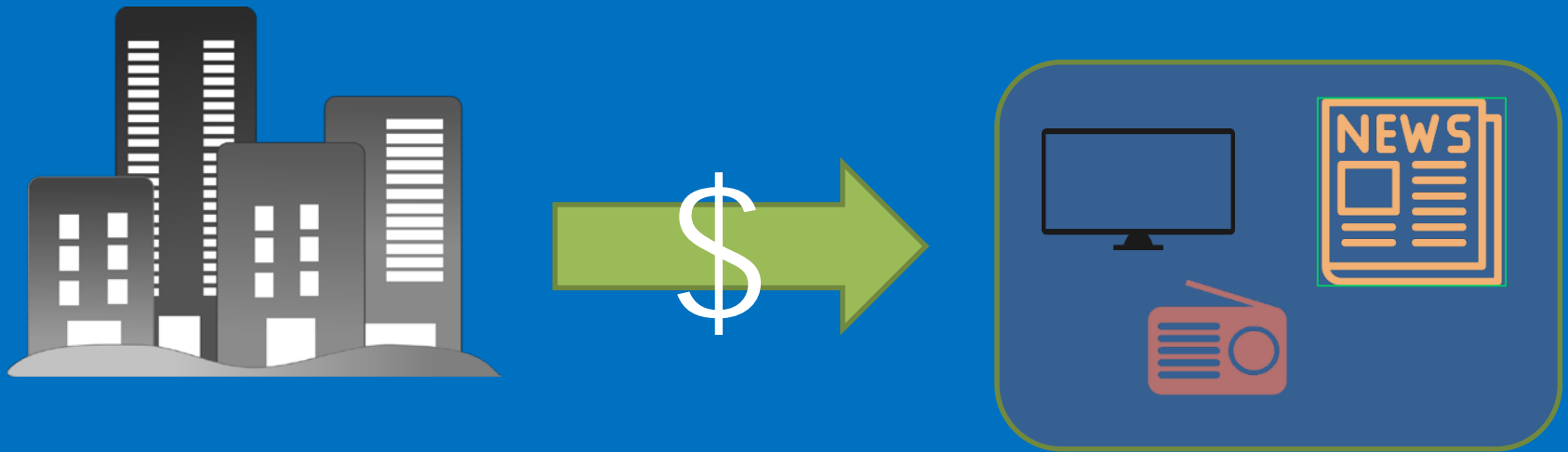
but not...

state/federal employees on official business.

What is

Indirect Lobbying?

1 Paid advertisements to advocate for or against legislation



“Contact your legislator—Tell them to vote YES on SB X”

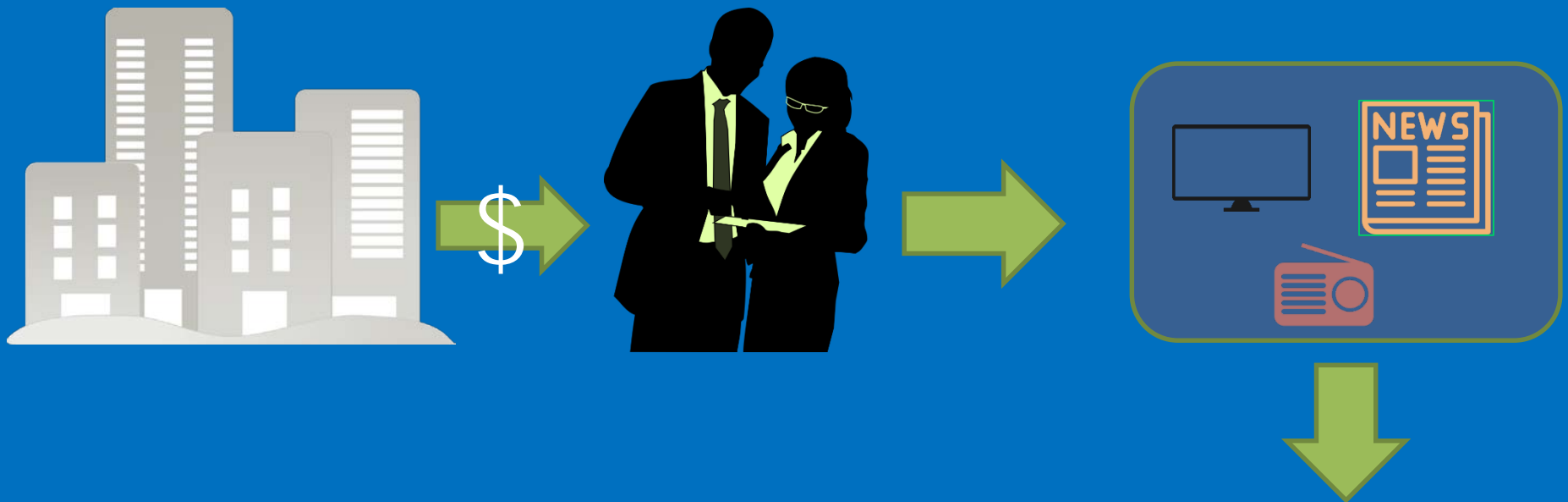
1 Paid Advertisements to advocate for or against legislation



“Contact your legislator—Tell them to vote YES on SB X”

Indirect Lobbyist

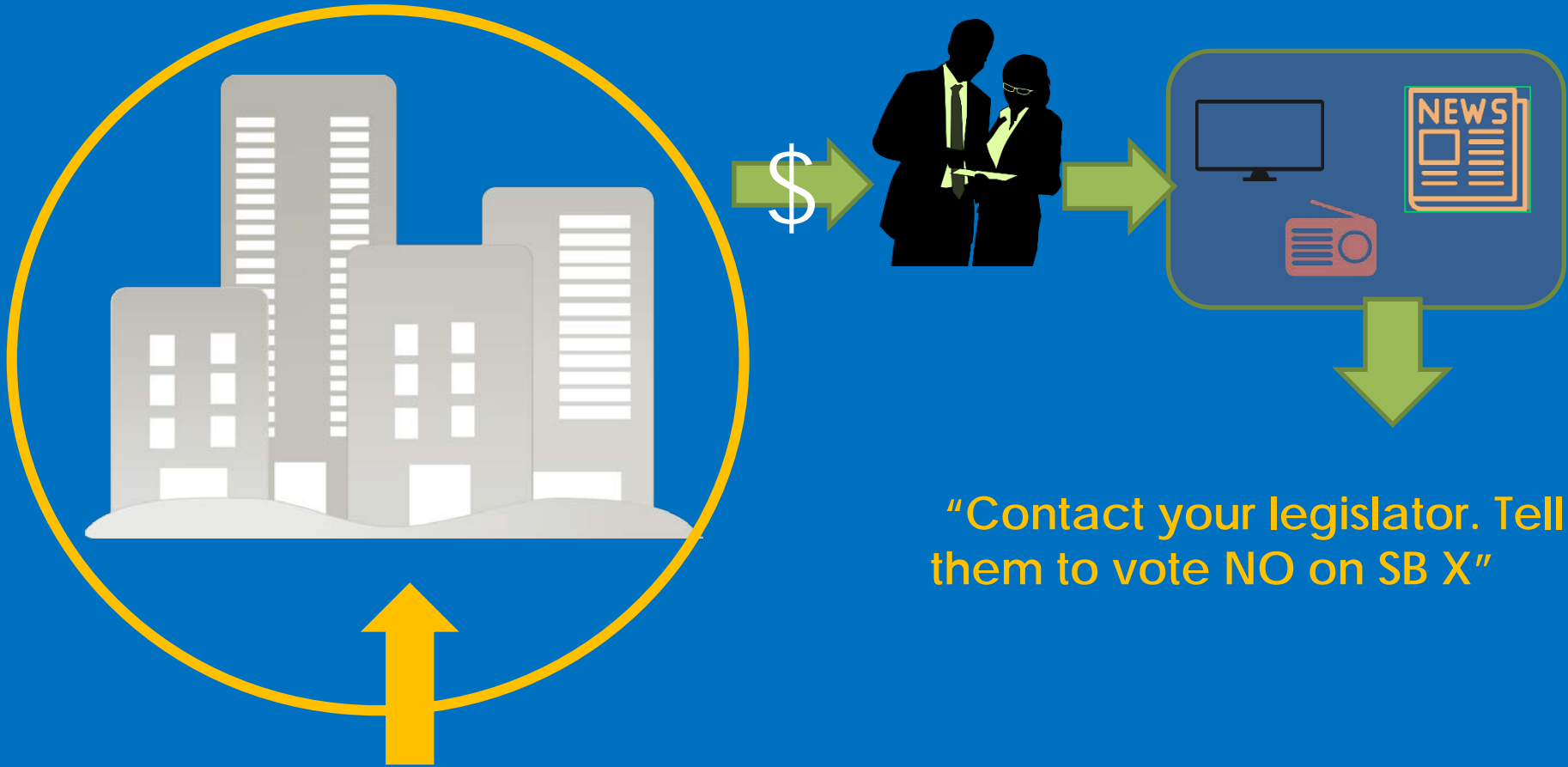
2 Employed or Paid for indirect lobbying :



“Contact your legislator—Tell them to vote NO on SB X”

2

Employed or Retained for indirect lobbying:



Indirect Lobbyist

“Contact your legislator. Tell them to vote NO on SB X”

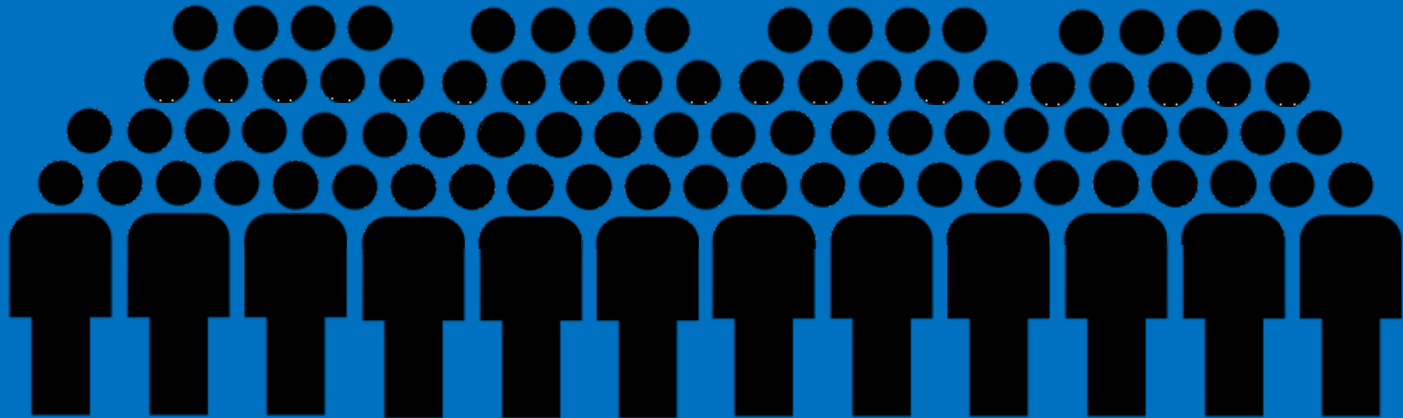
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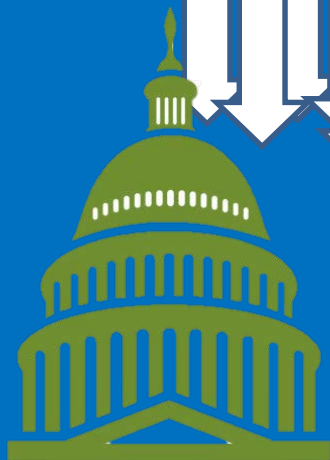
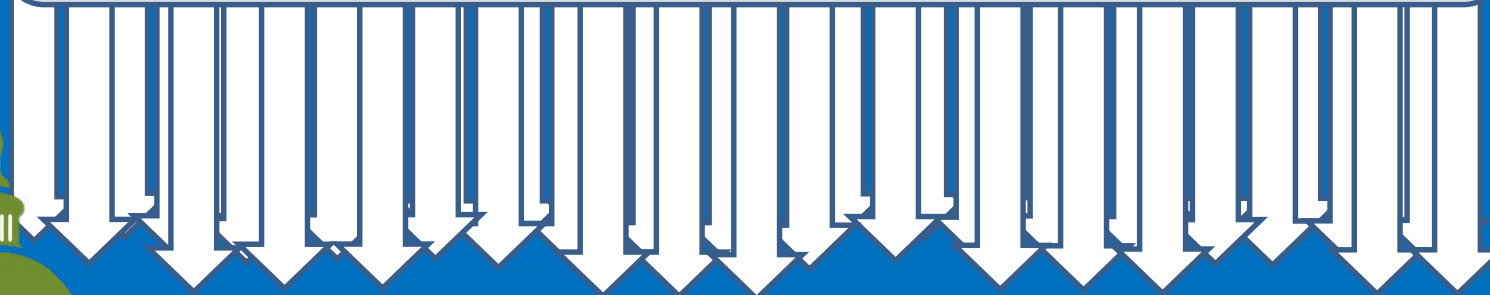
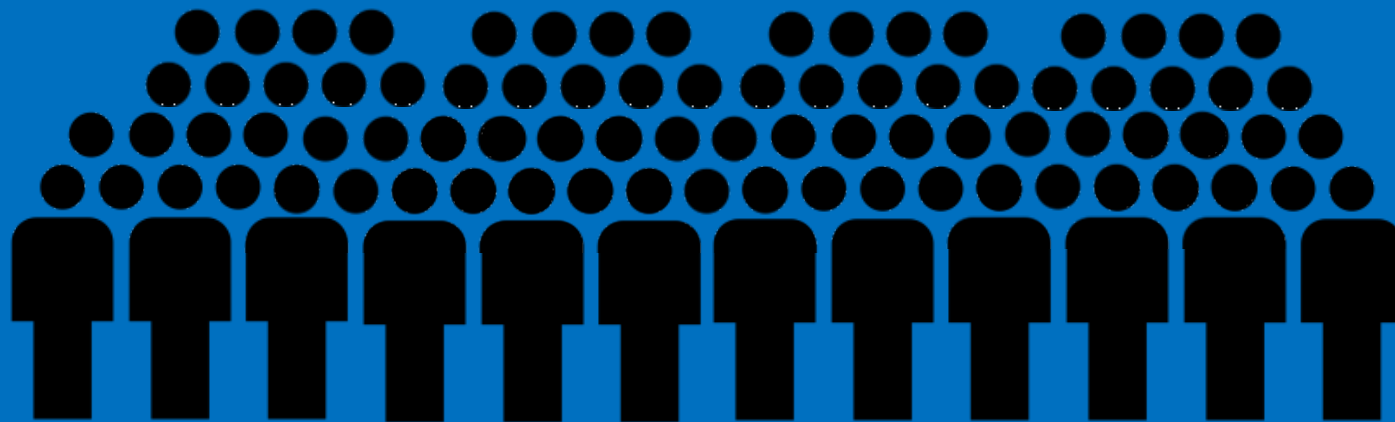
Employed or Paid for indirect lobbying

Design messages & materials



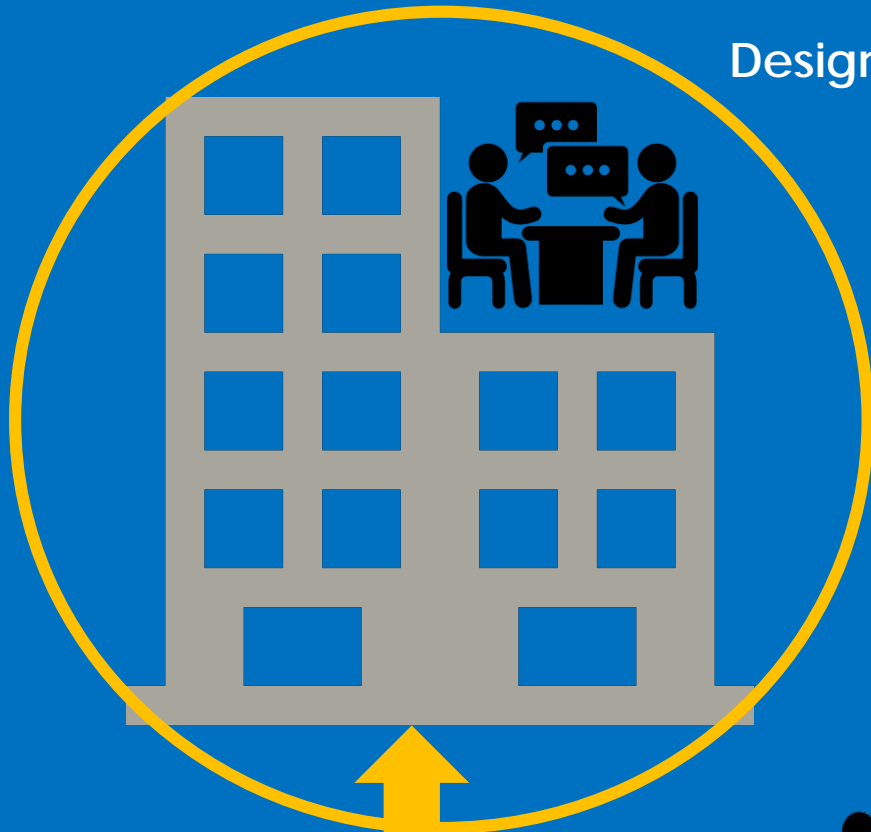
Share Messages, Templates & Materials





2

Employed or Paid for indirect lobbying

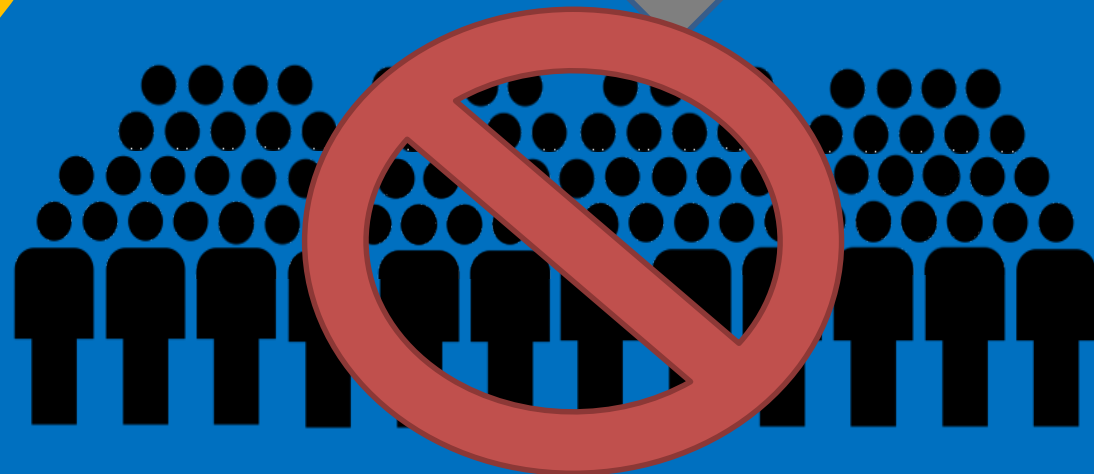


Indirect Lobbyist

Design messages & materials



Share Messages, Templates & Materials



3

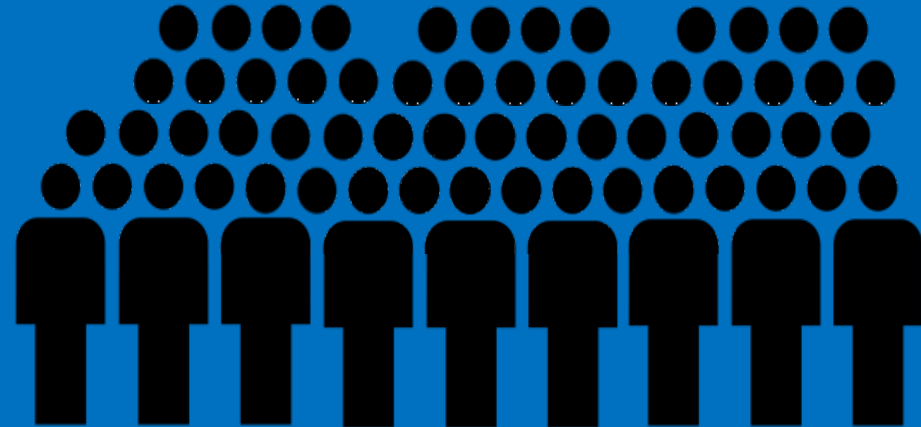
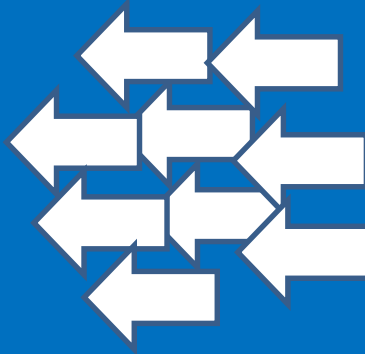
Raise or Spend over \$500 for indirect lobbying

\$500



\$500

Design & Share messages & materials



2

Raise or Spend over \$500 for indirect lobbying

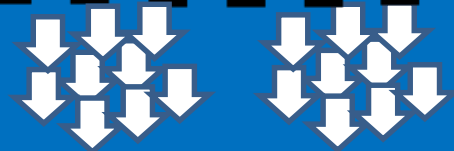
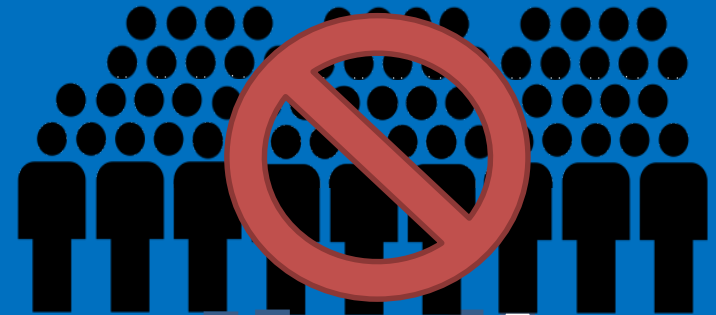
\$500



Indirect Lobbyist

\$500

Design & Share messages & materials



Required disclosure options:

(Examples)

“Lobbyist communication authorized by [Name of indirect lobbyist]

+

Address: 123 Main Street, City, OK Zip,
(###) ###-####”

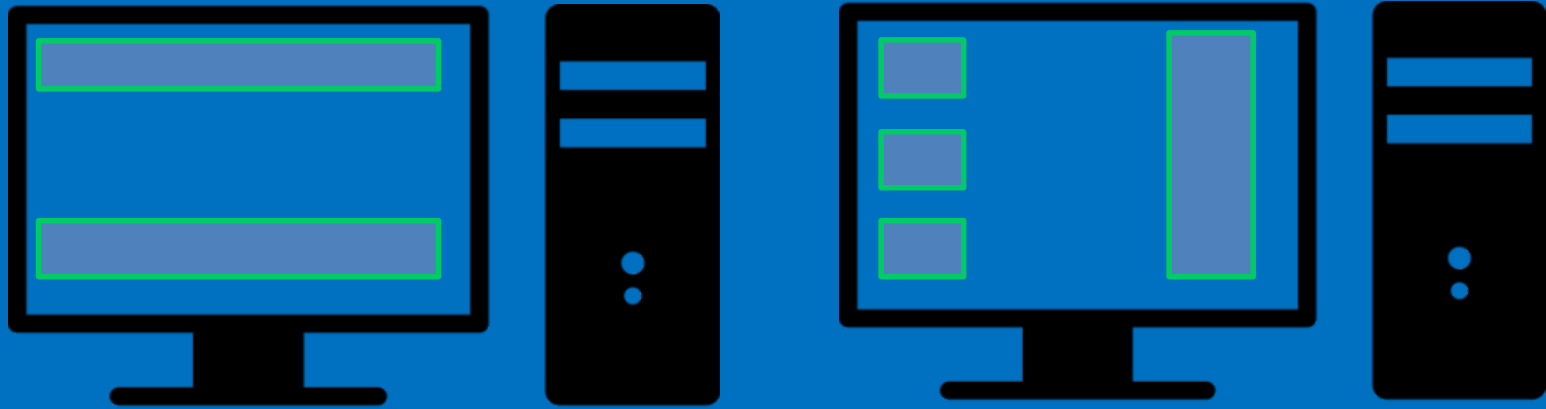
OR

Website for disclosure: “www.xyz.com/lobbying”

OR

IF a report is already filed: See report at <http://guardian.ok.gov>

For online ads where full disclosure is impractical due to length



Required Text: "Lobbyist Communication"
Must hyperlink to webpage with disclosure

Reports only required

When Expenditures EXCEED \$5,000

File a report at [Guardian.ok.gov](https://guardian.ok.gov)

Contact info for filer and Indirect lobbyist

Full Name of Indirect Lobbyist ABC, Incorporated		Acronym	
Address of Indirect Lobbyist 100 Main Street, Dallas, TX 99999			
Full Name of Individual Filing Report Sally Smith	Office or Title of Person Filing Report Chief Operating Officer	Phone Number (111)111-1111	
Address of Person Filing Report 100 Main Street, Dallas, TX 99999			

Date, Amount, Description, Entity who received \$ & legislation supported or opposed

TOTAL EXPENDITURES:	\$20,000
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Date	Amount	Description	Entity Receiving Expenditure [Name and Address]	Legislation Number & Stance [Support/Oppose]
1/15/2020	\$15,000	Newspaper advertisements	<u>Newsmedia, Inc</u> 123 Oklahoma Street, Oklahoma City, OK 73102	SB 1 Oppose
1/15/2020	\$2,500	Radio advertisements	Radio Waves, LLC 1 Main Street, Norman, OK 73073	SB 1 Oppose
1/13/2020	\$2,500	Online advertisements	<u>Newsmedia, Inc.</u> 123 Oklahoma St, Oklahoma City, OK 73102	SB 1 Oppose

If funds were received in response to an “ask” for \$
to support or oppose legislation

OR

Specifically given to support or oppose legislation

Disclose Contributor Information

If the indirect lobbyist received contributions for indirect lobbying identify the contributors below:

Contributions of \$50 or less	Number	Reporting Period Total	Aggregate
	100	\$5,000	\$5,000

Date	Contributor Information [Name, Address, Occupation & Employer or Principal Business Activity] [Name of Committee, Committee #]	Type of Contributor	Amount	Aggregate Total
1/1/2020	XYZ, Incorporated 100 Fantasy Lane Dallas, TX 99999 Widget Manufacturer	Business	\$14,000	\$14,000
1/5/2020	Jane Smith 123 Street Austin, TX 77777 CPA Widgets R Us	Individual	\$1,000	\$1,000

COMMENTS

If possible, please indicate if you:

SUPPORT OR OPPOSE

- 1) Materials and advertisements having the name of the sponsor included?
- 2) Filing a report once a threshold is exceeded to identify the amount and the recipient of the \$?
- 3) Identifying who the indirect lobbyist received the money for the advertisements/materials from?