



## THE JOINT COMMISSION ON PUBLIC ETHICS SOLICITING COMMENTS ON PROPOSED GUIDANCE RELATED TO SCOPE OF THE LOBBYING ACT (LEGISLATIVE LAW ARTICLE 1-A).

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The Joint Commission on Public Ethics (the “Commission”) has been soliciting comments on proposed guidance regarding the scope of the definition of lobbying in the Lobbying Act (Legislative Law Article 1-A).

### **Direct Lobbying**

An *individual* who has *direct interaction* with a public official in connection with an activity covered under Section 1-c(c) of the Lobbying Act - and not otherwise exempted by the Act - is engaging in "lobbying" as defined in the Lobbying Act.

*Direct interaction* includes, but is not limited to (i) verbal or written communications, including communications made for the purpose of facilitating access to a public official; (ii) attendance at a meeting with a public official; and (iii) presence on a phone call with a public official.

An *individual* includes, but is not limited to, an external party retained by, or on behalf of, the Client as well as employee or other internal representative of the Client.

### **Grassroots Lobbying**

An individual or entity that *controls* the content and delivery of a message or communication that solicits the public at large, or a segment or portion of the public at large, to engage in activity covered by Section 1-c(c) of the Lobbying Act with a public official is engaged in lobbying.

*Controls*, with respect to the content of the communication, includes participation in the formation of the communication or some influence over reviewing or editing the communication.