

# PRACTICAL GUIDANCE

What Nonprofits Need to  
Know About Lobbying in

# CALIFORNIA

## Inside This Guide:

This Practical Guidance resource is designed to help your nonprofit organization determine if lobbying rules in California might apply to your state or local work. It includes:

- Summary of registration and reporting triggers
- Key takeaways for nonprofit organizations
- FAQs
- Case study for a hypothetical small student voting rights organization
- List of helpful additional resources

## What Lobbying Activities Trigger Registration Requirements in California?

DIRECT OR GRASSROOTS LOBBYING OF:	CAN THIS TRIGGER?	TRIGGER
State Legislators	Yes	<p>Your organization will need to register as a <b>lobbyist employer</b> if you:</p> <ul style="list-style-type: none"> <li>• Have an <b>employee</b> spending at least 1/3 of their time in a calendar month (if full-time, approximately 45 hours/month) on direct communications with California state-level public officials (or their staff) designed to influence legislative actions. Preparation and travel time counts for this trigger. The employee will also register under your employer registration.</li> <li>• Hire an <b>independent contractor</b> to lobby directly if they are a contractor required to register with the state (paid \$2,000 or more in total in a calendar month).</li> <li>• Hire a <b>lobbying firm</b> that is required to register with the state to lobby directly. (Note: a contractor earning \$5,000 or more in a calendar quarter for state lobbying must register as a lobbying firm.)</li> </ul> <p>Grassroots lobbying activities do not count towards any of the above thresholds.</p> <p>Separately, your organization will need to file reports as a <b>\$5,000 Filer</b> (but not register) if you spend \$5,000 or more on reportable direct or grassroots lobbying activities in a calendar quarter, including preparation and travel expenses.</p>
State Executive Branch Officials	Yes	<p>Same triggers as above, with respect to administrative actions, considered cumulatively together with legislative lobbying.</p>
Local Legislators or Local Executive Branch Officials	Maybe	<p>The California State statute does not regulate lobbying at the local level, but there are many separate local-level ordinances that may apply.</p>

### KEY LOBBYING TAKEAWAYS FOR NONPROFIT ADVOCACY ORGANIZATIONS IN CALIFORNIA:

- **Grassroots lobbying:** Grassroots lobbying activities are not included in the registration triggers, but you if register, or if you are a \$5,000 Filer, grassroots expenses are reportable.
- **Staff lobbying less than 10% of their time:** If your organization can keep all lobbying time at under 10% of each staff person's paid time in any calendar month, then no reporting of staff compensation will be required in any reports. This can greatly simplify the compliance burden of reporting if you do need to register and report, or if you need to make \$5,000 Filer reports.
- **Random audits:** The state conducts mandatory, random audits of 25% of the registered lobbying organizations during each cycle, so you need to be prepared to have your records audited!

This resource is current as of March 2023. We do our best to periodically update our resources and welcome any comments or questions regarding new developments in the law. Please e-mail us at [advocacy@afj.org](mailto:advocacy@afj.org) or at [info@democracycapacity.org](mailto:info@democracycapacity.org) with any comments.

This resource is meant to convey the basic principles of sections of state law that are most relevant for nonprofit advocacy and does not cover all aspects or all details of the state statutes. Please refer to the full text of the law for more details. This resource also does not cover details of federal lobbying disclosure law, IRS regulations related to lobbying, or any separate county or municipal regulations that may apply to lobbying-related activities. In some states there is an ongoing movement towards the enactment of additional local county and municipal level lobbying regulations, and organizations are urged to check with the appropriate local jurisdiction before undertaking local lobbying activity.

## Q: How should we think about using this Practical Guidance resource?

This Practical Guidance – What Nonprofits Need to Know About Lobbying resource is designed to help your nonprofit organization determine if state or local regulations might apply to your existing or proposed advocacy work. The answer is surprisingly often – **YES!** – but there are also often many advocacy activities that do not require state lobbyist registration or reporting.

This Guide will help you identify which of your state or local activities might trigger registration and reporting, and also give you potential alternative program design ideas that would allow your program to be in compliance with the regulations but not require registration and reporting.

If you do need to register and report with the state, this Guide will also give you practical tips about what information needs to be included in your reports, and how to try to minimize your operational burden while remaining in compliance with the rules.

While this Guide does provide some information about the federal IRS rules that apply to nonprofit lobbying, it is designed to cover state and local regulations. Links to resources containing more information about federal IRS rules can be found in the federal lobbying FAQ below.

We also hope that this Guide will prove useful to legal counsel and other advocacy advisors who are working to assist nonprofit advocacy organizations, as well as the funders who generously support this work. Advisors and funders are invited to use the free Bolder Advocacy Technical Assistance Hotline and the written legal resources available in Bolder Advocacy’s resource library at <https://bolderadvocacy.org/>

## Q: What activities count as lobbying?

Lobbying in California is **communicating directly** or soliciting or urging others to communicate directly with public officials for the principal purpose of supporting, promoting, influencing, modifying, opposing, delaying, or advancing any **legislative** or **administrative action**.

- **Communicating directly** is appearing as a witness before, talking to (either by telephone, video conferencing, or in person), corresponding with, or answering questions or inquiries from any **qualifying official**, either personally or through their staff.
- **Qualifying official** is:
  - Any elected state official
  - Any legislative official
  - Any appointed, elected, or statutory member or director of any state agency
  - Any staff member of a state agency who makes recommendations to any appointed, elected, or statutory member or director of a state agency, or has decision-making authority concerning such recommendations
- **Legislative action** is the drafting, introduction, consideration, modification, enactment or defeat of any bill, resolution, amendment, report, nomination, or other matter by the Legislature. It also includes the action of the Governor in approving or vetoing any bill.
- **Administrative action** is the proposal, drafting, development, consideration, amendment, enactment, or defeat by any state agency of any rule or regulation. Administrative action also includes actions in certain ratemaking proceedings and quasi-legislative proceedings. Effective as of January 1, 2023, administrative action also includes any efforts to influence decisions of the Insurance Commissioner or the Director of the Department of Managed Healthcare.

## Q: What triggers lobbyist registration and reporting with the state?

In California the activities that can trigger lobbyist **registration** are different than the activities that may need to get **reported** to the State either in regular registered lobbyist filings or on the special “\$5,000 Filer” reports that some organizations may need to file in some quarters even if they have not triggered full registration.

## Triggering registration as a lobbyist and lobbyist employer

Your organization will need to register with the state as a lobbyist employer, and some of your employee will need to register as a lobbyist if you have in-house lobbying employees that reach certain time spent thresholds. Your organization will also have to register as a lobbyist employer if you engage a contract lobbyist or a lobbying firm.

- **Employees:** If the person lobbying for you is one of your own employees, they will trigger your organization’s lobbyist employer registration (and their individual lobbyist registration and reporting obligations), if they spend 1/3 or more of their time (approximately 45 hours/month for full time employees) **in direct communication** with qualifying public officials in the legislative or administrative branches for the purpose of influencing legislative or administrative actions. Preparation and travel time for direct lobbying count towards the threshold. Time spent doing grassroots lobbying activities does not count towards this 1/3-time trigger. In practice, this means that your own staff lobbyists will generally not trigger lobbyist registration unless direct lobbying is the main focus of their job.

Note that while the registration trigger is high, the reporting trigger for employee time spent lobbying is lower. If your organization qualifies as a lobbyist employer or must file reports as a \$5,000 Filer (described in more detail below) then you must report the prorated salary of each employee that engages in lobbying activities (direct communications, support activity, and grassroots lobbying) for 10% or more of their compensated time in a calendar month. So, while in-house employees will likely not trigger registration, their time may be reportable.

- **Independent lobbying consultants:** Your organization will be required to register as a lobbyist employer if you hire an independent contractor lobbyist that is required to register as a lobbyist (they have \$2,000 or more in revenues from lobbying in a calendar month).
- **Lobbying firm:** Your organization will also need to register as a lobbyist employer if you engage a registered lobbyist firm (an individual or firm that makes \$5,000 or more in a calendar quarter for state lobbying) to lobby for you.

## Triggering \$5,000 Filer reporting

Note that there is a separate special category of required **reporting** in California where even organizations who have not triggered a lobbyist employer registration may still have periodic reporting requirements if they have made \$5,000 or more in lobbying expenditures in a calendar quarter.

For this calculation, the costs of both your direct lobbying and your grassroots lobbying activities count. This can easily happen if you are doing significant amounts of grassroots lobbying using paid advertising or print mailers.

Staff compensation costs also often come into play for this reporting trigger, as staff compensation must be prorated for any non-clerical staff that are performing lobbying activities for 10% or more of their paid time. Clerical staff time costs, and costs of staff performing lobbying for less than 10% of their time in a calendar month do not need to be counted towards the \$5,000 Filer threshold.

See the FAQs below on reporting requirements for more details about these special “\$5,000 Filer” reports.

## Q: How does the trigger threshold work if we are a fiscally sponsored project?

You will need to be sure you are communicating transparently and in a timely fashion with your fiscal sponsor if you plan to undertake activities that might potentially count as lobbying activities!

Each fiscal sponsor will have its own ways of working with projects who wish to take on lobbying activities.

In general, for fiscally sponsored projects that do not have their own legal entity and the fiscal sponsor engages all of the project's independent contractors or employees, the lobbyist registration trigger may need to be analyzed together with all of the projects housed at the fiscal sponsor who are doing lobbying activities in the state.

In California, there is an advisory opinion (A-04-086) that may potentially allow some fiscally sponsored projects to be considered separately as opposed to analyzed together with the sponsor's other projects. You should confirm with your account manager and your fiscal sponsor's compliance staff how they treat the registration and \$5,000 Filer thresholds at your particular fiscal sponsor.

**IMPORTANT NOTE:** In states where registration is required prior to lobbying, or very shortly after the registration threshold is reached, or periodic lobbyist disclosure is due shortly after the end of a reporting period, special procedures may need to be worked out in order to process your project's registration or reporting on time. You should connect with your account manager as soon as you begin planning any potential lobbying strategy!

## **Q:** Are there exceptions to what counts as lobbying?

**Yes!** Certain types of lobbying activities do not require state-level lobbyist registration or reporting. The exceptions most relevant to nonprofit organizations are:

- **Volunteers:** Any person who lobbies voluntarily without compensation (or only receives reimbursement for reasonable travel) is not required to register, their work is not reportable once your organization is registered, and their work also does not count towards the \$5,000 Filer threshold if your organization is not registered.
- **Administrative agency technical data:** Requesting from or providing to an administrative agency purely technical data or analysis does not count as a direct communication that can trigger lobbyist registration, so long as the person engaging in the activity does not otherwise engage in direct communication to influence legislative or administrative action. These activities do need to get reported once your organization is registered, and they also count towards the \$5,000 Filer threshold if your organization is not registered.
- **Subject matter experts:** If your organization is already registered as a lobbyist employer, you can bring another employee or member along with your registered lobbyist to act as a subject matter expert during a meeting without having to count their time spent on this activity towards their own lobbyist registration threshold. The time of the subject matter expert does need to get reported once your organization is registered if they are compensated, and also counts towards the \$5,000 Filer threshold if your organization is not registered.
- **Administrative testimony:** Appearing as a witness in, or providing submissions, including answers to inquiries, to any regulatory or administrative agency open public hearing where notice is given, and the public has access to the records of the meeting does not count towards the lobbyist registration threshold. Note that there is no similar exception for testimony at a legislative hearing. These activities do need to get reported once your organization is registered, and they also count towards the \$5,000 Filer threshold if your organization is not registered.
- **Grant applications:** Engaging in activities to secure a grant or a contract does not count as lobbying, so these activities do not count towards the lobbyist registration

trigger, do not need to get reported once registered, and do not count towards the \$5,000 Filer reporting threshold.

**Q: How does this work together with federal IRS lobbying regulations?**

All tax-exempt organizations must follow both federal tax law (regulated by the IRS) **and** any state and local lobbying laws that apply to their work.

The IRS rules regulate how much lobbying a nonprofit organization can do, while state and local regulations are transparency rules designed to help the public understand what funds are being spent to influence decision making and by whom. As a result, federal tax law rules related to lobbying and state lobbying regulations are quite different, and state lobbying regulations also vary greatly state to state.

In general, the IRS requires 501(c)(3) organizations to report on their annual Form 990 legislative lobbying at the federal, state, and local levels, but does not count as lobbying advocacy activities relating to executive branch or administrative officials at any level. There is no additional requirement for organizations or individuals to “register” with the IRS to report lobbying activities.

Nonprofits that are public charities under IRS exemption 501(c)(3), including grantmaking public charities like community foundations, can lobby within the generous limits allowed by federal tax law. The amount of lobbying is determined by either using the insubstantial part test or the 501(h) expenditure test.

See <https://bolderadvocacy.org/resource/public-charities-can-lobby-guidelines-for-501c3-public-charities-2/>

Organizations that are tax-exempt under 501(c)(4) (social welfare organizations), 501(c)(5) (labor organizations), and 501(c)(6) (trade associations) can do unlimited lobbying. See <https://bolderadvocacy.org/resource/being-a-player-a-guide-to-the-irs-lobbying-regulations-for-advocacy-charities/>

Your organization will need to ensure that you are keeping track of your lobbying staff time and your expenses in a way that works for both your IRS reporting, and for any required state or local reporting, since the information required in each regime will be different.

Note that there is also a federal law called the Lobbying Disclosure Act that requires some organizations to register and report their federal level lobbying activities.

Organizations that have only occasional contacts at the federal level (having occasional meetings with members or staff or sending occasional letters to Congress) will not need to register under the LDA. The thresholds are designed to require only those organizations with substantial lobbying activities and expenses to file. For more information see [https://bolderadvocacy.org/wp-content/uploads/2018/06/Understanding\\_the\\_Lobbying\\_Disclosure\\_Act.pdf](https://bolderadvocacy.org/wp-content/uploads/2018/06/Understanding_the_Lobbying_Disclosure_Act.pdf)

**Q: Does supporting or opposing a ballot measure count as lobbying?**

In California, ballot measures to initiate legislation as a state statute or a constitutional amendment may be placed on the ballot by either a citizen-initiated process or by the state legislature using a legislatively referred process.

Efforts to influence a state-level legislative referral of a ballot measure count as lobbying.

The California citizen-initiated ballot measure process is regulated under the California Constitution and the California Election Code but does not count as lobbying under California's lobbyist reporting law. The California Government Code does regulate what kinds of disclosures groups working on state and local ballot measures in the state need to make. There may also be additional rules at the local level.

Ballot measure initiatives at the county or municipal levels are generally regulated under separate local ordinances.

# FAQS

Nonprofit organizations considering working on ballot measures in California (either working to get a measure on the ballot or supporting or opposing an existing measure) should seek additional legal advice on how to comply with any applicable state or local regulations and reporting requirements.

Bolder Advocacy also has additional resources on its California Advocacy Resources page available here: <https://bolderadvocacy.org/resource-library/tools-for-effective-advocacy/toolkits/california-advocacy-resources/>

## Q: If we are required to register, how does the process work?

If someone lobbying for you meets the lobbyist registration threshold, as an employee who spends at least 1/3 of their time doing direct lobbying communications, as an independent contractor making \$2,000 a month or more, or as a lobbying firm, (an individual or firm that makes \$5,000 or more in a calendar quarter for state lobbying) then your organization will need to register as a “Lobbyist Employer,” and your individual lobbyists will need to complete a Lobbyist Certification Statement that gets filed with your organization’s registration as outlined below.

Chapter 3 – (Registration Procedures) of the FPPC’s Lobbying Disclosure Information Manual has detailed instructions about the registration process. The Manual is available at: <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Lobbying/Lobbyist-Manual-Folder/Lobbying%20Manual.pdf>

Your organization will need to file **Form 603 – Lobbyist Employer Registration Statement**. This form requires you to list your employee, contractor, or lobby firm lobbyists. It also asks you to disclose who you will be lobbying – the legislature, or agencies, and what the topic of your lobbying efforts will be.

Your individual in-house employee or independent contractor lobbyists will need to complete **Form 604 – Lobbyist Certification Statement** listing their business contact information (do not use personal information as this information will be made public). The lobbyists will be required to verify that they have read and understood the prohibitions on lobbyists contained in the State statute (see the FAQ below on lobbyist restrictions).

If your organization is required to register as a lobbyist employer because you have hired a lobbying firm, you will also need to complete **Form 602 – Lobbying Firm Activity Authorization**.

**Mandatory ethics training:** Your individual lobbyists will also need to certify that they have attended (or will attend) the mandatory lobbyist ethics training course provided by the Secretary of State’s office. Information about how to sign up for the course is available here: <https://www.sos.ca.gov/campaign-lobbying/cal-access-resources/ethics-training>

The fee for registration is \$50 per year, per lobbyist registered as lobbying for your organization. The California legislative cycle is a two-year cycle, so if you are registering in the first year of a cycle the fee will be \$100 per lobbyist for the full two-year cycle.

Organizations that are required to file \$5,000 Filer reports do not need to register and do not need to pay any registration fee.

## Q: When are periodic lobbying reports due?

**Disclosure reports for registered lobbyists and lobbyist employers** are due quarterly, at the end of the month following the quarter’s end. These reports must be filed even for periods where your lobbyist and your organization did not do any lobbying.

**\$5,000 Filer reports** are due at end of the month following a calendar quarter in which your organization is not registered but has lobbying expenditures of \$5,000 or more in the quarter. Grassroots expenditures, including paid advertising and print mailings

count towards the \$5,000 Filer threshold. See the FAQ on expenditures below for more details.

Note that \$5,000 Filer reports are only submitted by organizations that are not already registered, and only during quarters where the expenses are \$5,000 or more. Organizations already registered do not have to submit separate \$5,000 filer reports.

## Q: What information do the periodic lobbying reports include?

In general, both the quarterly disclosure reports for registered lobbyists and the \$5,000 Filer reports require similar information about the issues you were actively lobbying during the quarter, as well as the following types of expenses:

- Payments made for the benefit of a qualifying public official or their families (i.e., gifts). California calls these payments “Activity Expenses.”
- Allowed campaign contributions totaling \$100 or more to state candidates, elected state officers, or their controlled or supporting committees (note that most contributions by individual lobbyists in their personal capacity are not allowed, though lobbyist employers may generally make contributions if their tax-exempt status permits it).
- Compensation payments made to your employee lobbyists (prorated for their lobbying work only) and to outside independent consultant lobbyists and lobbying firms.
- Your organizational expenses that would not have been incurred but for your lobbying activities. This category includes grassroots lobbying expenses, and also prorated staff time for direct or grassroots lobbying done by staffers that don’t qualify as lobbyists but spend 10% or more of their time in any given calendar month lobbying.

**Required reporting can be quite detailed:** If your organization is required to register as a lobbyist employer, or to file any \$5,000 Filer reports, you will need to be able to track prorated staff time spent on lobbying activities, as well as details of your internal organizational expenses used for the purpose of lobbying. You will need good time and expense tracking systems in place to produce these reports. The state conducts mandatory, random audits of 25% of the registered lobbying organizations during each cycle, so be prepared to have your records audited!

## Q: What is considered a reportable “expenditure”?

Chapter 4 – (Activity Expense Reporting) and Chapter 5 – (Quarterly Disclosure Reports) of the FPPC’s Lobbying Disclosure Information Manual have detailed instructions about how to document expenditures on the reporting forms. The Manual is available at: <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Lobbying/Lobbyist-Manual-Folder/Lobbying%20Manual.pdf>

If you are registered, you will make these filings on **Form 635 – Report of Lobbyist Employer**, with attached **Form 640 – Other Payments to Influence Legislative or Administrative Action** (which covers your organizational expenses) and **Form 615 – Lobbyist Report** for each of your registered lobbyists.

If you are filing a \$5,000 Filer report you will file **Form 645 – Report of Person Spending \$5,000 or More to Influence Legislation of Administrative Action**, and also **Form 640 – Other Payments to Influence Legislative or Administrative Action**.

The forms can be viewed here: <https://www.fppc.ca.gov/learn/lobbyist-rules/lobbying-manual-and-forms.html>

You will need to be able to track prorated staff time spent on lobbying activities, as well as details of your internal organizational expenses used for the purpose of lobbying. You will need good time and expense tracking systems in place to produce these reports.

**Form 640 – Other Payments to Influence Legislative or Administrative Action** in particular requires detailed reporting, including itemizing expenses made to each payee



# FAQS

by total payments made during the quarter, total payments made during the calendar year, and also categorizing the particular type of expense into the following categories:

- Prorated salaries of employees other than registered lobbyists who are engaged for 10% or more of their time in any calendar month on lobbying related activities (direct communications and support activities, including grassroots lobbying, providing administrative agency technical data, subject matter experts lobbying with a registered lobbyist, and administrative testimony)
- Lobbyist expenses
- Legislative-related services (performed by a lobbying firm that is not direct communication)
- Consultants & government relations (for example consulting for general advocacy strategy)
- Public affairs (such as coalition building, media campaigns, publicity, literature, canvassing, etc.)
- Advertising (including billboards, print, radio, television, text, e-mail, and other electronic advertising)
- Research (including feasibility studies, analysis, polling, and public opinion research)
- Lobbying events (including rentals, equipment, transportation for members or the public to meet public officials, hold rallies or attend hearings)
- Other expenses that would not have been incurred but for your lobbying efforts

The state conducts mandatory, random audits of 25% of the registered lobbying organizations during each cycle, so you will also need to be prepared to have your records audited!

Backup documentation of the information provided in the periodic reports must be kept for a period of **five years**. For more information about required recordkeeping see Chapter 6 – (Recordkeeping) of the FPPC’s Lobbying Disclosure Information Manual.

**Gift ban:** It is important to note that regulations relating to lobbying expenditures almost always intersect in complicated ways with state and local ethics and “gift ban” laws. Those state and local rules often apply even if your organization has not triggered lobbyist registration, and may apply to a broader range of officials. You should be certain that you understand the intricacies of both sets of rules before giving any gifts to, or paying expenses for, any public officials at the state or local level.

In California, in general, it is prohibited for a lobbyist to give or act as an intermediary for a gift in excess of \$10 in a calendar month. Your organization may also not give any public official a gift of more than \$590 in a calendar year (current limit for the 2023-2024 cycle and subject to change January 1 each odd numbered year). These rules can also apply even if you are only facilitating a gift by arranging it or delivering it!

There are also detailed disclaimer and reporting requirements related to payments made for the benefit of public officials, including using specific disclaimer language on event invitations, and giving the officials notice of what you have included on your reports if you are a lobbyist employer or \$5,000 Filer. These rules can apply to things like inviting public officials to your events or honoring them with plaques, etc. It is generally a best practice for smaller nonprofit organizations that do not employ full-time lobbyists to avoid the intricacies of the regulations and the related reporting by refraining from giving gifts or making any such payments and give officials information about your organization instead.

## **Q:** Do our organization’s donors need to be disclosed on any lobbying reports?

No.

# FAQS

## **Q: How are our lobbyists required to identify themselves while lobbying?**

While lobbyists are not required to wear a special badge while lobbying, it is always good practice to identify yourself and your organization before lobbying public officials.

## **Q: Are there any other restrictions on lobbyists that we should be aware of?**

There are a number of restrictions on registered lobbyists in California in addition to the gift ban restrictions and rules that may apply even if you are not required to register.

Lobbyists are prohibited from:





- Being paid in any way contingent upon the defeat, enactment, or outcome of any proposed legislative or administrative action, which includes even the scheduling of payments to align with the progress of a bill or rulemaking actions
- Making or delivering their own personal campaign contributions to certain public officials or their committees
- Hosting fundraisers for any public official whose office they are registered to lobby
- Entertaining a public official in the lobbyist's home or vacation home (unless the lobbyist has a relationship with the official that is unconnected to lobbying, which would require careful vetting)
- Doing anything to put a public official under a personal obligation to the lobbyist (for example, by making a loan)
- Deceiving or attempting to deceive a public official about a material fact pertinent to a legislative or administrative action
- Causing or influencing the introduction of a bill so that the lobbyist can later be employed to secure its passage or defeat
- Attempting to create a fictitious appearance of public favor or disfavor of any proposed legislative or administrative action, or communicating with public officials about such action in the name of a fictitious person or a real person without their consent
- Representing that the lobbyist can control the actions of any public official

# Case Study STUDENTS VOTE NOW

Students Vote Now is a hypothetical small 501(c)(3) advocacy organization considering being vocal about AB 101 currently pending in the California State Assembly

## STUDENTS VOTE NOW IS CONSIDERING:

- Reaching out to its student constituents, via direct physical mailings, e-mails, and volunteer phone banking, in order to get the students to call their state house representative about the bill.
- Doing an in-person Lobby Day at the state capital about AB 101 to meet with legislators, or alternatively arranging a virtual Zoom lobby event. The Lobby Day activity might potentially include renting a bus, buying T-shirts for the volunteer participants, and handing out some small swag type items from the organization to the legislators, or if done by Zoom, the purchase of an upgraded Zoom account.
- Testifying before a committee of the Assembly regarding the student perspective on AB 101.
- Having an employee engage with the Mayor of San Francisco about a similar, but separate, local ordinance being considered.

ACTIVITY	LOBBYIST REGISTRATION/REPORTING REQUIREMENTS
 <p><b>Student Engagement</b></p>	<p>The student engagement activities are grassroots activities that do not count towards the lobbyist registration threshold. They do, however, count towards a potential need to make a quarterly \$5,000 Filer report.</p>
 <p><b>Lobby Day</b></p>	<p>Lobby Day activities are direct communications with public officials, but it should be possible to avoid registration by arranging staffing so that no one employee of Students Vote Now directly communicates with public officials for 1/3 of their time or more during the calendar month. If Students Vote Now is already registered, or is a \$5,000 filer, it can potentially ease the compliance burden of being required to disclose non-lobbyist employees' prorated salary on quarterly lobby reports by keeping those employees' time to under 10% in a calendar month (including direct, grassroots, and prep activities).</p> <p>Lobby Day expenses, together with other state-level activities on AB 101, do count towards a potential need to make a \$5,000 Filer report.</p>
 <p><b>Committee Testimony</b></p>	<p>There is no lobbying registration exception for testimony at <b>legislative</b> hearings, only for public testimony at state agency hearings.</p> <p>Time spent directly communicating with legislators will count towards the 1/3 staff time trigger, but Students Vote Now should be able to arrange staff time to avoid registration, and also potentially avoid \$5,000 Filer reporting.</p>
 <p><b>Mayor</b></p>	<p>California State lobbying law does not apply to lobbying local public officials, but the city of San Francisco<sup>1</sup> and many other cities have their own local lobbying ordinances<sup>2</sup>. San Francisco's ordinance exempts 501(c)(3)s from its contact lobbying rules, so speaking with the Mayor should not trigger local registration, but if grassroots activities were used in San Francisco those activities might trigger an "expenditure lobbying" filing there.</p>
<p><b>Bottom Line</b></p>	<p>If Students Vote Now is doing all their lobbying work using their own staff, they should be able to avoid lobbyist registration.</p> <p>The organization should keep careful track of their lobbying expenses, including prorated staff time for anyone who supported the lobbying activities for more than 10% of their time in a month, as well as the expenses of the grassroots lobbying campaigns and the Lobby Day trip to the capital. If those expenses amount to \$5,000 or more in a quarter, Students Vote Now will need to file a \$5,000 Filer report, even though they will not need to register for the full two-year lobbying cycle or pay any registration fees.</p>

<sup>1</sup> <https://sfethics.org/guidance/lobbyists>

<sup>2</sup> <https://bolderadvocacy.org/resource/california-city-county-and-special-district-local-lobbying-ordinances/>

## ADDITIONAL RESOURCES

### BOLDER ADVOCACY'S TECHNICAL HOTLINE:

Bolder Advocacy's free Technical Assistance Hotline team is always happy to help nonprofits and advocacy attorneys with more specific questions. You can contact Bolder Advocacy by e-mailing [advocacy@afj.org](mailto:advocacy@afj.org) or calling 866-NP-LOBBY (866-675-6229) during standard business hours.

### BOLDER ADVOCACY'S ADDITIONAL CALIFORNIA ADVOCACY RESOURCES

Bolder Advocacy has additional resources on California lobbying reporting, California ballot measure disclosure, and local lobbying reporting in California which can be found at:

<https://bolderadvocacy.org/resource-library/tools-for-effective-advocacy/toolkits/california-advocacy-resources/>

### CALIFORNIA STATE RESOURCES:

- **California Fair Political Practices Commission**

The California Fair Political Practices Commission (the "FPPC") promulgates regulations to implement the California Political Reform Act (the "PRA") and provides a website that includes forms, manuals, and other helpful information. The lobbyist related section of their website is available here: <https://www.fppc.ca.gov/learn/lobbyist-rules.html>

- **California Secretary of State**

All lobbying related forms are filed with the California Secretary of State, and questions about report filing procedures can be directed to the agency here: <https://www.sos.ca.gov/campaign-lobbying>

- **Full Text of California Lobbying Statute**

The full text of the PRA can be found at: <https://www.fppc.ca.gov/the-law/the-political-reform-act.html>

- **Full Text of California Lobbying Regulations**

The full text of the FPPC lobbying regulations can be found at (Chapter 2 and Chapter 6): <https://www.fppc.ca.gov/the-law/fppc-regulations/regulations-index.html>

- **Lobbying Disclosure Information Manual**

The FPPC puts out a very detailed lobbying manual that includes information about the PRA and the FPPC regulations as well as helpful information about the details of the various forms and filings. The Manual is available at: <https://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Lobbying/Lobbyist-Manual-Folder/Lobbying%20Manual.pdf>

- **Mandatory Ethics Training**

All lobbyists are required to take a mandatory ethics training course run by the California Secretary of State. Information about how to sign up for the course is available here: <https://www.sos.ca.gov/campaign-lobbying/cal-access-resources/ethics-training>

- **Additional Questions**

- Any questions about interpretation of the lobbyist registration and reporting requirements can be directed to the FPPC at [advice@fppc.ca.gov](mailto:advice@fppc.ca.gov) or 1-866 ASK-FPPC.
- Any questions about reporting filing instructions and e-filing can be directed to the Secretary of State's Political Reform Division here: <https://www.sos.ca.gov/campaign-lobbying/contact-us>



This work is licensed under a Creative Commons Attribution-Non Commercial-No Derivatives 4.0 International License, which means that you can share it widely, so long as you share it in this format and do not sell it.

The information contained in this fact sheet and any referenced links are being provided for informational purposes only and not as part of an attorney-client relationship. The information is not a substitute for expert legal, tax, or other professional advice tailored to your specific circumstances, and may not be relied upon for the purposes of avoiding any penalties that may be imposed under the Internal Revenue Code.

This resource was created by the Democracy Capacity Project, a special project of NEO Philanthropy, Inc., with the support of Alliance for Justice, the assistance of Nielsen Merksamer Parrinello Gross & Leoni, LLP, and with thanks to the many, many advocates and activists who do this critical work every day.