

# PRACTICAL GUIDANCE

What Nonprofits Need to  
Know About Lobbying in

# HAWAII

## Inside This Guide:

This Practical Guidance resource is designed to help your nonprofit organization determine if lobbying rules in Hawaii 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 Hawaii?

DIRECT OR GRASSROOTS LOBBYING OF:	CAN THIS TRIGGER?	TRIGGER
<b>State Legislators</b>	Yes	An individual must register if: <ul style="list-style-type: none"> <li>they receive (or expect to receive) \$1,000 or more to influence legislative action or a ballot measure in a reporting period, <b>or</b></li> <li>for compensation and on behalf of another, they lobby for more than five hours in a month, <b>or</b> for ten hours or more in a calendar year, <b>or</b> make lobbying expenditures of \$1,000 or more in a reporting period</li> </ul>
<b>State Executive Branch Officials</b>	Yes	The same triggers apply to lobbying the executive branch. The time and expenditure thresholds are cumulative across both branches of government.
<b>Local Legislators or Local Executive Branch Officials</b>	Maybe	The state's lobbying law does not apply to local officials, but some local jurisdictions have their own lobbying ordinances.

**Grassroots lobbying:** Grassroots lobbying (calling on members of the public to take action for or against legislative or executive action) is explicitly regulated in Hawaii and can trigger registration and reporting requirements.

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

- **Your organization will not register but will likely have to file reports:** Your organization will not need to register in its own name but will likely have to report your lobbying expenditures, including compensation and reimbursements to your lobbyist(s), and spending on grassroots lobbying. If no single employee lobbies enough to trigger registration, but the organization is making expenditures (including compensation) over the registration trigger thresholds, the organization should report the spending.
- **Hawaii has a broad scope for which activities count as lobbying, and as reportable expenditures:** In addition to direct communication, you must also track and potentially report time spent preparing to lobby as well as communications intended to create goodwill for future lobbying.
- **Communicating with public officials about whether to place a proposed constitutional amendment on the ballot counts as lobbying:** Communicating with legislators about placing a proposed constitutional amendment on the ballot counts as lobbying in Hawaii (but working to influence the voters on their vote is regulated under campaign finance laws).
- **There is a new training requirement for lobbyists:** A new training requirement for lobbyists went into effect in April 2023 and training will likely be available for new lobbyists in January 2024 – make sure your lobbyists are aware of this new requirement.

This resource is current as of October 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@afi.org](mailto:advocacy@afi.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**, which in Hawaii is regulated by the Hawaii State Ethics Commission (the “Commission”), is defined as communicating directly or indirectly with any official in the legislative or executive branch for the purpose of attempting to influence **legislative action, administrative action**, or a **ballot issue**.

If you solicit members of the public to communicate with officials in order to influence administrative action, legislative action, or a ballot issue, that activity is **grassroots lobbying**. The implementing regulations state that all **time spent lobbying** counts towards the trigger thresholds and for reporting purposes, and they define the phrase broadly, to include time spent preparing to lobby.

**Note:** Efforts to get to know legislators and other public officials (often called **goodwill lobbying**) do not count towards the trigger thresholds for registration, but the Commission has given informal guidance that if an individual is registered, they should track and report time spent on goodwill lobbying. Activities related to **procurement**, however, are **not** considered lobbying for the purposes of registration and reporting.

- **Legislative action** means the sponsorship, drafting, introduction, consideration, modification, enactment, or defeat of any bill, resolution, amendment, report, nomination, appointment, or any other matter pending or proposed in the legislature.
- **Administrative action** means the proposal, drafting, consideration, amendment, enactment, or defeat by any administrative agency of any rule or regulation.
- **Grassroots lobbying** means any oral or written communication directed at any member of the public that **both** expresses an opinion about existing or potential legislation, administrative rule, or ballot issue **and** includes an explicit or implied call to action.
- **Time spent lobbying** includes activities like drafting and providing testimony, discussing actual or potential legislation or rules with an official, or waiting for a lobbying meeting. Research or discussions about policy issues that are not reasonably

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likely to lead to lobbying activities within a twelve-month period are **not** counted towards time spend lobbying.

- **Goodwill lobbying** means “getting to know” meetings and other efforts to develop a relationship or otherwise establish rapport with legislators, even if you don’t discuss specific legislative measures.

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

Hawaii uses multiple triggers for individual lobbyist registration, and crossing **any** of the thresholds will obligate one of your employees to register. An individual must register as a lobbyist if they receive (or agree to receive) \$1,000 or more in compensation for lobbying during a calendar year. They must also register if they are compensated to lobby on your behalf, **and** lobby for **either** more than five hours in any month, **or** more than ten hours in a calendar year. Finally, they also must register if they make lobbying expenditures of \$1,000 or more during a reporting period. Efforts to lobby either the legislative or executive branches are cumulative for the purpose of determining whether an employee needs to register.

Your organization will not need to register, but if your organization’s spending exceeds the \$1,000 or more in a reporting period you will need to file reports in its own name about expenditures it makes on lobbying. The obligation to report remains the same even if no one on your staff is required to register (because the costs are spread among them). Your organization’s reporting will include both expenditures it makes on, or through, an employee lobbyist, as well as any it made on its own, with no individual lobbyist involved.

## 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 must be analyzed together with all of the projects housed at the fiscal sponsor who are doing lobbying activities in the state.

Your account manager at your fiscal sponsor will be able to help you understand how they track the registration threshold.

**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:

- **De minimis activity:** An individual who does only a very small amount of lobbying is exempt from registration, as long as the money they receive or expend, and the hours they spend lobbying, are all below the registration thresholds.
- **Testifying upon official written request:** Individuals who are asked to testify by the legislature, or an administrative agency, **and do not otherwise engage in any lobbying**, are not considered lobbyists and will not need to register. This exception is fairly narrow – note that volunteering testimony, such as by submitting non-requested

written comments, will count as lobbying. Note also that the Commission may request a copy of the written request for an appearance.

- **Nonprofit employees working on grant applications:** If any of your staff that **do not otherwise engage in any lobbying** work on preparing grant applications, the work will not count as lobbying. Your staff may also communicate with public officials in support of a grant application, without having to register, as long as they are **employed** by a nonprofit organization (contractors are not eligible), they spend less than 10 hours doing so per month, and they do not lobby on any other matters aside from the grant application, otherwise the work will count towards the registration triggers.
- **Administrative and research support:** No individual employee of your organization will need to register if they do not communicate directly with any public official, and instead only draft testimony, conduct research or polls, or perform administrative work in support of lobbying activities under the direction of your employee lobbyist or another employee of the organization.

## 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?

Hawaii does not have citizen-initiated ballot measures. However, it does allow the legislature to place proposed constitutional amendments on the ballot for voters to approve. If you are trying to influence whether the legislature will put a proposed constitutional amendment on the ballot, that activity is treated as lobbying.

Once the proposed amendment is on the ballot, Hawaii regulates activity to support or oppose the proposed amendment under the state's campaign finance laws (note, however, that the IRS continues to consider it lobbying).

If your organization is lobbying public officials about whether to place a constitutional amendment on the ballot, you will need to report your expenditures on this activity as lobbying. However, if your employee lobbyist or your organization makes any contributions to a ballot measure campaign that are reported via Hawaii's campaign finance reporting system, they do not need to be reported as a lobbying expenditure.

Nonprofit organizations considering working on ballot measures in Hawaii should seek advice on how to comply with any applicable state or local campaign finance reporting requirements.

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

### Lobbyist registration

Anyone who triggers registration as a **lobbyist** must register within five days of initiating lobbying activities. Registration is done through the Ethics Commission's online system. You can find instructions for creating a new lobbyist account on that system here: <https://ethics.hawaii.gov/wp-content/uploads/2019/02/LOBUserQuickGuide.pdf>

Your employee lobbyist must renew their registration every odd-numbered year, and must do so within 10 days of the opening of the regular session of the legislature.

There is no fee to register as a lobbyist in Hawaii.

Once your employee has registered as a lobbyist, they must report any material changes to the facts reported on the registration form by submitting an amendment through the system within 10 days. If your employee lobbyist no longer needs to be registered, they should file a written statement of termination within 10 days. If your employee lobbyist fails to do so (if, for example, they left your organization unexpectedly), the organization can file on their behalf. Either way, a registered lobbyist is required to terminate their registration affirmatively, and not just allow it to lapse. Both the individual lobbyist and your organization will still be responsible for filing reports covering any time period between the last report and the date of termination.

**Note new training requirement:** Effective April 19, 2023, all new lobbyists are required to complete a lobbyist training course prior to registering as a lobbyist, and repeat the training at least once every two years. The Commission has informally advised that this training should become available in January 2024.

### Lobbyist's employer is not required to register

Your organization, as a **lobbyist's employer**, is not required to register. However, if your organization makes lobbying expenditures over \$1,000 in a reporting period, it will need to file reports on behalf of the organization. While generally your organization will need to report because you have an employee who is required to register, keep in mind that even if you have no staff required to register, if your organization exceeds the threshold, it will still need to report.

If your organization is required to report, you should sign up for a Client/Organization user account on the Commission's website. Instructions for creating a new account are here: <https://ethics.hawaii.gov/wp-content/uploads/2019/02/ORGUserQuickGuide.pdf>

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The Commission prefers that lobbyists file their registrations (and reports) via e-filing, but it will accept submission by mail, e-mail, or fax. Note, however, that the Commission is planning to phase out paper filings in the near future.

**Penalty for noncompliance:** You can be fined up to \$1,000 per violation for failing to register (lobbyist) or file expenditure reports (lobbyist and lobbyist's employer).

## Q: When are periodic lobbying reports due?

### Lobbyist's employers:

If your organization makes lobbying expenditures of \$1,000 or more in a reporting period, including paying compensation and reimbursements to employee lobbyists, you will need to file three expenditure reports on the following schedule:

- For period covering January and February: Report due March 31
- For period covering March and April: Report due May 31
- For period covering May through December: Report due January 31

The first two filing deadlines are tied to the legislative session (typically January through May). If a special session of the legislature is held, your organization must file an additional report within 30 days after the adjournment of the session. This additional expenditure report will cover the period from May 1 through the date of adjournment.

If a deadline falls on a weekend or holiday, the deadline is extended to the next business day.

### Lobbyists:

If your employee lobbyist has activities or expenditures not already reported on your organization's report (e.g., unreimbursed expenditures), they will file reports in their own name that cover the same three reporting periods as the Lobbyist's Employer reports:

- For period covering January and February: Report due March 31
- For the period covering March and April: Report due May 31
- For the period covering May through December: Report due January 31

Just like with the organizational (lobbyist's employer) reports if the legislature holds a special session, lobbyists must file an additional report within 30 days after the adjournment of that session, and if a deadline falls on a weekend or holiday, the deadline is extended to the next business day.

**Note:** if your employee lobbyist does not make unreimbursed expenditures – like most employees of nonprofit organizations – they may have nothing to report. Unlike many other states, Hawaii does not require lobbyists to file zero expenditure reports, so in some reporting periods your employee lobbyists may not have to file anything.

As noted previously, failure to file a required report can lead to fines of up to \$1,000 per violation.

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

In Hawaii, periodic lobbying reports include the subject matter of your lobbying, the agencies you have lobbied, as well as detailed reporting of lobbying expenditures, such as lobbyist compensation, internal expenses, and gifts or other expenditures on (or for the benefit of) government officials.

Information should only be reported once – if your organization (as the lobbyist's employer) reports certain expenses, or information about lobbying activity, your employee lobbyist should not double report the same information.

Instructions for filing expenditure reports are here: <https://ethics.hawaii.gov/wp-content/uploads/2019/02/OrgExpendituresQuickGuide.pdf>

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

Periodic lobbying reports in Hawaii require disclosure of any money (or other thing of value) that your organization or your employee lobbyist expends in furtherance of lobbying activity. That includes prorated compensation your organization pays your employee lobbyist for their time spent lobbying. Both individual registered lobbyists and the organizations they represent must report expenditures, but most nonprofit organizations will reimburse their employee lobbyists for lobbying related expenditures, so the organization will typically do most (or all) of the reporting.

As noted above, do not “double report” the same expenditure. Your employee lobbyist should report lobbying related expenditures, if any, that they made personally, without being reimbursed by your organization. Your organization should report all of its lobbying expenditures, including reimbursements to a registered employee lobbyist, as well as any expenditures by (or to) an employee or volunteer who is not a registered lobbyist.

### Your organization’s lobbyist employer report:

Your organization will use form ORG to report. In part 1 of the form, your organization will report its total spending on lobbying, broken out into the following categories:

- Spending on preparing and distributing lobbying materials, including on printing, copying, internet, and audiovisual production costs
- Spending on media advertising, including expenditures for newspaper advertisements or television and radio commercials, etc.
- Compensation paid to lobbyists -- If employees of your organization lobby on behalf of the organization, then report the prorated portion of the salaries paid to the employees that is attributable to lobbying
- Fees paid to consultants for services obtained for the purpose of lobbying
- Entertainment and events for the purpose of lobbying
- Spending on receptions, meals, food, and beverages for the purpose of lobbying
- Spending on gifts – report the value of gifts given for the purpose of lobbying
  - But see the note about Hawaii’s gift ban, below.
- The value of all loans made for a lobbying purpose, including forgiven loans
- Spending on **interstate** transportation (including meals and lodging) made for the purpose of lobbying
  - Note that travel within Hawaii by your employee lobbyist or other staff does not need to be reported.
- Other disbursements incurred for the purpose of lobbying

In part 1, there are also two additional questions that direct you to report the name and address of any individual or organization to whom your organization made a lobbying-related expenditure of \$25 or more per day, or \$150 or more in the aggregate in a reporting period. You should also report the expenditures on each individual or organization that falls into each category.

In part 2, you are required to report any person or entity that gives you \$25 or more to support lobbying in the reporting period. This disclosure is **only required for donations that are earmarked**, or otherwise restricted to lobbying. See the next FAQ for more.

In part 3, you check boxes to report the subject areas in which your organization will have someone lobbying.

You can see a sample Form ORG here: <https://ethics.hawaii.gov/wp-content/uploads/2014/03/ORG.pdf>, and the instructions here: [https://ethics.hawaii.gov/wp-content/uploads/2014/03/ORG\\_REP\\_INST.pdf](https://ethics.hawaii.gov/wp-content/uploads/2014/03/ORG_REP_INST.pdf)

## Your employee lobbyist's report:

If your employee lobbyist has any expenditures to report, they will use Form LOB. A sample Form LOB is here: <https://ethics.hawaii.gov/wp-content/uploads/2014/03/LOB.pdf> and the instructions are here: [https://ethics.hawaii.gov/wp-content/uploads/2014/03/LOB\\_REP\\_INST.pdf](https://ethics.hawaii.gov/wp-content/uploads/2014/03/LOB_REP_INST.pdf)

Form LOB has the same categories as Form ORG, but arranged in a way that would enable a professional lobbyist to report all of their expenditures for each of their clients. Your employee lobbyist should have only one client, your organization, so they would just report any unreimbursed expenditures on a single row, next to your organization's name.

## Record retention:

The Commission recommends that you keep backup documentation to support your reports for six years after their filing. Hawaii does not conduct random audits, but does investigate tips, or other reports of violations.

## Gift ban:

In Hawaii, legislators, public officials, and state employees are prohibited from accepting gifts if it can be reasonably inferred that the gift is intended to influence the legislator, official, or employee in their official capacity. You are allowed to give certain ceremonial and de minimis gifts, but most nonprofit organizations conclude that it is better practice to avoid giving **any** gifts to public officials.

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.

You can find out more about Hawaii's rules on gifts here: [https://ethics.hawaii.gov/wp-content/uploads/2017/05/quickguide\\_gifts.pdf](https://ethics.hawaii.gov/wp-content/uploads/2017/05/quickguide_gifts.pdf)

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

### Maybe.

You may need to report the name and address of any donor that contributed \$25 or more specifically earmarked for the purpose of lobbying during the reporting period.

In most cases, donors do not earmark funds for lobbying. In fact, many grant contracts will specifically state that the funds are not earmarked for lobbying.

You should carefully examine your grant contracts and all other grant or gift documentation to determine if any donor disclosure is required and consider contacting your legal counsel or the Bolder Advocacy technical Assistance Hotline for further assistance if you believe you may have triggered this kind of donor disclosure.

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

Hawaii does not require lobbyists to wear identification badges or otherwise identify themselves while lobbying. However, it is a good practice to introduce yourself and who you represent when first meeting a public official.

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

### Yes.

Paying lobbyists contingency fees based on securing passage or defeat of legislation is prohibited.

For one year after leaving office, former legislators, officers, and public employees may not represent another for compensation on matters in which they participated or on

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matters involving official action by the legislature or their state agency, nor may they disclose confidential information or use confidential information for personal gain or the benefit of another. An enumerated list of executive officers (governor, lieutenant governor, attorney general, and other senior officials) are further prohibited from lobbying on any legislative action or administrative action for 12 months after the termination from their respective positions. The list is found in HI Rev. Stat. § 84-18(e), available here: <https://ethics.hawaii.gov/wp-content/uploads/Chapter84.pdf>

# Case Study STUDENTS VOTE NOW

**Students Vote Now is a hypothetical small 501(c)(3) advocacy organization considering being vocal about Bill 101 currently pending in the Hawaii House of Representatives**

## 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 Bill 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 House of Representatives regarding the student perspective on Bill 101.
- Having an employee engage with the Mayor of Honolulu 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 regulated grassroots lobbying in Hawaii. The lobbyist registration trigger thresholds apply, and once an employee or the organization has triggered registration (or organizational reporting), the employee or organization will need to report these grassroots expenses.</p> <p>Volunteer phone bankers will not trigger registration, and the value of their time does not need to be reported, but expenses like pizza for the phone banking session or costs of using the phone banking systems would be reportable.</p>
 <p><b>Lobby Day</b></p>	<p>Lobby Day is regulated direct lobbying in Hawaii.</p> <p>As with the Student Engagement activities, uncompensated volunteer students will not trigger registration, but at least one paid staff member will likely trigger since preparation for the Lobby Day counts towards the trigger thresholds, which are relatively low. Most expenses of the day will also be reportable (not including the value of volunteer time).</p> <p>To avoid complicated gift ban rules, Students Vote Now can hand out information about its organization instead of swag gifts.</p>
 <p><b>Committee Testimony</b></p>	<p>If the testimony has been invited by the committee in writing, this activity alone does not trigger lobbyist registration. If the testimony is not invited in writing, or if the witness engages in other lobbying activities, then the time spent planning for the testimony counts towards the trigger thresholds, and once the registration trigger amount has been reached, must be reported.</p>
 <p><b>Mayor</b></p>	<p>The state lobbying law does not cover local officials. However, Honolulu has a local lobbying ordinance<sup>1</sup> with very broad registration requirements, which the proposed contact with the Mayor would trigger. Other jurisdictions that have local lobbying ordinances include Kauai County<sup>2</sup> and Maui County.<sup>3</sup></p>
<p><b>Bottom Line</b></p>	<p>All of Students Vote Now's proposed state-level lobbying activities will count towards registration triggers (except for requested committee testimony if that is the lobbyist employee's only activity). Any one activity might cause an employee to need to register, and doing all of them will almost certainly trigger registration, since the trigger thresholds are relatively low.</p>

<sup>1</sup> <https://www.honolulu.gov/ethics/lobbyist.html>

<sup>2</sup> <https://www.kauai.gov/Government/Council/Lobbyist-Registration>

<sup>3</sup> <https://www.mauicounty.gov/DocumentCenter/View/8474/Board-of-Ethics-Amended-Rules?bidId=>

## 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's team of experts by e-mailing [advocacy@afj.org](mailto:advocacy@afj.org), or calling 866-NP-LOBBY (866-675-6229) during standard business hours.

### HAWAII STATE RESOURCES:

- **Hawaii State Ethics Commission**

The Hawaii State Ethics Commission administers and enforces the State Ethics Code and Lobbyists Law. You can find the Commission's website here: <https://ethics.hawaii.gov/>

- **Full Text of Hawaii Lobbying Statute**

The full text of the Hawaii state lobbying statute can be found here: <https://ethics.hawaii.gov/wp-content/uploads/Chapter97.pdf>

- **Full Text of Hawaii Lobbying Regulations**

The full text of the Hawaii state lobbying regulations can be found here: <https://ethics.hawaii.gov/adminrules/>

- **State Training Material References**

As of April 2023, Hawaii law requires all registered lobbyists to receive specific training. As of this Guide's publication date, the Commission's website states that it is still developing the training. It is currently offering the opportunity to sign up for training in January 2024. For more up to date information, please see [https://ethics.hawaii.gov/main/lobbyist\\_training\\_act20/](https://ethics.hawaii.gov/main/lobbyist_training_act20/)

- **Additional Questions**

For any questions about lobbyist registration and reporting, call (808) 587-0460 or email [info.ethics@hawaii.gov](mailto:info.ethics@hawaii.gov).

### BOLDER ADVOCACY'S FEDERAL LAW RESOURCES:

While state and local laws regulate which lobbying activities require registration and reporting, the IRS also regulates how much lobbying a 501(c)(3) tax-exempt organization is allowed to do, including at the state and local levels. The way the IRS counts lobbying will almost always be different than how state and local laws count it, and organizations are urged to review Bolder Advocacy's federal law resources to ensure all IRS compliance obligations are being met. See: <https://bolderadvocacy.org/resource/being-a-player-a-guide-to-the-irs-lobbying-regulations-for-advocacy-charities/>



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