



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 85

November 5, 1992

Whether unpaid volunteers who help produce a newsletter must register as lobbyists if they receive reimbursement for production expenses. (AOR-90)

The Texas Ethics Commission has been asked whether unpaid volunteers who help produce a newsletter must register as lobbyists. The volunteers in question are members of an organization that produces the newsletter. Under chapter 305 of the Government Code a person must register as a lobbyist if that person:

receives compensation or reimbursement, not including reimbursement for the person's own travel, food, or lodging expenses . . . of [more than \$200] in a calendar quarter from another person to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action.

Gov't Code § 305.003(a)(2) (emphasis added); Tex. Ethics Comm'n, 17 Tex. Reg. 4444 (1992) (to be codified at title 1, section 40.3(a)(2), of the Texas Administrative Code). The volunteers receive no compensation, but they do receive reimbursement for expenses incurred in connection with producing the newsletter. Although the volunteers in question receive reimbursement for things other than travel, food, and lodging, we do not think that the situation described involves reimbursement for expenditures made to *communicate directly* with a member of the legislative or executive branch.

The newsletter, which is published weekly during regular sessions of the legislature, provides information about legislation. The request letter states that the newsletter "contains news of bills filed . . . , committee actions, issues updates, tips on implementing . . . issues, and action alerts for the critical times when priority issues are to be voted upon." The purpose of the newsletter, the request letter states, is to provide information to members and others with similar concerns and also to motivate subscribers to support or oppose proposed legislation. The newsletter is sent to local chapters of the organization, and copies may be sold to other organizations to send to their members. Although it is possible that members of the legislative branch will obtain the newsletter, the newsletter is not directed to members of the legislative branch. *See* Gov't Code § 305.002(7) (defining "member of the legislative branch").

The critical issue here is whether the volunteers received reimbursement for *expenditures made to communicate directly* with members of the legislative branch. Direct communication, for purposes of the lobby statute, means "contact in person or by telephone, telegraph, or letter." *Id.* § 305.002(2). The newsletter does address legislative matters. Consequently, it is not unlikely that members of the legislative branch will receive the newsletter in question. Members of the legislative branch are not, however, the target audience for the newsletter. In these circumstances, we do not think that volunteers' receipt of reimbursement for expenses connected to production of the newsletter require the volunteers to register as lobbyists.

SUMMARY

In the circumstances described, volunteers who are reimbursed for expenses connected to production of the newsletter are not required to register as lobbyists.