



HAWAII STATE ETHICS COMMISSION

State of Hawaii • Bishop Square, 1001 Bishop Street, ASB Tower 970 • Honolulu, Hawaii 96813

MEMORANDUM

TO: Lobbyists, and Clients or Employers of Lobbyists

FROM: Daniel J. Mollway
Executive Director and General Counsel

DATE: December 6, 2007

SUBJECT: "Goodwill" Lobbying as Lobbying Expenditure

Our office has received a number of concerns that organizations, lobbyists, and employers of lobbyists are not reporting as a lobbying expenditure certain meetings with legislators. These meetings often occur at the end of the year or in January, before the upcoming legislative session. It seems that a number of trade associations, non-profits, lobbyists, and other organizations that employ lobbyists believe that these meetings with legislators need not be reported as lobbying expenditures because no lobbying is taking place. These meetings are usually breakfasts, lunches, dinners, or receptions.

The Lobbyists Law is set forth in chapter 97 of the Hawaii Revised Statutes ("HRS"). HRS section 97-1(7) defines the term "lobbying" as follows:

"Lobbying" means communicating directly or through an agent, or soliciting others to communicate, with any official in the legislative or executive branch, for the purpose of attempting to influence legislative or administrative action or a ballot issue.

When trade associations and others meet with lobbyists for the purpose of "getting to know" legislators or to develop rapport, this is considered "goodwill lobbying," and would constitute lobbying under HRS section 97-1, since there is communication for the purpose of lobbying. The fact that specific legislative measures are not discussed does not mean that the meetings are not considered lobbying. If the purpose of the meeting is to develop a relationship with legislators, getting to know legislators, or establishing rapport with legislators, and the trade association, etc., will be lobbying, then such meetings with legislators constitute lobbying in accordance with chapter 97 and must be reported on the appropriate expenditures report for the appropriate lobbying reporting period.

There may be instances where there are meetings with legislators for other purposes. However, if the organization or trade association hosting the meeting lobbies, and the reason for hosting the meeting includes building relationships with legislators, establishing rapport with legislators, or "getting to know" legislators, then the meeting is reportable lobbying expenditures. Further, if the meeting results in a legislator receiving meals, beverages, and so forth, that exceed \$25 or more per day or \$150 or more during a reporting period, the expenditures must be reported on the expenditures statement for the appropriate lobbying reporting period, along with the name of the legislator.

If there are any questions regarding the above, please contact our office at 587-0460.

c: Legislators