



LEAGUE OF WOMEN VOTERS OF MAINE

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TO: Senator Nancy B. Sullivan, Senate Chair
Representative Pamela Jabar Trinward, House Chair
Members of the Joint Standing Committee on Legal and Veterans Affairs

DATE: April 29, 2009

RE: LD 1210 An Act Pertaining to Volunteer Lobbyists for Nonprofit Organizations
LD 1448 An Act to Exempt Volunteer Lobbyists from State Disclosure
Requirements

My name is Ann Luther, and I am the co-president of the League of Women Voters of Maine. The League of Women Voters of Maine (LWVME) is an all-volunteer nonprofit organization where hands on work to safeguard democracy leads to civic improvement. The League of Women Voters has long supported lobbyist disclosure as part of its position on Citizens' Right to Know/Citizen Participation. At the same time, the League opposes measures that erect barriers to full citizen participation in the legislative process.

The League does not support LD 1210; we do support LD 1448. LD 1448 eliminates a barrier to full citizen participation in the legislative process; LD 1210 does not go far enough. LD 1210 would exempt volunteer lobbyists from paying lobbyist registration fees but would still require them to register and file reports. LD 1448 offers a broader solution by exempting volunteer advocates from the definition of lobbyist altogether – no registration, no registration fee, no reporting. This approach removes a barrier to advocacy for small volunteer nonprofits.

Maine law guarantees the right of the people to petition government. Maine law also grants the people the right to choose one among them to present their views. Finally, Maine law acknowledges and endorses the right of the people to engage paid professionals to represent them when the work becomes voluminous or complex. It seems clear from the Declaration of Purpose in Title 3 Maine Revised Statutes § 311 that Maine's lobbyist disclosure laws are intended to apply to this third category – professional lobbyists. The League of Women Voters believes this is appropriate – when people seek to influence the legislative process through paid third-parties, the public has the right to know who and how much is being paid.

In § 312-A, a professional lobbyist is defined as one who is employed by another to lobby more than 8 hours per month. A lobbyist employer is defined as "... a person who agrees to reimburse for expenditures or to compensate a person who in return agrees to provide services." Under these definitions, someone is considered a professional lobbyist who receives no other compensation than reimbursement for expenditures. This includes someone who volunteers his or her time, has no special training, receives no legal advice, and receives

no other compensation than travel reimbursement, for example – no hourly rate, no salary, no benefits. It is hard to see how, in any other context, such a person would be considered an employee or a professional. That person is in no way enriched, but only spared the additional cost of contributing an actual cash outlay for the privilege of volunteering services.

This rather strange definition of a professional lobbyist could well apply to me and my service for the League of Women Voters and to the others from the League who testify before you from time to time. The League of Women Voters would allow me and my colleagues to be reimbursed for our mileage in service to the League. Many of us support the organization financially by donating our mileage. This has been my own practice for the six years that I have served as president of the League. When my service ends, under current law, the League must find someone else who is both willing and able to devote his or her time and also capable of making a significant personal financial commitment to the organization by donating mileage. Otherwise, the organization must accept the additional risk and obligation of lobbyist registration and reporting.

The obligation to register and report is not only a financial commitment but also a legal and regulatory one. LD 1210 would exempt employers of volunteer lobbyists from paying the registration fee but would still require the organization to register and report. While the waiver of the \$200 registration fee is welcome, small nonprofit organizations would still have the obligation to register their volunteer lobbyists and file monthly and annual reports.

The boards of such small nonprofit organizations must then consider their compliance capabilities when deciding whether to adopt a citizen lobbying initiative. Because volunteers are not always reliable, organizations may feel the need to forego their advocacy because they are not confident that they can guarantee compliance with accurate time tracking and timely filing of lobbyist registrations. The risk of an ethics violation may well be daunting.

The bottom line is that a small nonprofit organization is then left with an unhappy choice: it must either select leaders and spokesmen of personal means or consider whether it can afford to have an advocacy agenda at all.

LD 1448 offers a broader solution by exempting volunteer advocates from the definition of lobbyist altogether – no registration, no registration fee. This approach removes the barrier to advocacy for small volunteer nonprofits.

The League of Women Voters does not believe that ethics and disclosure standards are compromised by carving out this exemption. Most nonprofit organizations working for causes in which they believe are happy to have the public know where they stand on the issues. However, ethics and disclosure laws are not about regulating speech. They are about regulating money. No one exempted under LD 1448 is personally enriched by advocating a position not their own. No one stands to gain financially from their advocacy activities.

LD 1448 encourages active participation in government, and we urge you vote Ought To Pass on LD 1448.

Ann Luther, Co-president
League of Women Voters of Maine
29 April 2009