

## ADVISORY OPINION NO. 2002-12

Issued On May 2, 2002 By The

### WEST VIRGINIA ETHICS COMMISSION

#### OPINION SOUGHT

A **Registered Lobbyist** asks if a series of newspaper ads constitute a grass roots lobbying campaign.

#### FACTS RELIED UPON BY THE COMMISSION

During a recent Special Session of the WV Legislature, a coalition of more than a dozen associations sponsored a newspaper ad that ran in 10 newspapers around the State. The total cost of running the ads, approximately \$15,500, was paid for by the association with which the Requester is associated.

The heading of the ad read "West Virginia's Elected Leaders, IT'S TIME TO LEAD". The ad set out the sponsors' views on a problem of general public interest, referred to "reform" measures enacted by legislatures in other states and concluded with the statement that "We support legislative action toward a better quality of life in West Virginia." The Requester explains that the ads were directed at the members of the WV Legislature and not the public.

#### CODE PROVISIONS RELIED UPON BY COMMISSION

WV Code §6B-3-5. Grass roots lobbying campaigns.

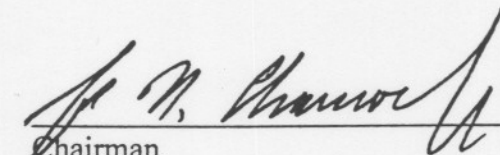
(1) Any person who has made expenditures ... exceeding five hundred dollars in the aggregate within any three-month period or exceeding two hundred dollars in the aggregate within any one-month period in presenting a program addressed to the public, a substantial portion of which is intended, designed or calculated primarily to influence legislation, shall be required to register and report ... as a sponsor of a grass roots lobbying campaign.

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The Ethics Act requires people to register as the sponsors of a grass roots lobbying campaign, if they pay to present "a **program addressed to the public**, a substantial portion of which is intended, designed or calculated primarily **to influence legislation**", emphasis added. The Act requires registration only if expenditures exceed \$200 in any one month or \$500 in the aggregate in any three month period.

The Requester suggests that the ads were, as stated in the ad's heading, addressed to members of the legislature and not to the public generally. He also suggests that the lack of a call for specific legislation in the ads means that the ads were not aimed "primarily" at influencing legislation.

The Commission believes that the ads were aimed at the general public and were designed to influence the legislative agenda of the sponsoring coalition. Therefore the Commission finds that the ads constitute a grass roots lobbying campaign and its sponsor or sponsors must register it as such.

  
Chairman