

1 S.93

2 Introduced by Senators Pollina, Benning, Bray, Collamore, and White

3 Referred to Committee on Government Operations

4 Date: February 17, 2015

5 Subject: Lobbying; advertisements; disclosure

6 Statement of purpose of bill as introduced: This bill proposes to require  
7 lobbyists, lobbying firms, and lobbyist employers to provide identification  
8 information in advertisements that are in regard to administrative or legislative  
9 action and made during the legislative session, and to require those persons to  
10 file within 48 hours a report on any such advertisement totaling \$1,000.00 or  
11 more.

12 ~~An act relating to disclosure of lobbying advertisements~~

*An act relating to lobbying disclosures*

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 ~~Sec. 1. FINDINGS~~

15 ~~(a) The effective public disclosure of the identity and extent of the efforts~~  
16 ~~of registered lobbyists, lobbying firms, and lobbyist employers to influence~~  
17 ~~Vermont's legislators and administration officials during the legislative session~~  
18 ~~will increase public confidence in the integrity of government.~~

1 ~~(b) Responsible representative government requires public awareness of the~~  
2 ~~efforts of registered lobbyists, lobbying firms, and lobbyist employers to~~  
3 ~~influence the public decision making process in both the Legislative and~~  
4 ~~Executive Branches of Vermont's government.~~

5 ~~(c) Just as requiring a person to contemporaneously report large mass~~  
6 ~~media activities within 45 days before an election allows the electorate to~~  
7 ~~better evaluate the content of the message, requiring registered lobbyists,~~  
8 ~~lobbying firms, and lobbyist employers to similarly report significant~~  
9 ~~advertising campaigns regarding legislative or administrative action gives the~~  
10 ~~public, legislators, and administrative officials information necessary for~~  
11 ~~evaluating the content of the message when considering that action.~~

12 ~~(d) The lack of detail in current lobbying disclosure filings do not provide~~  
13 ~~the public, legislators, and administrative officials with enough relevant~~  
14 ~~information about who is attempting to influence the legislative and~~  
15 ~~administrative process through advertising, and the timing of current required~~  
16 ~~filings prevents people from evaluating the content of lobbying advertising at~~  
17 ~~the time policy is being debated.~~

18 ~~(e) Requiring registered lobbyists, lobbying firms, and lobbyist employers~~  
19 ~~to clearly designate the name of the lobbyist, lobbying firm, or lobbyist~~  
20 ~~employer paying for the advertisement within the advertisement allows the~~

1 ~~public, legislators, and administrative officials to trace coordinated advertising~~  
2 buys and track spending over time.

3 Sec. 2. 2 V.S.A. § 264c is added to read:

4 § 264c. IDENTIFICATION IN AND REPORT OF CERTAIN LOBBYING

5 ADVERTISEMENTS

6 (a) Identification. An advertisement that is in regard to legislative or  
7 administrative action and made at any time prior to final adjournment of a  
8 biennial or adjourned legislative session shall contain the name of any lobbyist,  
9 lobbying firm, or lobbyist employer that made an expenditure for the  
10 advertisement and language that the advertisement was paid for, or paid in  
11 part, by the lobbyist, lobbying firm, or lobbyist employer. This identification  
12 information shall appear prominently and in a manner such that a reasonable  
13 person would clearly understand by whom the expenditure has been made.

14 (b) Report.

15 (1) In addition to any other reports required to be filed under this  
16 chapter, a lobbyist, lobbying firm, or lobbyist employer that makes an  
17 expenditure for any advertisement described in subsection (a) of this section  
18 that totals \$1,000.00 or more shall, for each advertisement, file an  
19 advertisement report with the Secretary of State.

20 (2) The report shall identify the lobbyist, lobbying firm, or lobbyist  
21 employer that made the expenditure; the name of any legislator or

1 ~~administrative official whose name or likeness was included in the activity; the~~  
2 amount and date of the expenditure and to whom it was paid; and the purpose  
3 of the expenditure.

4 (3)(A) The lobbyist, lobbying firm, or lobbyist employer shall file the  
5 report digitally on the Secretary's online lobbying database in a form the  
6 Secretary shall provide for the purpose.

7 (B) The report shall be filed within 48 hours of the expenditure or  
8 activity, whichever occurs first.

9 (c) Definition. As used in this section, "advertisement" means any form of  
10 advertising, including television, radio, print, and electronic media.

11 Sec. 3. EFFECTIVE DATE

12 ~~This act shall take effect on July 1, 2015.~~

~~Sec. 1. FINDINGS~~

~~(a) The effective public disclosure of the identity and extent of the efforts of registered lobbyists, lobbying firms, and lobbyist employers to influence Vermont's legislators and administration officials during the legislative session will increase public confidence in the integrity of the governmental process.~~

~~(b) Responsible representative government requires public awareness of the efforts of registered lobbyists, lobbying firms, and lobbyist employers to influence the public decision-making process in both the Legislative and Executive Branches of Vermont's government.~~

~~(c) Requiring registered lobbyists, lobbying firms, and lobbyist employers to report significant advertising campaigns that are intended, designed, or calculated, directly or indirectly, to influence legislative or administrative action enables the public, legislators, and administrative officials to evaluate better the pressures and content of the message when considering that action.~~

~~(d) The lack of detail in current required lobbying disclosure filings does not provide the public, legislators, and administrative officials with enough~~

~~relevant information about who is attempting to influence the legislative and administrative process through advertising, and the timing of current required lobbying disclosure filings prevents the public, legislators, and administrative officials from evaluating the pressures and content of lobbying advertising at the time public policy is being debated.~~

~~(e) Requiring registered lobbyists, lobbying firms, and lobbyist employers to designate clearly the name of the lobbyist, lobbying firm, or lobbyist employer paying for an advertisement within the advertisement allows the public, legislators, and administrative officials to determine who is attempting to influence the legislative and administrative process through advertising, to evaluate the pressures and content of lobbying advertising at the time when public policy is being debated, to trace coordinated advertising buys, and to track such spending over time.~~

#### Sec. 1. FINDINGS

(a) The effective public disclosure of the identity and extent of the efforts of registered lobbyists, lobbying firms, and lobbyist employers to influence Vermont's legislators during the legislative session will increase public confidence in the integrity of the governmental process.

(b) Responsible representative government requires public awareness of the efforts of registered lobbyists, lobbying firms, and lobbyist employers to influence the public decision-making process in the Legislative Branch of Vermont's government.

(c) Requiring registered lobbyists, lobbying firms, and lobbyist employers to report significant advertising campaigns that are intended, designed, or calculated, to directly or indirectly influence legislative enables the public and legislators to evaluate better the pressures and content of the message when considering that action.

(d) The lack of detail in current required lobbying disclosure filings does not provide the public and legislators with enough relevant information about who is attempting to influence the legislative process through advertising, and the timing of current required lobbying disclosure filings prevents the public and legislators from evaluating the pressures and content of lobbying advertising at the time public policy is being debated.

(e) Requiring registered lobbyists, lobbying firms, and lobbyist employers to designate clearly the name of the lobbyist, lobbying firm, or lobbyist employer paying for an advertisement within the advertisement allows the public and legislators to determine who is attempting to influence the legislative process through advertising, to evaluate the pressures and content

of lobbying advertising at the time when public policy is being debated, to trace coordinated advertising buys, and to track such spending over time.

~~Sec. 2. 2 V.S.A. § 264c is added to read:~~

§ 264c. IDENTIFICATION IN AND REPORT OF CERTAIN LOBBYING ADVERTISEMENTS

(a) Identification.

(1) An advertisement that is intended, designed, or calculated, directly or indirectly, to influence legislative or administrative action and made at any time prior to final adjournment of a biennial or adjourned legislative session shall contain the name of any lobbyist, lobbying firm, or lobbyist employer that made an expenditure for the advertisement and language that the advertisement was paid for, or paid in part, by the lobbyist, lobbying firm, or lobbyist employer; provided, however, that if there are more than three such names, only the three lobbyists, lobbying firms, or lobbyist employers that made the largest expenditures for the advertisement shall be required to be identified.

(2) This identification information shall appear prominently and in a manner such that a reasonable person would clearly understand by whom the expenditure has been made.

(b) Report.

(1) In addition to any other reports required to be filed under this chapter, a lobbyist, lobbying firm, or lobbyist employer shall file an advertisement report with the Secretary of State if he, she, or it makes an expenditure or expenditures:

(A) for any advertisement that is described in subsection (a) of this section and that has a cost totaling \$1,000.00 or more; or

(B) for any advertising campaign that contains advertisements described in subsection (a) of this section and that has a cost totaling \$1,000.00 or more.

(2) The report shall be made for each advertisement or advertising campaign described in subdivision (1) of this subsection and shall identify the lobbyist, lobbying firm, or lobbyist employer that made the expenditure; the amount and date of the expenditure and to whom it was paid; and a brief description of the advertisement or advertising campaign.

(3) The report shall be filed within 48 hours of the expenditure or the advertisement or advertising campaign, whichever occurs first.

~~(c) Definitions. As used in this section:~~

~~(1) "Advertisement" means any form of advertising, including television, radio, print, and electronic media.~~

~~(2) "Advertising campaign" means advertisements substantially similar in nature, regardless of the media in which they are placed.~~

Sec. 2. 2 V.S.A. § 264c is added to read:

§ 264c. IDENTIFICATION IN AND REPORT OF CERTAIN LOBBYING ADVERTISEMENTS

(a) Identification.

(1) An advertisement that is intended, designed, or calculated to directly or indirectly influence legislative action and made at any time prior to final adjournment of a biennial or adjourned legislative session shall contain the name of any lobbyist, lobbying firm, or lobbyist employer that made an expenditure for the advertisement and language that the advertisement was paid for, or paid in part, by the lobbyist, lobbying firm, or lobbyist employer; provided, however:

(A) if there are more than three such names, only the three lobbyists, lobbying firms, or lobbyist employers that made the largest expenditures for the advertisement shall be required to be identified; and

(B) if a lobbyist or lobbying firm made the expenditure on behalf of a lobbyist employer, the identification information set forth in subdivision (1) of this subsection shall be in the name of that lobbyist employer.

(2) This identification information shall appear prominently and in a manner such that a reasonable person would clearly understand by whom the expenditure has been made.

(b) Report.

(1) In addition to any other reports required to be filed under this chapter, a lobbyist, lobbying firm, or lobbyist employer shall file an advertisement report with the Secretary of State if he, she, or it makes an expenditure or expenditures:

(A) for any advertisement that is described in subsection (a) of this section and that has a cost totaling \$1,000.00 or more; or

(B) for any advertising campaign that contains advertisements described in subsection (a) of this section and that has a cost totaling \$1,000.00 or more.

(2) The report shall be made for each advertisement or advertising campaign described in subdivision (1) of this subsection and shall identify the lobbyist, lobbying firm, or lobbyist employer that made the expenditure; the

amount and date of the expenditure and to whom it was paid; and a brief description of the advertisement or advertising campaign.

(3) The report shall be filed within 48 hours of the expenditure or the advertisement or advertising campaign, whichever occurs first.

(4) If a lobbyist or lobbying firm made an expenditure described in subdivision (1) of this subsection on behalf of a lobbyist employer and that lobbyist or lobbying firm filed the report required by this subsection, the report shall specifically identify the employer on whose behalf the expenditure was made.

(c) Definitions. As used in this section:

(1) "Advertisement" means any form of advertising, including television, radio, print, and electronic media.

(2) "Advertising campaign" means advertisements substantially similar in nature, regardless of the media in which they are placed.

~~Sec. 3. 2 V.S.A. § 264 is amended to read:~~

~~§ 264. REPORTS OF EXPENDITURES, COMPENSATION, AND GIFTS;  
EMPLOYERS; LOBBYISTS~~

~~(a) Every employer and every lobbyist registered or required to be registered under this chapter shall file disclosure reports with the Secretary of State as follows:~~

~~(1) on or before January 15, for the preceding period beginning on July 1 and ending with December 31;~~

~~(2) on or before February 15, for the preceding period beginning on January 1 and ending with January 31;~~

~~(3) on or before March 15, for the preceding period beginning on February 1 and ending with the last day of February;~~

~~(4) on or before April 25 15, for the preceding period beginning on January 1 March 1 and ending with March 31; and~~

~~(2)(5) on or before July 25 15, for the preceding period beginning on April 1 and ending with June 30;~~

~~(3) on or before January 25, for the preceding period beginning on July 1 and ending with December 31.~~

~~\*\*\*~~

~~(h) Disclosure reports shall be made on forms published by the Secretary of State and shall be signed by the employer or lobbyist. The Secretary of State shall make those forms available to registered employers and lobbyists~~

~~on the Secretary's website not later than 30 days before each filing deadline.  
[Repealed.]~~

~~\*\*\*~~

~~Sec. 3. 2 V.S.A. § 264 is amended to read:~~

~~§ 264. REPORTS OF EXPENDITURES, COMPENSATION, AND GIFTS;  
EMPLOYERS; LOBBYISTS~~

~~(a) Every employer and every lobbyist registered or required to be registered under this chapter shall file disclosure reports with the Secretary of State as follows:~~

~~(1) on or before January 15, for the preceding period beginning on July 1 and ending with December 31;~~

~~(2) on or before February 15, for the preceding period beginning on January 1 and ending with January 31;~~

~~(3) on or before March 15, for the preceding period beginning on February 1 and ending with the last day of February;~~

~~(4) on or before April 25 15, for the preceding period beginning on January 1 March 1 and ending with March 31;~~

~~(2)(5) on or before May 15, for the preceding period beginning on April 1 and ending with April 30; and~~

~~(6) on or before July 25 15, for the preceding period beginning on April May 1 and ending with June 30;~~

~~(3) on or before January 25, for the preceding period beginning on July 1 and ending with December 31.~~

~~\*\*\*~~

~~(h) Disclosure reports shall be made on forms published by the Secretary of State and shall be signed by the employer or lobbyist. The Secretary of State shall make those forms available to registered employers and lobbyists on the Secretary's website not later than 30 days before each filing deadline.  
[Repealed.]~~

~~\*\*\*~~

~~Sec. 4. 2 V.S.A. § 265 is amended to read:~~

~~§ 265. PUBLIC ACCESS; REGISTRATION STATEMENTS; REPORTS  
SUBMISSION OF AND ACCESS TO LOBBYING DISCLOSURES~~

~~The secretary of state shall maintain copies of all lobbyist and employer registration statements and disclosure reports and all lobbying firm disclosure~~

~~reports arranged alphabetically, which shall be a public record available for public inspection during ordinary business hours. The secretary of state shall also compile and maintain a separate report for each reporting period for each legislator or administrative official indicating the gifts reported to have been given to that legislator or official during the reporting period by employers, lobbyists, or lobbying firms, which shall be a public record available for public inspection during ordinary business hours. On January 1 of each odd numbered year, the secretary may discard statements and reports that have been maintained for a period of four years.~~

(a) The Secretary of State shall provide on his or her website an online database of the lobbying disclosures required under this chapter.

(1) In this database, the Secretary shall provide digital access to each form he or she shall provide to enable a person to file the statements or reports required under this chapter. Digital access shall enable such a person to file these lobbying disclosures by completing and submitting the disclosure to the Secretary of State online.

(2) The Secretary shall maintain on the online database all disclosures that have been filed digitally on it so that any person may have direct machine-readable electronic access to the individual data elements in each disclosure and the ability to search those data elements as soon as a disclosure is filed.

(b) Any person required to file a disclosure with the Secretary of State under this chapter shall sign it, declare that it is made under the penalties of perjury, and file it digitally on the online database.

Sec. 5. 2 V.S.A. § 267 is amended to read:

§ 267. VERIFICATION OF STATEMENTS AND REPORTS

~~Any statement or report required to be made under any provision of this chapter shall contain or be verified by a written declaration that it is made under the penalties of perjury. [Repealed.]~~

Sec. 6. TRANSITIONAL PROVISION; SECRETARY OF STATE;  
MAINTENANCE OF PRIOR LOBBYING DISCLOSURES

(a) The Secretary of State shall maintain copies of the lobbying reports and registration statements filed with him or her on paper prior to the effective date of this act and the separate report of gifts to legislators and administrative officials he or she compiled under the provisions of 2 V.S.A. § 265 in effect prior to the effective date of this act, and shall make those disclosures available for public inspection during ordinary business hours.

(b) On January 1 of each odd-numbered year, the Secretary may discard the disclosures described in subsection (a) of this section that he or she has maintained for a period of at least four years.

*Sec. 7. EFFECTIVE DATE*

*This act shall take effect on July 1, 2015.*