

PRACTICAL GUIDANCE

What Nonprofits Need to Know About Lobbying in

WASHINGTON

Inside This Guide:

This Practical Guidance resource is designed to help your nonprofit organization determine if lobbying rules in Washington might apply to your state or local work. It includes:

- Summary of registration and reporting triggers
- Key takeaways for nonprofit organizations
- FAQs
- Case study for a hypothetical small student voting rights organization
- List of helpful additional resources

What Lobbying Activities Trigger Registration Requirements in Washington?

DIRECT OR GRASSROOTS LOBBYING OF:	CAN THIS TRIGGER?	TRIGGER
State Legislators	Yes	<p>Direct lobbying registration: Any individual paid for attempting to influence legislation (including being reimbursed for expenses), if such activities have occurred for more than four days in any consecutive three-month period. An exception, however, is if the individual has spent more than \$35 for the benefit of any public official, which triggers immediate registration without the four-day threshold. Preparation and travel time do not count towards the four-day threshold.</p> <p>Grassroots lobbying campaign registration: Any organization doing grassroots legislative lobbying without a registered lobbyist to report its activities will trigger a separate grassroots campaign registration requirement if it spends more than \$700 in a single month, or \$1,400 in a three-month period, on grassroots lobbying.</p>
State Executive Branch Officials	Yes	<p>Same triggers as the above for lobbying the Governor on legislative action, or directly lobbying state executive branch agencies on rulemaking, rate setting, or standard setting. The four-day threshold is cumulative for both legislative and direct executive agency lobbying. Grassroots executive rulemaking lobbying is not regulated.</p>
Local Legislators or Local Executive Branch Officials	Maybe	<p>Washington State does not regulate local lobbying, but some jurisdictions (including the City of Seattle and King County) have their own lobbying ordinances.</p>

KEY LOBBYING TAKEAWAYS FOR NONPROFIT ADVOCACY ORGANIZATIONS IN WASHINGTON:

- **Grassroots lobbying is also subject to a semi-separate but overlapping registration and reporting regime:** Grassroots lobbying (calling on members of the public to take action to influence legislation) alone will not trigger regular lobbyist registration, but your organization may trigger a separate requirement to register as a sponsor of a grassroots legislative lobbying campaign if you spend more than \$700 in a single month, or \$1,400 in any consecutive 3-month period, on grassroots lobbying and do not have a registered lobbyist who can report the grassroots activities.
- **Washington’s Public Disclosure Commission broadly encourages registration:** In practice, the Public Disclosure Commission (“PDC”) interprets the lobbying statute very broadly to require registration in many circumstances. Luckily, lobbyist reporting in Washington State is not too onerous!

This resource is current as of February 2023. We do our best to periodically update our resources and welcome any comments or questions regarding new developments in the law. Please e-mail us at advocacy@afj.org or at info@democracycapacity.org with any comments.

This resource is meant to convey the basic principles of sections of state law that are most relevant for nonprofit advocacy and does not cover all aspects or all details of the state statutes. Please refer to the full text of the law for more details. This resource also does not cover details of federal lobbying disclosure law, IRS regulations related to lobbying, or any separate county or municipal regulations that may apply to lobbying-related activities. In some states there is an ongoing movement towards the enactment of additional local county and municipal level lobbying regulations, and organizations are urged to check with the appropriate local jurisdiction before undertaking local lobbying activity.

Q: How should we think about using this Practical Guidance resource?

This Practical Guidance – What Nonprofits Need to Know About Lobbying resource is designed to help your nonprofit organization determine if state or local regulations might apply to your existing or proposed advocacy work. The answer is surprisingly often – **YES!** – but there are also often many advocacy activities that do not require state lobbyist registration or reporting.

This Guide will help you identify which of your state or local activities might trigger registration and reporting, and also give you potential alternative program design ideas that would allow your program to be in compliance with the regulations but not require registration and reporting.

If you do need to register and report with the state, this Guide will also give you practical tips about what information needs to be included in your reports, and how to try to minimize your operational burden while remaining in compliance with the rules.

While this Guide does provide some information about the federal IRS rules that apply to nonprofit lobbying, it is designed to cover state and local regulations. Links to resources containing more information about federal IRS rules can be found in the federal lobbying FAQ below.

We also hope that this Guide will prove useful to legal counsel and other advocacy advisors who are working to assist nonprofit advocacy organizations, as well as the funders who generously support this work. Advisors and funders are invited to use the free Bolder Advocacy Technical Assistance Hotline and the written legal resources available in Bolder Advocacy’s resource library at <https://bolderadvocacy.org/>

Q: What activities count as lobbying?

Lobbying, which in Washington State is regulated by the Public Disclosure Commission (“PDC”), is defined as attempting to influence:

- The passage or defeat of any **legislation** by the Legislature, or the Governor’s veto or signature of any legislative enactment
- Any state executive branch agency’s adoption or rejection of any rule, standard, rate or other legislative enactment under the state Administrative Procedure Act.

Washington State’s definition of lobbying is not limited to contact with specific government officials. Actions taken to influence anyone who is in a position to impact the outcome of government actions – including legislative and agency staff, and even their families – may be considered lobbying in Washington State. Research, preparation, or planning activities done in anticipation of lobbying are not considered lobbying.

- **Legislation** includes:

- Bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state Legislature
- Any other matter that may be subject to action by either house or any legislative committee
- Bills and resolutions that have passed both houses and are pending approval by the Governor

- **Grassroots** communication addressed to the public is lobbying, if a substantial portion of the communication is intended to influence state legislation by providing a call to action.

In Washington State, an organization communicating with its own members is **not** lobbying.

Q: What triggers lobbyist registration and reporting with the state?

In Washington State, the registration thresholds for direct and grassroots lobbying are separate, but partially overlapping.

Direct lobbying

Anyone who is paid for attempting to influence legislation (including by being reimbursed for any expenses) and has attempted to influence legislation in more than four days in any consecutive three-month period, will trigger lobbyist registration.

Even small amounts of lobbying (e.g., sending one e-mail) can count as one of the four days. Preparation, travel and wait time do not count towards the four-day threshold.

IMPORTANT NOTE: The PDC interprets the four-day threshold as applying to your organization as a whole, and not to individual staff members. For example, if two staff members attend one meeting with a legislator during one day that would count as two days towards the four-day threshold.

Note that an individual who spends more than \$35 for the benefit of someone they are attempting to lobby (e.g., by taking them out for a meal) will need to register immediately, without the benefit of the four-day threshold.

Volunteers do not have to register, but if your organization reimburses their lobbying related expenses, then the reimbursement expenditures must be reported on your direct lobbying periodic reports.

Grassroots legislative lobbying

Washington State has a separate section in its lobbying law that regulates grassroots legislative lobbying, which it defines as “a program addressed to the general public, a substantial portion of which is intended, designed or calculated primarily to influence state legislation.”

While grassroots lobbying never triggers regular lobbyist registration, if your organization spends more than \$700 in a single month, or more than \$1,400 in any consecutive three-month period, on grassroots legislative lobbying, then you may be required to register as the “Sponsor” of a grassroots lobbying campaign and make monthly reports. The four-day lobbying threshold does not apply to grassroots lobbying.

However, if your organization already has a registered lobbyist, then the expenses of the grassroots campaign can be reported on the lobbyist’s regular reports. In this case, you would not need to separately register the grassroots campaign.

Q: How does the trigger threshold work if we are a fiscally sponsored project?

You will need to be sure you are communicating transparently and in a timely fashion with your fiscal sponsor if you plan to undertake activities that might potentially count as lobbying activities!

Each fiscal sponsor will have its own ways of working with projects who wish to take on lobbying activities.

In general, for fiscally sponsored projects that do not have their own legal entity and the fiscal sponsor engages all of the project’s independent contractors or employees, the lobbyist registration trigger must be analyzed together with all of the projects housed at the fiscal sponsor who are doing lobbying activities in the state.

Your account manager at your fiscal sponsor will be able to help you understand how they track the registration threshold.

IMPORTANT NOTE: In states where registration is required prior to lobbying, or very shortly after the registration threshold is reached, or periodic lobbyist disclosure is due shortly after the end of a reporting period, special procedures may need to be worked out in order to process your project’s registration or reporting on time. You should

connect with your account manager as soon as you begin planning any potential lobbying strategy!

Q: Are there exceptions to what counts as lobbying?

Yes! Certain lobbying activities do not trigger the registration requirement in Washington State. Individuals who engage in the following activities are exempt from registering, or having the activity count towards the four-day lobbying threshold, even though the activities would otherwise meet the definition of lobbying.

- **Public testimony:** Appearing before public sessions of legislative committees or public hearings of state agencies does not count as lobbying, and does not count towards the four-day registration trigger threshold.
- **Consensus on potential rulemaking:** Participating, at the request of a state agency, in the agency's efforts to reach consensus on possible rulemaking also does not count as lobbying or towards the four-day trigger threshold. Note that this exception is limited in scope. Once notice of a proposed rule has been made public, efforts to influence agency action on the proposed rule are no longer exempt.
- **Volunteers:** Individuals who are not paid at all do not need to separately register, as long as they do not make any expenditures for (or on behalf of) the state officials they are lobbying. If your organization reimburses unpaid volunteers for their expenses, the organization's registered lobbyist should report those expenditures on their periodic reports.
- **Monitoring activities:** The PDC has provided guidance that individuals who only monitor legislation or observe committee hearings and legislative floor debate do not need to register or report their activities, and the activities do not count towards your organizational four-day threshold.

Q: How does this work together with federal IRS lobbying regulations?

All tax-exempt organizations must follow both federal tax law (regulated by the IRS) **and** any state and local lobbying laws that apply to their work.

The IRS rules regulate how much lobbying a nonprofit organization can do, while state and local regulations are transparency rules designed to help the public understand what funds are being spent to influence decision making and by whom. As a result, federal tax law rules related to lobbying and state lobbying regulations are quite different, and state lobbying regulations also vary greatly state to state.

In general, the IRS requires 501(c)(3) organizations to report on their annual Form 990 legislative lobbying at the federal, state, and local levels, but does not count as lobbying advocacy activities relating to executive branch or administrative officials at any level. There is no additional requirement for organizations or individuals to "register" with the IRS to report lobbying activities.

Nonprofits that are public charities under IRS exemption 501(c)(3), including grantmaking public charities like community foundations, can lobby within the generous limits allowed by federal tax law. The amount of lobbying is determined by either using the insubstantial part test or the 501(h) expenditure test.

See <https://bolderadvocacy.org/resource/public-charities-can-lobby-guidelines-for-501c3-public-charities-2/>

Organizations that are tax-exempt under 501(c)(4) (social welfare organizations), 501(c)(5) (labor organizations), and 501(c)(6) (trade associations) can do unlimited lobbying. See <https://bolderadvocacy.org/resource/being-a-player-a-guide-to-the-irs-lobbying-regulations-for-advocacy-charities/>

Your organization will need to ensure that you are keeping track of your lobbying staff time and your expenses in a way that works for both your IRS reporting, and for any

FAQS

required state or local reporting, since the information required in each regime will be different.

Note that there is also a federal law called the Lobbying Disclosure Act that requires some organizations to register and report their federal level lobbying activities. Organizations that have only occasional contacts at the federal level (having occasional meetings with members or staff or sending occasional letters to Congress) will not need to register under the LDA. The thresholds are designed to require only those organizations with substantial lobbying activities and expenses to file. For more information see https://bolderadvocacy.org/wp-content/uploads/2018/06/Understanding_the_Lobbying_Disclosure_Act.pdf

Q: Does supporting or opposing a ballot measure count as lobbying?

Washington State has a particularly robust but complicated set of rules around citizen initiatives and referenda, including empowering the public to use petitions to bypass the legislature and put a potential law directly on the ballot (“Initiatives to the People”), or to send proposed measures to the legislature for consideration (“Initiatives to the Legislature”).

Washington State generally regulates advocacy in support or opposition to these kinds of statewide initiatives or referenda under the state’s campaign finance laws, not the lobbying law (even though the IRS counts it as a lobbying activity).

You can find more information on initiatives and referenda in Washington here:

<https://www2.sos.wa.gov/elections/initiatives/> and here:

https://www.sos.wa.gov/_assets/elections/initiatives/initiative-and-referenda-handbook-2022.pdf

Given the complexity of Washington State law in this area, nonprofit organizations considering engaging in advocacy for or against initiatives or referenda should seek additional legal counsel to ensure they are complying with all applicable state or local laws.

Q: If we are required to register, how does the process work?

Direct lobbying registration

The first step in setting up your registration is to create an account on the PDC’s Lobbying Electronic Filing system.

The initial account needs to be set up in the name of an individual, but it does not have to be the individual you are trying to register. In fact, we recommend that you set up the account in the name of the person who will be supervising and reviewing the individual lobbyist submissions and submitting reports for your organization as a **lobbyist employer**. Once you have set up the initial account, you will gain access to set up your organization as a lobbyist employer.

Your individual lobbyists can then sign up for their own accounts, find your organization in the system as the lobbyist employer, and submit their registration electronically on Form L-1.

See the PDC’s account setup instructions here: <https://www.pdc.wa.gov/registration-reporting/lobbying/lobbyists/registration/creating-account>

And here: <https://www.pdc.wa.gov/registration-reporting/lobbying/lobbyists/registration/completing-registration>

Lobbyists will need to submit a short biography and photo for the PDC’s online directory and the Legislature’s printed directory.

Lobbyists must also certify while registering that they have completed the latest version of the on-demand Code of Conduct training. Information about the training is available here: <https://www.pdc.wa.gov/registration-reporting/lobbying/lobbyists/registration>

Registration for each two-year cycle is free and expires at the end of even-numbered years.

Grassroots lobbying campaign registration

If your grassroots legislative lobbying activity has crossed the registration thresholds of \$700 in any one month, or \$1,400 in any three-month period, and you do not have a registered individual lobbyist who can report your activities on their monthly report, then you will need to separately register as a grassroots lobbying campaign sponsor and report your expenditures. Your organization must register on an initial Form L-6 within 30 days after triggering grassroots lobbying campaign registration.

Q: When are periodic lobbying reports due?

- **Individual lobbyists:** Individual lobbyists must submit a lobbyist report monthly on Form L-2 electronically on the PDC online system **by the 15th of each month**, even if they have no lobbying expenses to report and no lobbying activity took place during the period.
- **Your organization (as a lobbyist employer):** Your organization must electronically submit an annual Form L-3 report via the PDC online system no later than the last day of February. You should definitely put a reminder about this report in your organizational calendar, as the PDC has sanctioned several nonprofits in recent years for failing to file their annual Form L-3!
- **Your organization (as a grassroots legislative lobbying campaign sponsor):** Your organization must submit monthly reports on Form L-6 (**due by the 10th of each month**) for the duration of the grassroots lobbying campaign (if it is not over by the time you initially register it), and then file a final Form L-6 at the close of the campaign.

If you are doing relatively small grassroots legislative lobbying campaigns, this separate registration and reporting regime may be burdensome enough that it is worth considering either staying below the registration thresholds, or simply registering under the standard lobbyist and lobbyist employer system and reporting your efforts through that process instead.

Note that organizations, or individual lobbyists, who only lobby infrequently may either terminate registration altogether on the next monthly report, or suspend registration so they don't have to file monthly reports when no activities are taking place.

Q: What information do the periodic lobbying reports include?

Individual direct lobbyist monthly reports on Form L-2 require disclosure about:

- **Personal lobbyist expenses:** Personal expenses, such as travel and meals, that would not have been incurred but for lobbying.
- **Prorated lobbyist compensation:** The prorated percentage of staff compensation for time spent lobbying is reportable, but exempt activities (i.e., public testimony) are not reported, nor is preparation, travel, and wait time.
- **Certain other lobbying expenses:** Expenditures made on public officials (including entertainment, receptions, travel, and seminars), public relations expenses, any campaign contributions the lobbyist made in their personal capacity during the period, and advertising (including any grassroots legislative lobbying expenses you are including in your individual lobbyists monthly reports so you do not have to do separate grassroots campaign reporting). Unlike other states, Washington State does not require organizations to report prorated overhead expenses. It only requires you to report those expenses that would not have been made but for your lobbying efforts.
- **Lobbying targets:** The monthly reports also require your lobbyist to identify your organization as their employer, the subject matter of the lobbying, and the lawmakers, committees, or agencies lobbied. Individuals who do both legislative and state agency

lobbying must provide a percentage breakdown of the time spent on each. See also: <https://www.pdc.wa.gov/registration-reporting/lobbying/lobbyists/preparing-report>

- **Lobbyist employer annual reports on Form L-3** require disclosure confirming the disclosures reported by each employed lobbyist, and capturing any additional expenditures made directly by your organization.
- **Grassroots lobbying monthly reporting on Form L-6** requires disclosure on the topic or legislation about which the grassroots campaign is focused, the principal officers of your organization (you can list your Executive Director here with their business contact information), the expenditures made on the campaign, and a list of any donors over \$25 contributing funds **specifically earmarked for the grassroots campaign**. Note that the donor disclosure can largely be avoided if you avoid running a special fundraising effort for the grassroots campaign or accepting grants or gifts that earmarks funds specifically to the campaign, and instead use your general operating funds.

Recordkeeping

Records substantiating all of your reported activities need to be kept for **five years!**

Reports should be made on an accrual basis (this means you report them when the expenses were incurred, not when you actually paid the bill).

<https://www.pdc.wa.gov/registration-reporting/lobbying/recordkeeping>

Q: What is considered a reportable “expenditure”?

The PDC's Lobbyist Electronic Filing system provides specific, yet broad, categories of expenditures to guide the lobbyist or lobbyist employer in determining what needs to be reported.

Remember that, in general, overhead expenses such as rent, office expenses, telephone and fax, and support staff salaries do not need to be reported. You only need to report expenses that would not have been incurred but for the lobbying efforts, such as renting a separate office only for lobbying activities, etc.

Personal lobbying expenses (travel, meals etc.):

Employee lobbyists must report personal expenses for travel, food, and refreshments whenever they make a special trip to engage in lobbying, whether they are reimbursed or not. Unreimbursed personal expenses that are not incurred “directly for lobbying” do not need to be reported. Travel to attend public hearings of the legislature do not need to be reported, since that activity does not count as lobbying.

Expenses relating to Lobby Days should be reported in the appropriate category, such as personal expenses, travel, or communications. PDC guidance specifically notes that participants in a Lobby Day need not individually register as long as at least one staff member registers. If members of a group rally at the State Capitol and meet with legislators, only the group leader needs to register (if they are not already registered) and will report all of the group’s expenses, including travel-related costs for the whole group. More information about Lobby Day reporting is available here:

<https://www.pdc.wa.gov/registration-reporting/lobbying/lobbyists/lobbying-activities-report/one-time-group-activities-rallies-organized-lobby-days-etc>

Compensation:

Each lobbyist should report their prorated salary or other compensation earned for lobbying. Compensation should be reported in the month it is earned, not received.

Expenditures for the benefit of state officials

Lobbyists and their employers must report expenditures made for the direct benefit of legislators, government officials, and their staffs and families when the expenditures are made with the intention of influencing government action.

You must report the cost of entertaining state officials (and their staffs and families), including meals, refreshments, sporting events and shows, and entertaining at home. If the total cost of the entertainment (including for the lobbyist(s)) exceeds \$50, then the report must be itemized. If all of the public officials pay their own way, however, it does not. In general, most other types of expenses made on public officials are prohibited under Washington State's gift ban.

When your employed lobbyist (or your organization) has made expenditures directly for the benefit of a state official, and will report those expenditures, you must also **notify** the official in question so that they can fulfill their own reporting requirement. The PDC provides a form notification, available at <https://www.pdc.wa.gov/registration-reporting/forms-reports-directory> (Form L-3c).

Gift ban:

As described above, in many circumstances gifts to government officials must be disclosed as lobbying expenditures. It is important to note that regulations relating to lobbying expenditures almost always intersect in complicated ways with state and local ethics and "gift ban" laws. These state and local rules often apply even if your organization has not triggered lobbyist registration, and may apply to a broader range of officials. You should be certain that you understand the intricacies of both sets of rules before giving any gifts to, or paying expenses for, any public officials at the state or local level.

In Washington, those rules are enforced by the Executive Ethics Board and the Legislative Ethics Board. More information is available at <https://ethics.wa.gov/> and <http://www1.leg.wa.gov/LEB/>

Most nonprofits find it easier to avoid making such expenditures, but if you conclude it is important for your organization to engage in this activity, you should ensure that you have the operational ability to keep careful records of such expenditures. You should also consider seeking local legal advice to make sure you understand all of your obligations.

Communications, public relations, and advertising

Lobbyists in Washington State are required to report and itemize expenditures for a wide variety of communications that are "directly or indirectly" intended or designed to influence legislation or rulemaking. This requirement includes market research and polling, advertising intended to sway public opinion concerning legislation, and costs associated with producing press releases.

The cost of promotional materials created for lobbying purposes (including branded swag) is reportable, but materials produced "primarily for another purpose but used incidentally as part of the lobbying effort" are not. The cost of written materials and other communications primarily designed for non-lobbying purposes do not need to be reported, even if they are distributed incidentally in connection with a lobbying effort. Expenditures by an organization to communicate with its own members are not reportable.

Costs of communications related to **grassroots lobbying**, defined as a "program addressed to the general public, a substantial portion of which is intended, designed or calculated primarily to influence state legislation," must be reported. Note that you will need to separately register and report your grassroots expenditures on form L-6 if the expenditures in the grassroots category are over \$700 in one month, or \$1,400 in three months, unless your organization has a registered lobbyist to report these expenditures on Form L-2.

Campaign contributions

Washington laws and regulations contain extensive requirements for reporting campaign contributions and other political expenditures by lobbyists and lobbyist employers. Such contributions are also governed by campaign finance laws, which are

FAQS

beyond the scope of this Guide. If your organization, or any registered lobbyist employed by your organization, plans to make political donations, you should consult the PDC or counsel for further advice. Remember that 501(c)(3) organizations are strictly prohibited from making any campaign contributions!

Specific guidance for reporting campaign activity on lobbying reports, along with other general rules, is available here <https://www.pdc.wa.gov/registration-reporting/lobbying/lobbyists/making-campaign-contributions> (for lobbyists) and here <https://www.pdc.wa.gov/registration-reporting/lobbying/lobbyist-employers/making-campaign-contributions> (for employers).

Q: Do our organization's donors need to be disclosed on any lobbying reports?

Maybe!

Washington State has no general donor disclosure requirement for nonprofit organizations that engage in lobbying.

However, if your organization is conducting a grassroots legislative lobbying campaign that expends more than \$700 in one month, or more than \$1,400 in any three-month period, and **you have raised funds specifically earmarked for that grassroots campaign**, then you will be obligated to report any donor of \$25 or more to the grassroots campaign.

This donor disclosure can be avoided by using your general operating funds to run the campaign – as opposed to running a special fundraising effort for the campaign or accepting grants or gifts that earmark funds specifically to the campaign.

Q: How are our lobbyists required to identify themselves while lobbying?

Lobbyists are not required to wear badges for identification in Washington, but it is always a best practice to identify oneself as a lobbyist before engaging in further contact with government officials.

Q: Are there any other restrictions on lobbyists that we should be aware of?

Employer organizations cannot pay lobbyists in Washington compensation that is contingent upon the success of an attempt to influence legislation or agency action.

Lobbyists in Washington State may not influence the introduction of any bill or amendment for the purpose of later being employed to influence its defeat.





Lobbyists shall also not attempt to deceive a legislator regarding to facts pertaining to any pending or proposed legislation.

Case Study STUDENTS VOTE NOW

Students Vote Now is a hypothetical small 501(c)(3) advocacy organization considering being vocal about House Bill 101 currently pending in the Washington House of Representatives

STUDENTS VOTE NOW IS CONSIDERING:

- Reaching out to its student constituents, via direct physical mailings, e-mails, and volunteer phone banking, in order to get the students to call their state house representative about the bill.
- Doing an in-person Lobby Day at the state capital about H.B. 101 to meet with legislators, or alternatively arranging a virtual Zoom lobby event. The Lobby Day activity might potentially include renting a bus, buying T-shirts for the volunteer participants, and handing out some small swag type items from the organization to the legislators, or if done by Zoom, the purchase of an upgraded Zoom account.
- Testifying before a committee of the House of Representatives regarding the student perspective on H.B. 101.
- Having an employee engage with the Mayor of Seattle about a similar, but separate, local ordinance being considered.

ACTIVITY	LOBBYIST REGISTRATION/REPORTING REQUIREMENTS
 <p>Student Engagement</p>	<p>These activities are grassroots legislative lobbying, so that expense threshold will be applicable. If Students Vote Now wants to ensure that this activity does not trigger registration, it should closely monitor expenses, and potentially redesign the programming to drop print mailings, which are likely to go over the expense threshold (\$700 in one month, or \$1,400 in three-months).</p> <p>If Students Vote Now does need to register, it can register under the regular reporting regime. If none of its other activities require registration, however, it may register under the grassroots lobbying campaign process alone.</p> <p>If Students Vote Now raised funds specifically for the grassroots activities, it will be required to disclose certain donors.</p>
 <p>Lobby Day</p>	<p>This activity is direct communication with legislators and will trigger registration if more than four paid (or reimbursed) people attend the Lobby Day, because the PDC counts the four-day trigger threshold collectively for the organization.</p> <p>If Students Vote Now is not doing any other lobbying other than its activities on HB 101 it can report all of its expenses under one lobbyist registration (including any grassroots expenditures) and then suspend or terminate the registration when its work on HB 101 is complete.</p>
 <p>Committee Testimony</p>	<p>Testifying before a House committee in a public hearing won't trigger registration, nor count towards the four-day lobbying threshold. On the other hand, any private meetings with members of a committee would be considered lobbying and count toward the four-day threshold.</p>
 <p>Mayor</p>	<p>Washington State law does not regulate local government lobbying. However, the both the City of Seattle¹ and King County² have their own registration requirements. Meeting with the Seattle Mayor is subject to a four-day threshold, like Washington State, so Students Vote Now should be able to ensure their work with the Mayor stays below the city registration threshold.</p>
<p>Bottom Line</p>	<p>If Students Vote Now decided to pursue the Lobby Day activities, it will need to register at least one staff person. Registration has the added advantage that they can also then spend freely on the student engagement grassroots activities and simply report the grassroots expenses on their regular lobbying reports. Donor disclosure will not be required so long as funds are not raised specifically for the grassroots campaign.</p>

¹ <https://web6.seattle.gov/ethics/lobbying/LobbyHome.aspx>

² <https://kingcounty.gov/depts/risk-management/lobbyist-registration.aspx>

ADDITIONAL RESOURCES

BOLDER ADVOCACY'S TECHNICAL HOTLINE:

Bolder Advocacy's free Technical Assistance Hotline team is always happy to help nonprofits and advocacy attorneys with more specific questions. You can contact Bolder Advocacy's team of experts by e-mailing advocacy@afj.org, or calling 866-NP-LOBBY (866-675-6229) during standard business hours.

BOLDER ADVOCACY'S STATE LAW RESOURCES:

- See Bolder Advocacy's Washington Lobbying Disclosure Guide for more details on the actual text of the Washington lobbying statute, and any related advisory opinions.
<https://bolderadvocacy.org/resource/washington-lobbying-disclosure/>
- Also see Bolder Advocacy's Washington Campaign Finance and Ballot Measure Guide for rules related to state ballot measure advocacy, which Washington regulates as a campaign finance activity, unlike the IRS which regulates such activities as direct legislative lobbying.
<https://bolderadvocacy.org/resource/washington-campaign-finance-and-ballot-measure-guide/>

WASHINGTON STATE RESOURCES:

- **Washington Public Disclosure Commission**
Washington's Public Disclosure Commission ("PDC") provides guidance for lobbyist and lobbyist employer reporting.
- **Online Lobby Guide**
The PDC's online Lobbyist Guide is available at: <https://www.pdc.wa.gov/lobbyists/lobbyist-guide>. The Lobbying Guide is currently not available in a pdf format, but can be navigated if you rely on the expandable menus on the right side of the PDC web page.
- **Full Text of Washington State Lobbying Statute and Regulations**
 - The full text of the Washington State lobbying statute can be found here (scroll to Section RCW 42.17A.600 for the start of the Lobbying Disclosure and Restrictions section):
<https://app.leg.wa.gov/RCW/default.aspx?cite=42.17A>
 - The full text of the Washington State lobbying regulations is available here:
<https://app.leg.wa.gov/wac/default.aspx?cite=390-20>
- **Mandatory Ethics Training**
The link to the mandatory ethics training can be found here: <https://www.pdc.wa.gov/registration-reporting/lobbying/lobbyists/registration>
- **Additional Questions**
Any questions about lobbyist registration and reporting can also be directed to the PDC at (360) 753-1111 or by submitting an e-mail inquiry at <https://www.pdc.wa.gov/form/help-and-support>

BOLDER ADVOCACY'S FEDERAL LAW RESOURCES:

While state and local laws regulate which lobbying activities require registration and reporting, the IRS also regulates how much lobbying a 501(c)(3) tax-exempt organization is allowed to do, including at the state and local levels. The way the IRS counts lobbying will almost always be different than how state and local laws count it, and organizations are urged to review Bolder Advocacy's federal law resources to ensure all IRS compliance obligations are being met. See:
<https://bolderadvocacy.org/resource/being-a-player-a-guide-to-the-irs-lobbying-regulations-for-advocacy-charities/>



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