

1 H.409

2 Introduced by Representatives Martin of Wolcott, Buxton of Tunbridge,
3 Komline of Dorset, Parent of St. Albans City, Woodward of
4 Johnson, and Wright of Burlington

5 Referred to Committee on

6 Date:

7 Subject: Lobbying; advertisements; disclosure

8 Statement of purpose of bill as introduced: This bill proposes to require
9 lobbyists, lobbying firms, and lobbyist employers to provide identification
10 information in advertisements that are intended, designed, or calculated,
11 directly or indirectly, to influence administrative or legislative action and made
12 during the legislative session, and to require those persons to file within
13 48 hours a report on any such advertisement totaling \$1,000.00 or more. The
14 bill also proposes to require all lobbying disclosures to be filed digitally on the
15 Secretary of State's online lobbying database.

16 An act relating to lobbying disclosures

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

18 Sec. 1. FINDINGS

19 (a) The effective public disclosure of the identity and extent of the efforts
20 of registered lobbyists, lobbying firms, and lobbyist employers to influence

1 Vermont's legislators and administration officials during the legislative session
2 will increase public confidence in the integrity of government.

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

7 (c) Just as requiring a person to contemporaneously report large mass
8 media activities within 45 days before an election allows the electorate to
9 better evaluate the content of a message intended to influence that election,
10 requiring registered lobbyists, lobbying firms, and lobbyist employers to report
11 significant advertising campaigns that are intended, designed, or calculated,
12 directly or indirectly, to influence legislative or administrative action enables
13 the public, legislators, and administrative officials to better evaluate the
14 content of the message when considering that action.

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

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

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

10 § 264c. IDENTIFICATION IN AND REPORT OF CERTAIN LOBBYING
11 ADVERTISEMENTS

12 (a) Identification.

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

1 made the largest expenditures for the advertisement shall be required to be
2 identified.

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

6 (b) Report. In addition to any other reports required to be filed under this
7 chapter, a lobbyist, lobbying firm, or lobbyist employer that makes an
8 expenditure for any advertisement described in subsection (a) of this section
9 that totals \$1,000.00 or more shall, for each advertisement, file an
10 advertisement report with the Secretary of State.

11 (1) The report shall identify the lobbyist, lobbying firm, or lobbyist
12 employer that made the expenditure; the amount and date of the expenditure
13 and to whom it was paid; and a brief description of the advertisement.

14 (2) The report shall be filed within 48 hours of the expenditure or
15 advertisement, whichever occurs first.

16 (3) For the purpose of calculating the amount of an expenditure that
17 would require a report to be made under this subsection, a lobbyist, lobbying
18 firm, or lobbyist employer shall calculate the total amount he, she, or it spent
19 for any advertisements that are substantially similar in nature, notwithstanding
20 the fact that the advertisements may have been used in different media formats.

1 (c) Definition. As used in this section, “advertisement” means any form of
2 advertising, including television, radio, print, and electronic media.

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

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

6 * * *

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

11 [Repealed.]

12 * * *

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

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

16 ~~The secretary of state shall maintain copies of all lobbyist and employer~~
17 ~~registration statements and disclosure reports and all lobbying firm disclosure~~
18 ~~reports arranged alphabetically, which shall be a public record available for~~
19 ~~public inspection during ordinary business hours. The secretary of state shall~~
20 ~~also compile and maintain a separate report for each reporting period for each~~
21 ~~legislator or administrative official indicating the gifts reported to have been~~

1 ~~given to that legislator or official during the reporting period by employers,~~
2 ~~lobbyists, or lobbying firms, which shall be a public record available for public~~
3 ~~inspection during ordinary business hours. On January 1 of each odd-~~
4 ~~numbered year, the secretary may discard statements and reports that have~~
5 ~~been maintained for a period of four years.~~

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

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

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

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

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

2 § 267. ~~VERIFICATION OF STATEMENTS AND REPORTS~~

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

6 Sec. 6. TRANSITIONAL PROVISION; SECRETARY OF STATE;

7 MAINTENANCE OF PRIOR LOBBYING DISCLOSURES

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

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

17 Sec. 7. EFFECTIVE DATE

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