PRACTICAL GUIDANCE
What Nonprofits Need to Know About Lobbying in OHIO

Inside this Guide:
This Practical Guidance resource is designed to help your nonprofit organization determine if lobbying rules in Ohio might apply to your 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

BOLDER ADVOCACY
A program of Alliance for Justice
# What Lobbying Activities Trigger Registration in Ohio?

<table>
<thead>
<tr>
<th>DIRECT LOBBYING OF:</th>
<th>CAN THIS TRIGGER?</th>
<th>TRIGGER</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Legislators</td>
<td>Yes</td>
<td>Direct communication with a state legislator, or certain high-level state officials involved in legislation, by a person paid to actively advocate for or against legislative decisions at least 5% of their time in any four-month reporting period.</td>
</tr>
<tr>
<td>State Executive Branch Officials</td>
<td>Yes</td>
<td>Direct communication with certain elected executive officials by a person paid to actively advocate for or against executive branch decisions at least 25% of their time in any four-month reporting period.</td>
</tr>
<tr>
<td>Local Legislators or Local Executive Branch Officials</td>
<td>Maybe</td>
<td>The Ohio state lobbying statute does not regulate lobbying at the local level, but some municipalities and counties (including Columbus, Cincinnati, and Cuyahoga County) have their own lobbying statutes that may require registration.</td>
</tr>
</tbody>
</table>

**Grassroots Lobbying:** Ohio does not regulate grassroots lobbying at the state level. Nonprofit organizations that do only grassroots lobbying (indirect communication with public officials) are not required to register and report such activities.

**Retirement System Lobbying:** Ohio also regulates the lobbying of public officials in the state retirement system. Retirement system lobbying is not covered in this guide.

**KEY LOBBYING TAKEAWAYS FOR NONPROFIT ADVOCACY ORGANIZATIONS IN OHIO:**

- **Registration thresholds are relatively high:** Your nonprofit organization is unlikely to trigger Ohio's state lobbyist registration and reporting requirements unless your organization employs staff or has paid consultants that spend significant time directly communicating with state level officials involved in making legislative or executive branch decisions. Paid staff time counted towards the lobbying thresholds does not include time spent preparing for the lobbying activities, only the time spent directly communicating with the public officials. Five percent (5%) of a full-time staff person's time in a four-month period translates into approximately 32 hours of direct communication.

- **The state has helpful resources online and technical assistance available:** If you do need to register and report your lobbying activities, the Joint Legislative Ethics Committee (JLEC) of the Ohio Office of the Legislative Inspector General (OLIG) puts out a detailed Ohio Lobbying Handbook (as of the date of this resource the most current version is the 2014 Handbook) and encourages organizations contemplating lobbying activities to call their office in advance for a free consultation. The Ohio Lobbying Handbook can be found at [http://www.jlec-olig.state.oh.us/PDFs/Lobbying/Ohio%20Lobbying%20Handbook.pdf](http://www.jlec-olig.state.oh.us/PDFs/Lobbying/Ohio%20Lobbying%20Handbook.pdf)
What activities count as lobbying?

Ohio has similar but different rules relating to legislative lobbying and executive agency lobbying. In general, Ohio defines lobbying as active advocacy for or against legislation or an executive agency decision through direct communications with certain high-level elected and appointed state legislative or executive branch officials.

Legislative Lobbying: In the context of legislative lobbying:

- “actively advocating” means using direct communication to promote, advocate, or oppose the passage, modification, defeat, or executive approval or veto of any legislation
- “legislation” means any bills, resolutions, amendments, nominations, and any other matter pending before the General Assembly (state House of Representatives or Senate), any matter pending before the Controlling Board (which handles adjustments to the state budget), or the executive approval or veto of any bill acted upon by the General Assembly
- “direct communication” about the legislation is lobbying if it is with:
  - any member of the General Assembly
  - any member of the Controlling Board
  - the Governor
  - the head of any of the state executive branch departments listed in Appendix C of the Ohio Lobbying Handbook
  - any of the high-level legislative staff that are required to file financial disclosure statements with the state. The current list of such officials can be found at: http://www.jlec-olig.state.oh.us/?page_id=924
  - Note that legislative lobbying can occur when directly communicating with executive branch officials who have a role in legislative decision making (for example, the Governor) and in such cases the trigger rules for legislative lobbying apply.

Executive Agency Lobbying: In the context of executive agency lobbying:

- “advocacy” means advocacy using direct communication to promote, oppose, or otherwise influence the outcome of an executive agency decision
- “executive agency decision” means a decision of an executive agency regarding the expenditure of state funds or award of any financial arrangement where state funds are to be allocated or distributed, or a regulatory decision of an executive agency, or any board or commission of the state, where administrative rules, bulletins, directives, and policy statements are all regulatory decisions
- “direct communication” about the executive agency decision is lobbying if it is with:
  - any of the six elected executive branch officials (Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of State, Treasurer of State)
  - the head of any state executive branch department or agency listed in Appendix B or C of the Ohio Lobbying Handbook
  - certain other executive agency officials that are required to file financial disclosure statements with the state. State lobbying compliance officials advise that if an organization is pursuing executive branch lobbying that it should check with the ethics office of each agency that it intends to lobby to determine which staff members are subject to such requirement
Q: Does supporting or opposing a ballot measure count as lobbying?

Supporting or opposing an Ohio ballot measure is not regulated as a lobbying activity under Ohio law (even though the IRS does count it as a lobbying activity). Instead, Ohio regulates activity to support or oppose a ballot measure under the state’s campaign finance laws. Nonprofit organizations considering working on ballot measures in Ohio (either working to get a measure on the ballot or supporting or opposing an existing measure) should seek advice on how to comply with any applicable state or local campaign finance reporting requirements.

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

The requirement to register as a lobbyist with the state is triggered by the amount of paid time an advocate spends during any four-month reporting period doing direct communication lobbying activities. Registration and reporting are only required if an employee or paid consultant of the organization is spending more than 5% of their paid time doing legislative lobbying, or 25% of such time doing executive agency lobbying during a reporting period. The only time that counts against this threshold is time spent directly communicating with a public official, so unless an organization is doing significant amounts of lobbying work, most nonprofits will not need to register or report their lobbying activities to the state. Nonprofits working close to a threshold should carefully track their paid staff’s direct communication lobbying time and might consider using multiple staff members to lobby to keep direct communication levels below the thresholds for each individual staff member.

Q: Are there exceptions to what counts as lobbying?

Yes. Ohio does not consider the following activities to be lobbying, and these activities do not count towards the 5% or 25% thresholds: grassroots efforts; contacts made for the sole purpose of gathering information in a public record; appearances before public hearings of the General Assembly, the Controlling Board, or an executive agency.

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

Both the nonprofit organization and the individual lobbyist must register within 10 days of having an employee or paid consultant that crosses the registration threshold and pay a $25 registration fee. Registration is submitted online at the Ohio Lobbying Activity Center (OLAC) at http://www2.jlec-olig.state.oh.us/olac/

Registration needs to be renewed either every year (for Executive Agency Lobbying) or every other year (for Legislative Lobbying).

Q: When are periodic lobbying reports due?

Once registered, both the nonprofit organization and the lobbyist need to file reports online with the OLAC system three times a year:

- Reporting for January through April: Due no later than last day of May
- Reporting for May through August: Due no later than last day of September
- Reporting for September through December: Due no later than last day of January

Q: What information do the periodic lobbying reports include?

Generally, the state wants to know what kind of lobbying is being conducted (Legislative Lobbying or Executive Agency Lobbying), what specific legislation or executive agency decisions the lobbying relates to, and the details of any expenditures the organization or the lobbyist made when directly communicating with the public officials lobbied. There are detailed instructions about how to file the reports in the Ohio Lobbying Handbook.
**Q:** What is considered a reportable “expenditure”?

Reportable expenditures include: gifts over $25 given to the individual being lobbied (or their family members); meals or beverages purchased for the individual being lobbied; the meal, beverage, or entertainment portion of the costs of hosting an event where all legislators or agency staff are invited (called an “all-invited” event); and expenditures related to speaking events or national conferences where legislative of executive agency officials are attending. Neither employee or consultant compensation, nor the expenses of preparing to lobby are reportable. Campaign contributions that are otherwise reportable under Ohio’s campaign finance laws are also not lobbying expenditures. Reports must still be filed even if no expenditures were made during the reporting period. More details about these reporting requirements can be found in the Ohio Lobbying Handbook.

**Gift Ban:** 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, and such rules often apply even if your nonprofit has not reached the threshold required for lobbyist registration. 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.

**Advance Notice to Persons Lobbied:** We also note that because of ethics laws sensitivities, Ohio has a procedure called the Non-Dispute Notice, whereby an individual being lobbied must be given at least ten days advance notice to review and potentially correct (or reimburse) the expense listed on any lobbying report in which he or she is named. The procedure must be done before the report is filed, and the reporting deadline is tight, so your nonprofit might consider avoiding making any expenditures that would require a Non-Dispute Notice procedure.

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

No.

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

OLIG issues one lobbying identification card for each type of lobbying being done (Legislative or Executive Agency) upon a lobbyist’s registration. The best practice in Ohio is to wear these ID cards for identification purposes while lobbying legislators or executive branch staff. It is also possible to request an Ohio Statehouse ID that allows registered lobbyists with a need to access the Statehouse on a regular basis to enter without passing through security screenings at a public entrance. For more information see: http://www.ohiostatehouse.org/services/id-access

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

Yes. Persons who have pleaded guilty to, or have been convicted of, certain types of offenses may not serve as lobbyists (see the “Individuals Guilty of Certain Offenses Prohibited from Registering” section of the Ohio Lobbying Handbook). Lobbyist compensation may not be contingent upon the outcome of the legislation or executive agency decision they are advocating for or against.
Students Vote Now is a hypothetical small 501(c)(3) advocacy organization considering being vocal about House Bill 101 pending in the Ohio 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 Ohio House representative about the bill;
- Doing a physical lobby day at the Statehouse about House Bill 101 to visit legislators’ offices, 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 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 Ohio House of Representatives regarding the student perspective on House Bill 101; and
- Having an employee engage with the Mayor of Columbus about a similar, but separate, local ordinance being considered there.

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>OHIO LOBBYIST REGISTRATION/REPORTING REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Student Engagement</strong></td>
<td>The proposed student engagement activities are all grassroots lobbying activities that are not regulated by Ohio at the state level.</td>
</tr>
<tr>
<td><strong>Lobby Day</strong></td>
<td>This activity contemplates direct communication with legislators advocating for or against legislation, but unless Students Vote Now is doing other significant lobbying activities using the same staff, this activity is not likely to reach the 5% threshold for requiring lobbyist registration (for a four-month period of full-time work, approximately 32 hours of direct communications with legislators). Preparation, travel and wait time between meetings does not get counted in this calculation. Gift ban rules should be checked before giving out swag to legislators.</td>
</tr>
<tr>
<td><strong>Committee Testimony</strong></td>
<td>Testifying before public hearings of the General Assembly does not count as lobbying.</td>
</tr>
<tr>
<td><strong>Mayor</strong></td>
<td>The Mayor of Columbus is not a covered state official, so this activity would not be considered lobbying under Ohio state law. Columbus has its own local lobbying statute triggered by 5% paid compensation during a four-month reporting period. As described, the direct communication time with the Mayor seems unlikely to trigger a requirement to register with the city of Columbus. Cuyahoga County and the City of Cincinnati also have lobbyist registration requirements that should be explored if there is any intention to lobby any other local officials, and organizations are urged to check with the appropriate local jurisdiction before undertaking local lobbying activity.</td>
</tr>
<tr>
<td><strong>Bottom Line</strong></td>
<td>The proposed Students Vote Now activities should not trigger lobbyist registration and reporting obligations so long as the lobby day event and the work with the Mayor in Columbus do not involve long periods of direct communication activity. Students Vote Now should either refrain from giving any swag to the legislators or the Mayor or investigate more carefully exactly how any such proposed gifts might be regulated under the state and local ethics and gift ban rules.</td>
</tr>
</tbody>
</table>

---

3 [https://www.cincinnati-oh.gov/council/lobbyist-information/](https://www.cincinnati-oh.gov/council/lobbyist-information/)
ADDITIONAL RESOURCES

BOLDER ADVOCACY’S TECHNICAL HOTLINE:
Bolder Advocacy’s free Technical Hotline team is always happy to help nonprofits and advocacy attorneys with more specific questions. You can contact our team of experts by emailing us at advocacy@afj.org, or calling us during standard business hours at 866-NP-LOBBYY (866-675-6229).

BOLDER ADVOCACY’S MORE DETAILED STATE LAW RESOURCES:
• Our Lobbying or Not? One pager gives some additional examples on what is and is not considered lobbying activity in Ohio. https://bolderadvocacy.org/resource/ohio-lobbying-or-not/
• Also see our Ohio Campaign Finance and Ballot Measure Guide for rules related to state ballot measure advocacy, which Ohio regulates as a campaign finance activity, unlike the IRS which regulates such activities as direct legislative lobbying. https://bolderadvocacy.org/resource/ohio-campaign-finance-and-ballot-measure-guide/

OHIO STATE RESOURCES:
• Office of the Legislative Inspector General
  The agency responsible for administering the lobbyist registration and reporting system in Ohio is the Office of the Legislative Inspector General (OLIG): http://www.jlec-olig.state.oh.us/?page_id=4
• Full Text of Ohio Lobbying Statutes
  The full text of the Ohio state lobbying statute can be found as links at: http://www.jlec-olig.state.oh.us/?page_id=2062
• Ohio Lobbying Handbook
  OLIG puts out the Ohio Lobbying Handbook to help lobbyists comply with the registration and reporting requirements of the law (as of the date of this Practical Guidance publication, the most recent version of the Handbook is the 2014 version): http://www.jlec-olig.state.oh.us/PDFs/Lobbying/Ohio%20Lobbying%20Handbook.pdf
• Additional Questions
  Technical questions about lobbyist registration and reporting can be directed to a representative at the Lobbying Division of OLIG at: 614-728-5105

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 our federal law resources to ensure all IRS compliance obligations are being met. See our Being a Player: A Guide to the IRS Lobbying Regulations for Advocacy Charities. https://bolderadvocacy.org/resource/being-a-player-a-guide-to-the-irs-lobbying-regulations-for-advocacy-charities/