

To: Lobbyist Division
Illinois Secretary of State

May 25, 2022

Dear Secretary of State Lobbyist Division:

The social impact sector¹ is a vital part of our free and democratic society and strongly supports a more ethical Illinois. The sector is a top employer, annually returns billions to the state economy, and operates with high ethical standards. We are accountable to the federal government, the Illinois Attorney General, State agencies, boards of directors, grant makers, donors, and most importantly, to the people we serve. We are dedicated to our missions – which build community and individual well-being in every Illinois community and across all phases of life. Social impact employers place high value on civic participation, while remaining in full compliance with related federal, state, and local rules.

After conversations with dozens of sector leaders around the state, it's clear that **the State's [Lobbyist Registration Act \(LRA\)](#) and related [administrative rules](#) need clarification**. We understand the limitations of the Secretary of State's role in making changes to the LRA; the numbered recommendations are those that we believe may be addressed via administrative rule. On behalf of the social impact sector in Illinois, Forefront² is reaching out, in coordination with the co-signers below, to **respectfully request the Secretary of State's support during rules promulgation for the following:**

1. **Expound upon the exemption for “incidental contacts.”**³ Existing rules acknowledge that people involved in their communities will often have contact with their elected officials and decisions makers.⁴ Indeed, 501c3 businesses regularly engage with covered officials at the state, county, municipal, and township levels in a myriad of ways by nature of the role they play in our communities, and “incidental contacts” happen more frequently at the local level. Because of the changes to the Lobbyist Registration Act, many organizations are trying to parse which of their activities might be considered local lobbying. Some have expressed reluctance for civic participation to us because it is difficult to apply the statutory definition of lobbying to the work they do on the ground. For that reason, administrative rule should state that “incidental contacts” that occur in settings such as community/neighborhood meetings, working groups, site visits, advisory committees, task forces, commissions, and the like, as well as contact that occurs at public meetings such as legislative hearings, townhalls, and city council meetings, do not constitute lobbying.
2. **Clarify the definition of “compensation”**⁵ **and what is meant by “for compensation *or otherwise*.”**⁶ Compensation clearly includes employees with public policy and government affairs in their job descriptions, and clearly excludes volunteers such as Boards of Directors. However, sector leaders are unclear how to apply the definition of compensation to Chief Executive Officers, Executive Directors, and other staff who periodically represent their organizations at meetings with local, state

¹ i.e., Nonprofit and philanthropic employers

² As the nonprofit alliance and philanthropy serving organization in Illinois, Forefront is the only statewide membership organization in Illinois for private, family, and community foundations and all types of nonprofits, with ~1,000 members.

³ See Illinois Administrative Code, [2CIII 560.210\(I\)](#)

⁴ Id

⁵ 25 ILCS 170 Sec. 2(d)

⁶ 25 ILCS 170 Sec. 3(a) – emphasis added

and federal officials, but whose primary job responsibilities are *not* lobbying/government relations. In addition, the definition of compensation should exclude community-engagement stipends offered by community organizations to citizens to cover childcare, transportation, and/or lost work time that occurs while engaging in advocacy. These stipends are aimed at making participants whole, like a reimbursement.⁷

3. **Make clear that participants in Grass Roots Communication, including those who *respond* to a Grass Roots Communication, are not required to register.** The existing rules provide fundamental protections for “grassroots lobbying” (which includes both “communication” and “events”), and any new rules must preserve these fundamental protections for civic action. Non-profit organizations at times ask stakeholders to request a particular action from their elected or executive officials; we’ve heard from some that are confused by the new law, which contemplates the registration and reporting obligations of those that solicit others to communicate with a covered official,⁸ but is silent on the obligations of those that *respond* to such solicitations. Adding to this confusion are inconsistencies in existing rules, specifically about Grass Roots Communication. As a result, it is unclear to sector stakeholders whether respondents to a Grass Roots Communication are exempt from registering (assuming no other lobbying activity). The related rules should be clarified in two ways, as follows, to ensure that respondents to Grass Roots Communication do not have to register. The alternative is too burdensome and sets everyday nonprofits and engaged Illinoisans up for compliance issues unnecessarily, especially for underserved communities that rely on nonprofit organizations to amplify their voice.
 - **Align the definitions of “Grass Roots Lobbying Communication” and “Grass Roots Lobbying Events.”** Specifically, “members, employees, and constituents” should be added to the definition of “Grass Roots Lobbying Communication⁹” in a manner consistent with “Grass Roots Lobbying Event,” which reads “members, employees, and constituents or the general public.”
 - **The list of registration exemptions¹⁰ should include Grass Roots Communication.** Currently, the exemptions only reference Grass Roots Events: “Individuals or entities employed by a lobbying entity or other participants in a grass roots lobbying *event* whose lobbying activity is limited to participation at a grass roots lobbying *event*,...”.
4. **Update rules to reflect the growing prevalence of virtual events.** For example, Grass Roots Lobbying Events should include virtual (as well as in-person) events.

Heightened attention to the LRA due to the recent changes has surfaced long-standing confusion about registration requirements, and some organizations feel ill-equipped to interpret the statute without the changes recommended above. Please contact Holly Ambuehl (hambuehl@myforefront.org) with questions or to arrange a follow-up meeting. We are committed to building a positive working relationship with Illinois leaders at all levels of government to ensure a thriving and ethical Illinois.

In partnership,

⁷ See 25 ILCS 170, Section 3(a)8 re: reimbursements

⁸ See 25 ILCS 170, Section 2(e)

⁹ See Illinois Administrative Code, [2CIII 560.100](#)

¹⁰ See Illinois Administrative Code, [2CIII 560.210\(m\)](#)

Holly Ambuehl, MSW
Director of Policy and Government Affairs
Forefront