

**ETHICS REPORTER**

**January, 2022**

Kentucky Legislative Ethics Commission

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***Lobbying spending high for short session year as pandemic drags on***

Kentucky lobbying interests spent $21.3 million on influencing the General Assembly in 2021, a nearly million-dollar drop from the last pre-pandemic odd-year of 2019, but easily outpacing 2017’s $20.8 million in expenditures. In 2020, spending hit $20.2 million.

In 2021, the General Assembly held a short 30-day regular session during the ongoing pandemic, as well as a 3 day special session focused primarily on COVID issues. In 2021, 615 lobbyists worked for 753 employers, and were paid $19.3 million in compensation.

In 2021, employers reported $525,000 in advertising expenses, the second highest amount since the Ethics Code change in 2014 requiring reporting of the cost of advertising supporting or opposing legislation during a legislative session.

Spending on receptions, meals and events for legislators by employers and lobbyists continued to dip, likely due to the social distancing caused by the pandemic, totaling $156,108 in 2021. This is the lowest spending in this category since 2009.

The two top spending lobbying organizations in 2021 are the same as 2019. Top spender **Kentucky Chamber of Commerce** spent $496,787, up substantially from $329,185 in 2020. Second place finisher, **Altria Client Services LLC** spent $274,223, down from $314,627 in the prior year.

The other top 10 spenders were: **KY Hospital Association** ($191,382); **American Civil Liberties Union** ($183,770); **KY Equine Education Alliance** ($147,346); **Keeneland Association** ($146,192); **Heaven Hill Distilleries** ($144,000); **Charter Communications** ($140,482); **HCA Healthcare** ($134,498); and **CSX Corporation** ($133,943).

The rest of the top 25 spenders include: **LG&E & KU Energy LLC** ($126,271); **Anthem, Inc & Its Affiliates** ($126,220); **KY Retail Federation** ($119,042); **DraftKings, Inc.** ($116,500); **Westlake Chemical Corporation** ($113,000); **Secure Democracy** ($112,650); **LifePoint Health** ($111,005); **KY Education Association** ($110,968); **Humana, Inc.** ($110,288); **CVS Health** ($110,247); **RAI Services Company** ($107,728); **KY League of Cities** ($107,105); **KY Distillers’ Association** ($105,158);  **KY Medical Association** ($103,136); and **KY Downs LLC** ($101,100).

For a complete list of lobbying spending by all businesses and organizations, and compensation paid to each of the lobbyists, see the Legislative Ethics Commission’s website: <http://klec.ky.gov/Reports/Pages/Employers-and-Legislative-Agents.aspx>

***Newly-registered lobbying employers & terminations***

The following businesses and organizations recently registered to lobby in Kentucky: **23andMe; ADP, Inc; ALC Schools; Appalachian Wildlife Foundation; Appriss Insights; Avail; Big Brother Big Sisters; Bristol Myers Squibb; Buckhorn Children & Family Services; Bus Patrol; Caesars Enterprise Services; City of Frankfort; Class Wallet; Clearview Healthcare Management KY LLC; Compassion and Choices; CorneaGen Inc; Data Records Management Services LLC; DC Elevator; Dealertracks Registration & Titling Solutions, Inc; EC Learn; Fletcher Group Inc; Foundation for Appalachian KY; Garter, Inc.; Greater Cincinnati & NKY Apartment Assn; Goodwill Industries of Kentucky; Kramer Davis, LLC; KY Alternative Livestock Association; KY Committee to End Executions; KY Commonwealth Attorney Assn.; KY Jailers Assn; Kyndryl; Lamar Advertising Co; Lancaster Colony Corporation ; Land Betterment Corp.; Liberty Utilities; Louisville Project Management LLC; Louisville Zoo Foundation; Mid-American Rare Coin Galleries, Inc; National Alliance on Mental Illness KY; National Mining Assn; Navient; Okta, Inc.; Outfront Media; Paristown Preservation Trust LLC; Plasma Games; River City FOP Lodge 614; SD USA; Secure Elections Project; Shaker Village of Pleasant Hill; Shyne Labs; Solar Energy Industries Assn; Sports Betting Alliance; TCB of KY, LLC; Tata America International Corp.; Thoroughbred Engineering; and Tusk Holdings**.

As noted in emails to all employers and the December, 2021 Legislative Ethics Reporter, the Code of Legislative Ethics requires **ALL** employers to re-register every two years. Employers who fail to re-register as of December 31st of an odd-numbered year are automatically terminated.

January 1, 2022 was the beginning of a new two-year registration cycle, so every person, business, and organization interested in lobbying was required to register with the Commission for the period covering January 1, 2022 to December 31, 2023. Lobbying spending reports are due by the 15th of each month from January to May, then again in September.

Several businesses and organizations terminated their registration, either by not re-registering or by filing a notice of termination, and are no longer registered to lobby the Kentucky General Assembly:

**Accenture LLP; Aetna, Inc; American Assn. for Marriage & Family; American Council of Life Insurers; American Pharmacy Cooperative, Inc; Americans United for Sep. of Church; Aperture Credentialing, LLC; Appian; Association of Equipment Manufacturers; AVF Bluegrass Solutions; Ban Conversion Therapy Kentucky, Inc.; Beechwood Board of Education; Best Friends Animal Society; Beyond Type 1; Big Ass Fans; Bluegrass Ingredients, Inc; Brightview; Centurion, LLC; Cerner; Child Care Advocates of Kentucky; Child Care Council of KY, Inc; City of Corbin, KY; Clean Water Prof. of KY & TN; Consumer Healthcare Products Assn.; CTIA – The Wireless Assn.; Delaware North Companies; Dell Technologies, Inc; DraftKings, Inc; Expedia, Inc; Fern Creek Fire Dept.; First Southern Funding, LLC; Gannett/USA Today; Gateway Children’s Services; Greater Louisville Medical Society; Healthcare Distribution Alliance; Independent Electrical Contractors of KY/S. IN; Jackson BioEnergy; Jefferson County Farm Bureau; Jefferson Health Plan; Jeffersontown Fire Dept.; Junior Achievement Coalition (The); Kentuckians for Economic Growth, LLC; Kroger Company (The); KY Ambulance Providers Assn.; KY Assn. of Career Colleges & Schools; KY Baptist Convention; KY Blood Center; KY Cable Telecommunications Assn.; KY Cemetery Association; KY Dataseam Initiative, Inc; KY Laborers District Council; KY Medical Freedom Coalition; KY Society of Addiction Medicine; KY Wired Operations Co., LLC; Legalize KY Now, Inc; Lexington Legends; LHC Group, Inc; Logan Economic Alliance-Development; Mako Medical Laboratories, LLC; MasterCard International Inc; MCG Health, LLC; National Community Pharmacists Assn; National Multiple Sclerosis Society; New Venture Fund; Preservation Kentucky, Inc; Prison Fellowship Ministries; Real Alloy Recycling, LLC; Region 8, UAW; Rogers Group, Inc; Save the Children Action Network; Secure Democracy; SmileDirectClub; Terresana Management, LLC; Town Branch FOP Lodge #83, Inc; U.S. Travel Insurance Assn.; Universal Guaranty Life Insurance Co.; and Vera Action, Inc.**

***Legislator, legislative candidate, major management personnel, and lobbying report deadlines***

Members of the General Assembly, legislative candidates, and major management personnel within the legislative branch are required to file their annual financial disclosure statements by **Tuesday, February 15, 2022**. The statements are for the 2021 calendar year.

Also, by **Tuesday, February 15, 2022** all lobbyists and employers are required to file Updated Registration Statements for the period of January 1 through January 31, 2022**.**

The easiest and quickest way for lobbyists and employers to file is to visit the Commission’s website <https://apps.klec.ky.gov/lec/onlinefiling.aspx>

***Reminders about campaign contributions and solicitations***

Lobbyists and employers, as well as legislators and legislative candidates, need to pay particular attention to the Ethics Code requirements regarding campaign contributions, as the election season for the Kentucky Legislature begins.

Members of the General Assembly, and candidates for the General Assembly, are prohibited from accepting a campaign contribution from a registered lobbyist **at any time**. Lobbyists may not make a campaign contribution to a sitting member of the General Assembly, nor a candidate for General Assembly, or their campaign committee, and may not serve as a campaign treasurer, nor directly solicit, control, or deliver a campaign contribution, for a candidate or legislator.

Legislators and legislative candidates are prohibited from accepting a campaign contribution from an employer of a lobbyist or from a PAC during a regular session of the General Assembly. During a regular session, an employer of a lobbyist shall not make a campaign contribution to a legislator, candidate, campaign committee for a legislator or candidate, or caucus campaign committee. The in-session prohibition on employer campaign contributions applies to the individual who is listed as the employer contact person. The in-session prohibitions do not apply to candidates for a special election during the regular session.

 These prohibitions also apply to other state races, such as a judicial or other state or local office for which the legislator is running. However, they would not apply to a candidate for federal office.

***Additionally, legislative lobbyists or employers who state or imply that campaign contributions given to legislators are in return for legislative action, that contributions are in direct consideration of legislation, or who speak with legislators about offering campaign or political support during meetings about legislation, particularly in the legislative offices, not only run afoul of the Legislative Ethics Laws, but may also violate campaign finance and federal corruption laws.  This may lead to the impression that a quid pro quo type arrangement is being sought.  Lobbyists, again, are prohibited from controlling campaign contributions as stated above, and should make sure that they are not making any such linkage between legislative action and political contributions. If you have any question about whether a particular activity may violate the Ethics Code, please contact us prior to taking such action.***

#### ***Training for Lobbyists and Employers on video***

#### The Legislative Ethics Commission has a training video from one of our in-person lobbyist and employer trainings on the LRC Capitol Connection YouTube page, for viewing at any time. The link is on our website, and also on the LRC Capitol Connection page at <https://www.youtube.com/watch?v=ojKIWUNV8po&feature=youtu.be>. The video walks through the online filing process in step-by-step detail. Please call us with any questions!

#### ***Overview of Legislative Ethics Code online***

#### The Legislative Ethics Commission has a PowerPoint overview of the Legislative Ethics Code available for reference. The link is on our website, and also on the LRC Capitol Connection page at <https://www.youtube.com/watch?v=I4FJvhrSoao>. Feel free to watch!

#### ***Commission Office Procedures and COVID-19***

Following guidance from federal, state, and local officials regarding the COVID-19 pandemic, the Commission halted in-person services at its Frankfort office as of Tuesday, March 17, 2020.

As of **July 1, 2021**, the Commission office re-opened its office to the public. We request that you wear a mask when visiting our office. Also, we would be happy to speak to you over the phone or via Zoom.

We encourage you to continue to contact us via the means listed below, and by filing electronically or by scanning paperwork and emailing it to us. If you need to send the Commission copies of paperwork, it is most efficient to scan and email it to the email addresses as listed on the staff page, or fax to the number below.

Legislators, staff, lobbyists, employers, and the public may continue to contact the office by phone at (502) 573-2863, by fax at (502) 573-2929, and via the email addresses listed on the staff page: <https://klec.ky.gov/About-KLEC/Pages/Commission-Staff.aspx>

You may reach Laura Hendrix, Executive Director, at (502) 573-2910, Emily Dennis, Counsel, at (502) 573-2911, and Lori Smither, Staff Assistant, at (502) 564-9084. You may reach Donnita Crittenden, Executive Assistant, at the main Commission number (502) 573-2863.

Continued thanks to the many lobbying entities who have honored our request to begin filing online, and those who have utilized this service for many years. If a lobbyist or employer is currently filing disclosures by paper and would like to file online, please email us and we can contact you with an ID and password.

If an entity needs to register as a lobbyist or employer, please email the required scanned paperwork to Donnita Crittenden or Lori Smither at the staff emails in the link above or fax them to (502) 573-2929. Blank forms may be found here <https://klec.ky.gov/Forms/Pages/Get-Blank-Forms.aspx>

All provisions of the Code of Legislative Ethics are in force during this time. If there is a need for an opinion about the application of the Code to any particular ethical issue that may arise, please continue to contact us and we will answer your questions.

***Ethics & Lobbying News from around the U.S.***

***U.S. Supreme Court rejects Shooter’s claim***

***ARIZONA- Arizona Capitol Times***-- by Howard Fischer (Capitol Media Services)*—* January 27, 2022

The U.S. Supreme Court has doused the last hope of former state Rep. Don Shooter to claim that his rights were violated when he was expelled in 2018 from the House of Representatives.

Without comment, the justices refused to set aside a ruling by the 9th Circuit Court of Appeals throwing out the lawsuit that the Yuma legislator had filed against former House Speaker J.D. Mesnard and Kirk Adams, a former top adviser for Gov. Doug Ducey.

But in doing so, the justices did not address the claims by Shooter that having him ousted for violating a policy against sexual harassment – one that did not exist at the time of the alleged incidents – was illegal. Instead, the action January 24 simply upholds the conclusion by the appellate court that Mesnard and Adams have qualified immunity for their actions.

“What can I say?” Shooter said when asked for comment.

Image

But he did note that he has one last chance of getting his day in court on a related issue. That’s because the Arizona Supreme Court last year did agree to allow Shooter to pursue a separate defamation claim against Mesnard about his decision to prepare and issue a press release about the report that resulted in Shooter’s ouster.

The Arizona justices concluded that, unlike everything else concerned with the investigation and vote to remove Shooter, that was more of a “political act,” meaning no immunity for Mesnard. A trial is expected later this year.

At the heart of the case are claims by Shooter that Mesnard and Adams, who at the time working for Ducey, were seeking to thwart his efforts to investigate the use of “no-bid” contracts. That’s where the state chooses a vendor who, according to Shooter, then can dictate contract price and service.

After he threatened to issue subpoenas, Shooter said then-Rep. Michelle Ugenti-Rita, accused him of sexual harassment.

Shooter claimed there was a link, saying that she was engaged at the time to a lobbyist who had previously worked for Adams. And Shooter leveled his own charges of inappropriate conduct against Ugenti-Rita.

Under normal House procedures, those allegations would have been reviewed by the Ethics Committee where Shooter could have presented evidence and cross-examined others. Instead, Mesnard named his own staff members to oversee a probe and they, in turn, hired an outside law firm.

That report concluded Shooter “created a hostile working environment” for other lawmakers and those who do business at the Capitol.

It also found “no credible evidence” that Ugenti-Rita had violated the harassment policy, though a female lobbyist later filed a deposition spelling out how she, the lobbyist, was the victim of a pattern of harassment by the legislator.

Four days after the report was issued, and without any hearings, the House voted 56-3 to expel Shooter. That led to Shooter’s claim that his rights had been violated.

The problem with all that, according to the 9th Circuit, is the qualified immunity that exists for government officials performing official acts.

Shooter has conceded that there is merit behind some of the charges against him.

“I’ve said stupid things, I’ve done stupid things,” he told colleagues on the date of the vote, asking they limit his punishment to a public censure. And he reminded other lawmakers that he apologized earlier this year during a House floor session dealing with sexual harassment training.

That legal concept of immunity is also what led to the Arizona Supreme Court to conclude that Mesnard, now a state senator, is entitled to absolute immunity for releasing the report of outside investigators which found Shooter had violated that zero tolerance policy against sexual harassment. The justices said ordering the report and then releasing it is an official legislative function for which lawmakers are constitutionally protected.

But the justices said that immunity did not extend to Mesnard deciding to craft and issue a press release about what was in the report and the events surrounding it, paving the way for a trial in Maricopa County Superior Court.

***As federal case still orbits Michael Madigan, what’s next for the ComEd bribery probe?***

***ILLINOIS- Chicago Tribune-*** by Jason Meisner*—* January 4, 2022

It’s the biggest federal corruption investigation in years, but the most remarkable thing about the Commonwealth Edison bribery probe in 2021 might be what didn’t happen.

The year began with pressure mounting on Michael Madigan, the then-powerful House speaker whose ironclad grip on the General Assembly was slipping after being exposed the previous summer as “Public Official A” in the ComEd scandal and again in a bombshell postelection indictment of a key player and others alleging ComEd paid bribes to win his influence in Springfield.

By the end of January, Madigan was out as speaker after a record reign of nearly 40 years. He resigned his House seat and his position as head of the state party soon after, and rumors began to bubble at the Dirksen U.S. Courthouse that prosecutors were readying to file a superseding indictment potentially adding Madigan to the already explosive case.

Those rumors waxed and waned in legal and political circles for weeks, culminating in May, when an attorney for one of four defendants already charged in the alleged scheme told a federal judge there had been “intimations” that new charges were imminent.

That was seven months ago. And as the year drew to a close, crickets.

With the grand jury investigation still open, 2022 is certain to bring more speculation over whether Madigan, who will turn 80 in April, will ever be charged. He has repeatedly and vehemently denied wrongdoing.

Longtime observers of Chicago’s federal court know that the FBI and U.S. attorney’s office operate on their own timetable and that trying to read tea leaves is an often fruitless exercise.

But if history is any guide, the ComEd case appears to be progressing in similar fashion as many big political corruption probes that have come before it, with a prominent politician tacitly identified in indictments against associates and underlings, a sure sign investigators are trying to work their way up the political food chain.

“This is a playbook that’s been run time and time again,” said Jeffrey Cramer, a former federal prosecutor who is now senior managing director of Guidepost Solutions. “A year may seem like a long time, but in the Dirksen Federal Building, especially during a pandemic where things slowed down for a while, it’s not unreasonable.”

Cramer said the coming year will be crucial for the direction and timeline of the case, as other defendants already charged argue pretrial motions and will likely be forced into making the choice to plead guilty or go to trial.

“Some of those individuals could decide to cooperate, and the case could become much stronger,” Cramer said. “(Prosecutors) can’t do any more covert investigation, but it’s not like all the evidence is in right now. ... Just because the trigger hasn’t been pulled yet certainly doesn’t mean it won’t in the future.”

Much of the evidence in the case has already been laid out in the indictment brought in November 2020 against Madigan’s longtime confidante, Michael McClain, and three others who allegedly helped orchestrate the bribery campaign: former ComEd CEO Anne Pramaggiore, lobbyist John Hooker and consultant Jay Doherty, the former head of the City Club of Chicago. All four have pleaded not guilty to bribery conspiracy charges.

The alleged scheme has also been detailed in a parallel case against ComEd, which was charged with bribery in July 2020 and has admitted to hiring a long list of Madigan-connected consultants in what were often do-nothing jobs to help grease the wheels for legislation the utility wanted passed in Springfield.

ComEd agreed to pay a record $200 million fine and cooperate in the probe in exchange for the charges being dropped in three years.

Meanwhile, the indictment against McClain and his co-defendants is heating up, with a jury trial tentatively set for September.

Before that happens, U.S. District Judge Harry Leinenweber is expected to rule in the coming months on several defense motions challenging the evidence in the case, including allegations that prosecutors misused the federal bribery statute by trying to criminalize legal lobbying and consulting.

“The government does not allege any connection between the jobs and any actions by (Madigan),” lawyers for the defendants wrote in a motion to dismiss certain counts earlier this year. “Adopting the government’s view would put huge numbers of American citizens at risk of prosecution for their ordinary participation in the political process.”

That argument is strikingly similar to one made in the case against another high-profile elected official, former Gov. Rod Blagojevich, who claimed that his efforts to fill the U.S. Senate seat vacated by President-elect Barack Obama in 2008 were not tied directly to any campaign donations, jobs or other things of value, and therefore did not constitute a bribe.

Defense attorneys in the McClain case also referenced another famous Illinois politician, Abraham Lincoln, noting that the revered president asked in May 1863 that U.S. Trust Corp. hire the nephew of a Union Army general killed in a Civil War battle.

“Even Abraham Lincoln, renowned for his honesty, made job recommendations while serving as president,” their motion stated.

In response, prosecutors have argued the federal bribery law does not require a quid pro quo, and even if it did, the allegations in the indictment make clear that Madigan was in on the scheme.

Over a nine-year period, ComEd provided at least $700,000 in benefits to key Madigan political operatives that “did not consist merely of lobbying” and proved to be an effective means to gain influence at the Capitol, Assistant U.S. Attorney Amarjeet Bhachu wrote in court filing last year.

“Here, the charges are not based on political logrolling, but rather, on private benefits in the form of jobs, contracts, and payments offered to be paid by a private company in order to influence and reward a legislator in carrying out his official duties,” Bhachu wrote.

In their most recent filing last month, prosecutors wrote they are not required to prove that ComEd intended to bribe Madigan for support on any particular legislation, but rather provided an ongoing “stream of benefits” to him in hopes it would help the company with its overall legislative agenda.

The indictment alleged that beginning in 2011, the defendants “arranged for various associates” of Madigan — including his political allies and campaign workers — to “obtain jobs, contracts and monetary payments” from ComEd, even in instances where they did little or no actual work.

McClain and the other defendants also conspired to have ComEd hire a Madigan-favored law firm and lawyer, previously identified in public testimony as Victor Reyes of Reyes Kurson, and to accept into ComEd’s summer internship program a certain number of students who lived in Madigan’s 13th Ward, according to the charges.

Pramaggiore and McClain also allegedly took steps to have an individual appointed to ComEd’s board of directors at the request of Madigan and McClain, the indictment stated. The Tribune has identified the appointee as Juan Ochoa, the former head of the Metropolitan Pier and Exposition Authority of Chicago.

Attorneys for Doherty, a onetime consultant to ComEd and former head of the City Club of Chicago,argued in a legal filing that prosecutors had failed to present to the grand jury any evidence that jobs, internships or board seats mentioned in the indictment were not bona fide.

While the four people named in the indictment have pleaded not guilty, another former ComEd executive, Fidel Marquez, was charged separately and pleaded guilty to bribery conspiracy. Marquez is seen as a linchpin to the case since he started cooperating before the investigation went public and made secret recordings of his colleagues for the FBI.

Meanwhile, Madigan, for decades one of the state’s most prominent and powerful politicians, has largely disappeared from the political stage as the cloud of the investigation has hung over him.

While the guessing game about Madigan’s legal fate continues at the federal courthouse, more activity is bubbling around him.

After losing the speakership, Madigan suffered more political embarrassment by handpicking his successor from his 13th Ward organization, only to have to immediately force him out when the ex-speaker learned of “alleged questionable conduct.”

In May, Madigan’s longtime chief of staff, Tim Mapes, was charged with lying to the federal grand jury investigating the ComEd scandal. He pleaded not guilty, but the case drew extra attention because Mapes had been given immunity to testify truthfully.

Beyond the federal probe, the Illinois Commerce Commission has launched its own investigation and a second one required by a new energy law. One key question is whether ComEd recovered costs from customers that were “not properly recoverable.”

ComEd offered $21.1 million to address the issue, but Abe Scarr, the head of the public interest research group known as Illinois PIRG, called it “chump change” worth less than $5 per residential customer.

Though his political career is largely over, Madigan continues to lord over a massive campaign war chest, which held more than $12.5 million, based on its last report.

The ex-speaker is spending a lot of time nowadays in his longtime 13th Ward headquarters at 65th and Pulaski, where he still rules as ward committeeman, the according to a Madigan insider.

He did not even make a personal appearance for the Cook County candidate slating session.

One of Madigan’s longtime precinct captains sought endorsement for a circuit court judgeship but ended up the eighth alternate — ranking 17th overall in a lineup behind nine endorsed candidates.

The real test of political strength, of course, will be who wins the election, but some Madigan watchers viewed the low ranking of a 13th Ward judicial candidate as a sign that the once all-powerful speaker’s influence may be diminishing even further.

Cramer, the former federal prosecutor, said Illinois politicians who’ve found themselves in the crosshairs of federal investigators have often decided to fade into the background in hopes prosecutors lose interest. But that’s unlikely with someone of Madigan’s stature.

“I don’t get the sense they’re just going to walk away,” he said.

***When lobbyists and legislators socialize, lobbyists are more likely to get what they want***

***DISTRICT OF COLUMBIA- Washington Post***- by Sara Sadhwani, Pamela Lopez, Christian Grose, Antoine Yoshinaka*—* January 12, 2022

Stories of lobbying often conjure up images of well-heeled lobbyists roaming the halls of Congress. But as reports of Sen. Kyrsten Sinema’s globe-trotting fundraising trips this fall suggest, lobbying often takes place off Capitol Hill. Whether it’s a cozy dinner at the famed Charlie Palmer steakhouse in Washington, or the hosting of public officials at receptions and bars, lobbying in social situations is a key tool of professional advocates.

But does it work?

In newly published research, we find that interest groups are more likely to get what they ask for when they meet legislators or their staff socially. Much like everyone else, public officials are more easily persuaded in such settings.

Here’s what you need to know.

**What is social lobbying?**

Social lobbying — while at dinners, receptions, parties and so on — takes place in many settings. To find out how it happens, we surveyed over 6000 registered lobbyists in 10 states, and 316 responded, or about 5 percent, a typical rate. We weighted the survey to be representative of lobbyists across states.

We asked them how they lobby elected state representatives. As you can see in the figure below, nearly every professional lobbyist reported having met legislators in their offices, which is hardly surprising. But 90 percent also reported lobbying lawmakers in at least one social setting, such as a coffee shop, bar, or restaurant.



Figure 2. Lobbyist survey results: Percentage of lobbyists who met with legislators in various settings to conduct lobbying.

**Here’s how we did our research**

To explore the impact of social lobbying, we conducted a randomized experiment in the California state legislature. We chose California because of its large and professionalized state assembly and senate. We then worked with a lobbying firm to randomly assign legislators to three groups, and the firm gave us access to the data generated by the experiment.

One group received a lobbying request for a meeting in their Capitol offices. A second group received a request to meet in a local restaurant. The third group, the control group, received no request or contact. Regardless of meeting location, the lobbyist asked the legislator or staffer in the first two groups to do the same thing: Support a state policy and post their support on one of the legislator’s social media platforms. All state legislators were part of the study, but only one-third were contacted as part of the social lobbying group and only one-third were contacted as part of the office lobbying group. Not all legislators who were asked to have meetings complied with the request, though the proportions complying was quite high in both groups.

The legislators reached in social settings more frequently expressed public support for the interest group’s preferred policy than did legislators lobbied in their offices or those in the control group. Specifically, socially lobbied lawmakers supported the policy more than 25 percentage points more often than either the legislators in the control group or those lobbied in their offices.

The social meetings were least effective with legislators who were ideologically distant from the lobbyists’ interest group. Legislators who’d previously taken positions close to the group’s goals were more likely to be activated by the lobbyist’s social ask.

At its most basic level, lobbying is a communication strategy. Lobbyists’ goal is not merely to educate a legislator on their preferred policy, but to deliver information in a way that the decision-maker will be receptive. In the office, lawmakers may be pulled in several directions and often interrupted. Social lobbying sets a more casual and relaxed tone. And outside the office, decision-makers may have more time to develop personal ties or to be in a more pleasant mood. Research from social psychology finds that happier moods seem to lead lawmakers and staff to be more receptive to persuasion and more willing to comply with a request.

In short, lobbyists use the social setting to signal to legislators that their requests are important. That’s because asking someone to give up time in the office suggests that both the lobbyist and the legislator are making a commitment to the discussion.

**Implications for democracy**

To influence public policy, advocates can learn from our research. We show that an effective interest group strategy is to have face time in a comfortable and social environment. Social lobbying is a common strategy that political scientists have ignored.

Social lobbying complicates political scientists’ ability to fully account for the panoply of strategies used by interest groups. Political scientists usually focus on campaign contributions and other forms of lobbying, although a face-to-face social meeting is one of the most effective strategies.

Yet social lobbying happens in places the public can’t easily observe. And ordinary citizens — those the legislators represent and to whom they are meant to be accountable — rarely have the opportunity to socialize with their legislators to voice their concerns. Social lobbying’s effects may not fully be recorded by existing sunshine laws intended to reveal influences on government policy; for instance, campaign finance reports can’t meaningfully record anything about lobbying beyond documenting the flow of contributions into campaign accounts

As the new year gets underway for Congress and state legislatures, expect the hottest ticket in capital cities to be in the bars, restaurants and social settings around town. Being able to eat, drink and shoot the breeze with legislators outside an office setting can go a long way in helping organized interests get what they want, while potentially leaving voters out in the cold.