

In a Time of Social Distancing, Virtual Lobbying Is Still Lobbying

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In these unprecedented times, individuals and businesses across the country have changed the way they do almost everything, from picking up food, to attending a meeting, to celebrating a birthday. Not surprisingly, the current circumstances have also led to innovation in the methods of communication between citizens and government leaders. Recent weeks have seen mayors host virtual town halls; legislatures and city councils conduct legislative business via Zoom meetings; and courts hold live hearings streamed on YouTube. In addition, there are those who continue to show up in person to communicate, organizing protests across the country to urge lawmakers to lift restrictions and reopen the states.

As we often remind our clients, any time someone is communicating with a government official or employee, he or she may be engaged in lobbying. And with few exceptions, most jurisdictions do not distinguish among media when it comes to lobbying communications; lobbying is lobbying, whether it is conducted in person or via Zoom. Below are few types of communications that are increasing in frequency and may constitute lobbying, depending on state or local law:

- Communications with government officials or employees to influence a gubernatorial or mayoral executive order, whether in person, in writing, or via electronic communication.
- Communications with government officials or employees at a virtual meeting or in a videoconference.
- Communications that encourage the general public to contact government officials or employees to influence official action.

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This last example, in which a person (or entity) encourages others to contact government officials, is known as “grassroots lobbying” and is regulated under many state lobbying laws. Depending on state law, the grassroots lobbying regulation may be broad enough to include expenses and communications in connection with organized efforts like the “reopen” rallies we are seeing nationwide.

Wiley’s Election Law group regularly counsels clients on state and local lobbying laws and can answer questions about your business’s lobbying activities.