

Donor Disclosure and Lobbying: What Companies, Trade Associations, and Advocacy Groups Need to Know

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In recent decades, states and localities have implemented increasingly complex lobbying laws that sometimes require groups to disclose their donors or members when registering to lobby. Unfortunately, while focusing their time and energy on other compliance issues, these requirements sometimes go unnoticed before advocacy groups and associations decide to lobby and trigger registration and reporting obligations. For groups that value the privacy of their members or donors, the consequences of dealing with this issue after the fact can be significant. This can be particularly important for 501(c)(4) social welfare groups, 501(c)(3) charitable organizations, and other nonprofits.

In Maryland, for example, any lobbying entity that is “organized and operated for the primary purpose of attempting to influence legislative action or executive action” must disclose the name and address of each entity that contributes 5% or more to its budget over a 12-month period. This means that organizations must be prepared to either monitor their activity to avoid triggering registration, or ensure they track and report donor information as part of their disclosures. Either avenue requires a watchful eye for lobbyists and legal counsel.

Connecticut imposes a similar obligation on lobbyist employers that are “formed primarily for the purpose of lobbying.” These entities must disclose the name and address of any group or person who contributes \$3,000 or more in a calendar year toward the registrant’s lobbying activities. The threshold is relatively low, and organizations engaging in lobbying activity in Connecticut without being aware of

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this requirement may subject themselves to significant administrative burdens in complying with this obligation.

Pennsylvania also presents disclosure issues. Entities that have contributed more than 10% of the total resources received by a lobbyist employer in a reporting period must be disclosed with information on the entity's name, address, and contact person. Hawaii, Minnesota, and other states have similarly nuanced rules that are important to understand before engaging in state-level lobbying, particularly when a single lobbying contact may trigger these obligations in certain jurisdictions.

Wiley's Election Law & Government Ethics team helps clients navigate the complex and evolving landscape of lobbying compliance, including donor or member disclosure obligations. Whether you're launching a new advocacy campaign, managing a coalition, or responding to a regulatory inquiry, we can help you assess your risk. Reach out to learn how we can support your organization's advocacy goals while minimizing legal exposure.