

Hi this is Chris Micheli from the governmental relations firm of Aprea and Micheli and an adjunct professor at McGeorge School of Law in the Capital Lawyering program. Thanks for joining today's podcast on other types of lobbying.

Although most lobbying occurs in the legislative and regulatory arenas generally, there are several other types of lobbying such as grassroots lobbying as well as advocacy before specific state agencies that often have unique rules and procedures for lobbying those agencies. Today's podcast will discuss grassroots lobbying as well as a few of those specialized state bodies that lobbyists should be aware of.

Grassroots lobbying, it's sometimes referred to as indirect lobbying as opposed to direct lobbying that's conducted by lobbyists, industry specific groups and individuals at the State Capital or state agencies. Grassroots lobbying involves members of the general public as well as those directly impacted by a bill or issue. In essence, those involved in grassroots lobbying are those you attempt the general public to contact the elected officials so that members of the public so that members of the public are lobbying the decision makers.

Those involved in grassroots lobbying intend to influence decision makers by cajoling the general public, if you will, to get involved in the legislative or regulatory advocacy effort. This type of lobbying requires educating large groups of individuals and then mobilizing them into some sort of call to action. It usually involves efforts to get specific organizations or community groups to become involved in the efforts to pass or defeat pending legislation or regulations.

Educating the general public can take multiple forms such as direct mailers, social media, paid or free media, press conferences, etc. Outreach efforts are key to successful grassroots lobbying and the media often play a critical role in these outreach efforts.

But it first begins with educational efforts so the general public understands the public policy issue or the bill. Mobilizing the general public is the effort to get members of the public to act in a desired manner. Whether this results in making phone calls or writing letters to elected officials or boycotting a business, demonstrating at the State Capital, there are obviously multiple forms that grassroots lobbying can take. It depends largely on the audience and what's intended to be accomplished that usually determines these outreach efforts.

In addition to the use of media, the use of social media has become much more prevalent in grassroots lobbying today. The potential reach of the internet and websites

is much larger than traditional forms of media. It's an easy communication tool that enables organizing and interacting with those plugged into social media. And the ability to grow your potential group of supporters is greatly assisted by those who have a successful social media presence. It can also be a much less costly form of organizing groups.

In addition to the general public, many large businesses undertake their own forms of grassroots lobbying. Some refer to this as an action plan in which the employers of large businesses are asked to participate in a lobbying effort by contacting their local elected officials, telephone calls, letters, and sometimes personal visits. As such, these business can form a strong perception that there is local support of their position among their elected officials.

Let's now turn to some of those lobbying of specialized agencies. Some of the state agencies that have specialized lobbying rules and procedures include the Public Utilities Commission, the PUC, the California Coastal Commission, the Coastal Commission, and the California Air Resources Board, or CARB.

In general, a lobbyist is one who is paid to communicate with officials for the purpose of influencing legislative or administrative action. This is the definition of lobbying in the Political Reform Act in Government Code. Under the Government Code a proceeding before the Public Utilities Commission does constitute administrative action if it meets any of the definitions set forth in that statute, however a communication made for the purpose of influencing this type of PUC proceeding is not actually within that definition of a lobbyist if the communication is made at a public hearing or at a public workshop or at some other public forum or if the communication is included in the official record of the proceeding.

In addition, the PUC has other unique rules, such as Rule 22b that states "an electrical corporation that does not intend to lobby or market against any community choice aggregation program shall file a Tier I advice letter no later than March 1, 2013 stating that it does not intend to engage in any such lobbying or marketing."

In other rules about PUC lobbying, state law bars oral communications on the eve of the vote of rate setting cases. It also requires the decision maker to disclose any ex parte communication that's in adjudication or rate setting cases and it clarifies that investor representatives are covered by the same ex parte rules.

Other agencies such as the California Coastal Commission and the California Air Resources Board, CARB, don't have rules about lobbying but they do have rules about

ex parte communications or one party communications. While these are limitations on such communications with CARB members, there have been prior unsuccessful legislation that would require interested parties seeking to influence members of the Coastal Commission to disclose the use and payment of professional lobbyists.

So it's important for lobbyists to be aware of rules regulating conduct when lobbying different state agencies and departments. These rules need to be reviewed prior to undertaking any activity, and then of course, you have to follow them to ensure proper compliance. Otherwise, both the lobbyist and his or her client could be adversely impacted. Thanks for joining.