

**NEW YORK  
TEMPORARY STATE COMMISSION  
ON LOBBYING**

**OPINION NO. 36 (82-2)**

**FACTS**

We have been requested to render an opinion whether three activities exhorting the public to oppose a pending "bottle bill" constitute lobbying within the definition of the Lobbying Act. Three types of communications are employed. They are:

1. Affixed to the necks of soda bottles sold in supermarkets are tags with "tear-off" coupons attached. Each coupon is specifically directed to the sponsor of a pending bill, and contains two boxes which, when checked, indicates that the individual who checked the coupon is opposed to the bill.

2. A supermarket chain has distributed pamphlets or fliers which are placed in individual shopping bags at the check-out counter. These pamphlets or fliers contain a cut-out coupon expressing opposition to specific proposed legislation, in addition to the names and addresses of legislators to whom the shopper may address his opposition and/or complete the coupon.

3. Radio advertisements which are transmitted throughout the Capital District radio stations containing at the end a "tag" message expressing opposition to the pending bottle bill legislation, and urging that individuals contact and urge their state legislators to oppose that legislation.

**ISSUE**

Do the activities described constitute "lobbying" within the meaning of the statute?

**OPINION**

It is our opinion that they do. Advertisements, fliers, pamphlets, and similar documents, as well as messages broadcast over radio or television, which are distributed or otherwise disseminated to the public, which is addressed to specific pending legislation, and which urge or exhort the public to contact legislators or the governor to pass, defeat, delay, approve, or veto such legislation constitutes "lobbying activities" within the purview of the Lobbying Act.

APPROVED BY COMMISSION: JUNE 22, 1982

CONCURRING: CHAIRMAN S. STANLEY KREUTZER, RICHARD A. BERNSTEIN, GAIL HELLENBRAND, AND NATHANIEL T. HELMAN.

OPPOSING: VICE CHAIRMAN HARVEY M. LIFSET.

ABSTAINING: ARTHUR A. LORENZO.

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S. STANLEY KREUTZER  
Chairman