

FACT SHEET ON LOBBYING DISCLOSURE FORMS

The City's lobbying ordinance imposes registration and reporting requirements on lobbying firms, organization lobbyists, and expenditure lobbyists. This fact sheet is designed to explain the five different forms that are used to report lobbying activities. It offers general guidance on this subject, but should not be considered a substitute for the actual language contained in the lobbying ordinance.

GENERAL RULES

- ❖ Lobbying entities include:
 - ✓ Lobbying firms (that is, entities that lobby on behalf of clients). A client is anyone who pays someone to communicate with city officials for the purpose of influencing a municipal decision, as well as anyone on whose behalf lobbying is performed.
 - ✓ Organization lobbyists (that is, businesses and organizations whose owners, compensated officers, or employees lobby on behalf of the business or organization).
 - ✓ Expenditure lobbyists (that is, entities that spend money to indirectly influence municipal decisions rather than directly communicating with city officials).
- ❖ Lobbying firms and organization lobbyists are required to file annual registration forms, and thereafter disclose their reportable activities on quarterly disclosure reports. Expenditure lobbyists do not file registration forms but are required to file a disclosure statement for any calendar quarter in which they reach a \$5,000 expenditure threshold.
- ❖ Each lobbying entity is required to file a single disclosure form that covers the activities of the entire firm, business, or organization. Individual lobbyists do not submit disclosure forms that pertain to their individual lobbying activities (except in the case of a sole practitioner).
 - ✓ For example, Smith & Associates is a lobbying firm that employs three lobbyists. When it registers with the city clerk, it will file one registration form for the entire firm, identifying the three lobbyists in that firm. The individual lobbyists need not file any forms themselves.
 - ✓ Another example: the Affordable Homes Association is a non-profit entity that qualifies as an Organization Lobbyist. Its CEO performs all of the organization's lobbying duties. When it registers with the city clerk, the Affordable Homes Association will file a registration form in its own name, identifying the CEO as an individual authorized to lobby on its behalf.
- ❖ Registration forms and quarterly disclosure reports are filed online using the city clerk's electronic filing system. Detailed instructions are available online. In addition, the ethics commission has prepared filing guidelines that are available on its [website](#). Be sure to read and understand the instructions and/or guidelines before filing your disclosure documents.

REGISTRATION FORMS

- ❖ Lobbying firms and organization lobbyists must file their registration forms with the city clerk within ten calendar days of meeting the applicable threshold. See the ethics commission's fact sheet Am I Lobbyist? for more information regarding the different registration thresholds.

- ❖ Lobbying firms are required to file a Form EC-601 - Lobbying Firm Registration Form with the city clerk. This form will identify its lobbyists, its clients, the municipal decisions that its clients are seeking to influence, and other information concerning the owners, compensated officers, and lobbyists in the firm with reportable activities.
 - ✓ When identifying its lobbyists, a lobbying firm must identify the names of each individual who lobbied the City within the past 30 calendar days, as well as each individual who is expected to lobby the City during the year.
 - ✓ Including prospective lobbyists on the form enables the firm to identify those individuals without having to amend the form each time another person in the firm starts lobbying the City.
 - ✓ When identifying its clients, a lobbying firm must identify anyone who is providing compensation to the firm for the purpose of influencing a municipal decision, and anyone on whose behalf the firm is engaging in lobbying.
- ❖ Organization Lobbyists are required to file a Form EC-602 - Organization Lobbyist Registration Form with the city clerk. This form will identify the paid individuals in the organization who are authorized to lobby the City, the number of contacts the organization had with city officials within the past 60 days, the municipal decisions it sought to influence and is currently seeking to influence, and other information concerning the owners, compensated officers, and lobbyists in the organization.
- ❖ Lobbying firms and organization lobbyists must pay an annual registration fee when filing their registration forms.
 - ✓ Lobbying firms pay registration fees based on the number of lobbyists and clients identified on their registration forms. Registration fees paid in the last quarter of a calendar year are pro-rated.
 - ✓ Organization lobbyists pay flat registration fees, regardless of the number of owners, compensated officers, and employees who engage in lobbying.
 - ✓ Contact the city clerk's office at (619) 533-4000 for the exact fee amounts, or visit the city clerk's website: <http://www.sandiego.gov/city-clerk/elections/lobby/index.shtml>
- ❖ If any information on a registration form changes, the lobbying firm or organization lobbyist must file an amendment within ten calendar days.
 - ✓ For example, Jones & Jones is a lobbying firm that identified twelve clients on its registration form. On March 5, it is retained by a new client to support some upcoming City legislation. On March 10, one of the firm's lobbyists provides some statistics to a city official in support of the legislation. Jones & Jones must file an amendment to its lobbying firm registration form with the city clerk by March 20 (10 days from when it started to lobbying on behalf of the client) and report information regarding the new client.
 - ✓ Another example: Rate Reform is an organization lobbyist that disclosed on its registration form that it would lobby for allowing cable television companies to provide services citywide. Within ten days of lobbying on an unrelated matter involving a proposed increase in water rates, it must amend its registration form to disclose the new municipal decision.
 - ✓ Amendments are made by clicking the amend link on a previously filed document and making the appropriate changes. Be sure to explain the reason for the amendment on the cover sheet. Note that an amended registration form will contain all current information regarding the firm or organization, not just the new or changed information.

QUARTERLY DISCLOSURE REPORTS

- ❖ All lobbying entities are required to file a quarterly disclosure report no later than the last day of the months of April, July, October, and January, reporting the information for the immediately preceding calendar quarter.
- ❖ Entities registered as a lobbying firm or organization lobbyist must file a quarterly disclosure report even if they did not engage in any lobbying activities during the quarter. Expenditure lobbyists need to file a quarterly disclosure report only if they meet the \$5,000 expenditure threshold for the quarter (see the expenditure lobbyist fact sheet for information regarding this threshold).
- ❖ Lobbying firms are required to file a Form EC-603 - Lobbying Firm Quarterly Disclosure Report with the city clerk. The individuals employed by the firm do not file this form. Instead, the firm files one form covering all of the owners, compensated officers, and lobbyists in the firm who engaged in reportable activities during the reporting period.
- ❖ Organization lobbyists are required to file a Form EC-604 - Organization Lobbyist Quarterly Disclosure Report with the city clerk. The individuals employed by the organization do not file this form. Instead, the organization files one form covering all of the owners, compensated officers, and lobbyists in the organization who engaged in reportable activities during the reporting period.
- ❖ Expenditure lobbyists are required to file a Form EC-605 – Expenditure Lobbyist Quarterly Disclosure *Report* with the city clerk. An owner or officer of the entity that qualifies as an expenditure lobbyist will complete and file one form identifying each decision the entity sought to influence during the reporting period, the expenditures made, and the outcome sought.
- ❖ If a lobbying entity discovers that information on a quarterly disclosure report is incomplete or inaccurate, that entity must file an amended form within ten calendar days.
 - ✓ For example, a lobbying firm inadvertently failed to identify a city official who was lobbied during the quarter in connection with a particular municipal decision. Within ten days of discovering its mistake, it must file an amended quarterly disclosure report to identify that city official.
 - ✓ Amendments are made by clicking the amend link on a previously filed document and making the appropriate changes. Be sure to explain the reason for the amendment on the cover sheet. Note that an amended quarterly disclosure report will contain all of the lobbying entity’s disclosures for the quarter, not just the new or changed information.

ADDITIONAL INFORMATION

- ❖ The lobbying ordinance requires that registration forms and quarterly disclosure reports contain information from more than just the lobbyists who work for a firm, business, or organization. It also requires information regarding the owners and compensated officers who engage in particular activities.
 - ✓ Registration forms and quarterly reports must include information regarding the owners and compensated officers of the firm who engaged in fundraising activities; provided paid campaign services; provided paid contractual services to the City; or gave contributions to City candidates (quarterly disclosure report only).
 - ✓ Note that non-compensated officers and other volunteers are exempt from all disclosure requirements of the lobbying ordinance.
- ❖ Registration forms and disclosure reports must be signed by an authorized owner or officer of the firm, business, or organization. That person has an obligation to familiarize himself or herself with the

lobbying ordinance, and also has a duty to review the contents of each form or report that bears his or her signature and attest that the document is true, correct, and complete.

- ❖ A lobbying firm or organization lobbyist that ceases lobbying during a calendar year may terminate its status as a lobbying entity by filing a quarterly disclosure report with the city clerk, checking the terminating status box and disclosing its reportable activities to date.
- ❖ If a firm, business, or organization terminates its status a lobbying entity, and later re-qualifies as a lobbying entity, it must file a new registration form with the city clerk and pay a new registration fee.
- ❖ Lobbying firms and organization lobbyists retain their status (unless they terminate; see above) until January 5 of the following year. A firm or organization that continues to qualify as a lobbying entity must renew its registration (i.e., file a new registration form with the city clerk) within 10 days

If you have any questions concerning the City's lobbying disclosure forms and reports, please contact the ethics commission at (619) 533-3476.

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