



## San Diego Municipal Lobbying Ordinance

### WHAT'S NEW IN 2010

#### **Lobbying Firm Registration Form**

To avoid confusion with the state's new gift disclosure reports, this form has been renumbered. It is now Form EC-601.

##### Cover Sheet

- ✓ Lobbying Firms can provide an e-mail address at the bottom of the page to give contact information to the City Clerk's Office and the Ethics Commission.

##### Schedule D

- ✓ Lobbying Firms have historically used Schedule D to "delete" clients. This schedule can now also be used to "delete" lobbyists, i.e., previously registered individuals no longer lobbying for the firm.

#### **Organization Lobbyist Registration Form**

This form has also been renumbered. It is now Form EC-602.

##### Cover sheet

- ✓ Organization Lobbyists can provide an e-mail address at the bottom of the page to give contact information to the City Clerk's Office and the Ethics Commission.

##### Schedule A

- ✓ Organization Lobbyists are no longer required to register as "lobbyists" any volunteers, including members of the organization's board of directors. The term "lobbyist" is now limited to the owners, compensated officers, and employees of an organization.

##### Schedule B

- ✓ Organizations are now required to identify the municipal decisions for which they are currently lobbying, not just the decisions they lobbied on during the 60 days prior to registration.
- ✓ This means that if an organization lobbies on a decision not identified in Schedule B, it must amend its Registration Form within 10 days to report relevant information regarding its new lobbying effort.
- ✓ Note that an organization may prospectively identify decisions for which it has a reasonable expectation of lobbying on later in the year.

##### Schedule D

- ✓ This is a new Schedule that organizations can use to "delete" former lobbyists, i.e., previously registered individuals who are no longer lobbying for the organization.

## **Lobbying Firm Quarterly Disclosure Report**

This form has also been renumbered. It is now Form EC-603.

### Schedules A-1 and A-2

- ✓ A Lobbying Firm must now report information regarding all its registered clients, even those for whom the firm did not lobby during the reporting period.
- ✓ If a firm lobbied for a client during the reporting period, information regarding the lobbying efforts will be reported on Schedule A-1 (replaces the previous Schedule A).
- ✓ On the other hand, if a firm did not lobby for a particular client during the reporting period, the firm will disclose limited information regarding that client on new Schedule A-2.
- ✓ Schedule A-1 contains more room for identifying the decision lobbied on, the outcome sought, the names of City Officials lobbied, and the names of those who lobbied on the decision.
- ✓ Only decisions with one or more lobbying contacts are reportable. Only individuals in the firm who have had lobbying contacts are reportable.
- ✓ A firm must report the total compensation earned during the period, including payments earned for contingency lobbying performed in a prior reporting period. Any contingency fees earned must be reported on Schedule A-1 (if the firm lobbied during the quarter) or Schedule A-2 (if the firm did not lobby during the quarter).
- ✓ A firm must check a box on Schedule A-1 if it engaged in contingency lobbying during the reporting period without earning the contingent payment during that period.

## **Organization Lobbyist Quarterly Disclosure Report**

This form has also been renumbered. It is now Form EC-604.

### Schedule A

- ✓ This schedule now contains more room for identifying the decision lobbied on, the outcome sought, the names of City Officials lobbied, and the names of the individuals in the organization who performed the lobbying.
- ✓ There is no need to identify anyone in the organization whose activities were limited to monitoring or researching a municipal decision.

## **Expenditure Lobbyist Quarterly Disclosure Report**

This form has also been renumbered. It is now Form EC-605.

## **All Forms & Reports**

- ✓ There is now space at the top of each cover page to explain the reason for an amendment.
- ✓ A comment line has been added to the bottom of each schedule to provide space for a lobbying entity that wants to add an explanation for one or more of its disclosures.

## **ADDITIONAL INFORMATION**

### **Registration**

- Each person listed on a Lobbying Firm's or Organization Lobbyist's Registration Form as being expected or authorized to lobby is considered a "lobbyist" even if that person has not yet had a lobbying contact. Every person registered as a lobbyist will have to disclose his or her campaign activities (contributions, fundraising, etc.) even if he or she has not yet had a lobbying contact.
- Lobbying Firms and Organization Lobbyists need not register an individual as a lobbyist until the individual has had a lobbying contact. Within 10 days of a lobbying contact, the entity must amend its Registration Form to disclose the individual as a lobbyist.
- For purposes of re-registering as an Organization Lobbyist, if an entity is not lobbying in the new calendar year, it will not need to re-register even if it had lobbying contacts within the previous 60 days (i.e., in November or December of the previous year). The previous year's contacts will, of course, still be reportable on the previous year's October-December quarterly statement.

### **Lobbying Firm Compensation**

- When calculating its compensation for "lobbying activities," a Lobbying Firm must include lobbying-related contacts with lower level City employees who are not "City Officials" under the Lobbying Ordinance. In other words, even though communications with such City employees are not lobbying contacts, they are still "lobbying activities" if related to a lobbying effort.

### **Organization Lobbyist Disclosures**

- Organization Lobbyists are no longer required to report information regarding the uncompensated members of the organization. In particular, organization lobbyists need not report any lobbying, campaign contributions, fundraising activities, etc. associated with the volunteer members of an organization's board of directors.
- Organization Lobbyists do not need to identify on a quarterly report anyone in the organization whose activities are limited to monitoring or researching a municipal decision.

### **Contributions and Fundraising Activities**

- "Contributions" to a candidate expressly include contributions made to the candidate's "professional expense committee" (i.e., legal defense fund).
- Lobbying Firms and Organization Lobbyists must disclose contributions that collectively reach or exceed the \$100 reporting threshold, even if an individual contribution does not reach the threshold on its own. For example, a lobbyist who makes a \$50 contribution and a \$75 contribution to a candidate during the reporting period must disclose both contributions because the combined amounts exceed the \$100 threshold.
- Similarly, Lobbying Firms and Organization Lobbyists must disclose fundraising efforts that collectively reach or exceed the \$2,000 reporting threshold, even if an individual effort does not reach the threshold on its own. For example, a lobbyist who fundraises \$1,500 and \$750 on two separate occasions during the reporting period must disclose both efforts because the combined amounts exceed the \$2,000 threshold.