

Proposed Lobbying Ordinance – Process Summary

The purpose of the proposed 2024 revision to the lobbying ordinance is to make it more efficient to administer effectively, to provide clearer deadlines and requirements for lobbyists, reflect modern technology and processes, and provide more explicit and uniform penalties for violations.

Under the proposed ordinance:

Definition:

A “Lobbyist” is anyone who receives compensation to encourage the passage, defeat, or modification of any item pending before the BCC.

The following are exempt from the requirement to register as a lobbyist:*

- Elected officials or government employees acting in an official capacity.
- Someone who appears at the specific request or under compulsion of the commission, board or staff member.
- Expert witnesses or other persons who give testimony but do not advocate passage or defeat of the measure under discussion.
- Any person speaking only at a public meeting or hearing.
- Any person in contractual privity with the county who appears only in an official capacity.

Lobbyists are required to:

- REGISTER or REREGISTER with the County on an annual basis as follows:
 - New registration: filed any time during the year; registration will be active for the remainder of that calendar year (until December 31).
 - Renewal registration: Each year between December 1–December 31; renewal will be effective for the following calendar year.
 - Curative registration: If a lobbyist inadvertently engages in lobbying activity prior to being registered, the lobbyist may cure this violation by filing a registration form before 5 p.m. of the second business day following the improper lobbying activity. This cure provision may only be utilized once per lobbyist.
 - Revised registration: lobbyists must update any registration information, which can be done at any time during the year.
- REPORT EACH MEETING with any county commissioner by completing a “Notice of Lobbying Contact” online prior to the meeting.
 - If lobbyist fails to submit a notice of lobbying contact in advance, this can be cured by submitting the notice before 5 p.m. of the second business day following the lobbying contact. Failure to cure is a violation of the lobbying ordinance.
- REPORT ANY EXPENDITURES made in support of lobbying activities in the prior year annually by January 15. Failure to file the required expenditure report will result in suspension of the lobbyist’s registration.

PENALTIES:

- Lobbying without registration: a fine of \$500 (absent a cure for the first offence); followed by further fines and suspension.
- States that a suspended lobbyist is prohibited from lobbying until the suspension is cured/lifted.
- Creates a one-time cure/grace period for lobbyists to register after lobbying without registering, and a cure period or submitting notices of lobbying contact.
- Establishes that a first violation or any other provision will result in a warning; the second in a fine; and a third or fourth with a fine and a suspension.

* If the BCC wishes to provide additional exceptions to the registration requirements for lobbyists, here are some examples of optional additional exceptions:

For employees of a principal who are not full-time or professional lobbyists, here are some options:

- (1) Any employee appearing on behalf of a principal that employs them on a full-time or part-time basis, who engage in lobbying no more than [# of times per year] or for no more than [percentage%] of their work time in the calendar year.
- (2) An individual who communicates on their own behalf, or on behalf of a principal employing the individual, unless the individual is principally employed by that person or entity to lobby.
- (3) Employees of a principal whose normal scope of employment does not include lobbying activities.

For not-for-profit entities, here are some options:

- (4) Any person who only appears as a representative of a not-for-profit community-based or public interest organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance.
- (5) Any employee, an officer, or a board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting that entity or one or more of its constituents.
- (6) Any employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in their capacity as an employee, officer, or board member of such association, an issue impacting the association or its members.

If any of these, or other new exceptions are added, this will be added to the title: "EXPENDING THE LIST OF THOSE EXEMPTED FROM REGISTERING AS A LOBBYIST;"