



*This article presents general guidelines for Georgia nonprofit organizations as of the date written and should not be construed as legal advice. Always consult an attorney to address your particular situation.*

## **Registering as a Lobbyist in Georgia – 2014 Changes to Ethics in Government Act**

Starting **January 2014**, changes to the rules for lobbyists in Georgia will go into effect and nonprofits that lobby should pay attention as the fines for noncompliance are significant. Even if your employees, contractors and volunteers have not had to register as lobbyists in the past, the updated law may require them to register. The old “10 percent” rule is gone, and the standard for who is considered a lobbyist has been both greatly simplified and significantly expanded. Other changes to the law include removal of the registration fees and changes to the definition of permitted lobbying expenditures. This article will help your organization determine if the activities of your employees, contractors and volunteers make them lobbyists under the updated Georgia law, and what they need to do if they are considered lobbyists.

### **What is Lobbying?**

Under Georgia law, lobbying is promoting or opposing the passage of any **legislation**, **regulation**, or **ordinance** by the General Assembly, any of its committees, or the Governor; any state agency; any city or county government; or other public officers.

### **Who Is A Lobbyist?**

While your organization does not have to register, individuals who lobby on behalf of your organization will have to register and indicate that they are lobbying on your behalf. Your employee, contractor or volunteer could be considered a lobbyist if one or more of these is true:

1. He or she receives or anticipates receiving more than \$250 in a calendar year in compensation or reimbursements for lobbying activities. For example, if a \$10/hour employee works for more than 25 hours in a calendar year on lobbying activities, then the employee is a lobbyist. Many employees who engage in lobbying activities will likely qualify as lobbyists under this method.

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2. He or she is “hired specifically” for lobbying. The employee or contractor must be compensated, but there is no specified dollar amount for compensation. This requirement also existed under the previous rules.
3. He or she is reimbursed for more than \$1,000 dollars in “**lobbying expenditures**” (see definition below) in one calendar year.

The law specifically exempts certain individuals from registration as a lobbyist, including but not limited to:

1. Any individual who communicates personal views on his or her own behalf;
2. An employee or contractor of a vendor who solicits contracts with a state or local government agency and who is not hired specifically to lobby a public officer or state agency in the selection of a vendor;
3. Any person who is invited by a public agency or governmental entity to give testimony before or furnish information to such agency or entity so long as such person clearly identifies himself or herself and the interested party on whose behalf he or she is testifying; and
4. Any licensed attorney appearing on behalf of or representing a client when such attorney is not compensated for the specific purpose of lobbying.

### **Lobbying Expenditures**

Under the new law, certain expenditures paid by lobbyists to or on behalf of public officials are permitted. Defined under the law as **lobbying expenditures**, these include:

1. Promotional items generally distributed to the general public or to public officers and food and beverages produced in Georgia;
2. An award, plaque, certificate, memento, or similar item given in recognition of a recipient's civic, charitable, political, professional, or public service;
3. Discounts, upgrades, memberships, etc. extended by a business to a bona fide customer or legitimate salary, benefits, fees, commissions, or expenses associated with a recipient's nonpublic business, employment, trade, or profession;
4. Food, beverages, and registration at group events to which all members of an agency (including the Georgia House of Representatives, the Georgia Senate, certain caucuses, and, for one event per year, standing committees) are invited; and

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5. Reimbursement or payment of actual and reasonable expenses provided to a public officer and/or his staff members for transportation, lodging, travel, food, beverage and registration for attending educational, informational, charitable, or civic meetings or conferences held in the U.S. and directly related to the official duties of that public officer.

Payments by lobbyists to or on behalf of public officials that do not meet the definition of **lobbying expenditures** are not permitted. Under the new law, such prohibited payments now include:

1. Tickets for admission to athletic, sporting, recreational, musical concert, or other entertainment events, or anything of value, unless consideration of equal or greater than face value is received;
2. Reimbursement or payment of expenses for recreational or leisure activities; and
3. Reimbursement or payment of expenses exceeding \$75 provided to a public officer from any individual lobbyist for transportation, travel, lodging, registration, food and beverages (unless such reimbursement or payment qualifies as a **lobbying expenditure**).

### **Requirements for Lobbyists**

If your organization has employees, contractors or volunteers that are considered lobbyists, they will need to: (1) register as lobbyists, (2) file regular reports, and (3) wear an identification card.

1. **Registering:** Each lobbyist must file a statement with the Georgia Government Transparency and Campaign Finance Commission (the "Commission") each year. There is no annual fee for registering; however, there are significant fees and penalties for late registration. A lobbyist must register before engaging in lobbying activities in that calendar year.

Starting January 2014, the forms will be available at <http://ethics.ga.gov/filer-information/lobbyists/> and will be substantially similar to the current forms.

Applicants will have to provide the following information:

- a. Applicant's name and contact information;
- b. Name and contact information of the organization engaging the applicant to lobby on their behalf;
- c. A short "General Business or Purpose" of the organization engaging the lobbyist to lobby on their behalf;

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- d. Whether the organization engaging the lobbyist to lobby on their behalf has agreed to compensate the lobbyist more than \$10,000 for lobbying in that calendar year;
- e. Name of the agencies which the lobbyist will be lobbying; and
- f. Certification that the lobbyist has not been convicted of a felony.

The organization engaging the lobbyist to lobby on their behalf must sign the form, and the form must be notarized and sent to the Commission at 200 Piedmont Avenue, Suite 1402, West Tower, Atlanta, GA 30334.

**2. Reporting:** All registered lobbyists must electronically file regular disclosure reports with the Commission.

**a. When do the reports need to be submitted?**

- i. Beginning on **January 15<sup>th</sup>** and through the end of the General Assembly Session, lobbyists who lobby at the State level, either regarding legislation in the General Assembly or for the approval or veto of the Governor, must file a report on the **1<sup>st</sup>** and **15<sup>th</sup>** day of each month, current through the end of the preceding report.
- ii. All lobbyists, whether lobbying at the local or state level, must file a monthly disclosure report by the 5th day of each month, current through the end of the preceding month. State level lobbyists are exempted from filing this report if they are filing the semi-monthly report above.
- iii. Lobbyists who lobby at the local level (county, city or board of education) must submit spending reports, current through the end of the preceding month, on or before the **5<sup>th</sup>** day of **May, September, and January**. Lobbyists must submit a copy of the report to the relevant county election superintendent if the report contains any lobbying expenditures relating to county or county school district affairs or to the relevant municipal clerk/municipal CEO if the report contains any lobbying expenditures relating to municipal or independent school district affairs.

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**b. What is included in the report?**

- i. A description of the *lobbying expenditures*;
- ii. Name of the official, employee, or group lobbied;
- iii. Amount, date, and description of the expense;
- iv. Aggregate *lobbying expenditures* for the calendar year; and
- v. If applicable, the number of the bill, order, rule or regulation lobbied for or against.

**c. Where to file?**

Lobbyists must submit their reports electronically through the Commission's E-filing system. <http://www.ethics.state.ga.us/Efiling/default.aspx>

- 3. Identification Card:** When a lobbyist is at the Georgia Capitol or in a Georgia government facility, the lobbyist must wear an identification card that reads "LOBBYIST." After the lobbyist registers, the Commission will issue a card to the lobbyist. The 2014 revisions to the laws removed the statutory fees for the card; however, the Commission has the authority to set fees in the future.

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