

LOBBYIST FILING REQUIREMENTS **FREQUENTLY ASKED QUESTIONS**

What is “lobbying”?

Lobbying is communicating directly with any official in the legislative or executive branch of the District government with the purpose of influencing any legislative action or an administrative decision.¹

The term “lobbying” does not include:

- a) The appearance or presentation of written testimony by a person on his or her own behalf, or representation by an attorney on behalf of any such person in a rulemaking (which includes a formal public hearing), rate-making, or adjudicatory hearing before an executive agency or the Tax Assessor;
- b) Information supplied in response to written inquiries by an executive agency, the Council, or any public official;
- c) Inquiries concerning only the status of specific actions by an executive agency or the Council;
- d) Testimony given before the Council or a committee of the Council, during which a public record is made of such proceedings or testimony submitted for inclusion in such a public record;
- e) A communication made through the instrumentality of a newspaper, television, or radio of general circulation, or a publication whose primary audience is the organization's membership; and
- f) Communications by a bona fide political party.

Who does not have to register as a lobbyist?

The following people are not required to submit a Lobbyist Registration form with BEGA:

- a) A public official, or an employee of the United States acting in his or her official capacity;
- b) A publisher or working member of the press, radio, or television who, in the ordinary course of business, disseminates news or editorial comment to the general public;
- c) A candidate, member, or member-elect of an Advisory Neighborhood Commission; or
- d) Civic leagues or organizations and municipal associations which are devoted exclusively to charitable, educational, or recreational purposes, whose activities do not consist of lobbying, the result of which shall inure to the financial gain or benefit of the entity.

¹ D.C. Code §1-1161.01(32)(a)

However, if your lobbying activity inures to your benefit or the benefit of your members, you are required to register.

If I am engaged in grassroots lobbying and have no direct contact with a government official, do I have to register?

No. Grassroots lobbying does not necessarily trigger the registration requirement.

Who is required to file a Lobbyist Registration form with the Board of Ethics and Government Accountability?

You are required to file a Lobbyist Registration form, and pay the applicable fee, if you:

- a) Receive compensation in an amount of \$250 or more in any 3-consecutive-calendar month period for lobbying;
- b) Receive compensation from more than one source in an aggregate amount of \$250 or more in any 3-consecutive-calendar-month period for lobbying; or Expend funds in an amount of \$250 or more in any 3-consecutive-calendar-month period for lobbying.

All independent lobbyists, lobbying entities who employ lobbyists, and persons who have others lobbying on their behalf must submit a Lobbyist Registration form to BEGA.

How much is the Lobbyist Registration fee?

The Registration fee is \$250.

Unless you are a nonprofit organization or you lobby solely for a nonprofit organization, in which case the filing fee is \$50. Please note that this only applies to nonprofits or lobbyists who lobby only for nonprofits. For example, if you lobby for 9 nonprofits and one for-profit entity, you are required to pay the \$250 registration fee for each client, even the nonprofits. The nonprofits would pay \$50 for their own registration.

If I employ a lobbying firm do I have to register?

Yes. You must register with the Director of Government Ethics ² and pay the required registration fee if you receive compensation *or expend funds* in an amount of \$250 or more in any 3-consecutive-calendar-month period for lobbying. This includes a “client” who retains a lobbying firm to conduct lobbying on its behalf, provided the client expends funds in an amount of \$250 or more in any 3-consecutive-calendar-month period for lobbying.

How do I submit my Lobbyist Registration Form or Lobbyist Activity Report?

² D.C. Official Code § 1-1162.29.

You are required to electronically file the Lobbyist Registration form and Lobbyist Activity Reports and pay the registration fee on our website at: <https://efiling.bega-dc.gov/efs/login.aspx>.³

You can create a new lobbyist profile by clicking “[Create New User Login](#)” on the Lobbyist e-filing system landing page.

If you can’t remember your password, you can retrieve it on the e-filing website login page.

Lobbyist Activity Reports and Lobbyist Registration forms are considered timely filed electronically if all forms are filed and fees paid by midnight on the date due.

For a step-by-step training on using the electronic filing system please click here: <https://efiling.bega-dc.gov/webcast/index.asp>

What if I can’t file electronically?

You can request a waiver of the requirement to file electronically.⁴ Waiver requests must be submitted in writing, to the Director of Government Ethics, no later than midnight on the due date

Waiver requests are due:

- No later than January 1st for January Lobbyist Registration and Activity report filings
- No later than April 1st for April Lobbyist Activity Report filings
- No later than July 1st for July Lobbyist Activity Report filings
- No later than October 1st for October Lobbyist Activity Report filings

The Director will grant waivers for good cause shown. The Director’s decision to grant or deny the waiver will be in writing and provided to the registrant seeking the waiver before the next registration or report is due if the request was timely.

If the waiver is granted, the filings shall be filed in hard copy, in person or by first class mail. The filing shall be deemed timely filed if received in BEGA’s offices at 1030 15th Street NW, Suite 700, Washington, D.C. 20005 no later than 5:00 pm on the due date.

You can appeal a denial of your waiver request to the Ethics Board. An appeal is timely filed if it is submitted to the Board Chairperson and the Director of Government Ethics, in writing, no later than two (2) business days after the date of the Director’s denial. The decision of the Board is final and will be provided in writing to the registrant seeking the waiver.

Why do I need to complete both a Lobbyist Registration form and a Lobbyist Activity Report?

The two forms are required from both lobbyists and clients, and the forms collect different information. The Lobbyist Registration form alerts BEGA to your intention to engage in lobbying

³ 3 DCMR § 5803.3.

⁴ 3 DCMR § 5803.6.

activities in the District of Columbia or the fact that you have reached the \$250 threshold referenced above by receiving payment or making the expense.

The Lobbyist Activity Report discloses all lobbying activity for the prior three-month period. The form informs BEGA of your specific lobbying activities and expenditures, including, what types of communications you are engaging in, with whom, the reasons for the communications, on whose behalf and for what purpose, and the funds expended.

What happens if I do not register or file a Lobbyist Activity Report?

If you engage in lobbying but fail to register or file a Lobbying Activity Report, you will be fined \$10 a day for up to thirty (30) days that the registration or Lobbyist Activity Report is late. If, after 30 days, you still are not registered, BEGA will contact you and attempt to bring you into compliance. You may have an opportunity to respond to this correspondence. If you remain non-compliant, you will be required to pay the initial registration fee for the year (\$250) and a civil penalty for failure to file your report(s) (\$300 per report). If you continue to fail to register and/or file a report after fines have been assessed, BEGA may bring the matter before the Ethics Board as an enforcement matter for willful failure to file or refer the matter to the Office of the Attorney General for collection of the fine.

Regarding the Lobbyist Registration Form and the Lobbyist Activity Report, who is the Registrant?

If you are an independent lobbyist, you are the Registrant.

If you are a lobbying entity (i.e. lobbying firm) who employs lobbyists, you are the Registrant.

If you are a client who compensates a lobbyist or lobbying firm in the amount of \$250 or more in a 3-consecutive calendar month period for lobbying, you are the Registrant.

This means that if you are a business, agency, or other entity that employs lobbyists, the Registrant Name should be the name of your agency or entity, ***not*** the name of the lobbyist; individual lobbyists working for lobbying entities do ***not*** need to submit individual Lobbyist Registration Forms.

Please also note that the Registrant Name should appear the ***exact same way*** on all forms.

You disclose the name of each lobbyist working for a lobbying entity or a client under Question 2 on the Lobbyist Registration Form.

Who qualifies as a “nonprofit organization”?

The term "nonprofit organization" means an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986. A nonprofit organization registered under any other section of the Internal Revenue Code is ineligible to pay the reduced lobbyist registration fee⁵ and should pay the full lobbyist registration fee of \$250.

When are Lobbyist Registration forms due?

Lobbyist Registration must be submitted to BEGA by January 15th of each year (unless the 15th falls on a weekend or holiday); or no later than 15 days after becoming a Lobbyist (see definition of "Lobbyist").

If you fail to register on time, you will be subject to a civil penalty of \$10 per day up to 30 days past the deadline.⁶

What happens if I realize that I should have filed a Lobbyist Registration form or Lobbyist Activity Report, but failed to do so?

File as soon as possible. If you have just begun lobbying and are within the 15 days referenced above, you likely will not be subject to a fine for failing to register. However, you should contact BEGA to ascertain whether there are any outstanding fines for failure to timely file a Registration form or Activity Report.

If I want to file the Lobbyist Registration form electronically, can I pay the required registration fee electronically?

Yes. You can pay with a credit card at the end of the filing process. After payment is completed, you will see a receipt on the screen and a receipt will be emailed to the address you provided.

If you wish to pay by check you can file electronically and send the payment check to BEGA. Once BEGA receives your check the registration will be completed in the electronic filing system. Registration is not considered complete and filed until payment is received.

When are Lobbyist Activity Reports due?

Lobbyist Activity Reports are due four times a year:

January 15th—Covers Reporting Period October 1 to December 31

⁵ The lobbyist registration fee for 501(c)(3) entities is \$50.

⁶ DC Official Code § 1-1162.32(c).

April 15th—Covers Reporting Period January 1 to March 31

July 15th ---Covers Reporting Period April 1 to June 30

October 15th ---Covers Reporting Period July 1 to September 30

If you fail to file on time, you will be subject to a civil penalty of \$10 per day up to 30 days past the deadline. (See, DC Official Code § 1-1162.32(c)).

If I register as a lobbyist in between reporting periods, must I immediately file the required reports?

No. LARs are only due four times a year – between the 1st and 15th day of January, April, July, and October.

Do I still have to file a Lobbyist Activity report if I didn't engage in any lobbying activity during this reporting period?

If you register as a lobbyist, lobbying entity, or client for a respective year, you must file a Lobbyist Activity Report for both reporting periods in a calendar year, even if you did not engage in any lobbying activity during the reporting period, unless you have terminated the registration. You would write “0.00,” “Nothing” or “No Activity” on all sections of the report.

What do I report regarding my communication with officials in the legislative and executive branch?

You must report any written or oral communication, including electronic mail, text messages, or any other form of communication, related to lobbying activities. These communications must be reported separately by date and official, and must identify:

- a) The official with whom the communication was made;
- b) The specific date on which the communication was made to a specific official;
- c) The type of communication; and
- d) The nature and purpose of communication.

If I am a lobbyist and my client has direct communication with a government official, must I record my client's activity in my report? Alternatively, if I employ a lobbyist, must I record his/her direct contact with government officials in the report?

No. The Ethics Act provides that lobbyists disclose: “each official in the executive or legislative branch with whom the registrant has had written or oral communications...” Both lobbyists and clients must register with BEGA. It is the responsibility of each party to disclose, in their own respective reports, any direct communications with a government official

How do I calculate expenditures?

Expenditures are reported on a cash basis, meaning Registrants report the expenditure at the time the lobbyist is compensated.

Regarding Schedules A and A-1 of the Lobbyist Activity Report, do I need to provide receipts to BEGA?

As a Registrant, you are required to preserve all accounts, bills, receipts, books, papers and documents used to substantiate the information provided in the Activity Report for five years from the date that you filed the Report.⁷ You do not have to provide them with your report, but these documents must be made available to the Director of the Office of Government Ethics, if requested with reasonable notice.

What is meant by “terms of compensation” for Question 4 on the Lobbyist Registration Form?

If the lobbyist is a salaried employee and is not receiving extra compensation for his lobbying duties, you may list “salary” on Question 4. However, the Registrant must be able to provide the specific terms of compensation upon request from BEGA. If the Registrant charges by the hour, the hourly rate should be listed. If the Registrant pays a flat fee, list the flat fee. If the Registrant is on retainer, you may write in “retainer”. If the compensation arrangement involves two or more methods of compensation, all methods must be listed.

I am a lobbyist and contributed to an inaugural committee and/or a transition committee for an Executive Branch official. Does this need to be reported on the Lobbyist Activity Report? If so, where?

Yes, pursuant to the Ethics Act, you must disclose each political expenditure, loan, gift, honorarium, or contribution of \$50 or more made by the registrant or anyone acting on behalf of the registrant to benefit an official in the legislative or executive branch.

- If the contribution was *made on behalf of a client*, the contribution must be reported on ***Schedule A-2*** of your Lobbyist Activity Report and your client’s Lobbyist Activity Report.
- If the contribution was *not* made on behalf of a client, the contribution must be reported on

⁷ DC Official Code § 1-1162.30(b).

Schedule C: Campaign Contributions, an additional form.

How are bundled campaign contributions defined?

Under the Ethics Act, "bundled" or "bundling" means to forward or arrange to forward two or more contributions from one or more persons by a person who is not acting with actual authority as an agent or principal of a committee.

How do I disclose bundled campaign contributions?

Bundled campaign contributions must be disclosed and should be disclosed on ***Schedule C***, the Campaign Contributions form, because they are not made on behalf of any one specific client or lobbying entity.

When reporting bundled campaign contributions, the registrant must provide the name of each contributor, the address and employer of each person from whom the contributions were received, and the name of the candidate or committee for whom the contributions were collected.

What do the terms “business relationship” and “professional services relationship” mean?

“Business relationship” means a relationship established to provide business services.

“Professional services relationship” means a relationship where the functions are infrequent, technical or unique and, primarily performed by independent contractors or by consultants whose occupation is the rendering of such services.

Who do I contact, at BEGA, for lobbying questions?

Contact us at bega.lobby@dc.gov.