

Seattle Ethics and Elections Commission
Lobbying Rules

PUBLIC HEARING DRAFT

SEATTLE ETHICS AND ELECTIONS COMMISSION

LOBBYING RULES

RULEMAKING UPDATES TO MONETARY REPORTING THRESHOLDS, UPDATES TO SEEC FILING SOFTWARE, CLARIFICATION ON EMPLOYER CERTIFICATION PROCESS, GUIDANCE ON DIRECT AND INDIRECT REPORTING OF DUES, AND NON-SUBSTANTIVE FORMATTING AND GRAMMATICAL CHANGES.

EFFECTIVE **2024**

Rule 1 Filing Reports

A. Electronic Filing. Filers, using web-browsing software, will enter the Lobbyist e-Filing site by opening the following web page address provided by Commission staff for that purpose: www2.ci.seattle.wa.us/ethics/lobbyfiler/login.asp. Users will then log in to the application using the user name and password provided to them by Commission staff. The ~~filer~~ user will then follow the instructions for filing reports.

B. Passwords. The Commission will assign each individual ~~filer~~ user a password ~~which may be used by the filer~~ to gain access to the application. The application provides ~~filers~~ users with the ability to change the password at any time. An individual to whom the Commission assigns a password is responsible for all filings made using that password or any succeeding password established using the initially assigned password.

C. Reports due on Saturday, Sunday, or a postal holiday must be filed by midnight the following business day. An electronic file will be considered filed on the date the Commission's server software records receipt of such a file.

Rule 2 Reports by Lobbyists' Employers

A. The requirement in SMC 2.06.020.A.3 that a lobbyist's employer must provide written authorization confirming the lobbyist's employment can be satisfied by ~~(A) an e-mail to an address provided by Commission staff for that purpose, ethicsandelections@seattle.gov, (B) a letter sent by fax to the Commission at (206) 684-8590, or (C) a letter sent by mail to the Seattle Ethics and Elections Commission at P.O. Box 94729, Seattle, WA 98124-4729.~~

B. The option in SMC 2.06.040.A.1 for a lobbyist's employer to verify the accuracy of the annual report filed by the lobbyist, in lieu of the employer filing a separate report with the Commission, can be satisfied by the employer's submission of a copy of the lobbyist's report signed by the employer and ~~(A) sent by e-mail to an address provided by Commission staff for that purpose, ethicsandelections@seattle.gov, (B) sent by fax to the Commission at (206) 684-~~

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8590, or (C) sent by mail to the Seattle Ethics and Elections Commission at P.O. Box 94729, Seattle, WA 98124-4729.

Rule 3 Exceeding the Casual Lobbying Threshold

A. The Commission recognizes that a lobbyist who reasonably expects to qualify for the exemption from registration and reporting ~~which is~~ provided for those who limit their lobbying to four days or parts thereof in a calendar quarter (see, SMC 2.06.060) may thereafter become ineligible for that exemption ~~thus violating SMC 2.06.020 and SMC 2.06.110.A~~ by not having registered within the prescribed time period.

B. The Commission shall not initiate enforcement proceedings against a lobbyist or ~~his or her~~ their employer in circumstances described in subsection (A.) of this section if the lobbyist:

1. Registers pursuant to SMC 2.06.020 before doing any lobbying in excess of the exemption limitations in SMC 2.06.~~060~~020.A.2; and
2. Files a report when next due under SMC 2.06.030, which ~~report~~ includes all reportable information for the lobbying activities cumulatively causing the exemption limitations to be reached.

Rule 4 Compensation for lobbying

A. A person shall be deemed to be compensated for lobbying when they receive compensation from another person in whole or in part for lobbying. When a person receives a regular salary from an employer, and engages in lobbying in the course of ~~his or her~~ their employment, the person shall report that portion of their regular salary that is attributable to their lobbying activities on behalf of that employer. An hourly employee must report that portion of ~~his or her~~ pay compensation that is attributable to lobbying activities on behalf of their employer.

B. A person is lobbying in the course of ~~his or her~~ their employment when ~~he or she~~ they ~~exceeds~~ exceed the casual lobbying threshold (see Rule 3 above) and:

1. ~~Serves~~ Serve as an officer or director of ~~his or her~~ their employer;
2. ~~Serves~~ Serve in a policymaking or communications role with ~~his or her~~ their employer; or
3. Whose scope of work for that employer includes lobbying, as that term is defined at SMC 2.06.010.~~F~~.

Rule 5 Enforcement Discretion

A. The Executive Director shall not commence enforcement proceedings against a lobbyist or ~~his or her~~ their employer if:

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1. The lobbyist's total compensation for lobbying activities does not exceed ~~\$100~~ 2,000 in a calendar quarter; and
2. The lobbyist registers and reports within five business days of the Executive Director's request that ~~he or she~~ they do so.

Rule 6 Exemption for lobbyists employed by other governments

A person shall be deemed to be "specifically employed or retained by a government agency to lobby," and ineligible for the exemption ~~at in~~ in SMC 2.06.060.A.4 D, when ~~he or she spends they~~ spend in excess of 20 percent of ~~his or her~~ their time working for the agency, in a calendar quarter, either engaged in lobbying or engaged in preparation and planning activities, or research and other background work that is intended, at the time it is performed, for use in connection with lobbying. For the purposes of determining eligibility for this exemption, employees and contractors must include their time spent on lobbying activities related to lobbying federal, state, or local officials.

Rule 7 Basic Registration Form

This form is to be completed and submitted by individuals who engage in direct lobbying as referenced in SMC 2.06.020. The purpose of this form is for individuals engaged in direct lobbying to provide certain information about themselves to the Executive Director.

Basic Registration

Name of Filer

Filing as: Lobbyist (and/or) Employer of Lobbyists

Permanent Business Address

Street

City State Zip

Telephone

email

Custodian of Records

Identical to Name and Address above
 Different from Name and Address above

Temporary Seattle Address (if any)

Identical to Permanent Address above
 Different from Permanent Address above

Remember to File or Save Changes!!!
Scroll up and click appropriate button on right.

File This Report
Save Changes (Does not file report)
Cancel Changes

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The basic registration form of the lobbyist e-filing system shall provide fields for reporting applicable information to the Commission, including the lobbyist's name, permanent business address, business telephone number, and business e-mail address.

Rule 8 Lobbyist Employer/Client Registration Form

This form is to be completed and submitted by individuals who engage in direct lobbying as referenced in SMC 2.06.020. The purpose of this form is for individuals engaged in direct lobbying to provide certain information about their employers/clients to the Executive Director.

The image shows a screenshot of a web-based registration form titled "Lobbyist Registration(s)". The form is divided into several sections: "Basic Registration" (with a pre-filled name "Wayne Barnett"), "Employer" (with fields for Name, Street, City, State, Zip, Telephone, and email), "Occupation, Business, or Purpose", "Help?" (with three "Default Help Text" entries), "Employment Details" (with radio buttons for "Solely Lobbying" and "Partly Lobbying", and fields for "Expected Duration", "Compensation (for lobbying)", and "Reimbursement for Expenses"), "Subjects of Lobbying (include legislation #)", "Employed through Lobbying Entity?" (with fields for "Name of Entity" and "Compensation to Entity"), and "Employer is Business or Trade Association or Similar Organization?". On the right side of the form, there are three buttons: "File This Report", "Save Changes (Does not file report)", and "Cancel Changes". A large black 'X' is drawn over the entire form, indicating it is to be replaced.

The employer/client registration form of the lobbyist e-filing system shall provide fields for reporting applicable information to the Commission, including the following information for each of the lobbyist's employers:

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- A. The name, permanent business address, business telephone number, business e-mail address, and occupation or business of the lobbyist's employer;
- B. The duration of the lobbyist's employment (If there is no specific time frame, this can be reported as ongoing or as needed.);
- C. The lobbyist's compensation for lobbying, and any compensation for lobbying provided to a lobbying entity for the lobbyist's services, how much the lobbyist is to be paid for expenses, and what expenses are to be reimbursed (Compensation is to be reported as a rate of pay which includes a dollar amount and an amount of time, for example, \$50 per hour or \$5,000 per quarter. If reimbursements will not be made, then the report should state so affirmatively or indicate that reimbursements are not applicable.);
- D. Whether the person from whom the lobbyist receives that compensation employs the lobbyist solely as a lobbyist or whether the lobbyist is a regular employee performing services that include, but are not limited to, lobbying;
- E. The general subject or subjects and, if there is one, the piece of legislation related to the lobbyist's lobbying, including the council bill, ordinance, resolution, or initiative number, if established (If there is no specific number designated for a piece of legislation and one is later created, that number should be included in an update to the registration.);
- F. If the lobbyist receives compensation from a lobbying entity, then the name of such entity; and
- G. If the lobbyist's employer is an entity (including, but not limited to, a business or trade association) not exempted under SMC 2.06.070, whose members include businesses, groups, associations, or organizations or which as a representative entity undertakes lobbying activities for businesses, groups, associations, or organizations:
1. The name and business address of each business or trade association, or other organizational member of such entity; and
 2. The name of each person represented by such entity, whose payments or other consideration paid to such entity for lobbying during either of the prior two years have exceeded \$500 or who has paid or is obligated to or has agreed to make payments or other consideration exceeding \$500 to such entity for lobbying during the current year. Membership fees, dues, or other consideration paid to such an entity, but not provided for the specific purpose of lobbying, shall not be regarded as consideration for lobbying, as set forth in SMC 2.06.020.A.2.g.2.
- H. The name, business address, business telephone number, and business e-mail address of the person who will have custody of the accounts, bills, receipts, books, papers, and documents required to be kept by SMC 2.06.090.
- I. The registration of a lobbyist who registers during the last calendar quarter of an even-numbered year is valid until the second Monday of January three years later, unless it is terminated before that day.

Rule 9 Quarterly Expenditure Report

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This form is to be completed and submitted by individuals who engage in direct lobbying as referenced in SMC 2.06.030. The purpose of this form is for individuals engaged in direct lobbying to provide, on a quarterly basis, certain information to the Executive Director about their lobbying activities.

The image shows a screenshot of a web-based form titled "Quarterly Expenditure Reports". The form is crossed out with a large black 'X'. The form includes a dropdown menu for "Prepare which Quarterly Report?" set to "2008 3rd Quarter". Below this, it indicates "Reporting Activity from 7/1/2008 to 9/30/2008" and shows the lobbyist's name as "asq". There are several input fields for reporting expenses, all currently set to "\$0.00": "Compensation to Reporting Lobbyist", "Total Compensation to Lobbying Entity (if applicable)", "Food & Refreshments", "Living Accomodations", "Travel", "Entertainment", and "Other". A section for "Subjects of Lobbying this Quarter (include legislation #)" is present but empty. On the right side of the form, there are three buttons: "File This Report", "Save Changes (Does not file report)", and "Cancel Changes". At the bottom, a reminder states: "Remember to File or Save Changes!!! Scroll up and click appropriate button on right."

The quarterly expenditure tab of the lobbyist e-filing system shall provide fields for reporting applicable information to the Commission, including the following quarterly expenditure information for each of the lobbyist's employers:

A. The name, permanent business address, business telephone number, business e-mail address, and occupation or business of the lobbyist's employer.

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B. The totals of all expenditures for lobbying activities made or incurred by such lobbyist and the totals of all expenditures for lobbying activities made or incurred on behalf of such lobbyist by such lobbyist's employer, lobbying entity, or any other person with the lobbyist's knowledge. Such total expenditures for lobbying activities shall be segregated by category, and include the following: food and refreshments, living accommodations, travel, entertainment, and other expenses or services, including but not limited to minor incidental expenses. Notwithstanding the foregoing, lobbyists are not required to report any unreimbursed expenses incurred for telephone and any office expenses including rent and salaries and wages paid for staff and secretarial assistance.

C. The total compensation paid to the lobbyist for lobbying purposes and any compensation for lobbying purposes provided to a lobbying entity for the lobbyist's services during the reporting period by each of the lobbyist's employer(s).

D. The legislation that the lobbyist has been supporting or opposing during the reporting period, including the council bill, ordinance, resolution, or initiative number, if established. If not established, then the topic or subject of the lobbying activity.

E. The names of the individuals lobbied, and the dates on which they were lobbied.

F. Information regarding any termination, change, or modification of the lobbyist's employment.

G. If, during the quarterly reporting period, the lobbyist provided compensated services, including consulting services, to the campaign of any candidate for elective City office, or to a campaign for or against any City ballot measure, the name of the candidate, the elective City office sought by the candidate, the ballot number of the ballot measure, the date of the election, the amount of compensation earned for the compensated services, and a description of the nature of the services provided. Such information shall be reported if the lobbyist personally provided the services, or if the services were provided by a business entity in which the lobbyist owns at least a ten percent investment, whether the compensation was provided directly to the lobbyist or to the business entity.

H. Lobbyists are required to file quarterly reports for each quarter in which they are registered, even if no reportable lobbying activity has occurred. A note in the lobbying details field of the quarterly report indicating that there was no activity and reporting zero dollars in compensation is sufficient.

Rule 10 ~~Optional~~ Lobbyist Employer Annual Reporting Form

Rule 10 will be promulgated before January 15, 2009.

On or before the last day of February of each year, every employer of a lobbyist not exempted under SMC 2.06.070 shall report on such employment either by verifying, by signing or certifying along with the lobbyist, each quarterly report for the preceding calendar year required to be filed by SMC 2.06.030, or by requesting a user name and password from Commission staff, and opening the following web page address provided by Commission staff for that

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purpose, and following the onscreen instructions for filing reports:
<https://web6.seattle.gov/ethics/LobbyFilerCore/Home/Login>.

The employer shall file with the Commission a statement disclosing for the preceding calendar year applicable information to the Commission, including the following:

- A. The total expenditures made by the employer for lobbying purposes, whether through or on behalf of a registered lobbyist or otherwise;
- B. The legislation the employer has been employing a lobbyist or lobbying entity, or compensating a lobbyist or lobbying entity, to support or oppose, including the council bill, ordinance, resolution, or initiative number, if established;
- C. The name, permanent business address, business telephone number, and business e-mail address of each lobbyist or lobbying entity employed by the reporting person and the total expenditures made by the employer for each such lobbyist or lobbying entity for lobbying purposes; and
- D. Any contract the entity or any of its subdivisions has with the City.

Rule 11 Dues Paid to Organizations Sponsoring Lobbying Events

When a direct lobbyist attends an event for which lobbying is a purpose or reasonably foreseeable result, such lobbying activity and related expenditures must be reported by the lobbyist. Any dues paid by an employer of the direct lobbyist to sponsor such an event are not considered compensation for the lobbyist but should be reported in the “Other” field on the quarterly reports. If indirect lobbying (see SMC 2.06.115) campaign activity occurs at such an event, then dues paid by the sponsor would be reported as part of the expenditures for the campaign on the monthly report.

Rule 12 Large Expenditures for Indirect aka Grassroots Campaigns

When a sponsor of an indirect campaign as defined at SMC 2.06.115 has made an expenditure in excess of \$1,000 in a one month period or \$1,750 in a three month period, that expenditure will be considered a “large” expenditure as defined in SMC 2.06.115.B.5 and the advertising, segregated by media, shall also be segregated by outlet in the registration and monthly reporting statements.

These Rules were originally adopted by the Seattle Ethics and Elections Commission at the meeting on September 3, 2008, and were effective on the date they were filed with the City Clerk. The Commission members who voted to take this action were: Michele Radosevich (Chair), Robert Mahon (Vice Chair), Tarik Burney, Edward C. Carr, Lynne Iglitzin, Mel Kang,

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and Nancy Miller. These Rules were witnessed and certified by Wayne Barnett, Executive Director of the Seattle Ethics and Elections Commission, State of Washington, City of Seattle, on September 17, 2008.

These Rules were revised, and the revised version adopted by the Seattle Ethics and Elections Commission at their meeting on [insert MONTH, DAY, and YEAR], and will be effective on the date they are filed with the City Clerk. The Commission members voting to take this action were:

[Insert LIST OF COMMISSIONER NAMES]

STATE OF WASHINGTON
CITY OF SEATTLE

I, WAYNE BARNETT, Executive Director of the Seattle Ethics and Elections Commission, State of Washington, do hereby certify that this is a true and correct copy of the Lobbying Rules, implementing Chapter 2.06 SMC, as adopted on [insert MONTH, DAY, and YEAR].

IN WITNESS WHEREOF, I have hereunto set my hand this [insert DAY of MONTH, and YEAR].

/S/
WAYNE BARNETT, Executive Director