# GUIDE TO LOBBYING IN OREGON





# Oregon Government Ethics Commission

Oregon Government Ethics Commission

3218 Pringle Road SE, STE 220 Salem, OR 97302-1680 www.oregon.gov/ogec "The Legislative Assembly finds that, to preserve and maintain the integrity of the legislative process, persons who engage in efforts to influence legislative action, either by direct communication with legislative officials or by solicitation of executive officials or other persons to engage in those efforts, should regularly report their efforts to the public." [ORS 171.730]

#### **DISCLAIMER**

This guide discusses how the provisions in Chapter 171 of the Oregon Revised Statutes apply to lobbying activities. In addition, the guide will also discuss how certain provisions in Chapter 244 of the Oregon Revised Statutes apply to public officials and lobbyists. ORS 244.320 requires the Oregon Government Ethics Commission to provide publications that explain, in understandable terms, the requirements of Oregon Lobbying Regulations and the Oregon Government Ethics Commission's interpretation of those requirements. Toward that end, the statutory language has been summarized and paraphrased in this guide. Therefore, the discussion in this guide should be read in conjunction with the specific statutes and rules

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## ABOUT THE OREGON GOVERNMENT ETHICS COMMISSION

At the Oregon Government Ethics Commission (Commission), we serve the public interest. We assist and educate, we create transparency and accountability, and we consistently enforce the laws under Commission jurisdiction. The regulatory jurisdiction of the Commission covers provisions of ORS Chapter 171.725 to 171.785 and 171.992, Lobby Regulation law; ORS Chapter 244, Oregon Government Ethics law; and ORS 192.660, the executive session provisions of Oregon Public Meetings law. Transparency and public information is a priority. We hope you find our website, this guide, and our other resources useful.

Oregon's lobbyist registration measure was adopted in 1973 and, as originally constituted, was administered by the Secretary of State. The following year, the voters approved a legislative referral creating the Oregon Government Ethics Commission. Broadly speaking, this legislation was intended to prevent public officials from using their office for personal gain, for example, by requiring public officials to publicly disclose personal financial information and conflicts of interest, and creating the Commission to enforce these obligations. Additionally, the 1974 referral transferred the responsibility to administer lobbying statutes within ORS Chapter 171 from the Secretary of State to the Commission.

#### **Meet the Commission**

The Commission has nine volunteer members. Eight members are appointed by the Governor upon recommendation of the Legislative Assembly, two each by the Democratic and Republican leaders of the Oregon House and Oregon Senate. The Governor appoints one member directly. All members must be confirmed by the Senate. No more than three of the members may be from the same political party. The law allows members to serve only one full four-year term.

# Meet the Oregon Government Ethics Commission (OGEC) Staff

We are a nine-person state regulatory agency consisting of the executive director, a compliance and education coordinator, investigators, trainers, program administrator, and administrative staff. The Commission and staff consider that they are doing their jobs most successfully if they can assist individuals in avoiding conduct that violates Oregon Government Ethics law, Oregon Lobby law, and the executive session provisions of Public Meetings law. We are available for informal questions and discussions about statutes, administrative rules and the Commission's processes. You are encouraged to contact our office at any time.



OGEC's office is located in the Morrow Crane Building

# **OREGON LOBBY LAW**

Chapter 171 of the Oregon Revised Statutes requires a person who meets the lobbyist registration requirements to electronically register with the Commission and to file quarterly expenditure reports of lobbying activity. Chapter 171 also contains restrictions applicable to persons required to register as lobbyists. The client or employer of the lobbyist, by using the Commission's Electronic Filing System, must notify the Commission of their acceptance of each person lobbying on their behalf. The client or employer must also file quarterly expenditure reports of lobbying activity. These lobby laws are administered and enforced by the Commission under ORS 171.725 to ORS 171.785. The Commission has adopted rules relating to lobby law in Chapter 199, section 10 of the Oregon Administrative Rules (OAR).

If you have questions that are not answered by this guide or by the instructions in the Commission's Electronic Filing System, please contact the Commission by telephone at (503) 378-5105 or by email at ogec.mail@oregon.gov.

# **DEFINITIONS**

Throughout this guide, several frequently used terms are defined as follows. The definitions of these and other terms are taken from the statutory definitions, which are available on the Commission's website at <a href="https://www.oregon.gov/ogec/Pages/laws.aspx">https://www.oregon.gov/ogec/Pages/laws.aspx</a>.

#### LEGISLATIVE ACTION

Legislative action applies to action before or taken by the Oregon Legislative Assembly. It includes "the introduction, sponsorship, testimony, debate, voting or any other official action on any measure, resolution, amendment, nomination, appointment, or report, or any matter that may be the subject of action by either house of the Legislative Assembly, or any committee of the Legislative Assembly, or the approval or veto thereof by the Governor." [ORS 171.725(6)]

#### **LOBBYIST**

A lobbyist is any individual who agrees to provide personal services for money or any other consideration for the purpose of lobbying. The term lobbyist includes professional lobbyists, as well as public officials and representatives of a corporation, association, organization, grassroots group or other group who lobby. [ORS 171.725(9)]

#### CLIENT/EMPLOYER

A client/employer is any person, business, company, public agency, organization or group that authorizes a lobbyist to register with the Commission to represent the client/employer in their lobbying efforts. [ORS 171.740(1)(b)]

# **LOBBYING ACTIVITIES**

#### WHAT IS LOBBYING?

A person is lobbying if that person influences or attempts to influence **legislative action.** Lobbying activity includes verbal and written communication with legislative officials to support or oppose the legislative action. It also includes soliciting executive officials or other persons to seek to influence the legislative action. Lobbying also includes efforts to gain the goodwill of legislative officials.

"Goodwill" means kindness, friendliness, benevolence or generosity by a person or entity directed toward a legislative official that could cause the legislative official to have a favorable impression of or thankfulness to the person or entity. [OAR 199-010-0005(3)]

Lobbying activity takes many forms and may be focused on legislative officials themselves, or may be focused on encouraging executive officials or others to influence legislative action. Any of the following activities, <u>undertaken for the purposes of influencing legislative action or engendering goodwill of legislative officials</u>, could be a lobbying activity. This list of lobbying activities is intended to be illustrative, not comprehensive.

- Testimony at legislative committee hearings
- Formal or informal meetings or appointments
- Casual conversations
- Written correspondence (Letters, Memos, Emails, Texts)
- Telephone conversations
- Social media:
  - Facebook
  - Twitter
  - Instagram
  - Snapchat
  - YouTube
  - Reddit
  - All other forms of social media



You Tube

tumblr. D

- Providing:
  - Gifts, flowers, food and beverage
  - Organized events:
    - Invitation to be a guest at an event or to sit at a table sponsored by a client/employer.
    - Travel and accommodations (hotel, airfare, car rental, bus, or taxi, etc.)

If uncertain about whether an activity would constitute lobbying, please contact the Oregon Government Ethics Commission by telephone at **503-378-5105** or by email to **ogec.mail@oregon.gov**.

# LOBBYING RESTRICTIONS AND PROHIBITIONS

# Oregon law prohibits lobbyists from engaging in the following conduct:

- ➤ Instigating the introduction of legislative action for the purpose of gaining employment as a lobbyist to oppose that same legislative action. [ORS 171.756(1)]
- Attempting to influence the vote of a legislator by promising financial support to the legislator's candidacy or threatening to finance opposition to the legislator's candidacy. [ORS 171.756(2)]
- ➤ Lobbying or offering to lobby for compensation if any part of that compensation is contingent upon the success of the lobbying effort. [ORS 171.756(3)]
- ➤ Knowingly or willfully making false statements or misrepresentations to a legislative or executive official. [ORS 171.764(1)]
- Knowingly causing a document containing a false statement to be submitted to a legislative or executive official, without notifying the official of the truth in writing. [ORS 171.764(1)]

A lobbyist or the client/employer must not submit to the Commission any lobbying registration forms, expenditure reports or any other documents containing information they do not believe to be true or correct. [ORS 171.762].

Legislative or executive officials may not receive compensation for lobbying from any source other than the State of Oregon. [ORS 171.756(4)]

# **OREGON GIFT CLAUSE**

Lobbyists, along with their client/employers, must also remain aware of the gift restrictions in Oregon Government Ethics law, ORS Chapter 244.



# What is a gift?

Something of economic value given to a public official or candidate, or to their relatives or household members, that is: (a) given without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, and not extended to others who are not public officials or candidates, or their relatives or household members, on the same terms and conditions; or (b) given for valuable consideration less than that required from others who are not public officials or candidates. [ORS 244.020(7)(a)]

ORS 244.025 prohibits public officials or candidates, or their relatives or household members, from soliciting or receiving, directly or indirectly, any gifts that have an aggregate value of more than \$50 per calendar year if the source of the gifts could reasonably be known to have a legislative or administrative interest.

**Public official** is defined in ORS 244.020(16) to include the First Partner and any person serving the State of Oregon or any of its political subdivisions or any other public body as an elected or appointed official, an employee, or an agent, regardless of whether the person is compensated.

A Legislative or Administrative Interest is defined in ORS 244.020(10) as an economic interest, distinct from that of the general public, in any matter subject to the decision or vote of the public official, or candidate, acting in their official capacity.

In the context of gifts accepted by a public official, the public official must determine if the source of the offered gift has a legislative or administrative interest in the decisions or votes of the public official. The "source" of a gift is the person or entity that makes the ultimate and final payment of the gift's expense. [OAR 199-005-0030]

During a calendar year, a person who has a legislative or administrative interest may not offer any gift or gifts with an aggregate value in excess of \$50 to the public official or candidate, or to the relatives or household members of the public official or candidate. [ORS 244.025(2); ORS 244.025(3)]

There may be reporting requirements that apply to public officials who accept gifts and to sources that provide the gifts. [ORS 244.100]

#### **Gift Exceptions**

ORS 244.020(7)(b) lists a number of items that are <u>not considered gifts</u>. These exceptions only apply under the conditions set forth in the statutes and in the related Administrative Rules (OAR Chapter 199, Division 5). **The statutes and rules should be reviewed before offering a public official any gifts.** 

Included in the gift exceptions are the following:

- ➤ Gifts of admission, food or beverage for a public official (or the official's relative, household member, or staff member who is accompanying the public official) may be allowed when the public official attends a reception, meal or meeting as a representative of state government, local government or a special government body. [ORS 244.020(7)(b)(E)]
- ➤ Gifts of reasonable expenses for attendance at a convention, fact-finding mission or trip, conference or other meeting may be allowed when the public official is scheduled to deliver a speech, make a presentation, participate on a panel, or represent state government, local government or a special government body **and** when the expenses are paid by one of the entities identified in ORS 244.020(7)(b)(F). This exception only applies to the expenses of the public official, and not to the public official's relatives or household members. [OAR 199-005-0020(2)]
- ➤ Gifts of reasonable food, lodging and travel expenses provided to a public official (or official's relative, household member, or staff member) may be allowed when the public official represents state government, local government or a special government body and the conditions in ORS 244.020(7)(b)(H) and OAR 199-005-0020 have been satisfied.
- ➤ Gifts of entertainment, including sporting events, golf, theater, etc., provided to a public official (or the official's relative or household member) may be allowed where the entertainment is incidental to the main purpose of another event **or** where the entertainment is for a ceremonial purpose. [ORS 244.020(7)(b)(M); ORS 244.020(7)(b)(N); OAR 199-005-0025]

A person who wishes to offer a gift to a public official, or to a relative or household member of a public official, should carefully consider whether the gift would meet the requirements for the gift exceptions in the statutes and administrative rules. If such a gift does not meet any of those exceptions, then it will be analyzed under the gift clause, meaning that if the gift has an aggregate value in excess of \$50 and if the source of the gift has a legislative or administrative interest, the gift cannot be offered or accepted.

#### LOBBYIST REGISTRATION REQUIREMENTS AND EXCEPTIONS

Lobbyists are required to register with the Commission [ORS 171.740]. There is no fee to register as a "Lobbyist" [ORS 171.772(4)]. When the requirement to register arises depends on the type of lobbyist.

# **TYPES OF LOBBYISTS**

- Professional Lobbyists are those who agree to provide personal services for money or other consideration.
  - Professional lobbyists must register within three (3) business days after being hired or retained by, or agreeing to represent, the client/employer.
- Representative Lobbyists are those who engage in lobbying as a representative of a
  corporation, association, organization, grassroots group or other group in which they are
  employed or to which they belong.
- **Public Official Lobbyists** are those who engage in lobbying on behalf of the public body that employs them.
  - ➤ Representative and Public Official Lobbyists must register within three (3) business days after exceeding the following time or expenditure limits: spending more than an aggregate amount of 24 hours or an aggregate amount in excess of \$100 lobbying during any calendar quarter. [ORS 171.740(1)]

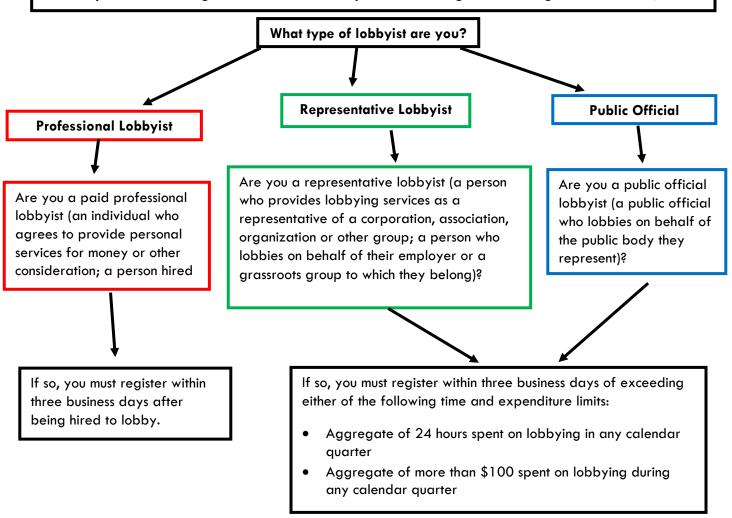
**Note**: If already registered for a client, any additional client must be registered within three (3) days, irrespective of the time and monetary thresholds. [ORS 171.740(3)]

How a lobbyist tracks their time is a personal preference. It is in the lobbyist's best interest to document the hours expended.

The following flowchart is provided to assist persons with determining whether they are required to register as a lobbyist and when they must do so. If you are uncertain about your requirement to register, please contact the Oregon Government Ethics Commission directly at **503-378-5105** or by e-mail at **ogec.mail@oregon.gov.** 

# LOBBYIST REGISTRATION FLOWCHART

Do you engage in lobbying (influence or attempt to influence legislative action through oral or written communication with legislative officials, solicitation of executive officials or other persons to influence or attempt to influence legislative action or attempt to obtain the goodwill of legislative officials)?



You are not required to register if you are any of the following [see exceptions set forth in ORS 171.735]:

- News media who directly or indirectly urge legislative action.
- Individuals who receive no payment for lobbying, who limit lobbying to formal testimony before public sessions of committees or state agency public hearings, and who, when testifying, register an appearance in the records of the committees or agencies.
- Legislative officials acting in an official capacity.
- The Governor or any of the other senior level public officials identified in ORS 171.735(5).

If you have any additional questions, please call the Oregon Government Ethics Commission at (503) 378-5105

# **EXCEPTIONS TO REQUIRED REGISTRATION**

## The following persons are not required to register as a lobbyist:

- A person employed by or an agent of a news media organization who, in the ordinary course of business, directly or indirectly urges legislative action but does not engage in other activities in connection with the legislative action. [ORS 171.735(1)]
- A person who is a legislative official acting in an official capacity. [ORS 171.735(2)]
- A person who is acting as an individual, receives no compensation or reimbursement of expenses, and limits lobbying activities to registering for and offering testimony in public sessions of legislative committees or state agencies. [ORS 171.735(3)]
- A person who does not agree to provide personal services for money or other consideration for the purpose of lobbying (is not a professional lobbyist) and who, as a representative lobbyist or public official lobbyist, spends less than 24 hours lobbying or spends less than \$100 on lobbying activities during a calendar quarter. [ORS 171.735(4)]
- A person who holds one of the following positions: [ORS 171.735(5)]

#### Governor and the Governor's:

- Chief of Staff
- Deputy Chief of Staff
- Legal Counsel
- Deputy Legal Counsel

#### Secretary of State and the:

Deputy Secretary of State

#### State Treasurer and the:

- Deputy State Treasurer
- Chief of Staff

## Attorney General and the:

Deputy Attorney General

# **Deputy Superintendent of Public Instruction**

#### Commissioner of the Bureau of Labor and Industries and the:

Deputy Commissioner of the Bureau of Labor and Industries

# Oregon Law Commission members and staff who conduct the law revision program

**Judges** 

#### **HOW TO REGISTER AS A LOBBYIST**

Once you have reached the registration threshold, and if this is your first time using the electronic filing system (EFS), you must complete the **online registration** with the Oregon Government Ethics Commission at: <a href="https://apps.oregon.gov/OGEC/EFS/">https://apps.oregon.gov/OGEC/EFS/</a>

After creating your personal account, you will be able to "sign in as a registered user" to manage your account and file your quarterly expenditure reports and any subsequent registrations.



It is your personal responsibility to maintain the accuracy of the contact information in this account while registered as a lobbyist and make necessary changes after termination.

# **REGISTERING AS A LOBBYIST**

To register as a lobbyist, go to the OGEC website at https://apps.oregon.gov/OGEC/EFS

Select Register as a New User.



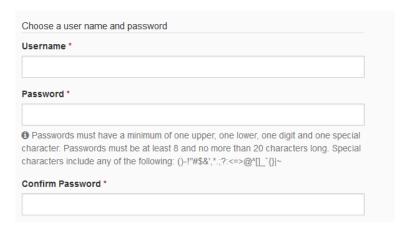
Only create a new account if this is your first time in the system. If you have already created an account, select sign in as a registered user. If you have forgotten your username or password, do not create a new account profile. Instead, contact the Commission by telephone at (503) 378-5105 or by e-mail at ogec.mail@oregon.gov.

Select the Lobbyist tile



#### • Select Create an Account

#### Choose a Username and Password



The Username <u>cannot</u> be changed at a future date. Please use something generic that you can easily remember. **User names are space sensitive**.

Passwords are case sensitive and can only be changed by the account holder. Passwords are security protected and cannot be accessed by anyone but the account holder.

# Create Two Security Questions for Password Retrieval Purposes

- Answers to the security questions are case and space sensitive.
- Please consider creating one word security questions and answers and making them all upper or lower case. This item is also case and space sensitive, so keeping it simple will be helpful in case you forget your password.



#### Personal Profile Information

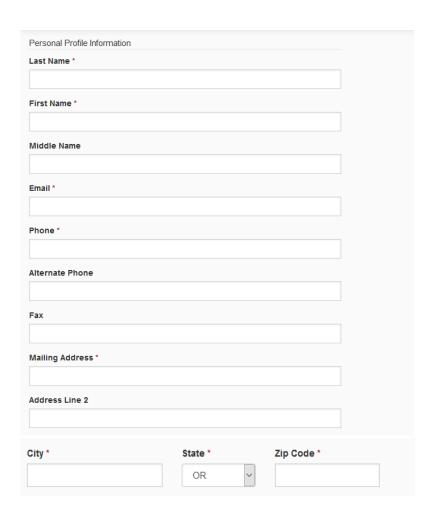
- Last Name (required), First Name (required), Middle Name (optional)
- Email (required) the email address associated with the lobbyist account should be one that the lobbyist **regularly monitors**. All notifications regarding filing requirements and your account are sent electronically through the email address on file.

#### Phone Numbers

 A primary telephone number for the lobbyist is required. An alternate telephone number for the lobbyist is recommended.

# Mailing address

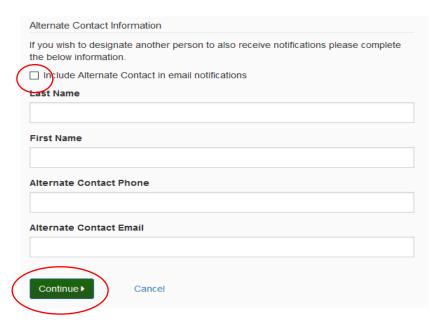
 The current mailing address of the lobbyist is required. If applicable, enter a suite or space # on the same line as the street address.



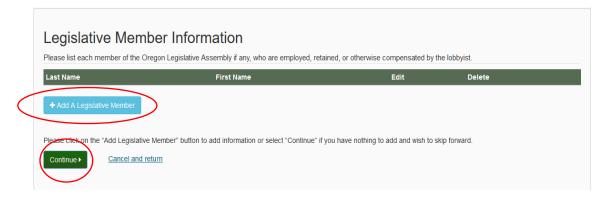
#### Alternate Contact Information

Lobbyists are strongly encouraged to have an alternate contact. The purpose is to serve as a backup reminder regarding the filing requirements and other information that may be sent to you. The alternate contact will not have rights to access the lobbyist's personal profile or file reports. The alternate contact will, however, receive the same email notifications as the lobbyist.

 Provide contact information for a contact person. Make sure to <u>check the box</u> labeled *Include Alternate Contact in email notifications*.



- Select Continue.
- Legislative Member Information: As part of the registration, you are required to list each member of the Oregon Legislative Assembly who is employed, retained, or otherwise compensated by the lobbyist [ORS 171.740(1)(d)]. You may skip this item by clicking *Continue* if you have none to declare.



# • Select +Add A Legislative Member

- Provide the Legislative Member's first and last name and select Save.
- Repeat this process for any other Legislative Members employed, retained or compensated by the lobbyist.
- Click Continue when done.

Note: After clicking Continue and before you complete the rest of the registration, please carefully read the lobbyist registration section at the top of the next page that appears, as it contains important information regarding your responsibilities.

# **CLIENT/EMPLOYER REGISTRATIONS**

You must initiate a separate registration for each client/employer on whose behalf you lobby.

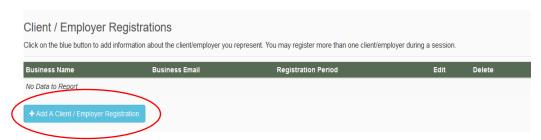
- If you work for a firm that contracts with multiple clients, you must register each client of that firm that you will represent, and not just the firm itself.
- ➤ If you are already registered, but begin to represent a new or additional client/employer, you must register that client/employer within three (3) business days of first lobbying or working for that client/employer.
- ➤ The system will generate an email invitation to each client/employer asking the client/employer to accept the registration you have initiated. You will be notified by email when the client/employer accepts or declines the invitation to register. If you do not receive the notification, it is your responsibility to contact your client/employer to request that they complete the electronic registration process.

It is important to advise your client/employer that they must respond to this email invitation and confirm or deny your request to lobby on their behalf.

No later than **ten (10) calendar days** after a lobbyist files an online registration statement on behalf of a client/employer, the client/employer must formally confirm that the lobbyist represents them [ORS 171.740(2)(a)]. If the email registration invitation is not acted upon within ten (10) calendar days, it will be canceled.

# **ADD A CLIENT/EMPLOYER REGISTRATION**

To register your client/employer, select Add A Client/Employer Registration.



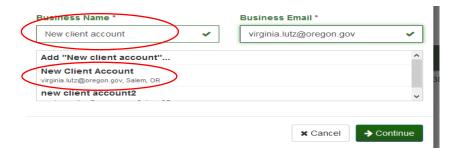
- Business Name: Type the business name as your client/employer wants it to appear for the purpose of creating a master account. (If the business name changes in the future, the client/employer can send an email to ogec.mail@oregon.gov requesting a name change). Avoid using acronyms or abbreviating your client's name for the purposes of registration.
  - As you begin typing the client/employer's name in the entry box, a drop down menu will appear. A list of already registered client/employers with names similar to what you entered will appear. For example, if you begin to type "education" as the business name, client/employers who are already registered with "education" in the name will appear in the drop down list.
  - o If the client/employer you are registering has been previously registered, they will appear in the drop down list. You **must** select the business from this drop down list.



# NOTE: DO NOT RE-ENTER THE BUSINESS NAME IF IT ALREADY APPEARS, EVEN IF THE EMAIL ADDRESS ASSOCIATED WITH THE BUSINESS IS NOT CORRECT.

Each unique client/employer must have only <u>one account</u>. If your client/employer's name appears on the drop down list and you believe that the information the record contains is incorrect, **BEFORE PROCEEDING**, contact the client/employer and ask them to update the email address in their account. If the client/employer's contact name needs to change, the client/employer must contact ogec.mail@oregon.gov to request a name update.

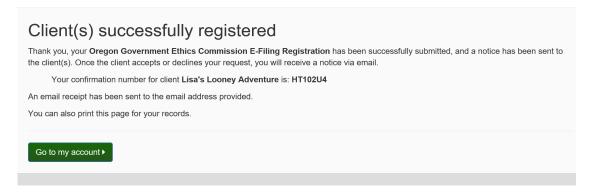
 If the client/employer has not been previously registered, they will not appear in the drop down list. Continue typing the business name.



- Business Email: Type the business email. Email is the main form of communication in the Electronic Filing System. This email address should be one that the client or employer manages on a daily basis. Notifications regarding filing requirements are provided electronically through the email address on file. Select the *Continue* button.
- Confirmation of registration
  - Electronic Signature: Type your name in the box as it appears in your user profile.
     Click the Confirmed check box below your signature.



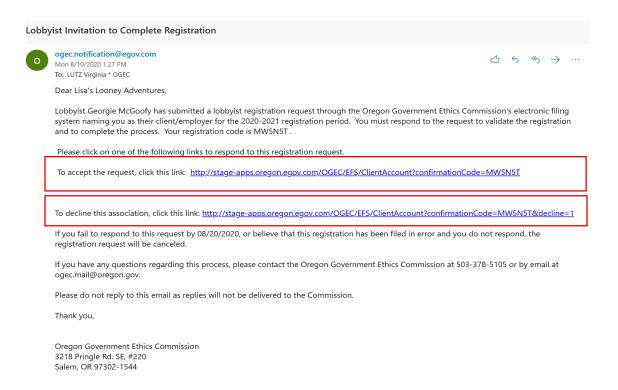
• When finished, click **Submit**. You will receive the following message:



After receiving the on-screen confirmation, you and the client/employer will both receive an email confirming that the registration request was filed. Please be aware that the client must accept the registration request before it becomes valid. Once the client accepts or declines your request, you will receive another email notice advising of what action was taken.

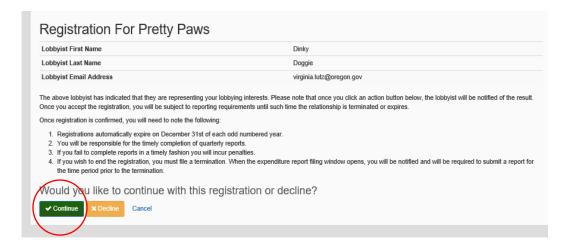
# ACCEPTANCE OF REGISTRATION BY THE CLIENT/EMPLOYER

<u>The next step requires action by the client/employer</u>. The client/employer will receive an email invitation advising them of the lobbyist's intention to lobby on their behalf. This notice explains that they must respond to the request to validate the registration and complete the process. It directs the client/employer to click on a system-generated link in the e-mail, which will take them to the Electronic Filing System to complete the registration process.



The client/employer will select the *Accept* or *Decline* link in the email.

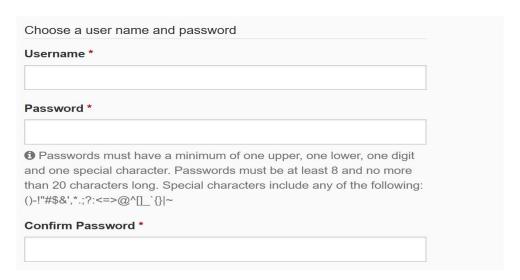
- If **Decline** is selected, a notice will be sent to the lobbyist advising them of the client's
  decline action. The lobbyist should contact the client to discuss the issue, and the
  lobbyist would need to reinitiate the registration if appropriate.
- If Accept is selected, a page will open that offers some important registration-related information regarding client responsibilities, and asks the client/employer to once again choose to Continue or Decline.



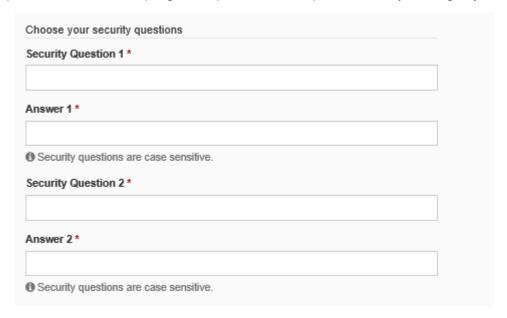
- When Continue is selected, a Create a New Account page opens.
  - If the client/employer already has an account, they will need to select Log In and enter their log in credentials.
  - If the client/employer does not have an existing account, they will need to complete the new account form.

# CREATE A NEW CLIENT/EMPLOYER ACCOUNT

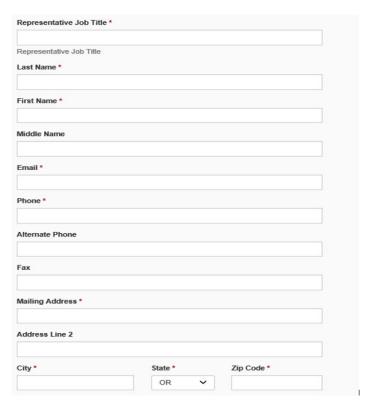
- <u>Create a user name</u> Please create a user name that is generic for the organization.
   Do not use something personal to you because you may not always be the contact for the organization and user names cannot be changed at a later date.
- <u>Create a password</u> These are case sensitive and must contain all of the specific elements noted in the form.



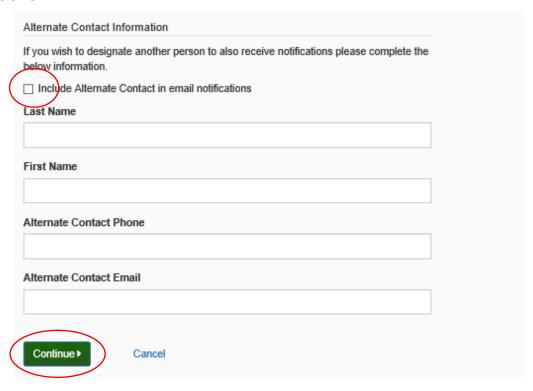
<u>Choose security questions and answers</u> – Please consider creating one word security
questions and answers and making them all upper or lower case. This item is also case
and space sensitive. Keeping it simple will be helpful in case you forget your password.



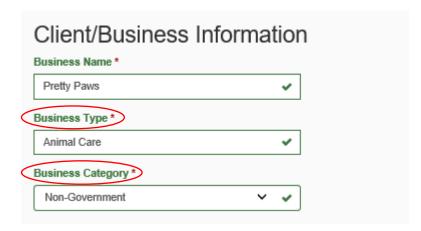
 Add your <u>name</u>, job title, <u>email address</u>, <u>telephone</u>, <u>and mailing information</u> - The email should be an email address that will be checked regularly, as all notifications regarding filing requirements or other important communications are only provided electronically through the email address on file.



Provide alternate contact information – You may want to delegate another individual to receive copies of system emails sent to you. This person does not have access to your account, but will receive any communications as a backup. If you want to include an alternate, make sure to check the box labeled Include Alternate Contact in email notifications.



- Select Continue.
- Enter your <u>business type</u> for example: communications, security, education, manufacturing, automotive, recreation, etc.
- Select the Business Category from the dropdown menu. "Public" means a
  governmental entity that is not a "State Agency", and "Non-Public" means anything other
  than a State Agency or other governmental entity.



Click on the Add a Legislative Interest button – <u>This is a required item</u>. Enter the general subject matter of the legislation that you are interested in. If you have more than one, please click the Add a Legislative Interest button for each additional interest. Click Save.



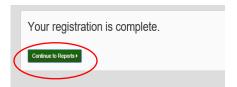
- Click Add a Legislative Member You are required to list each member of the Oregon Legislative Assembly who is employed, retained, or otherwise compensated by the client/employer. [ORS 171.740(1)(d)] You may skip this item if you do not have an association to report.
- Select Continue to proceed.



 Review the information you entered. You may select *Previous Page* if you need to correct something. If the information is correct, enter your *Electronic Signature*. (Type your name in the box) and select the *Confirmed* checkbox below the signature line.



Select Submit – You should see a "Your registration is complete" pop up message. If
you do not see this pop up, then your registration is not complete and you must go back
to review it again and complete any missing parts.

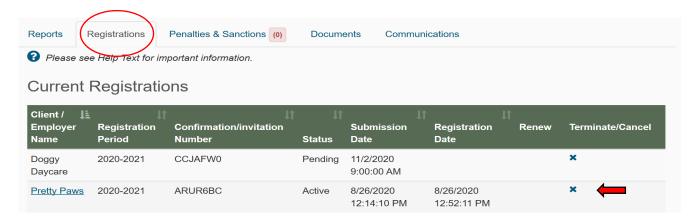


- To confirm the registration, click on the *Continue to Reports* button. You will see your account dashboard where you will be able to confirm the registration by clicking on the registrations tab and verifying the registration status is "active."
- Once the Client/Employer registration is complete, both the client/employer and the lobbyist will receive email confirmation notices.

#### TERMINATING A REGISTRATION

If a lobbyist discontinues lobbying on behalf of a client or employer, the registration must be terminated/canceled within <u>three (3) business days</u>. A termination can be initiated by the <u>lobbyist or the client/employer and is effective based upon the date the termination is filed in the electronic filing system.</u>

- Sign in to your account in the electronic filing system, and click on the *Registrations* tab. You will see a list of your client/employer registrations.
- Identify the client/employer registration you want to terminate/cancel and select the "X" in the last column of that record.



 You will be asked to confirm the termination by electronic signature. Type your name into the signature box, and click in the Confirmed check box.



- Select the *Terminate* button. On the registrations tab of your account dashboard, your registration status for that item should now read "Terminated."
  - ➤ Please Note: An expenditure report for the calendar quarter in which the registration was terminated will still be required by both the lobbyist and the client/employer.

## **COMMONLY ASKED QUESTIONS**

What if there are two or more lobbyists who are employed by or plan to lobby for the same public agency, organization or business?

- Each lobbyist must register separately. The client or employer must accept each online registration authorizing the lobbyist to represent them. [ORS 171.740(6)]
- Each lobbyist remains individually responsible for compliance with lobbying regulations, which includes updating their account in EFS with any changes in address within 30 days, canceling the lobbyist registration within 3 business days if the lobbyist ceases to represent the client [ORS 171.740(4)], and filing the lobbyist quarterly expenditure reports in a timely manner [ORS 171.745].

### Is my registration complete after I register as a lobbyist?

**No.** The electronic filing system will generate an invitation by email to your client/employer asking them to accept or decline the registration you have entered. You will be notified by email when the named client/employer takes action on the invitation to register. They will have only **10 days** from the date of the receipt of your request to accept or decline your registration request. If they decline or do not respond, the registration invitation will be canceled.

# How long is the registration in effect?

A lobbyist registration remains in effect until a termination is filed by the lobbyist or the client/employer *OR* until it expires on December 31 of each <u>odd-numbered</u> year. [ORS 171.740(5)]

# How is a lobbyist registration renewed?

A lobbyist must submit a new Lobbyist Registration online to renew a registration [ORS 171.740(5)]. Prior to the December 31 expiration date, the online system will send a notice by email advising when renewals may be initiated. If a lobbyist *renews* a previous registration before January 31, following the December 31 expiration date, the registration will be considered continuous. [ORS 171.740(5)]

# If a lobbyist represents several clients/employers, can one termination be used for all?

**No**. A lobbyist must individually terminate/cancel a registration for each of the clients or employers that the lobbyist represents. [ORS 171.740(3)]

# If I have a personal interest in a matter regarding my school district and want to reach out to my state representative, do I need to register as a lobbyist?

**No.** If you are lobbying for your own interests and receive no compensation or reimbursement of expenses for lobbying, you do not need to register as a lobbyist to speak to your representative or sign up to testify before a legislative body. You must register as a lobbyist only when you lobby on behalf of a group/entity and meet the registration thresholds. [ORS 171.735(3) & (4)]



- ✓ You must submit a registration for each client/employer on whose behalf you will lobby. Note: If you work for a firm that contracts with multiple clients, you must register each client of the firm that you will represent and not just the firm itself.
- ✓ If you do not receive the registration confirmation notification that a client has accepted you to lobby on their behalf, it is your responsibility to contact your client/employer to request that they complete the electronic registration process.
- ✓ If the registration invitation is not acted upon within 10 days, it will be canceled.
- ✓ Registrations expire on December 31 of each odd-numbered year. You must renew the registration for each client/employer you will continue to lobbying on behalf of.
- ✓ If you wish to end a registration, you must file a termination. Terminations are effective on the date they are filed, not the date you ceased your lobbying activity.
- ✓ If a lobbyist fails to cancel a registration, the reporting requirements for both the lobbyist and the client/employer remain in effect until the lobbyist registration is either terminated or until it expires on December 31 of the next odd numbered year. [ORS 171.740(5) and ORS 171.752]

If you have any questions about lobbyist registration or registering a client/employer, you may contact OGEC at (503) 378-5105 or by email at ogec.mail@oregon.gov.

#### QUARTERLY EXPENDITURE REPORTS

# THINGS TO KNOW

- ➤ All registered lobbyists <u>must</u> file Quarterly Expenditure Reports with the Commission. [ORS 171.745]
- ➤ All registered client/employers <u>must</u> also file Quarterly Expenditure Reports with the Commission. [ORS 171.750]
  - The lobbyist and the client/employer <u>must</u> complete the quarterly expenditure reports even if there were no expenditures made during the reporting period. [ORS 171.745]
  - Quarterly expenditure reports must be submitted through the Electronic Filing System.
     Paper copies are not available. If you need assistance, please contact OGEC at 503-378-5105 or ogec.mail@oregon.gov.
  - The Electronic Filing System (EFS) will notify lobbyists and client/employers by email when the filing period is open.
    - The notification email will contain a link that will take you to the EFS, or you
      may type the following address into your browser:
      <a href="https://apps.oregon.gov/OGEC/EFS">https://apps.oregon.gov/OGEC/EFS</a>
  - The filing window will open on the first day of the month following a calendar quarter, and the expenditure reports will be due not later than the 15<sup>th</sup> of that month. The scheduled due dates for the reports are January 15, April 15, July 15, and October 15 of each year. [ORS 171.752]
  - If a lobbyist registers one day before the end of a calendar quarter or terminates the
    registration one day into a new calendar quarter, the lobbyist and the client/employer
    must file a Quarterly Expenditure Report for the portion of the calendar quarter in which
    the registration was active.
  - There is no grace period or exception when the 15th falls on a weekend or holiday.
  - Users can access their accounts in EFS 24 hours a day, 7 days a week.

# **PENALTIES**

Any person who violates any provision of lobbying regulation will be subject to a civil penalty of up to \$5,000 for each violation.

 Failure to complete and file the required expenditure reports by the final date for filing may result in an automatic civil penalty of \$10 for each of the first 14 days after the date due and \$50 for each day thereafter, until the penalty accrues to a maximum of \$5,000. [ORS 171.992]

# **WHAT'S NEW**



# ORS 171.742 becomes effective January 1, 2021

Beginning in 2021, ORS 171.742 will require lobbyists registered with the Oregon Government Ethics Commission to attend at least two hours of **Respectful Workplace Training** annually. Lobbyists will be required to certify attendance at such training on their quarterly expenditure reports.

The Commission is working with the system developer to modify the Electronic Filing System (EFS) to allow for this additional reporting. More information will be posted to this guide and to the agency's website as it is developed.

If you have specific questions about the new process, please contact us at **503-378-5105**.

#### HOW TO FILE QUARTERLY EXPENDITURE REPORTS

The quarterly expenditure reports must be filed online using the OGEC's Electronic Filing System (EFS) (<a href="https://apps.oregon.gov/OGEC/EFS/">https://apps.oregon.gov/OGEC/EFS/</a>).

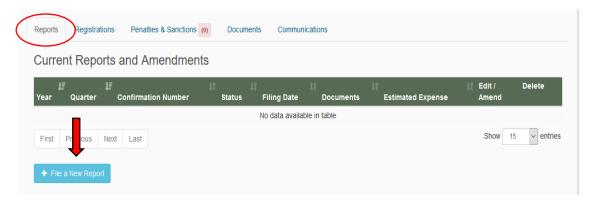
The EFS will notify lobbyists and client/employers by email when the filing period is open. The notification email will contain a link that will take you to the EFS, or you may type the address noted above into your browser.

Click on the link in the email notice that was sent to you. Select Sign in as a registered user, then enter your username and password.



**STOP!** If you have forgotten your username or password, <u>do not create a new account profile.</u> Instead, contact the Commission at (503) 378-5105 or by e-mail at ogec.mail@oregon.gov.

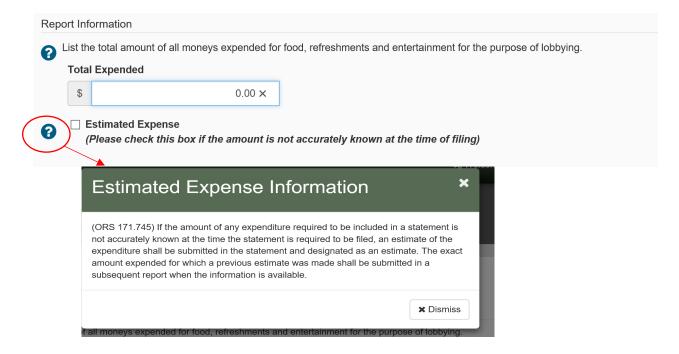
- Once you are logged into your account, select the appropriate green role tile labeled Lobbyist or Lobbyist Client/Employer.
- The screen will then automatically default to the Reports tab of your account dashboard.
   Click on the button at the bottom of the page labeled File a New Report.



If you have nothing to report for a section, click in the **Check here for none** box for that section. If you do have something to report, use the **+Add** ...... button for each individual item you need to enter in that section.



Each area of the report form contains a help item, which appears as a question mark (?) inside a small blue circle. Click on the help icon next to each section to display additional information that will guide you in your reporting.



# **EXPENDITURES EXEMPT FROM REPORTING**

#### Lobbyists:

- Lobbyists do not report personal living expenses. [ORS 171.745(2)]
- ➤ Lobbyists do not report **personal travel expenses** to engage in lobbying activities. [ORS 171.745(2)]
- ➤ Lobbyists are not required to report **general overhead costs**, such as rent for office space, equipment, maintenance and wages paid to support employees. [ORS 171.745(2)]
- Lobbyists do not report political contributions or expenditures reported under ORS Chapter 260.
- Lobbyists do not report **membership dues paid to organizations** such as the Capitol Club.

# Client/Employers:

- > Do not report the **lobbyist's personal living expenses**. [ORS 171.750(1)(a)]
- ➤ Do not report the **lobbyist's personal travel expenses** to engage in lobbying activities. [ORS 171.750(1)(a)]
- > Do not report political contributions or expenditures reported under ORS Chapter 260.
- ➤ Do not report any **expenditure for membership dues** paid to organizations such as the Capitol Club [ORS 171.750(1)(a) and OAR 199-010-0095(1)(a)].

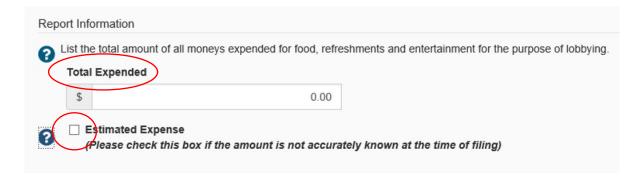
#### LOBBYIST QUARTERLY EXPENDITURE REPORTS

Please review the Quarterly Expenditure Report section on page 25-28 for important reporting information before proceeding with your report.

Reminder: Quarterly Expenditure Reports must be filed by the 15<sup>th</sup> of the month following each quarter: January 15<sup>th</sup>, April 15<sup>th</sup>, July 15<sup>th</sup>, and October 15<sup>th</sup>.

# **TOTAL EXPENDITURES**

- List the total amount of money spent during the reporting period for food, refreshments and entertainment for the purpose of lobbying. [ORS 171.745(1)(a); OAR 199-010-0075(1)]
  - ✓ You should include in the total amount all moneys spent for the purposes of lobbying, other than those items specifically exempted, even if those expenditures are subject to one of the gift clause exceptions discussed on page 8.
- If the amount is not accurately known at the time of reporting, enter your estimated amount and click in the box labeled *Estimated Expense*. You will amend your report when the exact information becomes available to you.



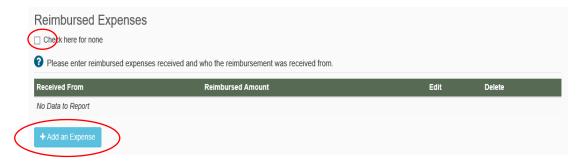
# REIMBURSED EXPENSES

• List the amount that was reimbursed to you along with the identity of the client/employer who made the reimbursement. If you received reimbursement from multiple clients/employers, identify each individually and list the total that each provided.

The meaning of **reimbursed expense** is addressed in OAR 199-010-0075. Generally, if a lobbyist initiates or participates in a lobbying activity wherein a reportable expense is paid with the use of a credit card, debit card or other form of payment, it could be the equivalent of a reimbursed expense. Please review OAR 199-010-0075(1)(c) for examples of a reimbursed lobbying expenditure.

If you have no reimbursed expenses to report, please click the *Check here for none* box and proceed to the next section.

If you do have items to report, click on the **+**Add an Expense button.



The net expenditures made for food, refreshment and entertainment will auto-calculate. The net expenditure amount is the difference between the total expended and the total reimbursed. These numbers, in conjunction with the expenditures reported in your client/employers' quarterly reports will provide a record that can be reviewed for compliance.





# **ITEMIZED EXPENSES**

If a lobbyist spends money on a lobbying-related activity for the benefit of a <u>legislative or executive public official</u> on any single occasion and the cost exceeds \$50, **it must be reported**.

If the expenditure amount is not known at the time the quarterly report is prepared, a reasonable estimate of the value of the expenditure should be provided. If an estimate is entered on the report, it should be identified as an estimated sum. When the exact amount of the expense becomes known, the exact amount should be submitted to amend the record. [ORS 171.745(3)]



List each occasion when an amount in excess of \$50 was spent by one or more persons on a lobbying-related activity for the benefit of a legislative or executive public official.

- Expenditures for relatives, members of the household or staff of the official are considered to be "for the benefit" of the official. [ORS 171.745(1)(b) and OAR 199-010-0075(2)(a)]. The following example describes this type of occasion:
  - ✓ Registered lobbyist Sam Smith has invited a legislative official, Representative Mike Johnson, and his spouse to dinner as a gesture of his appreciation of the representative speaking at an event sponsored by Mr. Smith's client. The value of the individual meal for the representative totaled \$45.00 and the value for the spouse was \$37.50. Because the collective value offered to the representative and his spouse exceeded \$50.00 on this occasion, Mr. Smith, as the payer of this meal, is required to itemize this expense on his lobbyist quarterly report.
- If a relative or member of the household is not accompanied by the legislative or executive public official and the lobbyist spends an amount on a lobbying-related activity for the benefit of the relative on any single occasion that exceeds \$50, the expenditures must be listed. [OAR 199-010-0075(2)(b)]
- An itemized expense may be reported by either the lobbyist or the client/employer, depending on the situation. Do not report the expense if the activity is being itemized by the client/employer. [ORS 171.750(1)(b) and OAR 199-010-0075(2)(d)]
  - ✓ Using the example above, if the client/employer was also in attendance and paid for the meal, then the client would itemize and not the lobbyist. If the client arranged the thank you dinner and prepaid the expenses, but was not present, the client would report.

#### **Additional Contributors**

If two or more lobbyists contribute to an expenditure for a lobbying activity that exceeds \$50 and is for the benefit of a legislative or executive official, the expense must be reported [ORS 171.745(1)(b)]. One of the contributing lobbyists shall be designated to report the event on their quarterly report and must identify the others who contributed to the payment of the expense [OAR 199-010-0075(2)(c)]. The contributing lobbyists would report their share of the expense on their quarterly reports, but would not itemize the event.

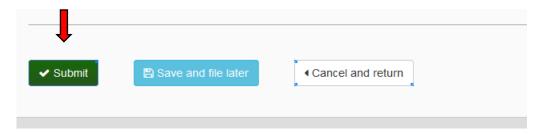


# **Upload Notices Provided to Public Officials**

If a lobbyist provides a public official with <u>food, lodging or travel</u> expenses under the gift exception in ORS 244.020(7)(b)(F) and the aggregate value exceeds \$50, the lobbyist must give the public official a written notice of the amount of the expense [ORS 244.100(1)]. The notice must be sent to the official within 10 days from the date on which the expense occurred, and a copy of the notice must be attached to the quarterly report that lists the event [OAR 199-010-0075(3)].

#### **Submit your Report**

Review your form to make sure it is complete, then select Submit.



- ✓ The lobbyist must certify that the information contained in the report is correct by electronically signing the expenditure report form (*type in your name*).
- ✓ Check the Confirmed box.
- ✓ Click on the *File Report* button.



✓ Once the quarterly expenditure report has been successfully submitted, you will receive an electronic confirmation notification.



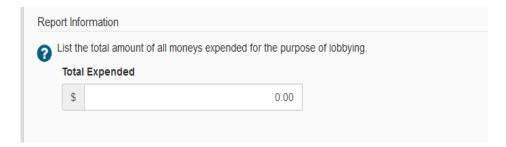
#### CLIENT/EMPLOYER'S QUARTERLY EXPENDITURE REPORT

Please refer to the Quarterly Expenditure Report section on pages 25-28 for important reporting information before proceeding.

Reminder: Quarterly Expenditure Reports must be filed by the 15<sup>th</sup> of the month following each quarter: January 15<sup>th</sup>, April 15<sup>th</sup>, July 15<sup>th</sup>, and October 15<sup>th</sup>.

# TOTAL EXPENDED

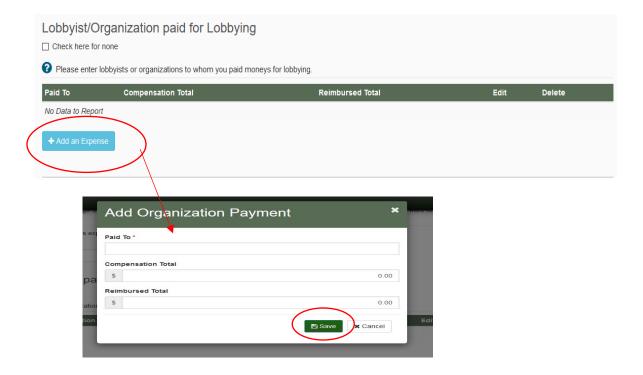
- List the total amount of all moneys spent on lobbying activities [ORS 171.750(1)(a)]. Lobbying activity expenses may include compensation, reimbursements, overhead costs, office space, equipment, and telecommunication costs.
- It is understood that clients/employers may engage in activities and enterprises in addition to lobbying. In assigning value to a lobbying expense, such as overhead or an employee's salary, pro-rate or make an estimate of that portion of an expense attributable to lobbying.



# LOBBYIST/ORGANIZATION PAID FOR LOBBYING

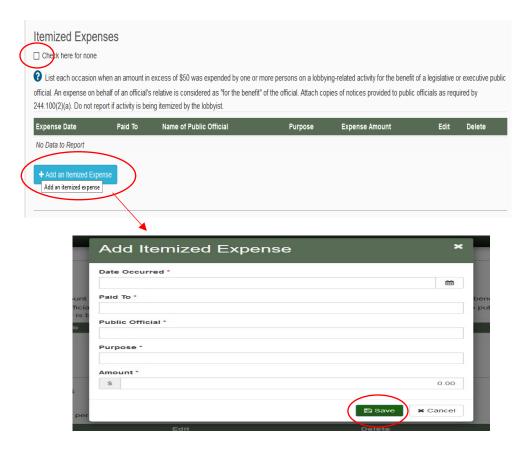
- List each individually registered lobbyist, each organization or business that employs
  multiple lobbyists to represent the client or employer, and the amounts paid to each as
  compensation for the lobbying services.
- Also list any additional sums that were reimbursed to each lobbyist, organization or business for lobbying activity expenses. [ORS 171.750(1)(c) and OAR 199-010-0095(1)(b)]

A reimbursed expense is addressed in OAR 199-010-0095. Generally, if a lobbyist representing the client or employer initiates or participates in a lobbying activity wherein a reportable expense is paid with the use of the client's or employer's credit card, debit card or other form of payment, the client or employer will report the expense as a reimbursed expense to the lobbyist. Please review OAR 199-010-0095(1)(c)(A) for a definition of a reimbursed lobbying expenditure.



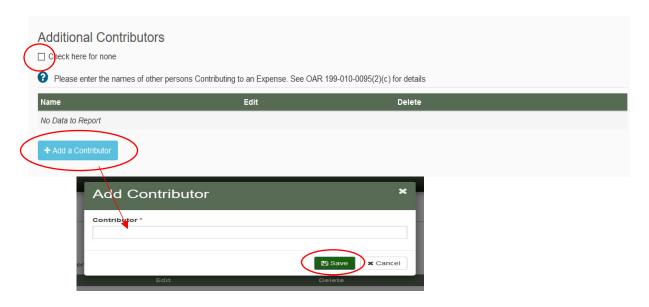
# **ITEMIZED EXPENSES**

- If an amount is expended on a lobbying-related activity for the benefit of a legislative or executive public official on any single occasion and the cost exceeds \$50, it must be listed along with the name of the official and other details. Expenditures for relatives, members of the household or staff of the official are considered as "for the benefit" of the official. [ORS 171.750(1)(b) and OAR 199-010-0095(2)(a)]
- If a relative or member of the household is not accompanied by the legislative or executive public official and there is an amount expended on a lobbying-related activity for the benefit of the relative on any single occasion that exceeds \$50, the expenditure must be listed with the name of the relative and other details. [OAR 199-010-0095(2)(b)]
- If the lobbyist for the client/employer is itemizing the expenditure on the Lobbyist Quarterly Expenditure Report, the client/employer should not list the same event. [OAR 199-010-0095(2)(d)]



### **Additional Contributors**

If two or more client/employers contribute to an expenditure for a lobbying activity that exceeds \$50 and is for the benefit of a legislative or executive official, it must be reported [ORS 171.750(1)]. One of the contributing clients/employers must be designated to itemize the event and to identify the other client/employers who contributed to payment of the expense [OAR 199-010-0095(2)]. The other contributing client/employers would report their share of the expense in the "Total Expended" section of their quarterly reports, but would not list it as an itemization.

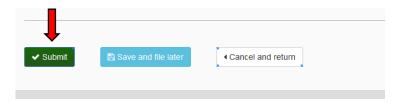


## **Upload Notices provided to Public Officials**

If a client/employer provides a public official with <u>food, lodging or travel</u> expenses under the gift exception in ORS 244.020(7)(b)(F) and the aggregate value exceeds \$50, the public official must be given a written notice of the amount of the expense [ORS 244.100(1)]. The notice must be sent to the official within 10 days from the date on which the expense occurred and a copy of the notice must be attached to the quarterly report that lists the event [ORS 171.750(2) and OAR 199-010-0095(3)].

# **Submit your Report**

Review your form to make sure it is complete, then select Submit.



- ✓ The Client/Employer must certify that the information contained in the report is correct by electronically signing the expenditure report form (*type in your name*).
- ✓ Check the Confirmed box.
- ✓ Click on the *File Report* button.



 Once the quarterly expenditure report has been successfully submitted, you will receive an electronic confirmation notification.

