

Lobbying 101



The Montrose Group, LLC

Create a Competitive Advantage = Lobbying + Project Funding

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Lobbying 101

Lobbying is a profession protected by the First Amendment to the U.S. Constitution as the people are guaranteed a right to petition government.

Lobbying Registration

Lobbyist in Ohio are required to publicly registered who they are representing and what they are lobbying on with the Joint Legislative Ethics Commission (JLEC). JLEC has posted the Frequently Asked Questions information below about the important topic of lobbying registration.

Registration FAQs

- **Do I need to register as a lobbyist?**
 - The key elements of lobbying activity that trigger registration with the OLIG are as follows:
 - Compensation - you must receive something of value in exchange for your efforts;
 - Direct Communication - may be either written or verbal and can occur in any medium;
 - Amount of time for which you are paid that is spent lobbying on behalf of a specific client
 - Legislative - 5% or more of your compensated time
 - Executive - 25% or more of your compensated time
 - Retirement - 25% or more of your compensated time
- **How do I register to become a lobbyist in Ohio?**
 - Once it is decided which type of lobbying you will be participating in, (Executive Agency, Legislative, Retirement System) you will need to file an Initial Registration for each type using the Ohio Lobbying Activity Center (OLAC).

Note: See OLAC Tutorial for Step-by-Step instructions on how to file Initial Registration Statements. [Initial Registrations Tutorial \(.pdf\)](#)

- **What does Date of Engagement refer to?**
 - The date of engagement is the date a lobbyist begins to actively advocate for a specific entity.
 - All Initial Registration Statements must be filed in OLAC within **ten calendar days** of the lobbyist beginning lobbying activity.
 - In order for the registrations to become active, all completed signature pages and filing fees must be received by the OLIG within **fifteen business days** of the date the registration was filed.
- **What/who does the 'Employer Contact' on the Initial Registration Statement refer to?**



- The employer contact should be an individual authorized to enter into the lobbying engagement on behalf of the employer.
 - The employer contact will be responsible for filing the Activity and Expenditure Reports on behalf of the employer, and will certify the accuracy of the information. The employer contact should be the individual who has the most knowledge of the lobbying activity in Ohio. Only one individual can be listed as the employer contact.
 - The contact will receive all information relevant to employers of lobbyists. The employer contact will also be the person our office works with to achieve compliance with lobbying requirements.
- **How do I terminate my engagement(s)?**
 - Engagements can be terminated in OLAC by either the Agent or the Employer.
 - Agents: Once you terminate an engagement, you can file your last Activity & Expenditure Report for that Employer.
 - Employers: If you are terminating ALL of your engagements you can also file your final Activity & Expenditure Report for the specific period. If you have any remaining active engagements you will file your Activity & Expenditure Report at the end of the respective reporting period.
 - Anytime an engagement is terminated in OLAC, the Agent and Employer will receive an email confirmation.
- **When do I need to Terminate?**
 - Once an agent ceases their lobbying efforts on behalf of an entity, a notice of termination must be filed in OLAC by either the Agent or the Employer within **30 days**.
- **When do my registrations expire? What do I need to do to become an active lobbyist again?**
 - **Engagements expire in OLAC as follows:**

| <u>Registration Type</u> | <u>Expiration Date</u> |
|----------------------------|-------------------------------------|
| Legislative Lobbying | December 31st of EVEN numbered year |
| Executive Agency Lobbying | December 31st annually |
| Retirement System Lobbying | December 31st annually |

 - If you intend to continue lobbying beyond these dates, you must renew your registrations in OLAC.
- **I work for a state agency, should I register as an Executive Agency Lobbyist?**
 - State employees lobbying on behalf of their agencies register as Legislative Agents. As an employee of a state agency you will likely be attempting to influence legislation that would affect your agency, or advocating on your agency's budget.



- **When registering, who do I list as my Employer? The company I work for or the company who is retaining my services?**
 - Agents should list the name of the employer that they are holding themselves out as lobbying on behalf of. For instance, if you are lobbying on behalf of the interests of ABC Corp., you would register for this entity regardless of whether they pay you directly or through an outside source (i.e. contractor, sub-contractor).
- **What is the difference between Initial Registration Statements and Activity & Expenditure Reports?**
 - **Initial Registration Statements** are filed for each entity that a lobbyist represents. These statements disclose the person on whose behalf a lobbyist has been hired, the industry of the client and the policy area in which the client has an interest.
 - **Activity & Expenditure Reports** are filed three times a year. These reports provide specific information about the agent's and/or employer's lobbying activities (Executive Agency decisions, Legislation, Retirement System decisions) and expenditures (gifts, meals and beverages, all-invited events) made on behalf of a public official during a reporting period.
- **When are my Activity and Expenditure Reports due?**

Reporting Period

January - April

May - August

September - December

Reporting Deadline

May 31st

September 30th

January 31st of the following year

- **Why do I need to file more than one Activity & Expenditure Report?**
 - Activity & Expenditure Reports are filed for each lobbying engagement and for each type (Executive Agency, Legislative, Retirement System) of lobbying. This requirement applies to both agents and employers.
- **What is the difference between Agent and Employer Activity & Expenditure Reports? Do both need to be filed?**
 - An Agent reports all lobbying activity and expenditures made during a particular reporting period on behalf of their clients/employers, for the benefit of a public official.
 - The Employer Activity & Expenditure Reports should include any activities and expenditures the employer made during a specific reporting period.
 - Both agents and employers are required to file these reports.

Note: If you are the employer contact as well as the lobbyist for an entity, you are required to file both the Agent and Employer Activity & Expenditure Reports.

- **Why do I owe Activity and Expenditure Reports if I terminated my engagement?**



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- Agents and employers are required to file Activity & Expenditure Reports for all reporting periods in which lobbyists are registered. Even if a lobbyist is only registered for a week during a reporting period, the report(s) still need to be filed.
- **Why do terminated Agents show up on Employer Activity & Expenditure Reports?**
 - Terminated Agents will show up on Employer Activity & Expenditure Reports for whichever reporting periods they were registered. For instance, if an Agent's engagement is terminated on February 1st, that individual will be listed on the Employer's Activity & Expenditure Report for the January - April reporting period.
- **Is Agent activity also reported on the Employer's Activity & Expenditure Report?**
 - The OLIG recommends that Agent activity (Executive Agency decisions, Legislation, Retirement System decisions) is mirrored on the Employer's Activity & Expenditure Report.
 - Note: Expenditures should not be reported on both the Agent and Employer Activity & Expenditure Report.
- **What are the differences between agent and employer expenditures?**
 - Expenditures should be reported as either an Agent or Employer expenditure on the Activity & Expenditure Reports, but never as both. When determining whether the expenditure should be reported on the Agent or Employer report, use the "point of sale" test whenever possible.
 - Even when a corporate credit card is used, if the Agent is providing the gift, meal or beverage, then the agent has "made" the expenditure. The same holds true when cash is used. Reimbursement should not be a factor when determining who made the expenditure.
 - Employer expenditures are those that are directly paid for, or provided by, the employer. For example,
 - A luncheon that is hosted in the corporate dining hall is an employer expenditure regardless of who is in attendance.
 - Football tickets provided by an employer, who is not registered as a Legislative Agent, is an employer expenditure; and
 - A dinner provided by a CEO, who is not registered as a Legislative Agent, is an employer expenditure.
 - When making a determination as to who "made" the expenditure, ask how the expenditure is perceived by the recipient at the time it is made. If Legislative Agent X picks up the tab for our lunch together, I am likely to see the expenditure as being made by Legislative Agent X, regardless of whether he uses a personal credit card, corporate card, or cash, for which he will later be reimbursed. If I attend a baseball game and sit in the Acme Corporate loge, I am likely to perceive that I am the guest of Acme even if Acme's legislative agent is in attendance.
 - Alternatively, if an employer gives their lobbyist tickets to a football game valued at \$70 and that lobbyist gives a legislator one of those tickets, it is



perceived that the agent provided the ticket regardless of who initially paid for it.

- See the Common Expenditure Reporting Scenarios below for further assistance
 - **I previously filed my activity & expenditure report for a specific reporting period. I have since become aware of expenditures that were not included on my activity & expenditure report, what do I do?**
 - If you already filed an Activity & Expenditure Report and discover you need to update (add/delete) any information, you will need to file an Amended Activity & Expenditure Report. To do so, click the 'File Amended' link in OLAC next to the Activity & Expenditure Report you need to amend. You will be provided with any previously filed information. Edit accordingly.
 - **What is an All-Invited Event? How do I report it?**
 - Anytime all members of the General Assembly (all House, all Senate or both) are invited to a reception or similar event, the following is reported under Section C on the Employer's Activity & Expenditure Report: date, description of the event and the total amount spent on food and beverages.
 - For instance, if an entity invites all members of the General Assembly, as well as 300 additional guests, to a reception, the entity should report only the proportionate share relative to the General Assembly. To do so, calculate the per person cost by taking the total amount spent on food and beverages and divide it by the approximate number of attendees. That amount is then multiplied by the number of members or reportable staff of the General Assembly that were in attendance.
 - Note: There is no such thing as an all-invited ticketed event or sporting event (basketball, football, golf, etc).
 - **Are Awards/Plaques reportable?**
 - Yes. Any award/plaque provided to a legislator that exceeds \$25 in value must be reported on the Employer's Activity & Expenditure Report. The recipient must be notified at least 10 days before the employer report is filed.
 - **What is Continuous File?**
 - Continuous File is a feature that allows agents to view and easily file **ALL** of their Activity & Expenditure Reports directly from the Agent Homepage. After an Activity & Expenditure Report is filed, you will be directed back to a list of any additional reports that need filed.
 - **I forgot my OLAC login information, how do I access my account?**
 - Click the 'Password Reminder' (Agent/Employer) link located on the OLAC homepage. The reminder will be sent to the email address on file.
 - If you need assistance, please contact the OLIG at 614-728-5100.
 - **How do I obtain employer login information if the employer contact listed is no longer there?**
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- If the employer contact on file is no longer with your organization, have the new employer contact email Katie Reardon at kreardon@jlec-olig.state.oh.us stating that you are the appropriate contact. Your employer OLAC login information will then be provided to you.
- **How do I change my contact information?**
 - Agents can change their contact information, notification preferences or password by selecting the Change Contact Information and Notification Preferences link on their OLAC homepage.
 - Employers can change their contact information, notification preferences or password by selecting Change Contact Information link on their OLAC homepage.
- **What does Alternate Email refer to?**
 - Within each Agent and Employer OLAC account, there is a field for alternate email. The email address listed in this field will receive all notifications that the Agent/Employer has requested. This email address can also be provided with login information upon request.
- **Do I need to create a new OLAC Agent Account when I change employment?**
 - No. Regardless of who you're lobbying on behalf of, you will use the same OLAC account for all registration and reporting requirements.
- **How do I create an OLAC Employer Account?**
 - Upon receipt of registration signature pages and filing fees, the OLIG processes the engagement and assigns the appropriate employer. If an employer is new to OLAC, the OLIG will set up a new account and provide the employer with their login information.
- **Why does OLAC say that I am already logged in?**
 - If you have navigated away from your account or closed your browser window without logging out, you may get this error when you attempt to login again.
 - First try closing all open browser windows and see if that will reset your browser history. If this does not work, restart your computer.

Lobbying Model Standards of Conduct

The Ohio Lobbying Association has published a Model of Standards of Conduct that all lobbyists should follow.

OLA Model Standards of Conduct

To help preserve and advance public trust and confidence in our democratic institutions and the public policy advocacy process, professional lobbyists have a strong obligation to act always in the highest ethical and moral manner in their dealings with all parties. Lobbyists also have a duty to advance public understanding of the lobbying profession.



The Ohio Lobbying Association (OLA) accordingly, has adopted the following “Model Standards of Conduct” to provide basic guidelines and principles for lobbyists’ conduct. In general, these standards are intended as guidance for independent lobbyists who are retained to represent third party clients’ interests and to lobbyists employed on the staff of corporations, labor organizations, associations and other entities where their employer is in effect their “client.”

Lobbyists are strongly urged to act in accordance with these standards and to always practice the highest ethical conduct in their lobbying endeavors. Individual members of the Ohio Lobbying Association affirm their commitment to follow with these standards of conduct.

ARTICLE I – HONESTY & INTEGRITY

A lobbyist should conduct lobbying activities with honesty and integrity. Lobbyists should always work toward preserving, promoting and advancing lobbying as an ethical profession.

- 1.1. A lobbyist should be truthful in communicating with public officials and with other interested persons and should seek to provide factually correct, current and accurate information. If a lobbyist determines that the lobbyist has provided a public official or other interested person with factually inaccurate information of a significant, relevant, and material nature, the lobbyist should promptly provide the factually accurate information to the interested person.

ARTICLE II – COMPLIANCE WITH APPLICABLE LAWS, REGULATIONS & RULES

A lobbyist should encourage excellence in the field. He or she must comply fully with all laws, regulations and rules applicable to the lobbyist.

- 2.1. A lobbyist should be familiar with laws, regulations and rules applicable to the lobbying profession and should not engage in any violation of such laws, regulations and rules.
- 2.2. A lobbyist should not by intentional act or intentional omission cause a public official to violate any law, regulation or rule applicable to such public official.

ARTICLE III – PROFESSIONALISM

A lobbyist should conduct lobbying activities in a fair and professional manner.

- 3.1. A lobbyist should have a basic understanding of the legislative and governmental process and such specialized knowledge as is necessary to represent clients or an employer in a competent, professional manner.
- 3.2. A lobbyist should maintain the lobbyist’s understanding of governmental



processes and specialized knowledge through appropriate methods such as continuing study, seminars and similar sessions in order to represent clients or an employer in a competent, professional manner.

3.3. A lobbyist should treat others – both allies and adversaries – with respect and civility.

3.4

A lobbyist should recognize the fundamental right of any citizen to communicate directly with government officials regarding government policies and actions—and not advocate for laws and regulations that would impede citizens’ exercise of that right.

ARTICLE IV – CONFLICTS OF INTEREST

A lobbyist should not continue or undertake representations that may create conflicts of interest without the informed consent of the client or potential client involved.

4.1. A lobbyist should avoid advocating a position on an issue if the lobbyist is also representing another client on the same issue with a conflicting position.

4.2. If a lobbyist’s work for one client on an issue may have a significant adverse impact on another client’s interests, the lobbyist should inform and obtain consent from the other client that may be adversely affected by the work even if the lobbyist is not representing the other client on the same issue.

4.3. A lobbyist should disclose all potential conflicts of interest to the client or prospective client and discuss and resolve any conflict of interest promptly.

4.4. A lobbyist should inform the client if any other person is receiving a direct or indirect referral or consulting fee from the lobbyist due to or in connection with the client’s work and the amount of such fee or payment.

ARTICLE V – DUE DILIGENCE

A lobbyist should vigorously and diligently advance and advocate the client’s or employer’s interests.

5.1. A lobbyist should devote adequate time, attention, and resources to the client’s or employer’s interests.

5.2. A lobbyist should exercise loyalty to the client’s or employer’s interests.

5.3. A lobbyist should keep the client or employer informed of the work being



performed by the lobbyist and, to the extent possible, should give the client the opportunity to choose between various options and strategies.

ARTICLE VI – PUBLIC EDUCATION

A lobbyist should seek to ensure better public understanding and appreciation of the nature, legitimacy and necessity of lobbying in our democratic governmental process. This includes the First Amendment right to “petition the government for redress of grievances.”

