ARA 15.01 LOBBYING ENTITY REGISTRATION & REPORTING

A. Purpose

The City of Portland established a lobbying entity regulation program in 2005 to preserve the integrity of the City's decision-making process by requiring entities that engage in efforts to influence City officials to report their lobbying efforts to the public. The program also requires City officials to disclose activities related to lobbying and restricts lobbying by former City officials and employees. This rule provides additional guidance for the lobbying registration and reporting requirements and procedures set forth in Chapter 2.12 of the Portland City Code.

B. Authority

Section 2-506 of the Portland City Charter authorizes the City Auditor to adopt, amend, and repeal administrative rules to carry out the Auditor's Office's duties. In addition, Code Section 2.12.110 I. authorizes the City Auditor to adopt administrative rules to administer the provisions of the City's lobbying entity regulation program.

C. Construction and Interpretation

In accordance with Code Section 1.01.060, the provisions of Code Chapter 2.12 must be construed with a view to achieve its objectives and promote justice. Code Chapter 2.12 was enacted to promote transparency, encourage open government processes to avoid even the appearance of favoritism, and assure an accountable City government. Registering as a lobbying entity is free, and the City's reporting requirements are not overly burdensome. To promote the spirit and intent of the law, all entities are encouraged to register if they may be subject to the registration requirement, and all activities that involve or may be construed to involve efforts to influence City Officials should be disclosed.

D. “At-Will Staff of a City Elected Official”

For purposes of the City's lobbying registration and reporting requirements, “at-will staff of a City elected official” means each City employee who:

1. Is not otherwise covered by Code 2.12.020 D;
2. Is not an employee of the City Attorney’s Office;

3. Is not an employee of the City’s Office of Government Relations; provided that the Director of the Office of Government Relations is considered to be the at-will staff of a City elected official;

4. Can be hired or fired by a City elected official; and

5. Is excluded from the City’s classified service.

Examples of the at-will staff of a City elected official include but are not limited to: chiefs of staff, policy and other directors, policy advisors, community outreach coordinators, communications strategists / specialists, executive assistants, constituent services specialists, and directors and deputy directors of City bureaus.

E. “Attempting to Influence”

According to Code Subsection 2.12.020 G.: “Lobby’ or ‘Lobbying’ or ‘Lobbies’ means attempting to influence the official action of City officials. Lobbying includes time spent preparing emails and letters and preparing for oral communication with a City official.”

For purposes of the City’s lobbying registration and reporting requirements, “attempting to influence” means communicating by any means (such as orally, in writing, electronically, via social media, etc.) to promote, oppose, or advocate on any official action.

1. Ministerial tasks, such as scheduling, are not attempts to influence.

2. Grassroots Lobbying. Attempts to influence City officials can occur directly, as well as by encouraging others to lobby (known as “grassroots lobbying”).

   a. Code Section 2.12.030 A. requires a lobbying entity to register when the entity has spent eight hours or more or at least $1,000 during any calendar quarter lobbying. Efforts to stimulate grassroots lobbying count toward this threshold.

   b. Code Section 2.12.040 A.2. requires a registered lobbying entity to report funds spent on lobbying. Funds spent to stimulate grassroots lobbying must be reported.
c. Code Section 2.12.040 A.1. requires a registered lobbying entity to report direct communications with City officials (e.g., a meeting, written, electronic or telephone communication with a City official). Efforts to encourage others to communicate with City officials do not need to be reported in this section.

d. Groups and individuals that advocate, analyze, or discuss public policy, without encouraging others to communicate with City officials to promote, oppose, or advocate on any official action, are not considered to be attempting to influence the official action of City officials.

3. **Attempts to Gain Goodwill.**

a. An attempt to gain the goodwill of a City official is an “attempt to influence” and will be considered “lobbying” for purposes of the City’s lobbying registration and reporting requirements if the attempt to gain goodwill is made:

   i. In a professional capacity;

   ii. On behalf of another person or entity; and

   iii. With intentions to ultimately promote, oppose, or advocate on any official action.

b. **For example:**

   i. Organization A sets up several introductory meetings to get to know City elected officials and bureau directors. In the future, Organization A intends to request a license to conduct operations within the City. The introductory meetings that precede Organization A’s attempts to influence City officials are considered to be “goodwill” lobbying and are subject to the City’s lobbying registration and reporting requirements.

   ii. Company B buys a table at a charity gala and provides several tickets to City officials. If Company B plans to make a future request of the City, the gala tickets are considered to be an attempt to gain goodwill, even if no direct lobbying occurred.
F. Governments as Lobbying Entities

1. Although governments are not specifically listed in the definition “lobbying entity” set forth in Code Section 2.12.020 H., a government is a group or organization that may satisfy the definition of “lobbying entity” if the government employs or authorizes a lobbyist to lobby on its behalf. However, various government interactions with City officials are specifically excluded from the definition of “lobbying” set forth in Code Section 2.12.020 G.

2. For purposes of the City’s lobbying registration and reporting requirements:
   
a. “Person holding elected public office” means a person serving as an elected official of a local, state, tribal, or federal government, including special and education districts.

b. A “specifically authorized representative” of a person holding elected public office means a person who has been delegated the authority to represent a person holding elected public office or their government, and who is an employee of such government. A “specifically authorized representative” interacts with City officials only on behalf of one government entity.

c. A person or entity will be considered to be a lobbying entity subject to the City’s lobbying registration and reporting requirements if the person or entity:
   
i. Provides services as a lobbyist, strategist, government relations specialist, communications consultant, or similar professional, on behalf of a government or public official, through a contract or other non-employment arrangement.

   ii. Interacts with government entities on behalf of more than one entity.

G. Online Reporting System and Training

1. The City Auditor provides an Online Lobbying Entity Registration & Reporting System, which can be accessed via the Auditor’s Office website. Lobbying entities that are required by Code Chapter 2.12 to register and file reports with the Auditor shall use the online system for the entire filing process.

2. The Auditor’s Office website provides written training materials with detailed instructions on accessing, creating, and managing a lobbying entity’s required
disclosures. In-person trainings are also available and are recommended prior to lobbying City officials.

3. A lobbying entity without internet access may make arrangements to use a public computer in the Auditor's Office for the purpose of complying with Code Chapter 2.12.

H. Lobbying Registration Filing Deadlines and Amended Registration Requirements

1. Lobbying entities must submit their registration via the Online Registration & Reporting System within three business days after meeting the 8 hour / $1,000 registration threshold stated in Code Section 2.12.030.

2. Lobbying entities must file an amended registration via the Online Registration & Reporting System whenever any of the information disclosed on the registration form changes. The amendment must be filed within 10 business days of the change.

I. Filing Deadlines: Lobbying Reports

1. A lobbying entity must file a quarterly report by the 15th day after the end of each calendar quarter in which the lobbying entity has spent at least eight hours or $1,000 on lobbying.

2. A lobbying entity may amend a quarterly report without penalty if it files the amended report within 25 calendar days after the end of the calendar quarter.

3. Calendar Quarters, Reporting Periods, and Filing Dates:

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4. The filing deadlines shall be 5 p.m. on the last day to file a report, provided that if the deadline falls on a Saturday, Sunday, or official City holiday, the due date shall be the next business day at 5 p.m.
J. Registration Expiration / Lapse

Lobbying entity registrations automatically expire on December 31 of each year.

1. A lobbying entity that anticipates renewing their registration is encouraged to do so at the beginning of each calendar year, but renewal is not required until the entity meets the eight hour or $1,000 per quarter registration threshold in the new calendar year.

2. A lobbying entity that ceases lobbying activities does not need to cancel their registration; the entity can simply let the registration lapse after filing all required reports.

K. Public Access to Lobbying Registration and Reporting Information

1. To ensure that lobbying activities are fully and meaningfully disclosed, registration and reporting information required by and filed with the Auditor’s Office pursuant to Code Chapter 2.12 shall be readily available to and searchable by the public through the Auditor’s Office’s Lobbying Regulations website by the deadlines set forth in Code 2.12.100.

2. Community members without internet access may contact the Auditor’s Office to arrange for public inspection and copying of registrations and quarterly reports.

Auditor’s Office Administrative Rule Information and History

Questions about this administrative rule may be directed to the Auditor’s Office’s Management Services Division.

Adopted by the City Auditor and filed in PPD March 27, 2006.

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Revision filed in PPD June 8, 2006.

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Amended rule adopted by City Auditor and filed in PPD January 7, 2008.

Amended rule adopted by Chief Deputy City Auditor and filed in PPD November 7, 2016.

Last revised by the City Auditor Click to enter date.