

MARYLAND STATE ETHICS COMMISSION
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<http://ethics.gov.state.md.us>

LOBBYING REGISTRATION FORM INSTRUCTIONS (Form 3)

BACKGROUND

Legislative Action Lobbyist:

The term “legislative action” includes the following activities pertaining to legislation: introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval or veto. A person, group, organization or business entity is required to register as a legislative action lobbyist if any of the following is met:

1. The person communicates **in the presence** of an official or employee in the legislative branch for the purpose of influencing any legislative action during a lobbying reporting period and **incurs expenses of \$500 or more** for all such activities other than for personal travel or subsistence expenses. The lobbying reporting periods are November 1st to April 30th and May 1st to October 31st. For example, a person who meets with members of the General Assembly, or the Governor (if the purpose of the meeting with the Governor is to seek the introduction of legislation), and provides gifts (including meals and beverages) that collectively total \$500 or more, will trigger this registration requirement. Costs associated with legislative receptions, invitations, and postage are examples of expenses that will also trigger this registration requirement.
2. The person communicates **in the presence** of an official or employee in the legislative branch for the purpose of influencing any legislative action during a lobbying reporting period and the person **earns \$2,500 or more** as compensation, from all lobbying employers cumulatively, for all such communication and activities.
3. The person is **not in the presence** of an official or employee in the legislative branch but communicates with such an official or employee for the purpose of influencing legislative action and **earns \$5,000 or more** from all lobbying employers cumulatively as compensation for all such communication and activities relating to the communication during a reporting period. For example, a person who makes telephone calls or sends letters, e-mails, etc. to members of the General Assembly, or the Governor (if seeking the introduction of legislation), who earns cumulatively \$5,000 or more from such activity, will trigger this registration requirement.

Executive Action Lobbyist:

The term “executive action” is defined as an act for which the Executive Branch of State government is responsible and that is taken by an official or employee of that branch. A person, group, organization or business entity is required to register as an executive action lobbyist **if any of the following is met:**

1. The person communicates with any official or employee in the executive branch for the purpose of influencing executive action during the reporting period and the person **spends a**

cumulative amount of \$100 or more during the reporting period on one or more officials or employees of the executive branch for gifts including meals, beverages and special events. Any executive action activity is covered by this provision. Contrast this with numbers 2 through 4, which are not triggered unless the person's actions are for the purpose of influencing executive action **related to the development or adoption of regulations or the development or issuance of an executive order.**

2. The person communicates **in the presence** of an official or employee in the executive branch and **earns \$2,500 or more** in a reporting period, from all lobbying employers cumulatively, for all such communication and activities pertaining to the communication, for the purpose of influencing executive action relating to the development or adoption of regulations or the development or issuance of an executive order.
3. The person communicates in the presence of an official or employee in the executive branch and, exclusive of personal travel or subsistence expenses, incurs expenses **of \$500 or more** in a reporting period, from all lobbying employers cumulatively, for all such communication and activities pertaining to the communication, for the purpose of influencing executive action relating to the development or adoption of regulations or the development or issuance of an executive order.
4. The person is **not in the presence** of an official or employee in the executive branch but communicates with such officials or employees and **earns \$5,000 or more** as compensation for all such communication and activities during the reporting period from all lobbying employers cumulatively, for the purpose of influencing the development or adoption of regulations or the development or issuance of an executive order.
5. The person is compensated to influence executive action in any procurement contract that **exceeds \$100,000**, even if not in the presence of the official or employee, unless the person or entity is a bona fide salesperson or commercial selling agency employed or maintained by the employer.
6. The person is compensated by a business entity to influence executive action to secure a business grant or loan with a value of more than \$100,000 from the State.

Grassroots Lobbyist:

Any person, group, organization or business entity that spends **\$2,000**, including, for example, postage, salaries, contractual employees, telecommunications, electronic services, advertising and delivery service, in a six-month reporting period for the **express purpose of soliciting others to communicate with any official to influence any legislative or executive action.**

Registration Exemptions:

There are some general exemptions to the registration requirements. The exemptions generally apply only if the specific actions are limited to the particular item listed below. If the person, group, organization or business entity takes other actions not exempted from the registration requirements, then registration and reporting are required for **all** lobbying related activity. Exempted activities include the following:

- Professional services in drafting bills or in advising and rendering opinions to clients related to the construction and effect of proposed or pending legislation;

- Appearances before the General Assembly or any committee or subcommittee at the specific request of the body involved, if the person engages in no further or other activities in connection with the passage or defeat of legislation;
- Appearances as part of the official duties of a duly elected or appointed official or employee of the State or a political subdivision of the State, or of the United States, and not on behalf of any other entity;
- Action of a member of the news media to the extent the actions are in the ordinary course of gathering and disseminating news or making editorial comments to the general public;
- Appearances before a legislative committee at the specific invitation or request of a regulated lobbyist, provided no other act is undertaken for which registration is required **and** provided the witness notifies the committee that he is testifying at the request of a regulated lobbyist;
- The representation of a bona fide religious organization solely for the purpose of protecting the right of its own members to practice the doctrine of the organization;
- Appearances as part of the official duties of an officer, director, member, or employee of an association engaged exclusively in lobbying for counties and municipalities and not on behalf of any other entity;
- Actions as part of the official duties of a trustee, administrator, or faculty member of a non-profit independent college or university in the State, provided the official duties of the individual do not consist primarily of attempting to influence legislative or executive action;
- Appearances before an executive unit at the specific request of the executive unit involved, provided the individual engages in no other acts during the reporting period requiring registration; or
- Appearances before an executive unit at the specific request of a regulated lobbyist, if the witness notifies the executive unit that he or she is appearing at the request of the regulated lobbyist.

PART A. GENERAL INFORMATION

Check the type(s) of registration applicable. Notify the State Ethics Commission if there is a change in the type(s) of lobbying during the registration period. The Commission publishes special memoranda on lobbying law requirements that are available at its office and on its website, <http://ethics.gov.state.md.us>.

Exempt Employer:

An employer is exempt from registration under this provision if it reasonably believes that all expenditures requiring registration will be reported by its regulated lobbyist and if it will engage in no other act that requires registration. **Failure of a regulated lobbyist to report any information makes the employer immediately subject to all the filing provisions of the Public Ethics Law.** An employer who does not meet the criteria for exemption is a non-exempt employer who must register and file activity reports. A person, group, organization or business entity registering as a non-exempt employer should check the block marked “non-exempt employer” in addition to checking the block for the type of lobbying involved.

Primary Purpose of Organization:

If the employer or registrant (if there is no employer) is organized and operated primarily for the purpose of attempting to influence any legislative or executive action, Part A should be checked “Yes.” In addition to filing regular Activity Reports (Form #4), entities checking “Yes” to this question are required to file the Report of Contributors (Form #12), which requires disclosure of those persons or

entities that provided at least five percent of the organization's total receipts in the previous twelve months.

Registration Fee:

A registrant is required to pay a fee of **\$100** for each employer the registrant represents. Checks should be made payable to the "State of Maryland" and must accompany the registration form. The registration process cannot be completed until the registration fee is received.

PART B. IDENTIFICATION OF REGISTRANT AND EMPLOYER

B.1. Include the **name**, the **permanent address** (where the person can be reached throughout the year), **telephone number** and **email address**. If an individual registrant is an employee or partner in a firm, the name of that firm should also be included along with the firm's permanent address. You must notify the Commission if the permanent address changes during the registration period or before all required reports have been submitted.

B.2. If anyone will be required to register on behalf of the registrant, list those individuals hired in Part B.2(b). The individuals will be required to file their own registrations. A non-exempt employer must list any additional lobbyists employed.

B.3. In Part B.3(a), the registrant must list the employer that will actually compensate or authorize the registrant to act. In Part B.3(b), the registrant must list any entity that the registrant will be representing even though compensation may actually be paid by the entity listed in Part B.3(a). For example, a registrant may be compensated by a member of a trade association (as identified in Part B.3(a)) but lobbying on behalf of the association itself (as identified in Part B.3(b)). **Part B.3(b) is not used to identify other employers for whom the registrant is required to file separate registrations.**

B.4(a). The maximum allowable period of registration is from November 1 to the following October 31. The period of **registration may not exceed one year and must end by October 31st**. Registration must be received by the Commission **within five days** after first performing an act requiring registration. **Failure to timely file may result in the imposition of late fees.**

B.4(b). The identification of matters on which the registrant intends to act **should be as specific as possible**. Statements such as "any and all matters" are not sufficient. The registrant should notify the Commission if the matters to be lobbied change substantially during the registration period.

PART C. REGISTRANT'S CERTIFICATION

C.1. A registrant must certify that he/she is in compliance with the mandatory training requirements of Public Ethics Law § 5-704.1. The Law requires a lobbyist to attend training within six months of initially registering as a lobbyist (or if the initial registration is for less than six months, prior to any subsequent registration) and thereafter within two years of the previously-completed training.

C.2. A registrant must certify that he/she is authorized to act on behalf of the person, group, organization or business entity named in Part B.3(a) (and Part B.3(b), if any) of the form (the employer) must identify in this part the name, title and contact information of the individual who provided that authorization on behalf of the employer.

PART D. EXEMPTION STATUS OF EMPLOYER

Prior to completing this section, please review the section of these instructions under PART A entitled “Exempt Employer”. Complete this section by **checking either a) or b).** The registrant should coordinate the correct selection for this section with the employer and all other regulated lobbyists for this employer. The purpose of this section is to ensure that all expenses in support of the lobbying activity are reported without duplication.

REGISTRANT’S SIGNATURE

The registrant must sign his/her full name under oath or affirmation attesting that the contents of the registration are complete, true and correct and that he/she is authorized to engage in lobbying for the employer listed in Part B.3.