

LOBBYING REGISTRATION & REPORTING ISSUES

- The lobbying registration year begins November 1 and ends October 31 every year.
- Lobbying Activity Reports cover activity from November 1 through April 30 and May 1 through October 31 (there are 2 six-month periods).
- \$100 registration fee is required for each registration.

Electronic registration is available and the Commission encourages use of this process to initiate registration and submit reports. You can also pay your registration fee by credit card, eliminating the need to mail or deliver paper to the Commission's Office. If you have previously registered as a lobbyist, even if you submitted the registration by paper, **you will already have an electronic account**. Please **DO NOT** create another account. If you have any questions, please call the Commission's office and ask for Tim McCormick at 410-260-7770 or email tim.mccormick@maryland.gov.

Lobbying Registration Requirements

An individual who is contemplating engaging in activities that may require lobbying registration should contact the Commission staff for advice and not rely on the conclusions and representations of others about the lobbying law.

Legislative Action Lobbying

A person is required to register as a legislative action lobbyist if any of the following occurs:

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. For example, a person who meets with members of the General Assembly, or the Governor (if the meeting with the Governor seeks 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/sends telephone calls, letters, e-mail, 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 Lobbying

A person is required to register as an executive action lobbyist if any of the following is occurs:

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 relating 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, 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 (see Qualified Exemptions discussed below).

Grassroots Lobbying

The Ethics Law requires registration for any person, group, organization or business entity that **spends \$2,000** in a reporting period for the express purpose of soliciting others to communicate with any official to influence any legislative or executive action. For example, entity A spends \$2,000 to pay for a television advertisement asking voters to contact their State senator and delegate to urge them to support a particular piece of legislation. Entity A would be required to register as a grassroots lobbyist. Examples of expenses include salaries, contractual employee wages, and costs for postage, telecommunication services, electronic services, advertising, printing and delivery services.

Electronic Filing Frequently Asked Questions

1. How do I sign up for electronic filing?

If you are a new lobbyist, you will click “Set Up Account Now” at <https://lobby.ethics.state.md.us> (link is also provided on the Commission’s website) and complete the required information. A username and password will be forwarded to you via email. Once you receive the login information, you may log in at any time. If you have registered to lobby in prior years, you will already have an account established. **DO NOT** create another account.

2. Will my login information change from one lobbying period to another?

No, you will use the same username throughout your lobbying career. You can change your password at any time. Even if you change firms, you only need to update your “Account Information” to reflect the change. You will be asked each time you log in whether the account information has changed.

3. If I can register online, do I still need to submit a paper copy of my registration form?

It depends. If you register online and pay the registration fee electronically using a credit card, there is no requirement that you submit a paper copy of your registration form. Once the registration is reviewed and activated by the Commission, you will receive an email notifying you that your registration has been activated. If you elect to pay your registration fee by check (even if you submit the registration form electronically), you must print a copy of the completed registration form and submit it, along with the check (to ensure payment is properly credited to the registration) to the Commission’s office. The registration will not be activated until the Commission has received a copy of the registration form and payment in the amount of \$100 for each registration. (One check can be submitted for multiple clients/registrations.) If you elect to pay by check you will also receive an email notification when your registration has been activated.

4. When is a registration due?

Registrations are due within 5 days of commencing any lobbying activity. If the start date on the registration form is November 1, the form must be received by the State Ethics Commission by November 6. See #3 above.

5. Do I have to register for an entire lobbying year?

You are not required to register for an entire lobbying year (11/1 through 10/31). You can register for any period in between those dates, but if you terminate a registration before 10/31 and then start lobbying again before 10/31, you will need to register again and pay the \$100 registration fee. You **cannot** register for more than one year at a time. Unless an earlier termination date is selected, all registrations terminate on 10/31 each year.

6. Can all lobbying Activity Reports be filed electronically?

Yes, you can file all lobbying Activity Reports electronically, including event reports and gift reports. Gift reports will automatically be generated if you answer yes to Parts C and D of the Activity Report. For help with Activity Report filing and event forms, see below.

Lobbying Activity Reports

Activity reporting is separated into two periods: November 1 - April 30 (**due by May 31**) for the first part of the lobbying year and May 1 – October 31 (**due by November 30**) for the remainder of the lobbying year. **Note: Electronic reporting for the 11/1 – 4/30 reporting period differs from the 5/1 – 10/31 reporting period because the second report is prepared after the end of the lobbying registration year of October 31.**

November 1 – April 30 Report

1. Log in to <https://lobby.ethics.state.md.us> (or through the Commission’s website) using your username and password, which will take you to the “Lobbyist Activity” screen.
2. Scroll down to the name of the employer for whom you wish to file the Activity Report and then click “File Activity” for that employer.
3. Read and answer the questions on the screen. Follow through until you “Verify” the report.
4. After you submit the report, you will receive a submission confirmation email. Keep this information for your records.

May 1 – October 31 Report

1. From the “Lobbyist Activity” screen click “**History**” in the upper left hand side of the screen and then choose the correct “Lobbying Period” from the drop down list.
2. Scroll down to the name of the employer for whom you wish to file the Activity Report and click “File Activity” for that employer.
3. Read and answer the questions on the screen. Follow through until you “Verify” the report.
4. After you submit the report, you will receive a submission confirmation email. Keep this information for your records.

Event Forms 13E and 13F

1. Log in to <https://lobby.ethics.state.md.us> using your username and password, which will take you to the “Lobbyist Activity” page.
2. Scroll down to the name of the employer for whom you wish to file the event form and then click “view” for that employer.
3. In the left column of the dialogue box, click “File Event Reports” and then click “Start 13E.”
4. When you click “Submit”, the notification of the event (13E) will be sent to both Legislative Services and the State Ethics Commission. **You do not need to send the paper version.**
5. When it is time to file the 14-day report (13F), go through the same process, and then click “Start 13F” and complete the form.
6. By checking the box that the information provided is accurate and complete under penalties of perjury, you have submitted the form under oath.

Common Errors

Registration

Be sure to:

- If paying by check, write the check number at the top of each Registration Form.
- Check the primary purpose of the organization.
- Choose the appropriate exemption status in Part D.

- List any and all matters you plan to work on in Part B.IV.(b).
- Search for an employer carefully before adding a new employer to the system. You only need to type in a portion of the employer's name when searching to bring up the largest number of possible matches.
- Fully complete the submission process. If you do not receive an electronic submission confirmation email, then the form has not been completed correctly or has not been received by the Commission.

Reporting

Please note that:

- Each Activity Report represents only a **six-month period**. If you registered for an entire year, you must file 2 Activity Reports, even if there was no activity during one or both of the periods.
- Miscellaneous expenses claimed in Part B-13 of the Activity Report must be identified.
- Filed 13E forms are automatically forwarded to both the State Ethics Commission and Legislative Services. You do not need to mail the Commission or Legislative Services a copy.
- Form 13F cannot be filed electronically if form 13E was not filed electronically.
- If an estimated 13F form was submitted, then the full and final cost of the event must be listed on the Activity Report for that period.

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