

MARYLAND STATE ETHICS COMMISSION
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LOBBYING ACTIVITY REPORT INSTRUCTIONS (Form 4)

(Including Activity Report, Gift Reports, Meals and Receptions Reports, Entity Contributors Reports, Business Transactions Reports, and Political Contributions Reports)

LOBBYING ACTIVITY REPORT

Form 4 applies to all types of lobbying. You must file a separate Lobbying Activity Report for each registration for each reporting period (November 1 through April 30 and May 1 through October 31) during all or part of which you are registered as a lobbyist. If you are registered as a lobbyist for all or any part of a reporting period, you must file an Activity Report for that period even if you did not engage in any lobbying activities, receive any compensation, or incur any expenses for lobbying during the reporting period. **If you had no activity, you should check the box in the instruction section at the top of the Activity Report and complete Parts A, E, F and G.**

A regulated lobbyist who is registered to lobby on behalf of more than one employer **must file a separate form for each employer.** Use one Activity Report form for each registration. Each form should disclose all funds expended in support of the lobbying effort.¹ Each expenditure should be reported only once on the form. If there is more than one lobbyist for an employer or if both the employer and the lobbyist are reporting, you should coordinate report preparation with the other party so that no expenditure is reported on more than one form.

The report for the period November 1 through April 30 is due by **May 31st**. The report for the period May 1 through October 31 is due by **November 30th**. The statutory registration year is from November 1 to the following October 31.

PART A. General Information

Sections A-1, A-2, A-3 and A-5 should include the same information as provided on the Registration Form. If there are any changes from the information on the Registration Form, you must note the changes on the Activity Report.

A-4: This section asks if the employer or registrant is organized and operated for the primary purpose of attempting to influence legislative or executive action. If you answer "Yes" to this section, you must also file Form 12 that requires you to identify those persons or entities that provided at least five percent of the organization's total receipts in the previous twelve months.

A-6: If there is any change to the exemption status of your employer, please explain the change in writing.

PART B. Compensation and Expenses

In this Part, you must report compensation received or to be received and expenses incurred for all lobbying related activities during the reporting period. A regulated lobbyist engaged in both executive and legislative action lobbying need not separately identify the figures for these items; a single figure combining expenses for both may be listed for each item in Part B. If the lobbyist's employer is entitled to a reporting exemption, the lobbyist must report all of the employer's expenses in support of the lobbying activity. **You should consult with your employer and any other lobbyist(s) engaged by your employer prior to submission of this report to ensure accuracy.**

B-1: In this section, you must list the total expense incurred for meals and beverages for officials or employees or their immediate families. Meal expenses for the lobbyist's own meals should be listed in section B-13. Meals and

¹ **Be sure to review the directions for Form 13F** as you should not include costs for Meals or Receptions for Legislative Units if the final cost has been reported on Form 13F.

beverages that are part of special events or meetings are reported in sections B-2, B-3, B-4 or B-5. With the exception of B-5, meals and beverages that are not part of the ticket cost are reported separately in B-1.

B-2: List the date, location, group of invitees and total expense incurred for food, beverages, and incidental expenses for officials of the Legislative Branch to which all members of any legislative unit² were invited and that were not fully and accurately reported on the 14-day report (Form 13F) filed for that event. You must list the total overall expense for all special events in the column on the right. Special caucuses do not qualify as legislative units for purposes of this report. Events listed in this section require a documented invitation process. Expenses not meeting the invitation requirement are not reported in this section. (See the directions for Forms 13E and 13F for specific requirements regarding special events for legislative units.) Questions regarding this section should be referred to the State Ethics Commission.

B-3: In this section, list the date, location and total amount of expenses incurred for food, lodging, and scheduled entertainment of officials and employees in return for participation in panels or for speaking engagements at meetings. This section includes the formal role as a participant on a panel or engagement as a speaker at a meeting that has a published agenda. It does not include mere attendance at a meeting or incidental dialogue at a meeting. If the total amount of expenditures on any one official or employee is \$200 or more for any meeting, also include the official's or employee's name and the amount expended for the person at the meeting

B-4: This section requires you to list any expenses for food and beverages for a member or members of the General Assembly that were provided at geographic locations of meetings of legislative organizations, where attendance at State expense has been approved by the appropriate presiding officer. You must list the location of the meeting, the name of the sponsoring legislative organization, the date and the total expense. Do not include funds spent on legislators from other states. Funds spent for the lobbyist's own meals and beverages should be included in section B-13.

B-5: You should list expenses for a ticket or free admission extended to a member of the General Assembly as a courtesy or ceremony to the office. List only the cost or value of admission to attend a charitable, cultural or political event to which all members of a legislative unit were invited by the person sponsoring or conducting the event. Please note that non-elected officials may not accept tickets to events, and elected officials may not accept tickets to sporting events, even from sponsors of the events.

B-6: List the value of all other gifts (other than food or beverages, special events, or meetings reported in items B-1, B-2, B-3, B-4 or B-5) made to, or for the benefit of, officials or employees or their immediate families. Gifts of tickets to events not reported in B-5 should be included in B-6.

B-7: List the total compensation paid or to be paid to the regulated lobbyist for lobbying activities during the reporting period. If the lobbying activities addressed in Part B are only a portion of the services for which the employer compensated the lobbyist, include the prorated amount for lobbying services in this section. If the reported compensation has been prorated, check the box below section B-7. If there are multiple-fee or contract lobbyists within a firm registered for an employer, document the basis for the fee allocation. Do not claim another lobbyist's compensation in this section.

B-8: List the total amount of salaries and other compensation paid or to be paid by the regulated lobbyist to staff for activities during the reporting period. Include expenses incurred by the staff for which they were reimbursed by the regulated lobbyist or employer.

B-9: List the total expenses incurred for operating the regulated lobbyist's office in connection with lobbying activities included in this report. Office expenses may include rent, telephone, utilities, transportation, parking, etc. Do

² In addition to the General Assembly a legislative unit means all members of either house, all members of any standing committee thereof, or all members of a formally recognized (for ethics disclosure purposes) county or regional delegation. The designated **geographic delegations** are: Anne Arundel County, Baltimore City, Baltimore County, Carroll County, Harford County, Howard County, Montgomery County, Prince George's County, Lower Eastern Shore, Upper Eastern Shore, Southern Maryland and Western Maryland. Due to overlapping election districts, some legislators are part of more than one delegation. In order for the reporting exception to apply, all members of a Senate, House, or combined delegation have to be invited.

not include expenses reported in sections B-7 and B-8. If a fee or contract lobbyist is not billing office costs directly, it may be sufficient to assume that these costs are included in the amount reported as compensation.

B-10: List the total cost of professional and technical research and other assistance in support of the lobbying activities included in this report. Do not include expenses reported in sections B-7 and B-8.

B-11: List the total expenses for grassroots lobbying including the cost of preparing, printing, and distributing publications or other expenses that expressly encourage people to communicate with officials or employees for the purpose of influencing legislative or executive action. This may include salaries, contractual employees, postage, telecommunications, electronic services, advertising, delivery services, or radio, television or billboard advertising. This amount may be prorated to reflect a portion of the publication related to lobbying.

B-12: List the names of each witness and the fees and expenses paid to each. Include the total amount of fees and expenses paid to all witnesses on the line in the column on the right.

B-13: List the total amount of all expenses not otherwise reported that were incurred in support of the lobbying activities included in this report. The lobbyist's own meals and lodging, and mileage or travel reimbursements are listed in this section.

PARTS C, D, E, and F

Check the appropriate boxes and attach the appropriate reports as required.

PART G

Sign and have notarized.

SPECIAL REPORTS

The Public Ethics Law requires the State Ethics Commission to notify an official if the official or a member of his or her immediate family is named in a report. The official may file a written exception to the inclusion of his or her name. Reports listing gifts to employees or officials are maintained as confidential for 60 days after receipt. Officials are generally required to disclose any gifts received from a regulated lobbyist if the gift is valued at more than \$20 or if they receive a series of gifts with a cumulative value of \$100 or more.

FORM 13A – Regulated Lobbyist Employer Expenditure on Meals and/or Beverages – Elected Executive Officials – (§ 5-706)

If a regulated lobbyist, on behalf of an employer, provides meals or beverages to a State official of the Executive Branch (Governor, Lt. Governor, Attorney General, Comptroller, State's Attorney, Clerk of the Circuit Court, Register of Wills and Sheriff) or member of the official's immediate family, regardless of the cost, the lobbyist must file this report identifying the gift recipient and providing additional information. There is no dollar threshold regarding meals and beverages provided to a State official of the Executive Branch. Meals and beverages included on this form do not count toward the \$75 reporting threshold for Form 13C. All gifts of meals and beverages to a State official of the Executive Branch must be reported as to the named recipient, even if the official is attending a legislative unit special event.

FORM 13B – Individual Lobbyist Personal Expenditure - Elected Executive Officials - Gift of Meals and/or Beverages - (§ 5-706)

This report requires information similar to Form 13A, the difference being that this form is used when the lobbyist makes the expenditures from his/her personal funds with no involvement of the employer, rather than on behalf of the employer.

If a lobbyist uses personal funds to purchase gifts for an official who is a member of the immediate family of the regulated lobbyist, the lobbyist is not required to disclose the gift on this report if the gift is purely personal and private in nature and not related to lobbying activities.

FORM 13C – Disclosure of Gifts of \$75 or More - Single Employer - (§ 5-705)

The Public Ethics Law requires the lobbyist to identify each official or employee, or member of his or her immediate family, to whom the lobbyist or anyone on his or her behalf has given gifts with a cumulative value of at least \$75 during the reporting period. Gifts must be reported whether or not given in connection with lobbying activities. **Campaign contributions are not “gifts”** and are, therefore, not included in this report. Expenses for meals and beverages are gifts and are reportable on this report if above the \$75 threshold and not reportable on Lobbying Activity Report (Form 4) in sections B-2, B-3 or B-4. This report does not include gifts that are reported by name of recipient on Form 13A or 13B.

FORM 13D – Individual Lobbyist Expenditure Disclosure of Gifts \$75 or More - (§ 5-705)

This report requires similar information to Form 13C, the difference being that this form is used when the lobbyist makes the expenditures from his/her personal funds with no involvement of the employer, or when the lobbyist used multiple employers' funds to satisfy the \$75 gift level, rather than when the expenditures were by a single employer (where Form 13C would apply).

If a lobbyist uses personal funds to purchase gifts for an official who is a member of the immediate family of the regulated lobbyist, the lobbyist is not required to disclose the gift on this report if the gift is purely personal and private in nature and not related to lobbying activities.

FORM 13E – Meal or Reception Legislative Unit Invitation - (§ 5-709)

If a regulated lobbyist or employer plans to hold a meal or reception to which all members of the General Assembly, either house thereof, all members of any standing committee or all members of a formally recognized county or regional delegation are invited, the lobbyist must disclose the planned event on this form at least five days before the meal or reception. (See footnote #2 for a definition of “formally recognized county or regional delegation.”) If one or more regulated lobbyist is holding an event paid for by one or more employers, one Form 13E may be filed identifying each lobbyist, employer, the date, location and legislative unit(s) invited. **The lobbyist is to file Form 13E with the Department of Legislative Services, 90 State Circle, Room 200, Annapolis, Maryland 21401.** The Department of Legislative Services will retain a copy of the report for public inspection and forward the original Form 13E to the State Ethics Commission.

FORM 13F – Meal or Reception Legislative Unit Expenditures – 14-Day Report - (§ 5-709)

The regulated lobbyist must file this report **with the State Ethics Commission within 14 days** after an event was held for all members of the General Assembly, either house thereof, all members of a standing committee, or all members of a formally designated county or regional delegation. If all of the required reporting information is not known at the time the report is due, the regulated lobbyist should include a description of the event and an estimate of any of the expenses not yet known. If Form 13F is complete and accurate, the event is not reported in the regular Lobbying Activity Report (Form 4). If Form 13F contains estimates and does not contain a complete and accurate accounting of the costs for the meal or reception, the meal or reception event must be reported in Form 4.

FORM 12 – Report of Contributors - (§ 5-705)

If the Lobbying Registration Form or section A-4 on Lobbying Activity Report (Form 4) is checked “Yes”, the employer or regulated lobbyist must file this report in conjunction with the Activity Report. The form is filed if the employer or regulated lobbyist is organized and operated primarily for the purpose of attempting to influence legislative or executive action. The lobbyist must report the name and permanent address of each person or entity providing at least 5% of the reporting entity's total receipts. If no disclosure is required because no contribution reached the 5% level, the word “NONE” should be written on Part C of the report. This form covers a 12-month period. If the activity reporting period ends October 31, the period for reporting contributors begins on November 1 and ends on October 31. If the activity reporting period ends April 30, the period for reporting contributors begins on May 1 and ends on April 30. If, however, the registration terminated on a date before lobbying period ended, you should use the termination date to compute the 12-month period.

FORM 21 – Individual Lobbyist Disclosure of Business Transactions - (§ 5-707)

On this form, an individual regulated lobbyist must report any business transaction(s) with certain officials or related business entities involving the exchange of value of \$1,000 or more for a single transaction or of \$5,000 or more for a series of transactions in the previous six-months. For the purpose of this form, officials include members of the General Assembly, Governor, Lt. Governor, Attorney General, Secretary of State, Comptroller, State Treasurer or Secretary of a

principal State Department. Official also includes the spouse of the official and the official's spouse's business entities in which the official or spouse participates as a proprietor or partner or if these persons have a 30% or more ownership interest in the entity.

FORM 22 – Individual Regulated Lobbyist – Political Campaign Contributions - (§ 5-708)

An individual regulated lobbyist must file this report with the Lobbying Activity Report (Form 4) if, during a lobbying reporting period, the lobbyist made direct or indirect political contribution(s) to the Governor, Lt. Governor, Attorney General, Comptroller, member of the General Assembly or a candidate for election to any of these offices. Indirect contributions include, for example, those made to committees in support of the candidate or slates including the candidate, to a PAC created to support a specific candidate or group of candidates, to a PAC if they are designated for transfer to a particular candidate or candidates, or by others using your funds or funds under your direction or control.

Lobbyists' employers are subject to campaign finance disclosure, and are required to file forms with the State Board of Elections.

Form 23 – Regulated Lobbyist Serving on a State Board or Commission Disclosure of Interest:

Pursuant to COMAR §19A.07.01.06A(5)(a-c), a regulated lobbyist serving on a State Board or Commission must disclose certain interests within five days of becoming both a board or commission member and a regulated lobbyist. Complete this form for each employer represented before a State agency.

A regulated lobbyist must complete Part B if currently representing a State agency for compensation, any contractual relationship with State government, or any transaction with State government for monetary consideration.

A regulated lobbyist must complete Part C if for any current interest held by the regulated lobbyist, the regulated lobbyist's spouse or dependent children, together or separately having either 10% or more of the capital stock, or stock worth \$25,000 or more, in a corporation subject to regulation by or doing business with the board or commission, or any interest in a partnership, limited liability partnership, or limited liability company subject to regulation by or doing business with the board or commission.