

Chapter 2.06 “Lobbying Regulations.”

2.06.005 Statement of Policy.

It is the policy of the City of Seattle to encourage the full participation and expression of interest of all of the people of the City of Seattle in the legislative process. The provisions of this chapter shall be construed to promote full disclosure of lobbying in order to protect the openness and integrity of the legislative process while preserving an individual’s right to organize and petition the government.

2.06.010 Definitions.

For the purposes of this Chapter, the following terms apply:

- A. “City” means the City of Seattle.
- B. “City officer or employee or agent” means every person elected or appointed to any City office or position of employment, including volunteers performing work for the City, when acting within the scope of their City duties, and contract workers and consultants when acting within the scope of their contract with the City. The term also includes persons appointed to City boards, commissions and committees when acting within the scope of their City duties, regardless of whether those persons are paid by the City.
- C. “Commission” means the Seattle Ethics and Elections Commission.
- D. “Compensation” includes anything of economic value that is provided or promised to a lobbyist or lobbying entity in return for lobbying. The term includes compensation for preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in connection with lobbying.
- E. “Executive Director” means the Executive Director of the Seattle Ethics and Elections Commission or his or her designee.
- F. “Expenditure” means anything of economic value that is provided, given, loaned or promised in furtherance of lobbying. The term includes expenditures for preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in connection with lobbying. The term also includes agreements to provide things of economic value even when those agreements are unenforceable. Expenditures other than money or its equivalent shall be valued according to their fair market value.
- G. “Gift” means anything of value transferred or promised by one person to another without consideration.
- H. “Legislation” means any council bill, ordinance, resolution, ballot measure or charter amendment. The term also includes making, confirming, or rejecting appointments to

City positions. The term does not include quasi-judicial matters subject to the appearance of fairness doctrine.

I. “Legislative Department Staff” means any City officer or employee or agent of the Legislative Department.

J. “Lobby” and “lobbying” each mean communications with city council members, legislative department staff, the mayor or the mayor’s staff in an attempt to influence any of those individuals to develop, propose, draft, consider or reconsider, promote, adopt, enact, reject, take favorable action upon, approve, disapprove, veto, or fail to take action upon legislation.

“Lobby” and “lobbying” do not include the following:

1. Communications or other actions by any City officer or employee or agent acting within the scope of his or her employment authority or contract with the City;

2. Communications or other actions related to existing or proposed collective bargaining agreement(s) with the City or other legislation which could affect specific existing or proposed collective bargaining agreements with the City;

3. Communications or other actions by members of the news media related to news and feature reporting, commentary, and editorial opinion in a regularly-published periodical, on television or radio, or on a regularly-maintained Internet website or other means of electronic communication devoted to the dissemination of news or opinion and not created solely to influence a specific piece of legislation.

K. “Lobbying entity” means a law firm, consulting firm, public relations firm, or other similar organization that engages in lobbying through its employees or agents.

L. “Lobbyist” means any individual who lobbies for compensation, except persons who are reimbursed for minor incidental personal expenses.

M. “Lobbyist’s employer” means any person who employs or compensates a lobbyist or lobbying entity for lobbying to promote that person’s interests.

N. “Mayor’s Staff” means any City officer or employee or agent working in the Mayor’s office.

O. “Minor incidental personal expenses” means expenses actually incurred for lodging, mileage, parking, meals, copying, telephone, and facsimiles, which expenses are directly related to lobbying.

P. “Month” is a calendar month.

Q. “Organizational member” includes a person as defined in this chapter, but excludes individuals.

R. “Person” includes an individual, partnership, joint venture, public or private corporation, association, federal, state or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

S. “Quarter” is a calendar quarter, i.e., January through March, April through June, July through September, and October through December.

T. “Year” means calendar year.

2.06.020 Registration of Lobbyists.

A. Before lobbying, or within 30 days after being employed as a lobbyist, whichever comes first, a lobbyist shall register by filing with the Executive Director a lobbyist registration statement, in such detail as the Commission shall by rule prescribe, showing:

1. His or her name, permanent business address, business telephone number and business e-mail address, and, if the permanent business address is not in the City of Seattle, any temporary address in the City of Seattle;

2. The following information for each of the lobbyist’s employers:

(a) the name, business address, business telephone number, business e-mail address and occupation or business of the lobbyist’s employer;

(b) the duration of the lobbyist’s employment;

(c) the lobbyist’s compensation for lobbying, and any compensation for lobbying provided to a lobbying entity for the lobbyist’s services, how much he or she is to be paid for expenses and what expenses are to be reimbursed;

(d) whether the person from whom the lobbyist receives that compensation employs him or her solely as a lobbyist or whether he or she is a regular employee performing services for his or her employer that include, but are not limited to, lobbying;

(e) the general subject or subjects of his or her lobbying and if known the legislation on which he or she is lobbying, including council bill, ordinance, resolution or initiative number, if established;

(f) if the lobbyist receives compensation from a lobbying entity, then the name of such entity; and

(g) if the lobbyist's employer is an entity (including, but not limited to, a business or trade association) not exempted under Section 2.06.070, whose members include businesses, groups, associations, or organizations or which as a representative entity undertakes lobbying activities for businesses, groups, associations, or organizations:

(i) the name and business address of each business or trade association, or other organizational member of such entity; and

(ii) the name of each person represented by such entity, whose payments or other consideration paid to such entity for lobbying during either of the prior two years have exceeded five hundred dollars or who has paid or is obligated to or has agreed to make payments or other consideration exceeding five hundred dollars to such entity for lobbying during the current year. Provided, that membership fees, dues or other consideration paid to such an entity, but not provided for the specific purpose of lobbying, shall not be regarded as consideration for lobbying under this subsection.

3. A written authorization from each of the lobbyist's employers confirming such employment;

4. The name, business address, business telephone number and business e-mail address of the person who will have custody of the accounts, bills, receipts, books, papers and documents required to be kept by Section 2.06.090; and

B. Whenever a change, termination or modification of the lobbyist's employment with a lobbyist's employer occurs, or whenever there is a change in any of the information required to be supplied by Subsection A of this section, the lobbyist shall furnish full information regarding the same within thirty calendar days of such termination or modification by filing with the Executive Director an amended registration statement.

C. Persons employed as lobbyists on the effective date of this chapter shall register within 30 days of that effective date.

2.06.030 Reporting by Lobbyists.

A. Each lobbyist not exempted under SMC 2.06.060 shall file periodic reports of his or her lobbying activities. Such reports must be signed or certified by the lobbyist. The reports shall be made in the form and manner as prescribed by rule adopted by the Commission. The reports shall be filed within fifteen calendar days after the last day of the calendar quarter. The January report shall cover the preceding year; the April, July and October reports shall each cover the preceding calendar quarter.

B. The report shall contain the following information for each of the lobbyist's employers:

1. The name, business address, business telephone number, business e-mail address and occupation or business of the lobbyist's employer;
2. The totals of all expenditures for lobbying activities made or incurred by such lobbyist and the totals of all expenditures for lobbying activities made or incurred on behalf of such lobbyist by such lobbyist's employer, lobbying entity, or any other person with the lobbyist's knowledge. Such total expenditures for lobbying activities shall be segregated by category, and include the following: food and refreshments, living accommodations, travel, entertainment and other expenses or services, including but not limited to minor incidental expenses. Notwithstanding the foregoing, lobbyists are not required to report any unreimbursed expenses incurred for telephone and any office expenses including rent and salaries and wages paid for staff and secretarial assistance.
3. The total compensation paid to the lobbyist for lobbying purposes and any compensation for lobbying purposes provided to a lobbying entity for the lobbyist's services during the reporting period by each of the lobbyist's employer(s);
4. The legislation that the lobbyist has been supporting or opposing during the reporting period, including council bill, ordinance, resolution or initiative number, if established;
5. Other information relevant to lobbying activities as shall be prescribed by rule consistent with this Section;
6. Information regarding any termination, change or modification of the lobbyist's employment; and

2.06.040 Reports by Employers of Registered Lobbyists.

A. Every employer of a lobbyist not exempted under Section 2.06.070 shall report on such employment either by:

1. Verifying, by signing or certifying along with the lobbyist, the January report required to be filed by Section 2.06.030; or
2. Filing with the Commission on or before the last day of February of each year a statement disclosing for the preceding calendar year the following information:
 - a. the total expenditures made by the employer for lobbying purposes, whether through or on behalf of a registered lobbyist or otherwise;
 - b. the legislation the employer has been employing a lobbyist or lobbying entity, or compensating a lobbyist or lobbying entity to support or

oppose, including council bill, ordinance, resolution or initiative number, if established;

c. the name, business address, business telephone number and business e-mail address of each lobbyist or lobbying entity employed by the reporting person and the total expenditures made by the employer for each such lobbyist or lobbying entity for lobbying purposes; and

d. such other information as may be prescribed by rule consistent with this Section.

2.06.060 Registration and Reporting - Exemptions

A. The following persons are exempt from registration and reporting under this Chapter:

1. Lobbyists who limit their lobbying to appearing before public sessions of the city council or its committees.

2. Lobbyists who restrict their lobbying activities to no more than four days or parts thereof during any calendar quarter. Appearances before public sessions of the city council and its committees are not counted as lobbying activities.

3. Lobbyists' employers, to the extent that the activities of the lobbyists they employ are exempt from registration and reporting under this section.

4. Elected officials, officers and employees of any local, state or federal government agency acting within the scope of their representation of or employment with such agency; provided, however, that this subsection A(4) shall not apply to persons specifically employed or retained by a government agency to lobby.

2.06.070 Registration and Reporting - Request for Exemption

A. An exemption from the registration requirement of Section 2.06.020A(2)(g) shall be granted by the Commission to a lobbyist's employer if such lobbyist's employer has applied in writing to the Commission for such exemption and has demonstrated by a reasonable probability that the compelled disclosure of identifying information under Section 2.06.020A(2)(g) will subject those persons to threats, harassment, or reprisals from either government officials or private parties.

B. The decision to grant or deny an exemption from disclosure, with the reason or reasons therefore, shall be set out in writing with a copy kept on file with the Executive Director.

2.06.080 Voluntary Registration and Reporting

Any person exempted under this chapter from registering and reporting may at his or her option voluntarily register and report under this Chapter.

2.06.090 Duty to Obtain and Preserve Records; Inspection and Audit of Records

A. Persons required to register or report under this Chapter shall obtain and preserve all records necessary to substantiate all registration statements and reports that this Chapter requires. Records required to be preserved under this Chapter include but are not limited to receipts, bills, invoices, checks and records of electronic financial transactions. All such records shall be preserved for at least five years after the registration statement or report to which they pertain has been filed.

B. All records required to be maintained under this section are subject to inspection, copying and audit by the Executive Director, with reasonable prior notice, during regular City business hours.

2.06.100 Employment of Unregistered Persons.

It is a violation of this chapter for any person to employ a lobbyist who is required to register, but is not registered under this chapter.

2.06.110 Other Restrictions.

In addition to other requirements imposed by this Chapter, a person required to register under this chapter shall not:

- A. Engage in any lobbying before registering as a lobbyist under this chapter;
- B. File any statement or report with the Commission that is incomplete in any material respect or contains a statement that is false or misleading with respect to any material fact;
- C. Fail to comply with any of the reporting requirements of this chapter.

2.06.120 Complaints and Investigations

Enforcement under this Chapter, including complaints, hearings and investigations, shall be governed by the provisions of SMC 2.04.060 through SMC 2.04.090. The prohibitions and penalties set forth in this Chapter are not exclusive, and are not intended to limit or preclude other prohibitions that may be applicable or remedies that may be available under the law.

2.06.130 Civil Remedies and Sanctions

Upon determining pursuant to SMC 2.04.060 through SMC 2.04.090 that a violation of this chapter has occurred, the Commission may issue an order requiring the party to take particular action in order to comply with the law, and in addition, or alternatively, may impose sanctions up

to Five Thousand Dollars (\$5,000) per violation. Any person who fails to file a properly completed registration or report within the time required by this chapter may also be subject to a civil penalty of Ten Dollars (\$10) per day for each day each such delinquency continues.

2.06.140 Enforcement

The Executive Director shall have the authority to enforce this chapter as provided in SMC Section 2.04.510.

2.06.150 Limitation on Actions

Any action brought under the provisions of this chapter must be commenced within five years after the date when the violation occurred, or the date when the violation reasonably should have been discovered.

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