City of Seattle

Ethics and Elections Commission

October 13, 2009

BY E-MAIL and INTEROFFICE MAIL

Councilmember Sally J. Clark
Chair, Planning, Land Use and Neighborhoods Committee
City Hall
Seattle, WA 98104

Re: Report to City Council on SMC Chapter 2.06, Seattle's Lobbying Law

Dear Councilmember Clark:

When the City Council last year adopted the City's lobbying law, it required that on the anniversary of its effective date I provide a report on (i) compliance with the lobbying law, (ii) the SEEC's enforcement of the lobbying law, and (iii) the need for any amendments to the law. In accordance with Section 8 of Ordinance 122645, I hereby submit this report.

1. *Background and compliance to date*

The lobbying law became effective on September 17, 2008. The law requires paid lobbyists to register with the SEEC, and to file reports each calendar quarter disclosing how much they have been paid to lobby City officials. The report filed in January is an annual report. All reports are filed electronically, making it possible for the public to see reports as soon as they are filed with the SEEC.

To date, 54 individuals have registered as lobbyists, and 64 entities either have employees on staff who lobby, or have retained individuals who lobby on their behalf. Through the first and second quarters of 2009, reports show a total of $234,970 spent on lobbying the City Council and the Mayor. Filers reported a total of $294,752 spent on lobbying in 2008. (The SEEC considers that number to be of limited value, though, because some filers reported only lobbying expenditures between the effective date of the ordinance and the end of the year, while others reported spending for the entirety of 2008.)

2. *Enforcement*

Over the last 18 months, SEEC staff has focused its resources on educating filers and potential filers about their obligations under the lobbying law. The staff's efforts appear to have been successful – there are already slightly more than twice as many lobbyists registered under the City's law than under the comparable King County law.

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There have been no complaints filed, nor any enforcement actions to date. One filer registered after a local news outlet questioned why the individual had yet to register, but it was not clear that the individual had triggered the filing requirement by lobbying for more than four days in a quarter.

3. *Need for Amendments*

Before submitting this report, the Executive Director communicated with all registered lobbyists, seeking their input on the lobbying law. Six lobbyists responded, three of whom reported no problems with the lobbying law, one of whom asked for more and regular trainings on complying with the law, and two of whom made the following suggestions:

- One lobbyist recommended eliminating the requirement that entities disclose the names and business addresses of their members because the requirement is unduly burdensome. (At least one other lobbyist also questioned this requirement earlier this year.) The Executive Director notes that state law imposes the same requirement on state-registered lobbyists, and that eliminating this requirement would make it difficult, and in some cases impossible, for the public to know who is ultimately behind a lobbying effort. The Executive Director does not recommend eliminating the requirement.

- One lobbyist recommended that the law permit lobbyists to file their state reports in lieu of reporting under SMC Chapter 2.06. But state reports reflect lobbying of *state* officials, and do not reflect money spent lobbying Seattle officials. The Executive Director does not recommend making this change.

Earlier this year, one lobbyist recommended changing the filing deadline for the annual report from January 15 to January 31. The Executive Director recommends making this change. Since a lobbyist's employer must verify the accuracy of the annual report, allowing two weeks for the lobbyist to complete the annual report and get his or her employer's approval leaves little room for error. If either the lobbyist or the employer takes vacation time around the new year, meeting the filing deadline could prove burdensome.

The Executive Director recommends one other housekeeping change. SMC 2.06.020 can be read to create an obligation for lobbyists who do not have an office in the City to list a temporary address in Seattle. The Executive Director recommends eliminating the clause requiring that lobbyists' reports include an address in the City of Seattle.

Conclusion

Seattle's lobbying law is fulfilling its mission, giving the public access to information on how much is being spent, and by whom, to lobby City Hall. In the coming year, the SEEC will focus its energies on continuing to educate filers and potential filers on complying with the law, and on presenting the data collected in ways that are as useful to the public as the information we

provide on campaign finances. We will also look into whether there are individuals who are not registered who should be, and if so will work to ensure that they register and report in accordance with the law.

If you or other members of the City Council would like more information about the lobbying law at the one year mark, please do not hesitate to let me know.

Very truly yours,

Wayne Barnett
Executive Director

cc: Councilmember Tim Burgess, Vice-Chair, PLUNC
Councilmember Tom Rasmussen, Member, PLUNC
City Council President Richard Conlin
Regina LaBelle, Counsel to the Mayor
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