

**CITY OF BALTIMORE  
ORDINANCE \_\_\_\_\_  
Council Bill 05-0269**

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Introduced by: The Council President  
At the request of: The Administration (Ethics Board)  
Introduced and read first time: October 31, 2005  
Assigned to: Judiciary and Legislative Investigations Committee  
Committee Report: Favorable  
Council action: Adopted  
Read second time: January 23, 2006

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**AN ORDINANCE CONCERNING**

**Public Ethics – Executive Lobbying**

FOR the purpose of narrowing the requirements for registering as a lobbyist under certain circumstances; conforming certain provisions to their counterparts in State law; providing for a special effective date; and generally relating to lobbying and lobbying registration.

BY repealing and reordaining, without amendments

Article 8 - Ethics  
Section(s) 2-4, 2-7, 2-20, 8-1, 8-6, 8-7, 8-36  
Baltimore City Code  
(Edition 2000)

BY repealing and reordaining, with amendments

Article 8 - Ethics  
Section(s) 8-8  
Baltimore City Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the Laws of Baltimore City read as follows:

**Baltimore City Code**

**Article 8. Ethics**

**Subtitle 2. Definitions; General Provisions**

**EXPLANATION:** CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

1 **§ 2-4. “Business entity”.**

2 “Business entity” means any person engaged in business or other organized activity, whether  
3 for-profit or not-for-profit and regardless of form.

4 **§ 2-7. “Compensation”.**

5 “Compensation” means any money or thing of value, regardless of form, received or to be  
6 received by a person for services rendered.

7 **§ 2-20. “Lobbyist”.**

8 “Lobbyist” means any person required to register with the Ethics Board under Subtitle 8  
9 {“Lobbying”} of this article.

10 **Subtitle 8. Lobbying**

11 ***Part I. Definitions***

12 **§ 8-1. Definitions.**

13 (a) *In general.*

14 In this subtitle, the following terms have the meanings indicated.

15 (b) *Compensation.*

16 If lobbying is only part of a person’s employment, “compensation” means a prorated  
17 amount of the person’s total compensation, as defined in § 2-7 of this article, that is based  
18 on the time devoted by the person to lobbying compared to the time devoted to other  
19 employment duties.

20 (c) *Executive action.*

21 “Executive action” means any official action or nonaction that:

22 (1) is taken by a public servant; and

23 (2) is not legislative action, as defined in this section.

24 (d) *Legislative action.*

25 (1) “Legislative action” means any official action or nonaction relating to:

26 (i) any bill, resolution, nomination, appointment, report, or other matter within  
27 the jurisdiction of the City Council; or

28 (ii) any bill or resolution presented to the Mayor for approval or veto.

1 (2) “Legislative action” includes:

- 2 (i) introduction;
- 3 (ii) sponsorship;
- 4 (iii) consideration and debate;
- 5 (iv) amendment;
- 6 (v) passage or defeat; and
- 7 (vi) approval or veto.

8 (e) *Lobby*.

9 “Lobby” means to do any act that requires registration under this subtitle.

10 (f) *Reporting period*.

11 “Reporting period” means the period from January 1 of any year through December 31 of  
12 the same year.

13 ***Part II. Registration Required***

14 **§ 8-6. In general.**

15 Except as otherwise specified in Part V {“Exemptions”} of this subtitle, a person who  
16 engages in any activity described in this Part II must register with the Ethics Board.

17 **§ 8-7. Legislative lobbying.**

18 A person must register if, during a reporting period, the person:

- 19 (1) for the purpose of influencing any legislative action, communicates with a public  
20 servant; and
- 21 (2) in furtherance of or in connection with all such communications for that or any other  
22 legislative action, and all activities relating to those communications:
  - 23 (i) expends \$100 or more for gifts, including meals, beverages, or special events,  
24 to 1 or more public servants;
  - 25 (ii) incurs any expenses of \$500 or more; or
  - 26 (iii) earns \$2,500 or more in compensation.

1 **§ 8-8. Executive lobbying.**

2 (A) *IN GENERAL.*

3 A PERSON MUST REGISTER IF, DURING A REPORTING PERIOD, THE PERSON:

4 (1) FOR THE PURPOSE OF INFLUENCING ANY EXECUTIVE ACTION, COMMUNICATES WITH  
5 A PUBLIC SERVANT; AND

6 (2) IN FURTHERANCE OF OR IN CONNECTION WITH ALL SUCH COMMUNICATIONS FOR  
7 THAT OR ANY OTHER EXECUTIVE ACTION, AND ALL ACTIVITIES RELATING TO  
8 THOSE COMMUNICATIONS, EXPENDS \$100 OR MORE FOR GIFTS, INCLUDING MEALS,  
9 BEVERAGES, OR SPECIAL EVENTS, TO 1 OR MORE PUBLIC SERVANTS.

10 (B) *REGULATIONS; EXECUTIVE ORDERS.*

11 A person must register if, during a reporting period, the person:

12 (1) for the purpose of influencing [any executive action] THE DEVELOPMENT,  
13 ADOPTION, ISSUANCE, OR AMENDMENT OF REGULATIONS OR OF AN EXECUTIVE  
14 ORDER, communicates with a public servant; and

15 (2) in furtherance of or in connection with all such communications for that or any  
16 other executive action, and all activities relating to those communications:

17 (i) expends \$100 or more for gifts, including meals, beverages, or special  
18 events, to 1 or more public servants;

19 (ii) incurs any expenses of \$500 or more; or

20 (iii) earns \$2,500 or more in compensation.

21 (C) *PROCUREMENT.*

22 (1) A PERSON MUST REGISTER IF, DURING A REPORTING PERIOD, THE PERSON:

23 (I) FOR THE PURPOSE OF INFLUENCING EXECUTIVE ACTION ON A PROCUREMENT  
24 CONTRACT THAT EXCEEDS \$50,000, COMMUNICATES WITH A PUBLIC SERVANT;  
25 AND

26 (II) IN FURTHERANCE OF OR IN CONNECTION WITH ALL SUCH COMMUNICATIONS  
27 FOR THAT OR ANY OTHER EXECUTIVE ACTION, AND ALL ACTIVITIES RELATING  
28 TO THOSE COMMUNICATIONS:

29 (A) EXPENDS \$100 OR MORE FOR GIFTS, INCLUDING MEALS, BEVERAGES, OR  
30 SPECIAL EVENTS, TO 1 OR MORE PUBLIC SERVANTS; OR

31 (B) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IS  
32 COMPENSATED FOR HIS OR HER SERVICES.

1 (2) PARAGRAPH (1)(II)(B) OF THIS SUBSECTION DOES NOT APPLY TO A BONA FIDE  
2 SALESPERSON OR COMMERCIAL SELLING AGENCY EMPLOYED OR MAINTAINED BY AN  
3 EMPLOYER FOR THE PURPOSE OF SOLICITING OR SECURING A PROCUREMENT  
4 CONTRACT, AS LONG AS THE PERSON ENGAGES IN NO OTHER ACTS DURING THE  
5 REPORTING PERIOD THAT REQUIRE REGISTRATION.

6 (D) *BUSINESS GRANTS OR LOANS.*

7 (1) A PERSON MUST REGISTER IF, DURING A REPORTING PERIOD, THE PERSON:

8 (I) FOR THE PURPOSE OF INFLUENCING EXECUTIVE ACTION TO SECURE FOR A  
9 BUSINESS ENTITY A GRANT OR LOAN THAT EXCEEDS \$50,000, COMMUNICATES  
10 WITH A PUBLIC SERVANT; AND

11 (II) IN FURTHERANCE OF OR IN CONNECTION WITH ALL SUCH COMMUNICATIONS  
12 FOR THAT OR ANY OTHER EXECUTIVE ACTION, AND ALL ACTIVITIES RELATING  
13 TO THOSE COMMUNICATIONS:

14 (A) EXPENDS \$100 OR MORE FOR GIFTS, INCLUDING MEALS, BEVERAGES, OR  
15 SPECIAL EVENTS, TO 1 OR MORE PUBLIC SERVANTS; OR

16 (B) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IS  
17 COMPENSATED FOR HIS OR HER SERVICES.

18 (2) PARAGRAPH (1)(II)(B) OF THIS SUBSECTION DOES NOT APPLY TO EITHER OF THE  
19 FOLLOWING, AS LONG AS THE PERSON ENGAGES IN NO OTHER ACTS DURING THE  
20 REPORTING PERIOD THAT REQUIRE REGISTRATION:

21 (I) A BONA FIDE FULL-TIME OFFICIAL OR EMPLOYEE OF A BUSINESS ENTITY THAT IS  
22 SEEKING TO SECURE A GRANT OR LOAN; OR

23 (II) A PERSON WHO IS SEEKING A GRANT OR LOAN FOR THE PURPOSE OF LOCATING,  
24 RELOCATING, OR EXPANDING A BUSINESS IN OR INTO THE CITY.

25 ***Part VI. Prohibited Conduct***

26 **§ 8-36. Contingent compensation.**

27 (a) *Legislative lobbying.*

28 A lobbyist may not lobby on behalf of any person for compensation that is dependent in  
29 any way on:

30 (1) the passage, enactment, or defeat of any legislation; or

31 (2) any other contingency related to legislative action.

1 (b) *Executive lobbying.*

2 A lobbyist may not lobby on behalf of any person for compensation that is dependent in  
3 any way on:

4 (1) the outcome of any executive action relating to the solicitation or securing of a  
5 procurement contract; or

6 (2) any other contingency related to executive action.

7 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
8 are not law and may not be considered to have been enacted as a part of this or any prior  
9 Ordinance.

10 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it  
11 is enacted.

Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor, Baltimore City