

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 18-0230

Introduced by: Councilmembers Cohen, Clarke, Henry, President Young, Councilmembers
Dorsey, Bullock, Pinkett, Schleifer, Scott, Sneed, Reisinger, Stokes, Middleton, Burnett
Introduced and read first time: April 23, 2018
Assigned to: Judiciary and Legislative Investigations Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: September 17, 2018

AN ORDINANCE CONCERNING

Ethics Code – Transparency in Lobbying Act

FOR the purpose of requiring ~~quarterly~~ semi-annual, rather than annual, lobbying reports from lobbyists; requiring ~~the Ethics Board to post lobbying reports online within 30 days of their receipt~~ lobbying reports to be posted online; requiring that lobbyists affirmatively identify themselves and their clients when engaging in lobbying activities; allowing the Ethics Board to prohibit a person found to have violated the lobbying provisions of the Ethics Code from lobbying City public servants for up to 3 years; clarifying and conforming related provisions; providing for special effective dates; and generally relating to the regulation of lobbyists.

BY repealing and reordaining, without amendments

Article 8 - Ethics
Section(s) ~~8-1(f)~~, and 8-6 to 8-9
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 8 - Ethics
Section(s) 8-1(f), 8-16, 8-18, 8-19, 8-42, 9-5 and 9-22
Baltimore City Code
(Edition 2000)

BY adding

Article 8 - Ethics
Section(s) 8-27
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:

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.

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Baltimore City Code

Article 8. Ethics

Subtitle 8. Lobbying

Part I. Definitions

§ 8-1. Definitions.

(f) *Reporting period.*

“Reporting period” means ALL OR ANY PART OF the period from January 1 of any year through December 31 of the same year DURING WHICH A PERSON IS REGISTERED OR REQUIRED TO BE REGISTERED WITH THE ETHICS BOARD AS A LOBBYIST.

Part II. Registration Required

§ 8-6. In general.

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

§ 8-7. Legislative lobbying.

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

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

§ 8-8. Executive lobbying.

(a) *In general.*

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

- (1) for the purpose of influencing any executive action, communicates with a public servant; and

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1 (2) in furtherance of or in connection with all such communications for that or any
2 other executive action, and all activities relating to those communications,
3 expends \$100 or more for gifts, including meals, beverages, or special events, to 1
4 or more public servants.

5 (b) *Regulations; Executive Orders.*

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

7 (1) for the purpose of influencing the development, adoption, issuance, or amendment
8 of regulations or of an executive order, communicates with a public servant; and

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

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

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

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

15 (c) *Procurement.*

16 (1) A person must register if, during a reporting period, the person:

17 (i) for the purpose of influencing executive action on a procurement contract that
18 exceeds \$50,000, communicates with a public servant; and

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

21 (A) expends \$100 or more for gifts, including meals, beverages, or special
22 events, to 1 or more public servants; or

23 (B) except as provided in paragraph (2) of this subsection, is compensated
24 for his or her services.

25 (2) Paragraph (1)(ii)(B) of this subsection does not apply to a bona fide salesperson or
26 commercial selling agency employed or maintained by an employer for the purpose of
27 soliciting or securing a procurement contract, as long as the person engages in no
28 other acts during the reporting period that require registration.

29 (d) *Business grants or loans.*

30 (1) A person must register if, during a reporting period, the person:

31 (i) for the purpose of influencing executive action to secure for a business entity a
32 grant or loan that exceeds \$50,000, communicates with a public servant; and

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

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

(B) except as provided in paragraph (2) of this subsection, is compensated for his or her services.

(2) Paragraph (1)(ii)(B) of this subsection does not apply to either of the following, as long as the person engages in no other acts during the reporting period that require registration:

(i) a bona fide full-time official or employee of a business entity that is seeking to secure a grant or loan; or

(ii) a person who is seeking a grant or loan for the purpose of locating, relocating, or expanding a business in or into the City.

§ 8-9. “Grass roots” lobbying.

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

(1) for the purpose of influencing any legislative or executive action, solicits others to communicate with a public servant; and

(2) in furtherance of or in connection with that solicitation, expends \$1,000 or more, including expenditures for salaries, contractual employees, postage, telecommunications services, electronic services, advertising, printing, or delivery services.

Part IV. Activity Reports

§ 8-16. In general.

(a) *Report SEMI-ANNUAL REPORTS required.*

A lobbyist must file with the Ethics Board ~~an activity report for each QUARTER OF A SEMI-ANNUAL ACTIVITY REPORTS FOR THE~~ reporting period for which the lobbyist is registered or required to be registered.

(b) *When and for whom filed.*

~~(1) [For each reporting period, the activity report] A QUARTERLY REPORT must be filed by the APRIL 30, JULY 31, OCTOBER 31, AND January 31 that first follows [that] EACH QUARTER OF A reporting period.~~

(1) FOR EACH REPORTING PERIOD, THESE SEMI-ANNUAL REPORTS MUST BE FILED AS FOLLOWS:

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1 (I) ON OR BEFORE JULY 31, COVERING THE IMMEDIATELY PRECEDING
2 JANUARY 1 THROUGH JUNE 30; AND

3 (II) ON OR BEFORE JANUARY 31, COVERING ALL OF THE IMMEDIATELY
4 PRECEDING JANUARY 1 THROUGH DECEMBER 31.

5 (2) A separate report must be filed for each person on whose behalf the lobbyist acted.

6 (c) *Form* .

7 (1) Each ~~Report~~ REPORT must be:

8 (i) filed on the form the Ethics Board provides; and

9 (ii) signed under oath or affirmation, subject to the penalties of perjury.

10 (2) If the lobbyist is not an individual, then an authorized officer or agent of the lobbyist
11 must sign the report.

12 **§ 8-18. Contents – Compensation.**

13 (a) *In general*.

14 Except as provided in subsection (c) of this subsection, each report must include the total
15 compensation paid to the lobbyist in connection with lobbying activities ~~THROUGH THE~~
16 ~~END OF THE PRECEDING QUARTER~~ DURING THE PERIOD TO WHICH THAT REPORT APPLIES,
17 AS SPECIFIED IN § 8-16(B)(1) OF THIS TITLE.

18 (b) *Prorated amounts*.

19 If the compensation being reported is a prorated amount, it must be so labeled.

20 (c) *Exceptions*.

21 This section does not apply to:

22 (1) expenses otherwise reported under other sections of this Part IV; or

23 (2) salaries, compensation, and reimbursed expenses for the lobbyist’s staff.

24 **§ 8-19. Contents – Expenses.**

25 (a) *Staff, research, and assistance*.

26 Except as reported under § 8-18 {“Contents — Compensation”} of this subtitle, each
27 report must include the total amount expended in connection with the lobbying activities
28 ~~THROUGH THE END OF THE PRECEDING QUARTER~~ DURING THE PERIOD TO WHICH THAT
29 REPORT APPLIES, AS SPECIFIED IN § 8-16(B)(1) OF THIS TITLE for:

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- 1 (1) office expenses of the lobbyist; and
- 2 (2) professional and technical research and assistance.

3 (b) *Publications.*

4 Each report must include the total amount expended in connection with the lobbying
5 activities ~~THROUGH THE END OF THE PRECEDING QUARTER~~ DURING THE PERIOD TO WHICH
6 THAT REPORT APPLIES, AS SPECIFIED IN § 8-16(B)(1) OF THIS TITLE for publications that
7 expressly encourage others to communicate with 1 or more public servants.

8 (c) *Witnesses.*

9 Each report must include:

- 10 (1) the total amount expended in connection with lobbying activities for witnesses
11 ~~THROUGH THE END OF THE PRECEDING QUARTER~~ DURING THE PERIOD TO WHICH
12 THAT REPORT APPLIES, AS SPECIFIED IN § 8-16(B)(1) OF THIS TITLE;
- 13 (2) the name of each witness; and
- 14 (3) the fees and expenses paid to each.

15 (d) *Food, beverages, gifts, etc.*

16 (1) Each report must include the total amount expended for each of the following
17 ~~THROUGH THE END OF THE PRECEDING QUARTER~~ DURING THE PERIOD TO WHICH THAT
18 REPORT APPLIES, AS SPECIFIED IN § 8-16(B)(1) OF THIS TITLE, whether or not expended
19 in connection with lobbying activities:

- 20 (i) meals and beverages for a public servant or the spouse, parent, child, or
21 sibling of a public servant;
- 22 (ii) special events, including parties, dinners, athletic events, entertainment, and
23 other functions, to which a public servant or the spouse, parent, child, or
24 sibling of a public servant is invited;
- 25 (iii) food, lodging, or scheduled entertainment of a public servant or the spouse,
26 parent, child, or sibling of a public servant while attending a meeting;
- 27 (iv) tickets or free admission for a public servant or the spouse, parent, child, or
28 sibling of a public servant to attend a professional or intercollegiate sporting
29 event or a charitable, cultural, or political event; and
- 30 (v) other gifts to or for a public servant or the spouse, parent, child, or sibling of a
31 public servant.

32 (2) The lobbyist must report the name of any public servant or the spouse, parent, child,
33 or sibling of a public servant who benefitted from:

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- 1 (i) expenses reported under paragraph (1)(i) of this subsection; or
- 2 (ii) expenses reported under paragraph (1)(iii) of this subsection, if more than
- 3 \$200 was expended for the benefit of the public servant, spouse, parent, child,
- 4 or sibling.

5 (3) Expenses reported under paragraph (1)(ii), (iii), and (iv) of this subsection must be
6 itemized by:

- 7 (i) the date and location of each event or activity; and
- 8 (ii) the total expense of the lobbyist for the event or activity.

9 (e) *Other expenses.*

10 Each report must include the total amount expended for all other expenses incurred in
11 connection with the lobbying activities ~~THROUGH THE END OF THE PRECEDING QUARTER~~
12 DURING THE PERIOD TO WHICH THAT REPORT APPLIES, AS SPECIFIED IN § 8-16(B)(1) OF
13 THIS TITLE.

14 **§ 8-27. REPORTS TO BE PUBLIC.**

15 ~~ALL REPORTS FILED UNDER THIS SUBTITLE ARE PUBLIC DOCUMENTS AND THE ETHICS~~
16 ~~BOARD MUST POST ON ITS WEBSITE A COPY OF EACH REPORT WITHIN 30 DAYS OF ITS~~
17 ~~RECEIPT BY THE BOARD.~~

18 ALL REPORTS FILED UNDER THIS SUBTITLE ARE PUBLIC DOCUMENTS AND MUST BE POSTED
19 ON THE ETHICS BOARD’S WEBSITE.

20 ***Part VI. Prohibited Conduct***

21 **§ 8-42. Veracity and candor.**

22 [A lobbyist may not:]

23 (A) *VERACITY REQUIRED.*

24 [(1) while] WHILE engaging in lobbying activities A LOBBYIST, OR AN INDIVIDUAL WHO
25 EXPECTS SHE OR HE WILL SOON BE REQUIRED TO REGISTER AS A LOBBYIST, MAY NOT
26 knowingly make to a public servant a statement of material fact that relates to the
27 lobbying activity and that the lobbyist knows to be false[; or].

28 [(2) while engaging in lobbying activities on behalf of a person, knowingly conceal from
29 a public servant the identity of that person.]

30 (B) *DUTY TO IDENTIFY THEMSELVES AND THEIR CLIENTS.*

31 WHILE ENGAGING IN LOBBYING ACTIVITIES A LOBBYIST, OR AN INDIVIDUAL WHO EXPECTS
32 SHE OR HE WILL SOON BE REQUIRED TO REGISTER AS A LOBBYIST, MUST, IN ANY
33 INTERACTION WITH A PUBLIC SERVANT:

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1 (1) AFFIRMATIVELY IDENTIFY THEMSELVES AS A LOBBYIST; AND

2 (2) IDENTIFY THE PERSON ON WHOSE BEHALF THEY ARE LOBBYING.

3 **Subtitle 9. Enforcement**

4 ***Part II. Administrative Sanctions***

5 **§ 9-5. Lobbying violations.**

6 If, after considering a complaint brought under Subtitle 5 {"Complaints"} of this article, the
7 Ethics Board determines that the respondent has violated any provision of Subtitle 8
8 {"Lobbying"} of this article, the Board may take any 1 or more of the following actions:

9 (1) require a respondent who is a lobbyist to file any additional reports or information
10 that reasonably relates to the information required by Subtitle 8;

11 (2) impose a civil penalty of not more than \$1,000 for each violation;

12 (3) PROHIBIT A RESPONDENT FROM ENGAGING IN ANY LOBBYING ACTIVITIES INTENDED TO
13 INFLUENCE ANY CITY PUBLIC SERVANT ON ANY MATTER FOR A PERIOD OF NOT MORE
14 THAN 3 YEARS; or

15 (4) [(3)] take any other action authorized by § 9-4 {"In general"} of this subtitle.

16 ***PART VI. CRIMINAL PENALTIES***

17 **§ 9-22. Violations of lobbying subtitle.**

18 (a) *In general.*

19 Any person who knowingly violates a provision of Subtitle 8 {"Lobbying"} of this
20 article, OR FAILS TO COMPLY WITH AN ADMINISTRATIVE SANCTION IMPOSED UNDER § 9-5.
21 {"LOBBYING VIOLATIONS"} OF THIS SUBTITLE, is guilty of a misdemeanor and, on
22 conviction, is subject to a fine of not more than \$1,000 or imprisonment of not more than
23 12 months or both.

24 (b) *Officers and partners.*

25 If the person is a business or other entity, each officer or partner of the entity who
26 knowingly authorizes or participates in the violation is guilty of a misdemeanor and, on
27 conviction, is subject to the penalty specified in subsection (a) of this section.

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

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SECTION 3. AND BE IT FURTHER ORDAINED, That:

(a) The amendments made by this Ordinance to Part IV of Code Article 8, Subtitle 8, take effect only on the later of:

(1) the 90th date after the date this Ordinance is enacted,; and

(2) the 30th day after MOIT/BCIT has developed a viable, searchable online module that meets the criteria required by the Ethics Board and that will allow lobbyists to prepare and file their reports online, subject to the online payment of all attendant fees.

(b) An online module, compliant with subsection (a)(2) of this Section 3, must be completed by MOIT/BCIT and made available for public use on or before June 1, 2019.

SECTION 4 3. AND BE IT FURTHER ORDAINED, That, except as provided in Section 3 of this Ordinance, this Ordinance takes effect on the 30th 90th day after the date it is enacted.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City