



Legislation Details (With Text)

File #: 18-0230 Version: 0 Name: Ethics Code - Transparency in Lobbying Act
Type: Ordinance Status: Enacted
File created: 4/23/2018 In control: City Council
On agenda: Final action: 12/3/2018
Enactment date: Enactment #: 18-198

Title: Ethics Code - Transparency in Lobbying Act
For the purpose of requiring quarterly rather than annual lobbying reports from lobbyists; requiring the Ethics Board to post lobbying reports online within 30 days of their receipt; 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; and generally relating to the regulation of lobbyists.

Sponsors: Zeke Cohen, Mary Pat Clarke, Bill Henry, President Young, Ryan Dorsey, John T. Bullock, Leon F. Pinkett, III, Isaac "Yitzy" Schleifer, Brandon M. Scott, Shannon Sneed, Edward Reisinger, Sharon Green Middleton, Robert Stokes, Sr., Kristerfer Burnett

Indexes: Code, Ethics, Lobbying, Transparency

Code sections:

Attachments: 1. cb18-0230~1st, 2. Finance 18-0230, 3. Law 18-0230, 4. 2nd Reader Amendments 18-0230, 5. 18-0230~3rd Reader, 6. Completed File_18-0230

Table with 5 columns: Date, Ver., Action By, Action, Result. Rows include dates from 4/23/2018 to 12/6/2018 and actions like 'Introduced', 'Assigned', 'Refer to City Solicitor', 'Refer to Board of Ethics', 'Refer to Dept. of Finance', 'Scheduled for a Public Hearing', 'Worksession', 'Recommended Favorably with Amendment', 'Approved and Sent to the Mayor', 'Signed by Mayor', '3rd Reader, for final passage', 'Pass'.

Explanation: Capitals indicate matter added to existing law. [Brackets] indicate matter deleted from existing law.

* Warning: This is an unofficial, introductory copy of the bill. The official copy considered by the City Council is the first reader copy.

Introductory*

City of Baltimore Council Bill

Introduced by: Councilmember Cohen

A Bill Entitled

An Ordinance concerning **Ethics Code - Transparency in Lobbying Act**

For the purpose of requiring quarterly rather than annual lobbying reports from lobbyists; requiring the Ethics Board to post lobbying reports online within 30 days of their receipt; 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; 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) 8-16, 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:

Baltimore City Code

Article 8. Ethics

Subtitle 8. Lobbying

Part I. Definitions

§ 8-1. Definitions.

(f) *Reporting period.*

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

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

(b) *Regulations; Executive Orders.*

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

- (1) for the purpose of influencing the development, adoption, issuance, or amendment of regulations or of an executive order, communicates with a public servant; and
- (2) in furtherance of or in connection with all such communications for that or any other executive 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.

(c) *Procurement.*

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

- (i) for the purpose of influencing executive action on a procurement contract that exceeds \$50,000, communicates with a public servant; and
- (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 a bona fide salesperson or commercial selling agency employed or maintained by an employer for the purpose of soliciting or securing a procurement contract, as long as the person engages in no other acts during the reporting period that require registration.

(d) *Business grants or loans.*

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

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

A lobbyist must file with the Ethics Board an activity report for each quarter of a 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.

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

(c) *Form .*

(1) Each Report must be:

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

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

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

§ 8-18. Contents - Compensation.

(a) *In general.*

Except as provided in subsection (c) of this subsection, each report must include the total compensation paid to the lobbyist in connection with lobbying activities through the end of the preceding quarter.

(b) *Prorated amounts.*

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

(c) *Exceptions.*

This section does not apply to:

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

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

§ 8-19. Contents - Expenses.

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

Except as reported under § 8-18 {"Contents - Compensation"} of this subtitle, each report must include the total amount expended in connection with the lobbying activities through the end of the preceding quarter for:

(1) office expenses of the lobbyist; and

(2) professional and technical research and assistance.

(b) *Publications.*

Each report must include the total amount expended in connection with the lobbying activities through the end of the preceding quarter for publications that expressly encourage others to communicate with 1 or more public servants.

(c) *Witnesses.*

Each report must include:

- (1) the total amount expended in connection with lobbying activities for witnesses through the end of the preceding quarter;
- (2) the name of each witness; and
- (3) the fees and expenses paid to each.

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

(1) Each report must include the total amount expended for each of the following through the end of the preceding quarter, whether or not expended in connection with lobbying activities:

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

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

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

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

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

(e) *Other expenses.*

Each report must include the total amount expended for all other expenses incurred in connection with the lobbying activities through the end of the preceding quarter..

§ 8-27. Reports to be public.

All reports filed under this subtitle are public documents and the Ethics Board must post on its website a copy of each report within 30 days of its receipt by the Board.

Part VI. Prohibited Conduct

§ 8-42. Veracity and candor.

[A lobbyist may not:]

(a) *Veracity required.*

[(1) while] While engaging in lobbying activities a lobbyist, or an individual who expects she or he will soon be required to register as a lobbyist, may not knowingly make to a public servant a statement of material fact that relates to the lobbying activity and that the lobbyist knows to be false[; or].

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

(b) *Duty to identify themselves and their clients.*

While engaging in lobbying activities a lobbyist, or an individual who expects she or he will soon be required to register as a lobbyist, must, in any interaction with a public servant:

- (1) affirmatively identify themselves as a lobbyist; and
- (2) identify the person on whose behalf they are lobbying.

Subtitle 9. Enforcement

Part II. Administrative Sanctions

§ 9-5. Lobbying violations.

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

- (1) require a respondent who is a lobbyist to file any additional reports or information that reasonably relates to the information required by Subtitle 8;
- (2) impose a civil penalty of not more than \$1,000 for each violation;
- (3) prohibit a respondent from engaging in any lobbying activities intended to influence any City public servant on any matter for a period of not more than 3 years; or
- (4) [(3)] take any other action authorized by § 9-4 {"In general"} of this subtitle.

Part VI. Criminal Penalties

§ 9-22. Violations of lobbying subtitle.

(a) *In general.*

Any person who knowingly violates a provision of Subtitle 8 {"Lobbying"} of this article, or fails to comply with an administrative sanction imposed under § 9-5. {"Lobbying violations"} of this subtitle, is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 or imprisonment of not more than 12 months or both.

(b) *Officers and partners.*

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

Section 2. And be it further ordained, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

Section 3. And be it further ordained, That this Ordinance takes effect on the 30th day after the date it is enacted.