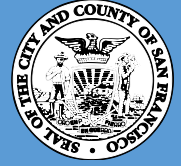


Ethics Commission Fact Sheet:

Overview of the San Francisco Lobbyist Ordinance



This fact sheet describes the basic requirements and prohibitions imposed on lobbyists under the San Francisco Lobbyist Ordinance.

Definition of a Lobbyist

A lobbyist is someone who:

- Is paid to contact a City officer;
- To influence local legislative or administrative action;
- On behalf of a client or employer.

To find out whether you qualify as a lobbyist, see the Ethics Commission's "[Who is a Lobbyist?](#)" Fact Sheet.

Basic Duties

If you are a lobbyist in San Francisco, you must:

- Register as a lobbyist on the Ethics Commission's website;
- Complete online trainings provided by the Ethics Commission;
- File a disclosure report every month describing your efforts to influence local legislative or administrative action (including who you have contacted, on whose behalf, and about what); and
- Retain documents to support your disclosure reports.

Prohibitions

You may not:

- Generally make gifts worth more than \$25 to City officers;
- Lobby to attain future employment;
- Falsely claim to lobby on someone else's behalf; or
- Violate any other part of the Lobbyist Ordinance.

Penalties for Non-Compliance

If you do not file the required disclosure reports on time, the Commission will fine you \$50 per day until you file. In limited circumstances, the Ethics Commission may reduce or waive this fine.

If you violate any part of the Lobbyist Ordinance, you may be subject to:

- Administrative proceedings before the Ethics Commission;
- A civil action brought by the City Attorney;
- Termination of your lobbyist registration; and
- Penalties up to:
 - Three times the amount you failed to report;
 - Three times the amount you gave or received in excess of the gift limit; or
 - \$5,000 per violation, if greater.

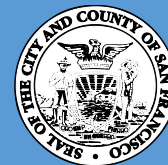
Your employer or client will also be liable for the full amount of any penalty imposed on you for lobbying on their behalf.

When investigating violations, the Ethics Commission and City Attorney can inspect all documents you are required to retain.

Deliberately falsifying, misrepresenting, or concealing any information or documents in an Ethics Commission or City Attorney investigation is a violation of the Lobbyist Ordinance.

Last Updated 12/8/14

Ethics Commission Fact Sheet: Lobbyist Registration and Training



This fact sheet explains how to register as a lobbyist in San Francisco. Lobbyists must file a registration report, pay initial registration fees, train, and pay annual fees.

Registration and Training Timeline

After qualifying as a lobbyist	Do not contact another City officer until you register.
Within 5 days of qualifying	Register with the Ethics Commission* and pay an initial registration fee of \$500.**
On or before every February 1	Pay an annual re-registration fee of \$500.** If you fail to pay the fee by the deadline, your lobbyist registration will be cancelled automatically.
Within one year of registering	Complete initial training session.

*If you qualify as both a lobbyist and a permit consultant, you must register as both.

**You do not need to pay registration fees if you are lobbying as a full-time employee of a 501(c)(4) tax-exempt organization. You must present proof of your organization's tax-exempt status to receive the waiver.

Registration

To register, you must set up an online electronic reporting account with the Ethics Commission and provide:

- Your name, business address, email address, and business phone number;
- The name, business address, email address, and business phone number of your employer (if applicable);
- The name, business address, email address, and business phone number of each client you are lobbying on behalf of (if applicable); and
- A professional quality digital color photograph of your head and shoulders. It must be in JPEG format, no larger than 2 megabytes and 130 pixels in width by 150 pixels in height (the registration system provides a sizing tool that allows you to re-size a larger image to the correct dimensions).

When you register, you must pay an initial registration fee of \$500. On or before every February 1 after you register, you must pay an annual re-registration fee of \$500.

You may pay these fees online by using a debit/credit card, check, or e-check.

Training

As a lobbyist, you must complete the following training sessions held by the Ethics Commission:

- Initial training within one year of registration; and
- Any additional training sessions required by the Ethics Commission's Executive Director.

These sessions are available on the Ethics Commission's website as video trainings.

For each training session, you must file a signed declaration stating that you have completed the session. This declaration must be submitted on or before the deadline for completing the session.

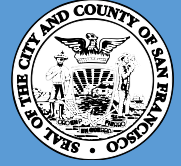
Terminating Your Registration

To terminate your registration, you must end all activity that requires registration and reporting. You must file a final monthly disclosure report covering all lobbying activity through the date of your termination. You must indicate on this report that it represents your termination statement.

Last Updated 12/8/14

Ethics Commission Fact Sheet:

Lobbyist Disclosures and Documents



This fact sheet summarizes the disclosure requirements for lobbyists in San Francisco. Lobbyists are responsible for monthly disclosure reports, disclosures about employment, and document retention.

Monthly Disclosures

By the fifteenth day of every month, you are required to disclose your lobbying activity during the prior calendar month to the Ethics Commission. This includes information about:

- Any individuals or organizations who paid for your lobbying;
- Any lobbying contacts* you made;
- The payments you received (or expected) from your employer or client(s) for lobbyist services;
- Any “activity expenses”** you incurred (including consulting fees and gifts);
- Any political contributions** of \$100 or more you made or raised; and
- Any changes to your registration information.

*To learn more about what counts as a lobbying contact, see the Ethics Commission’s [“Lobbying Contacts” Fact Sheet](#).

**To learn more about activity expenses and political contributions, see the Ethics Commission’s [“Lobbyist Contributions, Fundraising & Activity Expenses” Fact Sheet](#).

For a full list and description of your required monthly disclosure reports, see the Ethics Commission’s [Lobbyist Manual](#).

NOTE: A company may file these statements on behalf of its lobbyists.

Economic Consideration and Shared Client

Reporting: If several lobbyists work for the same employer, any one of them may disclose all payments received from the employer’s clients for lobbyist services on his or her monthly reports. The same lobbyist should report all such payments this way for the full calendar year. Alternatively, the payments can be split up among the lobbyists.

Disclosures Regarding Employment

You must file an employment statement if you employ or induce a client to employ:

- Any City officer;
- Any immediate family member or registered domestic partner of any City officer; or
- Any person you know to be a full-time employee of the City in any capacity.

You must also file a statement if one of your employees is appointed to a City office.

Statements must be filed within ten days of the employment or appointment. The statements must include:

- Employee’s name;
- Date first employed;
- Nature of the employment duties; and
- Salary or rate of pay of the employee.

Document Retention

You must retain documents that substantiate your registration and disclosure reports for the prior five years. This includes copies of all fundraising solicitations for City candidates or ballot measures that you sent.

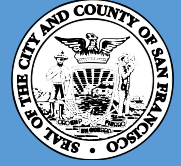
You may be required to supply these documents to the Ethics Commission and the City Attorney. For instance, the Ethics Commission audits randomly-selected lobbyists every year. If you receive a request for records, you must reply with the documents within ten days.

If you fail to produce documents requested by Ethics Commission, you may face penalties.

Last Updated 12/8/14

Ethics Commission Fact Sheet:

Lobbyist Contributions, Fundraising & Activity Expenses



This fact sheet outlines key reporting requirements for lobbyists in San Francisco, including disclosure of political contributions, fundraising activities, and activity expenses.

Political Contributions

As a lobbyist, you must disclose on your monthly report all political contributions of \$100 or more you made to any City officer or candidate, to their controlled committees, or to City ballot measure committees. For each contribution, you must disclose:

- The contributor's name, occupation, and employer or business;
- The amount of the contribution;
- The date the contribution was made; and
- The committee to which the contribution was made.

Fundraising Activities

You must also report contributions you know (or have reason to know) were raised as a result of fundraising activity by you, your agent, or your employer. Fundraising activities include:

- Asking another person to make a contribution;
- Inviting a person to a fundraising event;
- Supplying names to be used for invitations to a fundraising event;
- Allowing one's name or signature to appear on a solicitation for contributions or an invitation to a fundraising event;
- Allowing one's home or business to be used for a fundraising event;
- Paying for at least 20 percent of the costs of a fundraising event;
- Hiring another person to run a fundraising event;
- Delivering a contribution (other than one's own), by mail, by messenger, or in person; and
- Acting as an agent or intermediary in the making of a contribution.

Multiple Party Contributions: Fundraising events sometimes involve several lobbyists working together to arrange the contributions. If the lobbyists work for the same employer, then only one lobbyist needs to report the contributions. If the lobbyists do not work for the same employer, then the collective contributions should be reported by:

- The lobbyist primarily responsible for soliciting the contribution; or
- Each of the lobbyists reporting separately, in rough proportion to their individual participation in the fundraising activity.

If the lobbyist arranges contributions with non-lobbyists, then the lobbyist should report all the contributions.

Example 1: A lobbyist's employer's name is listed as a co-host on the invitation to a campaign fundraiser for a candidate for the Board of Supervisors, which is paid for by the candidate's committee. Contribution checks totaling \$5,000 are collected by the campaign at the event from ten attendees. The lobbyist must disclose those ten contributions.

Example 2: A lobbyist solicits a contribution from one person to a candidate for the Board of Supervisors. The solicited person specifically indicates that he will mail a contribution check for \$500 to the candidate the next day. After confirming the next day that the contribution has been made, the lobbyist must disclose that contribution.

Activity Expenses

Activity expenses are expenses you incur or payments you make within three months of a contact with an officer, a candidate, or a Supervisor's aide (or their immediate family member or registered domestic partner), and which benefit the person contacted. Gifts are common activity expenses.

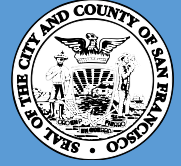
You must report all your activity expenses, including those made or arranged by your client or employer at your behest.

Importantly, gifts to public officials are regulated by both state and local law. Before making a gift, you may wish to contact the Ethics Commission or an attorney for guidance.

Last Updated 12/8/14

Ethics Commission Fact Sheet:

Lobbyist Contacts



This fact sheet describes “lobbying contacts” under the San Francisco Lobbyist Ordinance and explains how to count them. Understanding lobbying contacts helps in determining whether to register as a lobbyist and what to disclose in monthly lobbyist reports filed with the Ethics Commission.

Modes of Communication

A lobbying contact is any communication with a City officer to influence a local legislative or administrative action for which you are paid. All modes of communication are covered:

- In-person meetings, telephone calls, video conferences, texts, letters, faxes, and emails; and
- Communications with City staffers who you should expect will relay the conversation to the City officer, including departmental deputies and legislative aides.

Exceptions

Some communications with City officers are not considered contacts. For example, it is not a contact when you are:

- Making public comment or providing written testimony for a public hearing;
- Requesting to meet with a City officer, without making an attempt to influence;
- Making statements or providing testimony, as compelled by law;
- Providing information to the public by making a speech, appearing on TV, etc.
- Distributing information to members of your organization;
- Responding to RFPs or RFQs, without other contacts; or
- Communicating on behalf of a labor union for City employees regarding a collective bargaining agreement.

For a complete list of exceptions, see the Ethics Commission’s [Lobbyist Manual](#).

Counting Contacts

Lobbyists must disclose each lobbying contact on their quarterly reports; therefore, it is important to count such contacts accurately. Generally, the number of contacts depends on:

- How many legislative or administrative actions are discussed;
- How many people you are meeting or otherwise communicating with; and
- When the communication is made.

Each communication to influence local legislative or administrative action can generally be considered a contact. Specifically:

- Each time you meet with ONE City officer regarding ONE local legislative or administrative action counts as ONE contact (i.e., 1 Action/1 Officer = 1 Contact; 2 Actions/1 Officer = 2 Contacts, etc.).

Exception: a meeting with a City officer several times in one day about the same local legislative or administrative action will still count as ONE contact.

- Each City officer you meet about ONE local legislative or administrative action counts as ONE contact (i.e., 1 Action/1 Officer = 1 Contact; 1 Action/2 Officers = 2 Contacts, etc.).

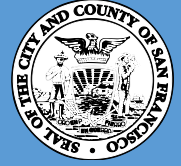
Exception: a meeting with a City officer and his or her staff member(s) about ONE local legislative or administrative action will still count as ONE contact.

NOTE: a communication about ONE real estate project is considered ONE local legislative or administrative contact.

Last Updated 12/8/14

Ethics Commission Fact Sheet:

Who is a Lobbyist?



This fact sheet describes who will qualify as a lobbyist under the San Francisco Lobbyist Ordinance. Lobbyists must register and comply with the Ordinance's requirements.

What Does a Lobbyist Do?

A lobbyist is someone who:

- Is paid to contact a City officer
- To influence local legislative or administrative action;
- On behalf of a client or employer.

Who Must Register as a Lobbyist?

You must register as a lobbyist if:

- You make **5** lobbying contacts in a calendar month on behalf of your employer; OR
- You make **1** lobbying contact on behalf of someone who pays (or becomes obligated to pay) you or your employer for lobbyist services (i.e., a client).

LAWYERS!

If you are a litigating a matter against the City and contact a City officer as part of that litigation, you do not have to register as a lobbyist; however, if you contact him or her to influence local legislative or administrative action, you do have to register.

You **DO NOT** have to register as a lobbyist if:

- You are not being paid to lobby;
- You contact a City officer on behalf of a business in which you own 20% or more; or
- You contact a City officer as an officer or employee of a 501(c)(3) organization or a small 501(c)(4) organization.

Who are City Officers?

Typically, City officers are high-ranking officials with significant decision-making authority. City officers include the Mayor, members of the Board of Supervisors and other City boards and commissions, and department heads.

For a full list of City officers, see the Ethics Commission's [Lobbyist Manual](#).

What Constitutes a Lobbying Contact?

A lobbying contact is any communication with a City officer to influence a local legislative or administrative action for which you are paid. Communication includes in-person meetings, telephone calls, video calls, texts, letters, emails, etc.

Some forms of communication are not considered contacts, such as:

- Making public comment or providing written testimony for a public hearing;
- Requesting to meet with a City officer, without making an attempt to influence;
- Making statements or providing testimony, as compelled by law;
- Providing information to the public by making a speech, appearing on TV, etc.
- Distributing information to members of your organization;
- Responding to RFPs or RFQs, without other contacts; or
- Communicating on behalf of a labor union for City employees regarding a collective bargaining agreement.

For more information about what qualifies as a lobbying contact, see the Ethics Commission's "[Lobbying Contacts](#)" Fact Sheet.

What are Local Legislative and Administrative Actions?

Local legislative and administrative action generally refers to discretionary acts by City officers, including introducing legislation, making nominations, and considering permits and contracts. If you are trying to influence these actions for your employer or client, you are probably a lobbyist.

Last Updated 12/8/14