

First Disclosure Statement Is Due July 20, 2019 Under New City Of Boston Lobbying Registration And Reporting Ordinance

Description

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During Fall 2018, the Boston City Council approved, and Mayor Marty Walsh signed into law, a new City of Boston ordinance regarding Lobbyist Registration and Reporting Requirements (the “Lobbyist Ordinance”). The first periodic disclosure statement under the Lobbyist Ordinance must be submitted no later than July 20, 2019. This Client Alert provides an overview of the registration and reporting requirements under the Lobbyist Ordinance.

The Lobbyist Ordinance was passed, in part, to ensure responsibility, accountability, and transparency in connection with the lobbying of City of Boston government employees and elected officials, and requires both annual registration and quarterly disclosure statements. The Lobbyist Ordinance is largely modeled after the Massachusetts State Lobbying Law (M.G.L. Chapter 3, Sections 39-50), though there are some key differences as outlined below.

The Lobbyist Ordinance went into effect on April 16, 2019, and the first disclosure statement under the Lobbyist Ordinance must be submitted to the City Clerk no later than July 20, 2019.

Who Is Required to Register with City of Boston under the Lobbyist Ordinance?

Pursuant to the Lobbyist Ordinance, lobbying firms, individual lobbyists, and their clients must each independently register with the Boston City Clerk via the [online registration portal](#). Notably, a person or entity that engages a lobbying firm or an individual lobbyist must independently register with the City Clerk and cannot rely on the registration or reporting of the lobbying firm or individual lobbyist.

Registration opened on April 16, 2019 and annual registration is required no later than December 15 in the year preceding the year for which registration is sought. New lobbying firms, individual lobbyists and their clients must register with the City Clerk within ten (10) days of qualifying under the Lobbyist Ordinance as a lobbying firm, individual lobbyist, or client thereof.

What Information Must be Reported?

Lobbying firms, individual lobbyists, and their clients must each file quarterly disclosure statements with the City Clerk via the [online registration portal](#).

Individual lobbyists must report (i) contributions made to City of Boston municipal campaigns and elected officials; (ii) the clients for which the individual lobbyist provided lobbying services; (iii) the specific legislation, legislative action, administrative action, or city employee decisions (collectively, “City Actions”) for which the individual lobbyist provided lobbying services; (iv) a statement of the individual lobbyists positions (if any) on each such City Action; and (v) the client or clients on whose behalf the individual lobbyist was acting in connection with each such City Action.

Lobbying firms and clients of lobbying firms or individual lobbyists must report (i) contributions made to City of Boston municipal campaigns and elected officials; (ii) compensation received for lobbying activities (if any); (iii) expenses incurred or paid in connection with each City Action that it sought to influence; and (iv) the total

expenses incurred or paid by the lobbying firm or client.

Key Differences between the Lobbyist Ordinance and the Massachusetts State Lobbying Law

Though the Lobbyist Ordinance is largely modeled after the Massachusetts State Lobbying Law, there are certain key differences:

- The Lobbyist Ordinance does not provide for any de minimis exceptions based on hours worked or compensation received by an individual lobbyist;
- The Lobbyist Ordinance requires uncompensated individual lobbyists to submit periodic disclosure statements, unless the individual lobbyist is volunteering on behalf of a not-for-profit entity; and
- The Lobbyist Ordinance requires quarterly disclosure statements.

Failure to Comply with Registration and Reporting Requirements

Failure to register with the City Clerk can result in a suspension of registration and/or civil monetary penalties. Failure to submit a periodic disclosure statement will result in a penalty of \$50 per day for the first twenty (20) days for which the disclosure statement is late, and \$100 per day for each subsequent day for which the disclosure statement is late.

Amending Disclosure Statements

Currently, a lobbyist firm, individual lobbyist, or client thereof that wishes to amend a previously submitted disclosure statement must contact the City Clerk for directions on submitting an amendment.

This Client Alert is intended to provide a high-level overview of the Lobbyist Ordinance and its registration and reporting requirements. If you would like to discuss your company's or your own City of Boston lobbyist registration or reporting requirements, or if you need assistance registering or preparing and submitting a periodic disclosure statement, please contact Colin Coleman or Jeff Sarasohn at Partridge Snow & Hahn LLP.

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