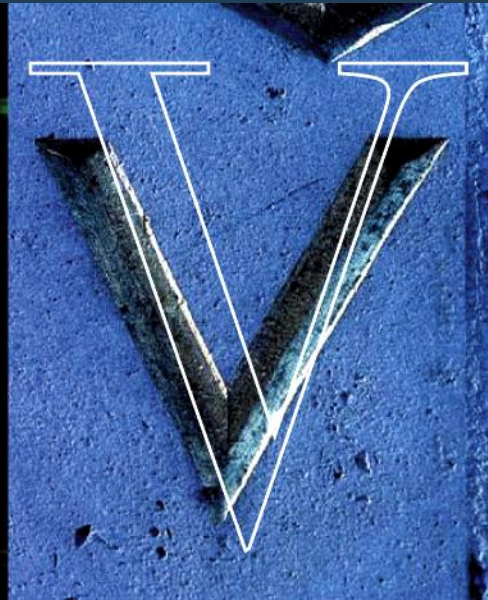
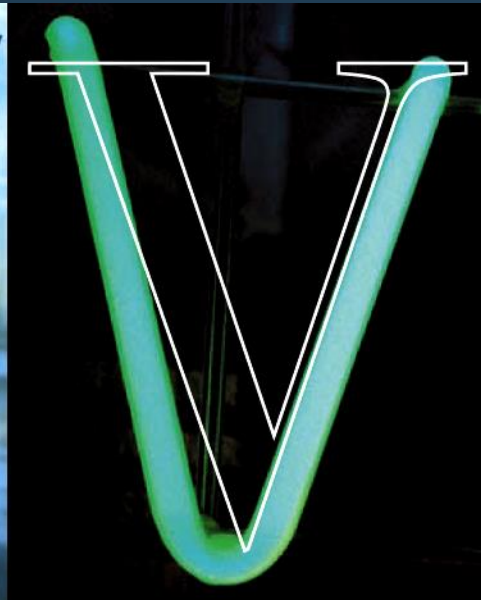
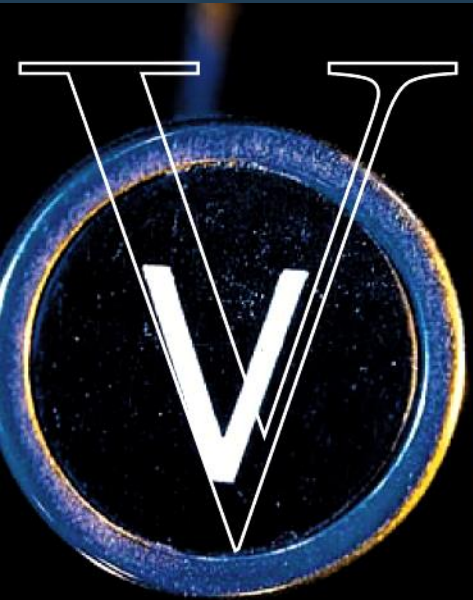


VENABLE[®]_{LLP}

Lobbying:
10 Answers you need to know



Faculty

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- Government and campaign experience
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Agenda

1. May I lobby?
2. Do I need to register as a lobbyist?
3. What do I report on my lobbying forms?
4. What about state lobbying?
5. Can I buy a Senator lunch?
6. How do I invite a staffer to an industry event?
7. May I fly a Member of Congress to my office?
8. Can I make a campaign contribution?
9. What is a PAC and should I have one?
10. What about a Super PAC?





1. MAY I LOBBY?

Yes...But

501(c)(3)

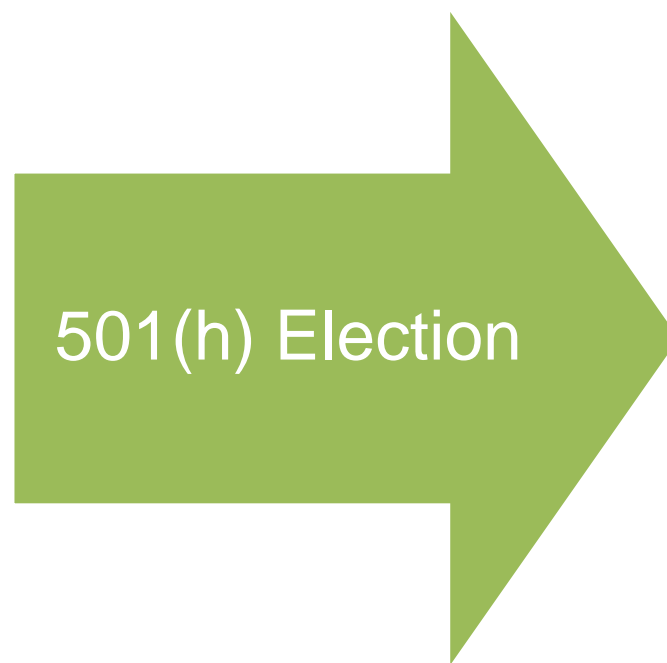
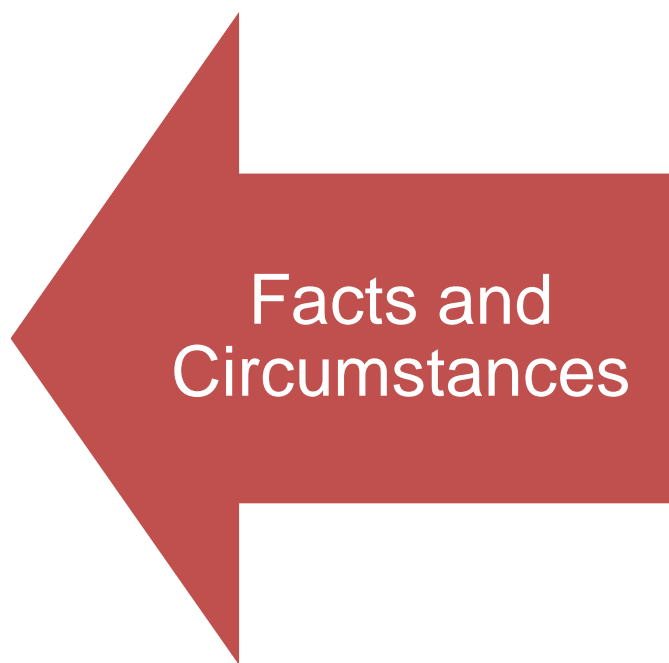
- Yes, but no substantial part

For Profit

- Yes, but cannot deduct lobbying expenses



501(c)(3)s



Influencing Legislation



Congress



Executive if Legislation



State Legislation



Grass Roots



162(e) Deductibility

Federal
Legislation

Covered
Executive
Officials

State
Legislation

Grassroots

Political
Activity





2. DO I HAVE TO REGISTER?

Do I have to register?

- If you:
 - Employ a lobbyist
 - Spend more than \$12,500 per quarter

Then yes.



What is Lobbying?

- Lobbying contacts
- Lobbying activity



Lobbying Contacts

- Oral or written communication to a covered official about:
 1. formulation, modification, or adoption of legislation



Lobbying Contacts

- Oral or written communication to a covered official about:
 2. formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government



Lobbying Contacts

- Oral or written communication to a covered official about:
 3. administration or execution of a program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license)

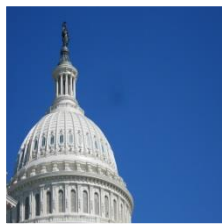


Lobbying Contacts

- Oral or written communication to a covered official about:
 4. nomination or confirmation of a person for a position subject to confirmation by the Senate



Covered Officials



Legislative Branch

- Everyone



Executive Branch

- President
- VP
- EOP
- ES 1-5
- O-7
- Schedule C



Exceptions to Lobbying Contact

Regulatory Activities

- Response to Fed. Reg.
- On the record in public proceeding
- Written comments
- Petitions



Exceptions to Lobbying Contact

Requests for Information

- Written response to request from covered official
- Information required by subpoena, CID, or compelled by Congress or an agency (including compelled by contract)



Exceptions to Lobbying Contact

Public Activities

- Testimony before Congress
- Speeches, articles, publications made available to the public or distributed through
 - Radio
 - TV
 - Other means of mass communication



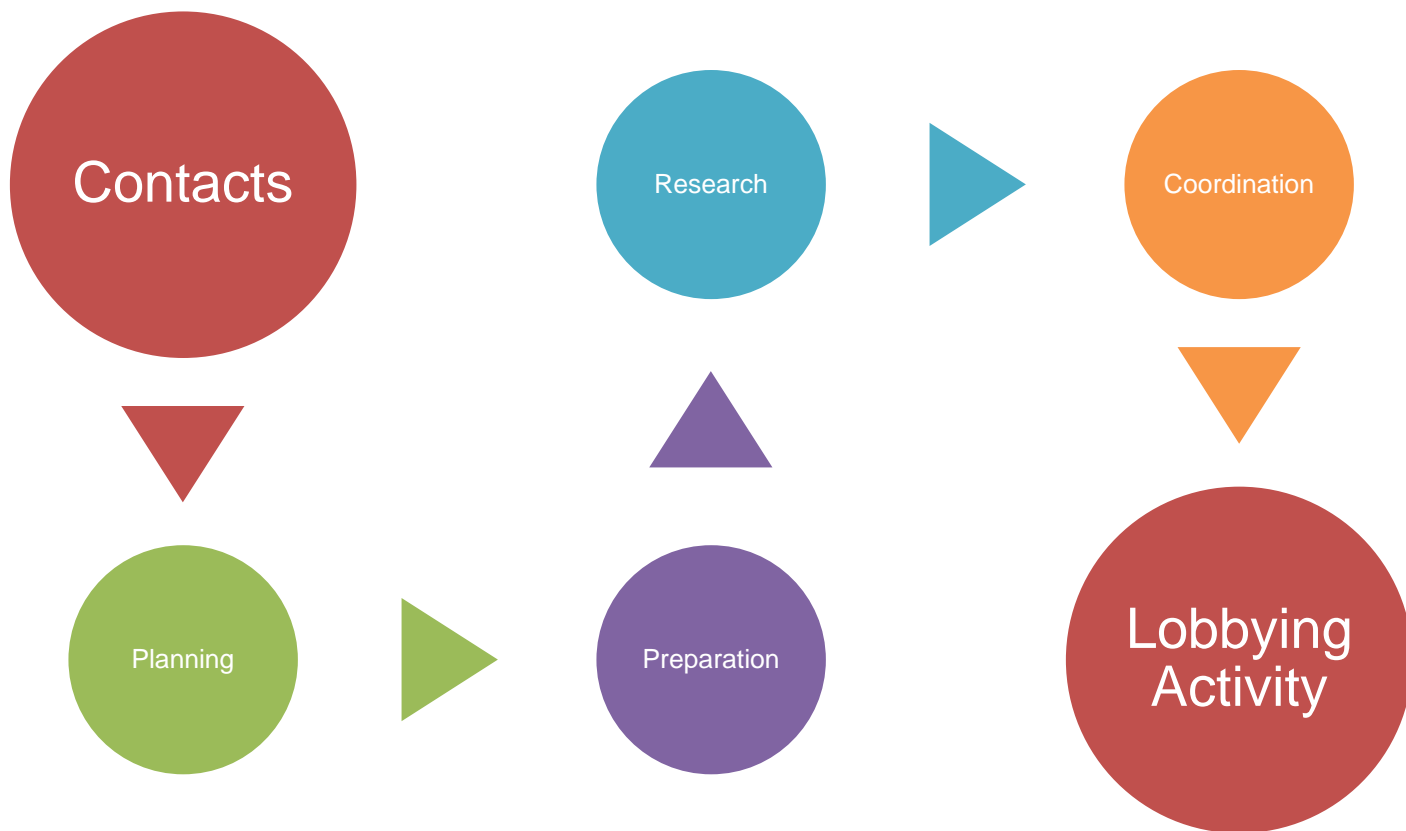
Exceptions to Lobbying Contact

Miscellaneous Contacts

- Administrative requests (must not include an attempt to influence)
- Made in the course of a Federal Advisory Committee
- Not possible to report without disclosing information that may not be disclosed by law



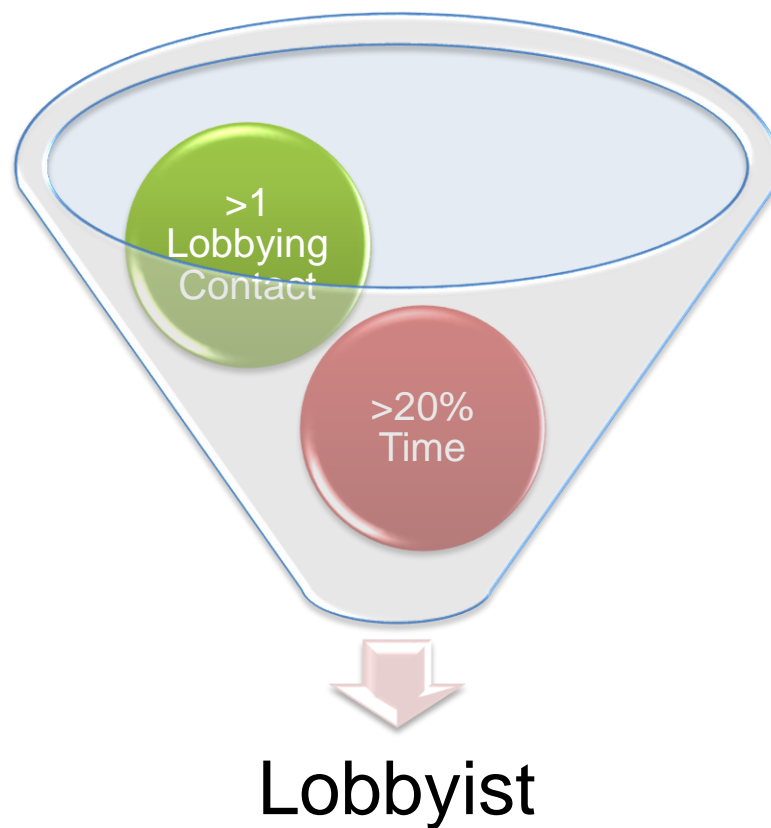
Lobbying Activity

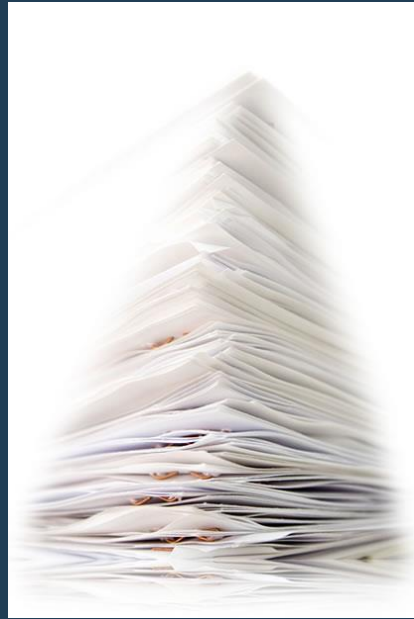


Why Does This Matter?



What is a Lobbyist?





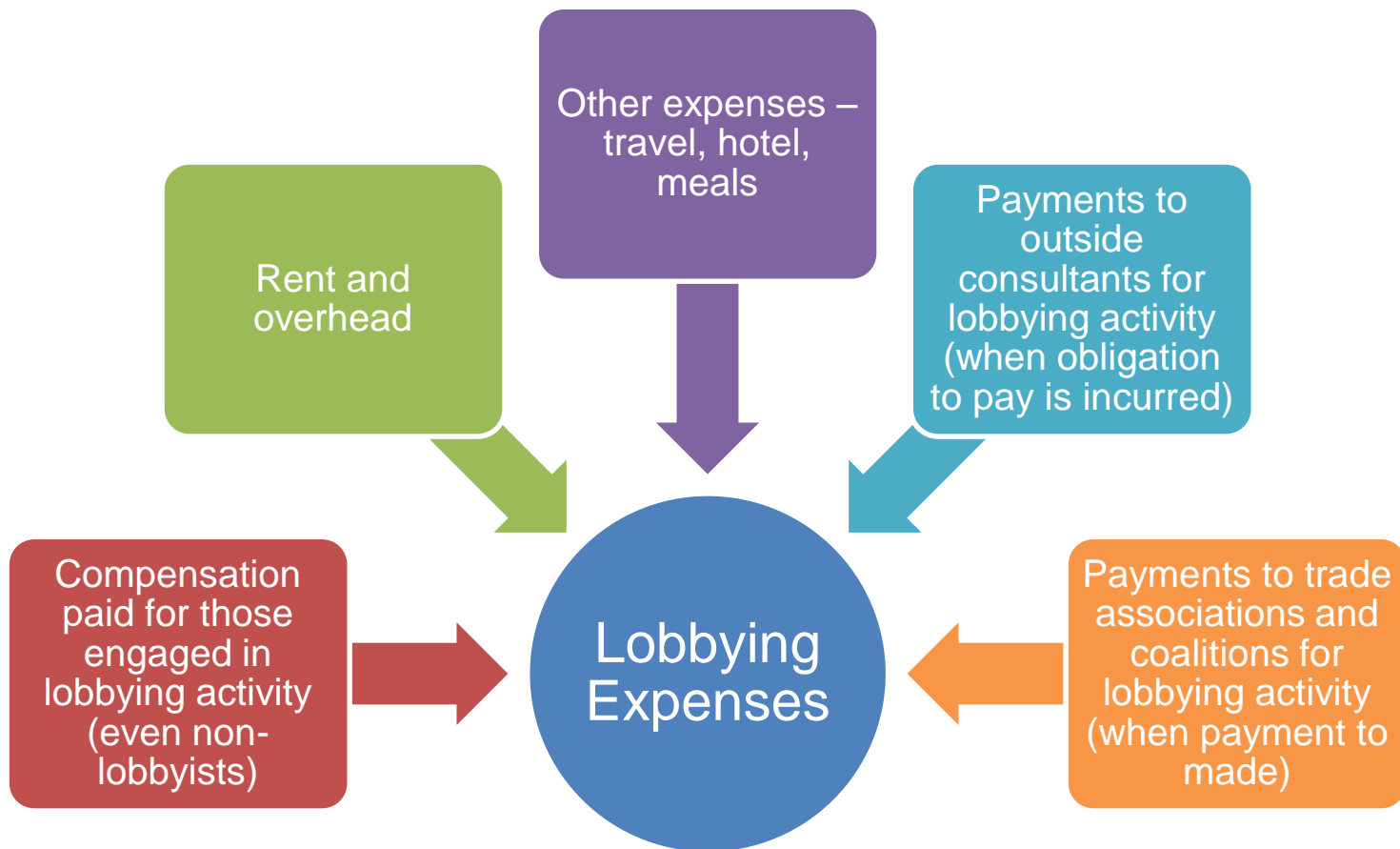
3. WHAT DO I REPORT?

Quarterly Reports

- Names of lobbyists
- Issues lobbied
- Amount spent on lobbying



Lobbying Expenses





4. WHAT ABOUT STATE LOBBYING?



5. CAN I BUY A SENATOR LUNCH?

Federal Gift Rules



Congress

- Registrant:
 - No, unless exception
- Lobbyist:
 - No, unless exception
- Others:
 - <\$50 or exception



Career

- Registrant:
 - \$20 or exception
- Lobbyist:
 - \$20 or exception
- Others:
 - \$20 or exception



Appointee

- Registrant:
 - No, unless exception
- Lobbyist:
 - No, unless exception
- Others:
 - \$20 or exception



Personal Friendship

- **Cannot expense gifts**
- **Look to history of relationship**
 - Mutual exchange of gifts
 - Duration and formation
 - Similar gifts to others
- **Allows gifts up to \$250 (without waiver) for legislative branch—no limit on executive**



Answer the question

- If a registrant, company cannot reimburse you.
- If not a registrant, company may reimburse you.
- If a lobbyist, no, unless you are a friend.





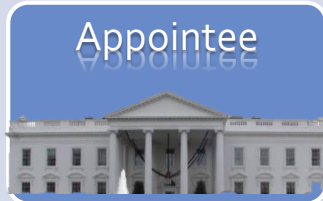
6. HOW DO I INVITE A STAFFER TO AN EVENT

Is it a gift?



Widely Attended Events

Invitee



Event

Speaker at the event or determine that attendance is related to official duties

Speaker

In the interest of the agency because it will further agency programs and operations or speak at the event

Number of People

More than 25 non-hill

If not sponsor, more than 100; if sponsor no number

If not sponsor, more than 100; if sponsor no number

Audience

Individuals from throughout an industry or profession or represent a wide range of persons interested in a given matter

Diversity of views or interests will be present

Diversity of views or interests will be present



Site Visits

- Food and refreshments on site, in group setting with employees
- Local transportation



Receptions

CONGRESS

Hors d'oeuvres &
beverages

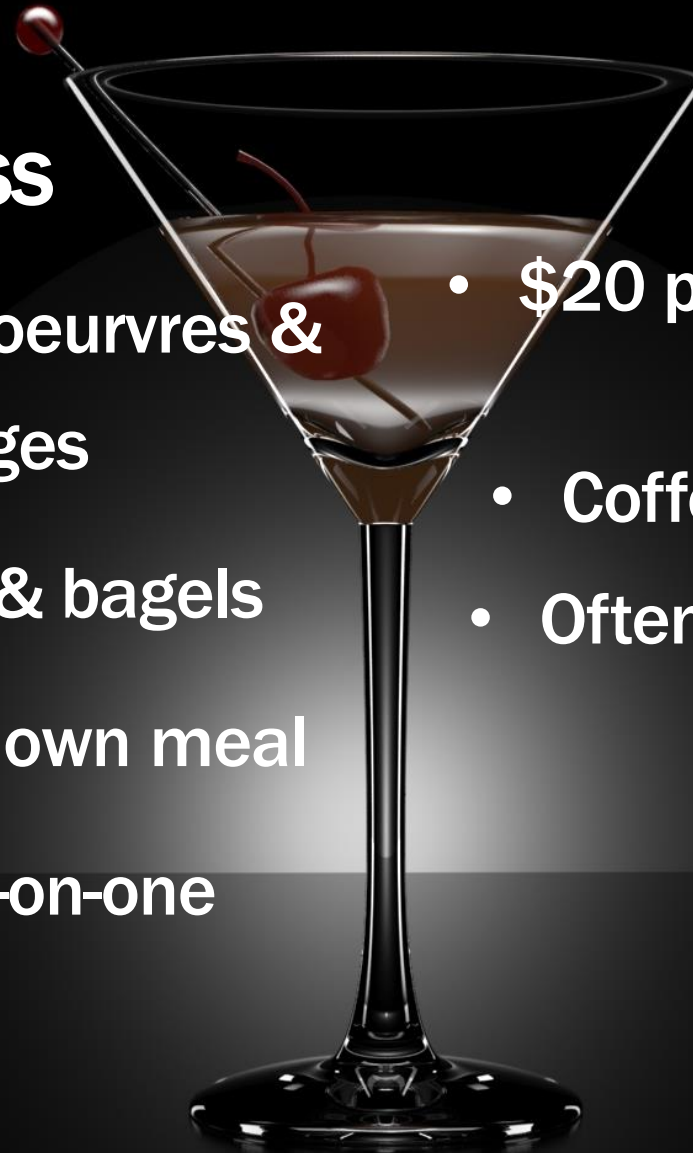
Coffee & bagels

No sit-down meal

No one-on-one

EXEC BRANCH

- \$20 per person/\$50 per year
- Coffee, donuts, etc.
- Often have to pay to attend





7. MAY I FLY A MEMBER OF CONGRESS TO MY OFFICE?

Travel Rules

- If not a lobbyist, then yes
- If a lobbyist, then limited to one-day trip
- Pre-approved
- Flight, hotel, ground transportation, meals





8. CAN I MAKE A CAMPAIGN CONTRIBUTION?

Campaign Contributions

- Federal: Individuals up to \$2,600 per election
- State: Limits vary



No Federal Corporate Contributions

- No monetary or in-kind corporate contributions to:
 - candidates;
 - national political parties; and
 - federal PACs.

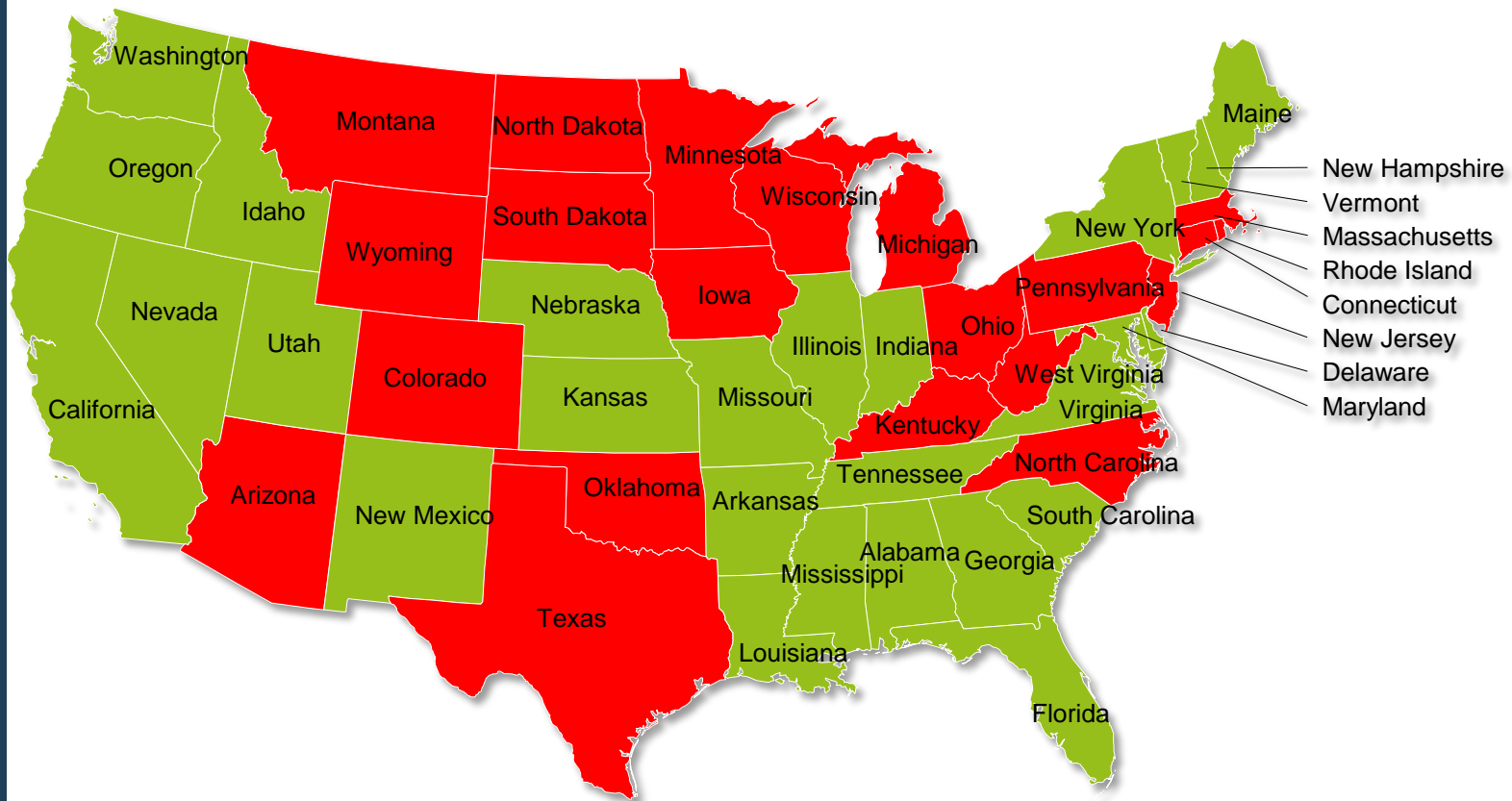


Corporations May Not

- Reimburse employees
 - Directly
 - Bonuses
 - Expenses
- Facilitate contributions
 - Restrictions on fundraising



Corporate Contributions



Corporate Limits



\$27,200 governor
\$4,100 legislative
\$6,800 PAC



\$5,000 per year to all political committees
\$41,000 statewide (but only up to aggregate)



\$3,000 statewide
\$1,000 legislative





9. WHAT IS A PAC AND SHOULD I HAVE ONE?

It Depends

- 501(c)(3): Cannot have a PAC
- Companies: May have a connected PAC

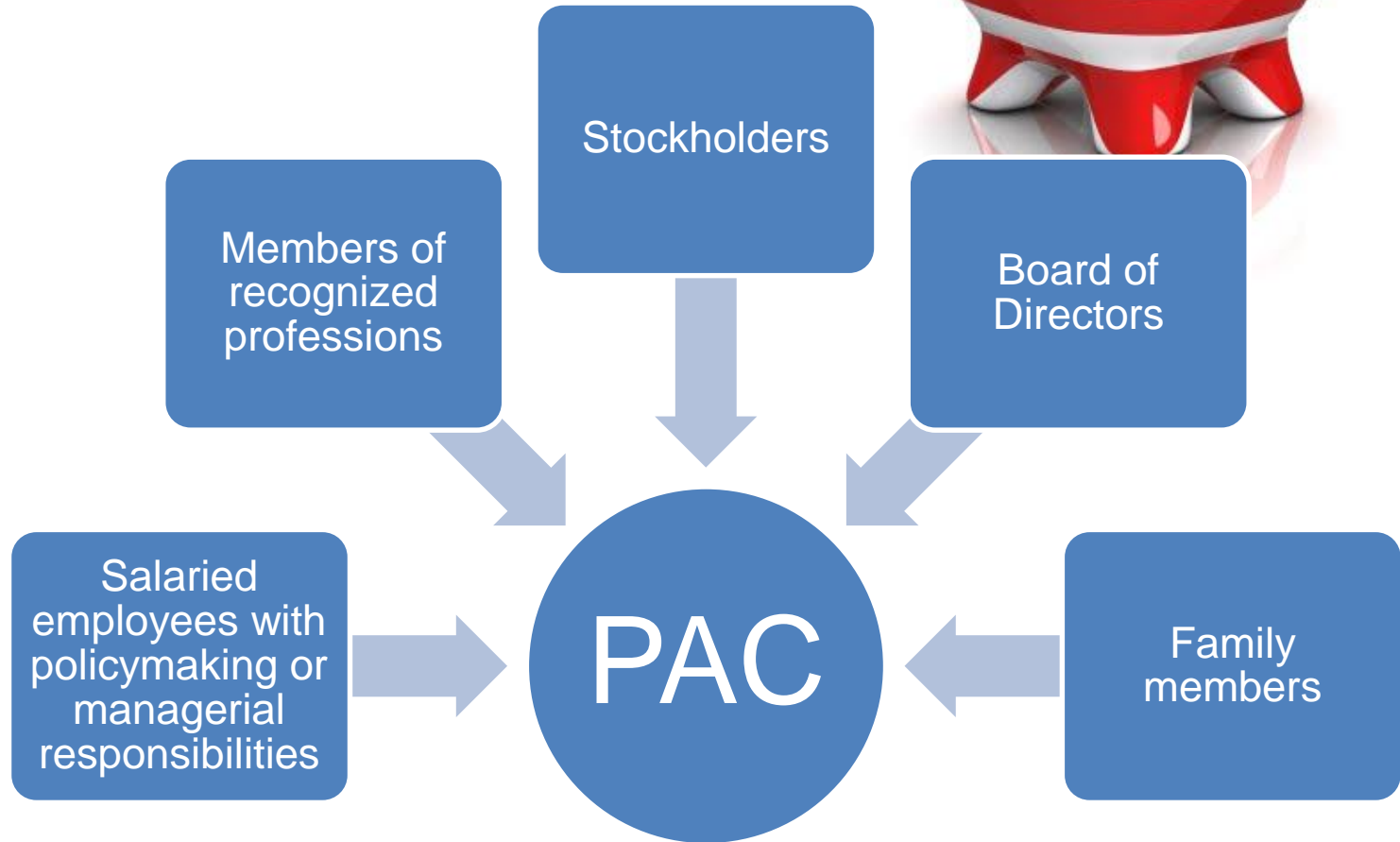


What is a PAC?

- **Special bank account**
- **Corporate name**
- **Administrative support from corporation**
- **Host fundraising events**



Who funds a PAC?



Who funds a PAC?

- **Limit: \$5,000 per year**
- **May use payroll deduction**
- **Only U.S. Citizens or “greencard” holders**



Making Contributions

- **\$5,000 per year to federal candidates and PACs**
- **State candidates subject to state law**
 - **Registration and/or reporting often required**



Disclosure

- Filed with FEC
- Donors disclosed:
 - Name
 - Address
 - Occupation
 - Employer
- Online



Corporate Support of the PAC

- **Administrative costs**
- **Fundraising costs**
 - **Prizes**
 - **Charitable Match**
 - **Trinkets**
- **May not contribute to the PAC**





10. WHAT IS A SUPER PAC AND SHOULD I HAVE ONE?

Super PAC

Committee registered with FEC

All donations in reported

All expenditures are reported

No limits on amount contributed

May not contribute to candidates



Questions

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