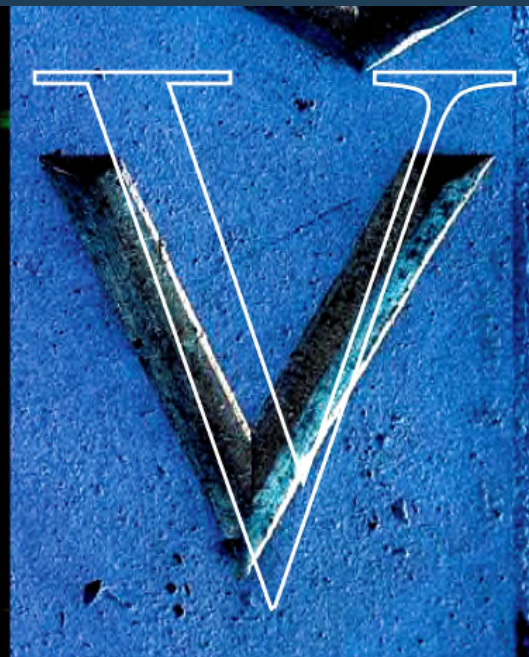


VENABLE<sup>®</sup><sub>LLP</sub>

STATE LOBBYING & GIFT RULES  
Ronald M. Jacobs



# Agenda

- Approaching State Lobbying Laws
- Examples of State Laws
- State Ethics Rules



# Faculty

## Ronald M. Jacobs

- Co-chair, political law practice, Venable LLP, Washington, DC
- Government and campaign experience
- Counsel to corporations, associations, super PACs, candidates, and individuals





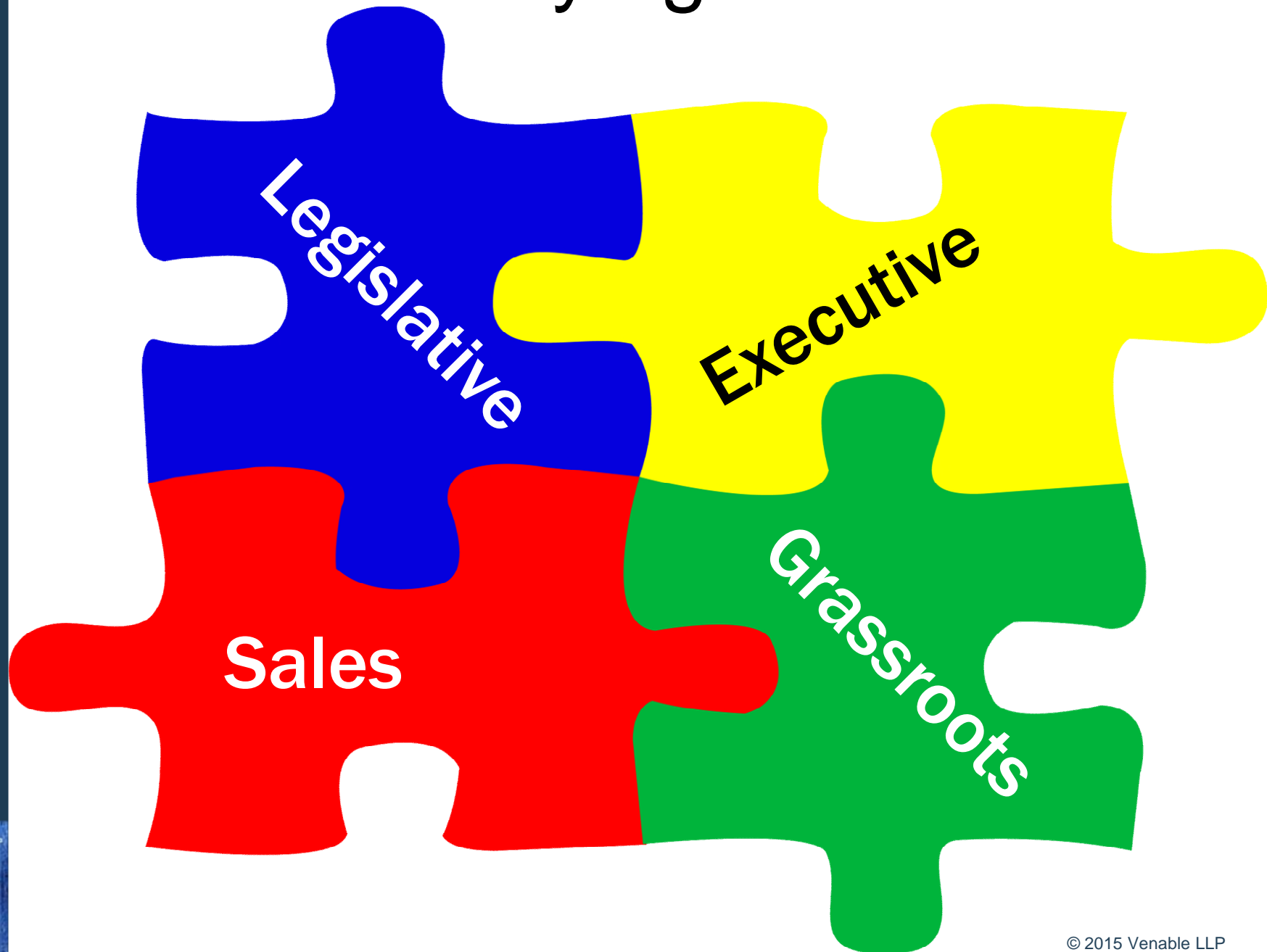
# STATE LOBBYING ISSUES

# Many Differences

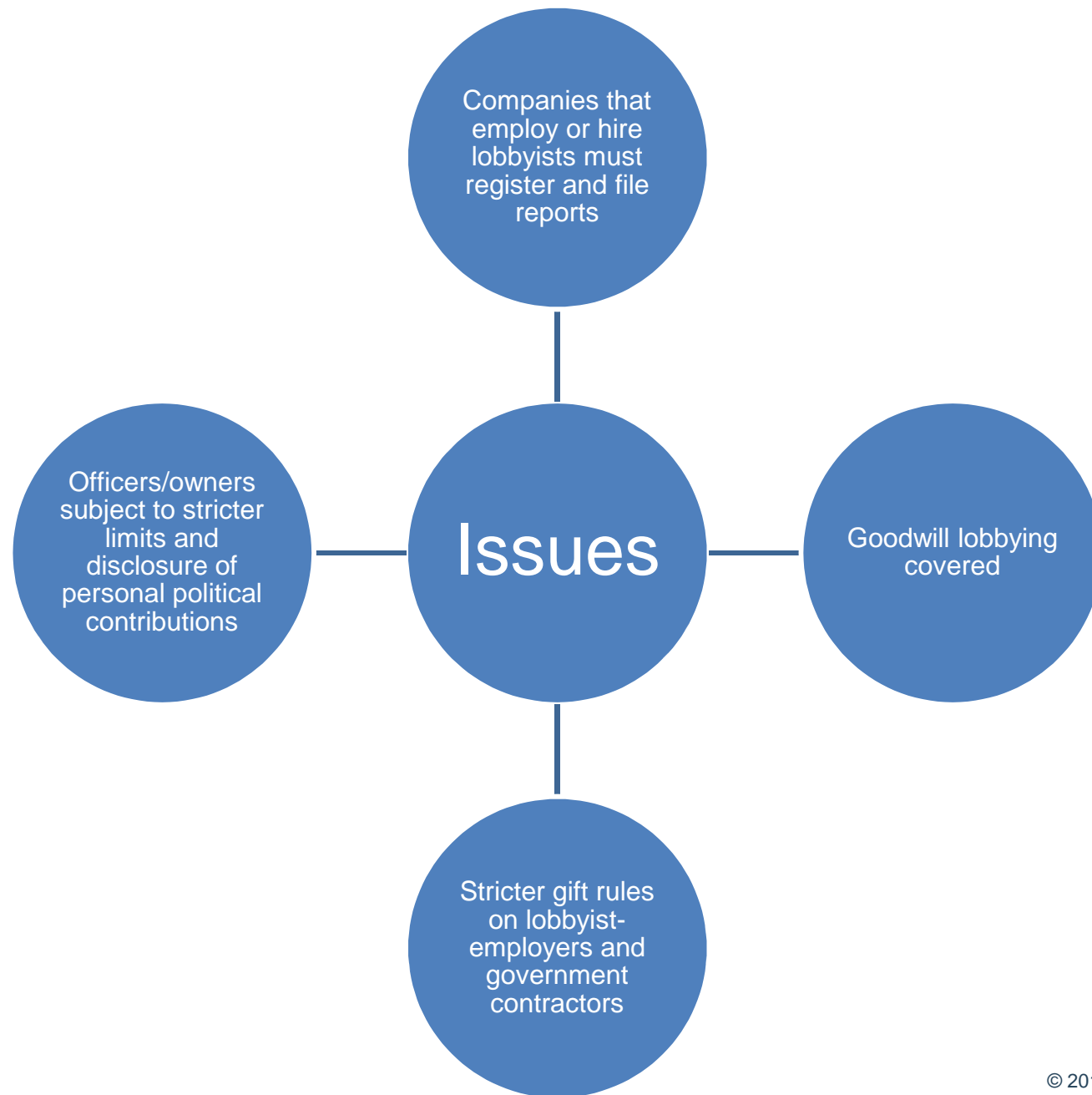
- Triggers for registration
- Activities covered
- Reporting frequency
- Report contents
- Entity that files



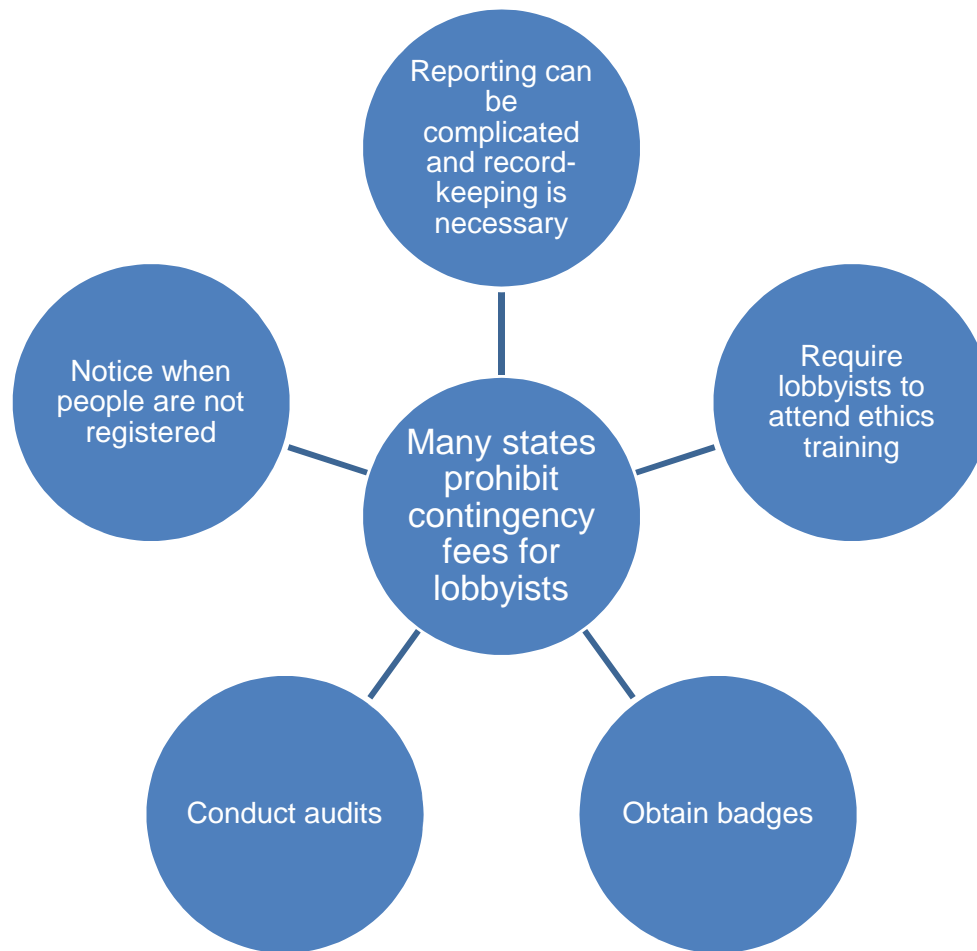
# What is lobbying?



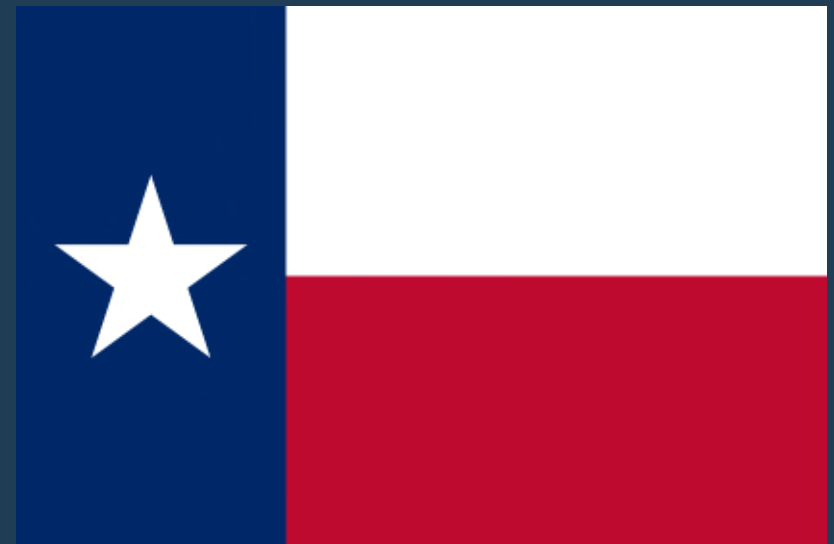
# State Issues



# State Issues







# EXAMPLES

# Example: New York

## Registration required:

- If any employee compensated more than \$5,000 to “lobby” in a calendar year
- Prorated time

## Lobbying includes “government procurements”

- Excludes response to RFP, factual responses



# Example: New York

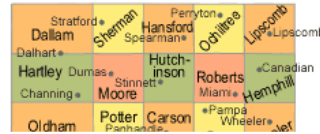
Lobbying includes legislative efforts

Lobbying includes most regulatory efforts

Applies to state and municipal work



# Example: Texas



Registration required if employee receives \$1,000 to “lobby” in a calendar quarter

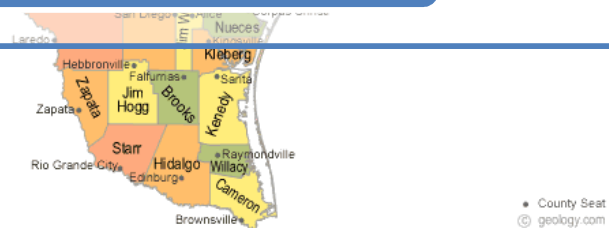
- Exemption if less than 5% of time in a calendar quarter is lobbying

Lobbying includes:

- purchasing decisions worth more than \$10 million
- legislative efforts
- most regulatory efforts

Does not include municipal lobbying

Includes “goodwill lobbying” if intent is to influence future legislative or administrative action



# Example: California

## Threshold

- 1/3 of time in calendar month on direct lobbying contact
- Entitled to receive \$2,000 per month in compensation for lobbying

## Lobbying includes:

- Influencing legislative action
- Influencing administrative action (regulations or quasi-legislative proceedings)

## Does not include municipal lobbying

## Covered officials

- Elected officials
- Heads of agencies
- Staff who make direct recommendations





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# GIFTS AND ETHICS

# What is a Gift?



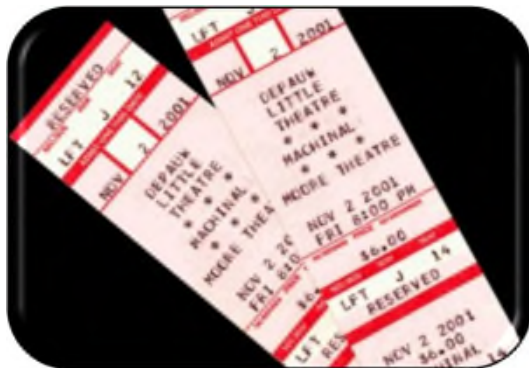
Meals and beverages



Travel expenses



Invitations to charitable events



Tickets



Commemorative items



Books, periodicals and informational materials



# State Rules

Broadly defined

Apply to elected officials and employees

Legislative and executive may differ

Exceptions vary widely

Often have different rules for lobbyists





# Common Exceptions to Gift Rules

- Campaign contributions
- Attendance at certain events, such as charitable fundraisers and conferences.
- Items of nominal value.
- Personal friendship



# Lobbyists

- In many jurisdictions, lobbyists are subject to stricter gift rules.
- In California, for example, lobbyists prohibited from giving gifts valued more than \$10 per month to government officials.
- Rules often extend to employer.



# Questions

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