

Lobbying and Advocacy Code of Ethics for Lobbyists



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September 12, 2011

www.ct.gov/ethics

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Workshop Objectives

- Overview of the Office of State Ethics
- Address the main points of the Code of Ethics for Lobbyists
- Review resources available to help you comply with the Code



Office of State Ethics (OSE)

- Public Act 05-183, effective July 1, 2005, created OSE
- Public Act 11-48, effective July 1, 2011, placed OSE for administrative purposes within the newly formed Office of Governmental Accountability
- OSE's Jurisdiction: Connecticut General Statutes, Chapter 10, Parts I and II, limited Part IV



Office of State Ethics (OSE)

- Educate Regulated Community
- Provide Public Information
- Interpret and Apply the Codes
- Investigate Potential Violations, Prosecute Violations

Definition of Lobbying

“Lobbying’ means communicating directly or soliciting others to communicate with any official or his staff in the legislative or executive branch of government or in a quasi-public agency, for the purpose of influencing any legislative or administrative action...”

General Statutes § 1-91 (k)

Lobbying vs. Advocacy

Building public awareness, influencing public opinion may or may not involve lobbying

Key Test: Is your communication intended to influence legislative or administrative action?

If “yes,” then you are lobbying

Lobbying and being a Lobbyist

If you are lobbying are you a lobbyist? (it depends)

Volunteer

Passionate citizen

A member of an organization

vs.

Expenditures for Lobbying (compensation, reimbursements, including promise and agreement)



Who's Who - Definitions

- Client Lobbyist – expends or agrees to expend \$2,000 in a calendar year
- Communicator Lobbyist – receives or agrees to receive \$2,000 in a calendar year
 - Individual
 - Member of a business organization
 - In-house (regular employee of client lobbyist)



Definitions Continued

\$2,000 for What?

- Administrative Lobbying; and/or
- Legislative Lobbying; and or
- Activities in Furtherance of Lobbying



Financial Reports – Client Lobbyist

- When to File?
 - Quarterly – always required
 - Monthly – required when:
 - Legislature is in regular session AND
 - Expend/agree to expend \$100 or more (legislative lobbying)
 - Never required for administrative lobbying
 - Upcoming Dates: April 10 monthly/quarterly report



Financial Reports Communicator Lobbyist

When to File?

- January 10 of each year
- On Client's Schedule
 - Monthly or quarterly
 - If you make unreimbursed expenditures of \$10 or more for the benefit of public official, etc.



Itemization on Reports

- For each expenditure of \$10 or more for benefit of public official (except for legislative receptions/charitable/civic events), list:
 - The benefit (e.g., meal)
 - Circumstances (attending lobbyists' names)
 - Exact \$ amount and date
 - Individual's name, title, agency
- Expenses under \$10 are included in the aggregate amount



Itemization, Continued

- Legislative Receptions and Charitable/Civic Events; itemize at \$30 or more per person if:
 - Legislative Reception for all GA members; or
 - Regional Reception for all members from that region; or
 - Charitable or civic event at which state servant participates in official capacity



Valuation

- In general, value of expenditure = its cost to you
- When artificially low cost, value = fair market value
- Value of food and beverage = total expenditure ÷ # of attendees, except:
 - Amount expended based on anticipated attendance
 - Actual per-person cost based on menu prices



Reimbursement

- Within 30 days or prior to the filing of the lobbyist's next report, whichever is earlier
- Made by check



Notification Requirements

- If you give a reportable person anything of value subject to itemization (i.e., over \$10), provide, within 10 days, written report to recipient:
 - Name of donor, description of item, value of item, cumulative value of all items in year
- Legislative Reception: must include on invitation or published notice whether it is expected that event will be reportable (\$30 per person)



Document Preservation

- 3 years from date of filing
- Keep accounts, bills, receipts and other documents necessary to substantiate financial reports
- Also keep copies of filed reports!



Audits

- At any time, and on a random basis, the OSE may audit reports
- 40 client registrants selected each calendar year in public ceremony



Gifts

- Registered lobbyists are restricted donors
- Public officials and state employees (incl. candidates for office and their paid staff) may not accept gifts from restricted donors
- A gift is:
 - Anything of value
 - Directly and personally received
 - Unless consideration given



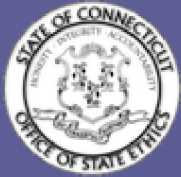
Gift Exceptions

- Any item of value <\$10, with annual aggregate <\$50
- Food and beverage; <\$50 and person paying is in attendance
- \$1,000 for “major life event”
- No limit if gift from family member
- Gifts to the State are permissible



Gift Exceptions

- Legislative Receptions
 - Publicly-noticed to which all GA members are invited
 - Once per calendar year and <\$50 per person in food and beverage
 - Regional to which all GA members from state region are invited
 - Once per calendar year and <\$50 per person food and beverage
 - Note: regional group hosting regional reception; not in place to permit state-wide org. to host 2 receptions per year
- Other Exceptions (C.G.S. §1-79 (e) 1-17)



Penalties

- Subject to \$10,000 for each violation
- Failure to file required reports = rate of \$10/per day for each report
- Intentional violation can result in prohibition of engaging in profession of lobbying for up to 2 years
- Contingency fee agreements subject to civil penalties
- Revocation or suspension of communicator lobbyist registration under §1-100b



Contact OSE

- Web Site: www.ct.gov/ethics
- Phone: 860-263-2400
- Questions or advice regarding the Codes: Ethics.Code@ct.gov
- Lobbyist filing/reporting questions: lobbyist.OSE@ct.gov