

# OREGON

## LOBBYING DISCLOSURE

**These resources are current as of 3/12/08: We do our best to periodically update these resources and welcome any comments or questions regarding new developments in the law. Please email us at [advocacy@afj.org](mailto:advocacy@afj.org).**

This guide summarizes key aspects of laws and regulations governing lobbying on the state level. It is not intended to provide legal advice or to serve as a substitute for legal advice

In some jurisdictions, city and/or county regulations may also apply to certain political activities. Check with the appropriate local jurisdiction before undertaking any activity.

## DEFINITIONS

### Lobbying:

- Lobbying – “influencing, or attempting to influence, legislative action through oral or written communication with legislative officials, solicitation of executive officials or other persons to influence or attempt to influence legislative action or attempting to obtain the goodwill of legislative officials.” ORS § 171.725(8).
  - This definition only applies to efforts to influence state elected and executive officials. It does not apply to similar activities with local jurisdictions. Local jurisdictions may have their own rules.
- Legislative or administrative interest – “an economic interest, distinct from that of the general public, in one or more bills, resolutions, regulations, proposals or other matters subject to the action or vote of a person acting in the capacity of a public official.” ORS § 244.020(8).

### Types of Lobbyists:

- Lobbyist – includes persons contracted by organizations to provide

lobbying services, individuals within organizations who provide lobbying services, and persons who appear in a representative capacity for an organization for the purpose of lobbying, even if they are not paid. ORS § 171.725(9).

- Citizens who participate in an organization’s grassroots lobbying campaign do not generally fall within the “lobbyist” definition, because they are not appearing as an agent or representative of an organization, but rather are stating their own views. This is true even if they are part of an organized lobbying effort (e.g., participants in “Pro-choice Lobbying Day”).

Other Actors:

- Public Official – any person serving any public body in the State of Oregon as an employee, appointed or elected official or agent, regardless of whether the person is being paid. ORS § 244.020(13). Volunteers on public advisory boards and commissions are thus considered “public officials.”
- Client/Employer of Lobbyist – an entity that pays a lobbyist to influence legislative action.

Grassroots Lobbying:

- While the definition of “lobbying” may be read to include grassroots lobbying *i.e.* efforts to ask the public to contact legislators asking them to vote a certain way on a bill, those activities are not typically reported as lobbying expenditures under ORS 171.745 and ORS 171.750. The reason is that they are not usually expenditures by a specific lobbyist to benefit a particular legislative or executive official. ORS 171.745. In some cases, however, those expenditures might be deemed to be in support of the “lobbying activities” of a registered lobbyist and therefore reportable as an expenditure by the lobbyist employer under ORS 171.750(1)(a).
- Note that an organization has no obligation to track or report its communication with members about ballot measures, which is considered direct lobbying, although certain ballot-related communications must be reported as campaign expenditures, as described here ([http://www.afj.org/for-nonprofits-foundations/state-resources/oregon/oregon.html#BALLOT\\_MEASURES](http://www.afj.org/for-nonprofits-foundations/state-resources/oregon/oregon.html#BALLOT_MEASURES)).

**REGISTRATION**

Oregon law requires most lobbyists to register and file quarterly reports of their expenditures. In addition, the organizations hiring the lobbyists (referred to as

the “client/employer”) must file quarterly reports disclosing expenditures.

#### Registration of Client/Employers:

The client or employer of a registered lobbyist does not need to *register* with the Oregon Government Ethics Commission. However, it needs to authorize the lobbyist to act on its behalf. In addition, as discussed below, the client or employer must file statements of expenditures.

#### Registration of Volunteer Lobbyists:

- A volunteer must register as a lobbyist as described below if they are representing an organization rather than simply speaking on their own behalf. However, even if the volunteer is representing an organization, registration is not required if:
  - the person’s only lobbying activity is to testify at a legislative hearing or public hearing of a state agency, where their appearance is on record and where they do not receive any compensation or reimbursement of expenses for their testimony, ORS 171.735(3); or
  - the person spends 24 hours or less lobbying during a calendar quarter and spends less than \$100 in the aggregate during a calendar quarter. ORS 171.735(4).

#### Registration of Lobbyists:

- All lobbyists – as defined above – must register with the Oregon Government Ethics Commission, except certain elected and public officials and persons who spend 24 hours or less lobbying during a calendar quarter and whose aggregate spending in a calendar quarter is less than \$100. ORS 171.735.
- Timing – A person must register within three days of exceeding the time and expenditure limits referenced above. ORS 171.740
- Registration Procedure –
  - A lobbyist registers by filing a Registration Statement, available here ([http://www.ogec.state.or.us/OGEC/forms\\_publications.shtml](http://www.ogec.state.or.us/OGEC/forms_publications.shtml)).
  - All lobbyists registering to represent the client/employer must sign the statement.
  - The client/employer also must sign the statement, to verify that those lobbyists are authorized to lobby on behalf of the client/employer.
  - A separate form must be filled out for each entity or employer on whose behalf a lobbyist works.
- Registration Fee – There currently is no lobbyist registration fee.
- Renewing Registration–All lobbying registrations expire on December 31 of odd-numbered years, but lobbyists have until March 15 of the even-

numbered year to renew their registration retroactively back to Dec. 31

## REPORTING

### Reporting by Client/Employers:

- An entity must file disclosure reports if it has a lobbyist who has filed a registration statement to lobby on behalf of the entity. The report must disclose:
  - the total amount of money spent for lobbying on the entity's behalf, except for the living and travel expenses of any lobbyist working on the entity's behalf;
  - the name of any legislative or executive official who benefited from any lobbying expenditure in excess of \$50; and
  - the name of each registered lobbyist or lobbying firm to whom the entity paid money for lobbying activities, and the amount paid to that lobbyist or firm (excluding living and travel expenses).

ORS § 171.750.

- Reports are filed on forms provided to each client/employer by the Oregon Government Ethics Commission. Samples are available at [http://www.ogec.state.or.us/OGEC/forms\\_publications.shtml](http://www.ogec.state.or.us/OGEC/forms_publications.shtml).
- Disclosure Schedule – Entities hiring or directing lobbyists must file quarterly statements outlining expenditures. These reports are due on the 15<sup>th</sup> of the month following the end of the prior quarter (*i.e.*, April 15, July 15, October 15 and January 15).
  - Late filing fees are \$10 per day for the first 14 days and \$50 per day thereafter, with a maximum fine of \$5,000.

### Reporting by Lobbyists:

- A registered lobbyist must file reports disclosing:
  - The total amount spent on food, refreshments and entertainment for the purpose of lobbying. This includes expenditures reimbursed by the client/employer whom the lobbyist represents. Note that under new law passed in 2007, lobbyists cannot make gifts with an aggregate value of \$50 or more in a calendar year. ORS 244.025.
  - The name of the legislative or executive official to whom or for whose benefit an expenditure of \$50 or more was made on any one occasion, including the date, name of payee and purpose and amount of the expenditure. For each of these expenditures, the lobbyist must include a copy of the notice sent to the public official identifying the amount and source of the expenditure.
- Disclosure Schedule – Lobbyists must file quarterly statements outlining expenditures. These reports are due on the 15<sup>th</sup> of the month following

the end of the prior quarter (*i.e.*, April 15, July 15, October 15 and January 15).

- Late filing fees are \$10 per day for the first 14 days and \$50 per day thereafter, with a maximum fine of \$5,000.

## LOBBYING RESTRICTIONS

### Gifts:

Oregon law limits the ability of *any* public official (including relatives and members of the household) to receive “gifts” from anyone with a “legislative or administrative interest.” O.R.S. §§ 244.020(5); 244.025; 244.040. These limits apply at both the state and local level. Effective January 1, 2008, the limits have been substantially tightened. In March 2008, the Ethics Commission adopted permanent rules relating to “gifts,” OAR 199-005-0005, and additional rulemaking is underway. Note that a group of lobbyists has sued to have the new law declared unconstitutional. Limits apply to entertainment and travel, as described below.

- A gift valued at \$50 or less is permissible. During a calendar year, a public official or candidate for public office (including their families) cannot solicit or receive gifts “with an aggregate value in excess of \$50 from any single source that could reasonably be known to have a legislative or administrative interest” in a public agency in which the official (or candidate) exercises any control. O.R.S. § 244.025.

### Entertainment and Food:

- Public officials (including relatives and members of their households) may not receive gifts of entertainment, including food and beverage, from persons with a legislative or administrative interest, unless:
  - the public official is scheduled to speak or answer questions at a reception, meal or meeting held by an organization;
  - entertainment is incidental to the main purpose of the event; or
  - entertainment is provided at an event where the public official appears in a ceremonial capacity (e.g., throwing the first ball at a baseball game).

O.R.S. § 244.020(5)(b).

### Travel:

- Travel and entertainment expenses of a public official generally may not be paid for by persons with a legislative or administrative interest, except
  - a trip where the public official is scheduled to deliver a speech, make a presentation, participate on a panel or represent state government, and the trip is paid for by:
    - a federal, state or local government;
    - a native American tribe;

- a membership organization to which the public body belongs (e.g. the National Conference of State Legislatures); or
- a 501(c)(3) non-profit organization that receives less than five percent of its funding from for-profit organizations; or
- a trip where the public official is representing a state or local government on an “officially sanctioned trade promotion or fact-finding mission” or in officially designated negotiation or economic development activities, when approved in advance. ORS §§ 244.020(5)(b)(F), (H).

Revolving Door:

- Public Officials – Oregon law prohibits certain public officials from leaving public employment to work for the industries that they regulated or from lobbying on behalf of those agencies. These officials include directors of certain agencies, deputy Attorney Generals and state police officers regulating the gaming industry. ORS § 244.045. Generally, these individuals cannot work for the private industry they previously regulated for a period of one year, cannot lobby on behalf of those industries for a period of two years, and can never reveal confidential information gained as a public official. In addition, they cannot receive a direct financial interest in a contract they “authorized” as a public official for two years after they leave public the position. ORS §§ 244.045 (1) through (5)
- Legislators – Legislators cannot lobby the state legislature during the next regular legislative session after they ceased to become a member. ORS 244.045(6).

<u>Activity</u>	<u>Regulated by the State? (Y/N)</u>	<u>Statutory Citation</u>
Lobbying by Former Officials	Yes	ORS 244.045
Limits on Lobbyists’ Gifts to Officials	Yes	ORS 244.020(5)and ORS 244.025
Hospitality Provided to Officials	Yes	ORS 244.020(5)and ORS 244.025
Trips Organized by Lobbyists	Yes	ORS 244.020(5) (F) & (H)

## CONTACT INFORMATION FOR STATE AND LOCAL AGENCIES

### **Oregon Government Ethics Commission (OGEC)**

Ron Bersin, Executive Director

Website: [www.oregon.gov/OGEC](http://www.oregon.gov/OGEC)

Email: [gspc.mail@state.or.us](mailto:gspc.mail@state.or.us)

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## **FOR FURTHER ASSISTANCE**

**For assistance regarding these resources or for more information about federal law, please contact our attorney one-on-one counseling service:**

**Email: [Advocacy@afj.org](mailto:Advocacy@afj.org)  
Telephone: 1-866-NPLOBBY  
(675-6229)**

**For assistance regarding state law in Oregon, please contact:**

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