

**OREGON GOVERNMENT STANDARDS AND PRACTICES COMMISSION**  
885 Summer St NE, 2<sup>nd</sup> Floor  
Salem, Oregon 97301-2522  
(503) 378-5105  
[www.gspc.state.or.us](http://www.gspc.state.or.us)

# **GUIDE TO LOBBYING IN OREGON**

## **ORS 171.730 Lobbying Regulation Purpose**

"The Legislative Assembly finds that to preserve and maintain the integrity of the legislative process, it is necessary that the identity, expenditures and activities of certain persons who engage in efforts to persuade ... be publicly and regularly disclosed."

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**Note:** The *italicized* terms used in this guide are defined in the attached appendix.

## **I. WHO IS REQUIRED TO REGISTER AS A LOBBYIST?**

**If you answer yes to any of the following questions, you may be required to register as a lobbyist. (ORS 171.725(9) and 171.735)**

- Do you talk or correspond in writing with a *legislative official* to influence or attempt to influence *legislative action*?
- Do you talk or correspond in writing to others to solicit their efforts to influence or attempt to influence *legislative action*?
- Do you attempt to obtain the *good will* of *legislative officials* to affect a *legislative action*?
- Do you receive *compensation* or any other *consideration* for personal services performed for the purpose of lobbying?
- Do you provide personal services for the purpose of *lobbying*, as a representative of a corporation, association, organization or other group?
- Are you a *public official* to whom any of the above apply?

Any of the following activities for which you receive *compensation* or other *consideration*, undertaken for the purposes of influencing *legislative action* or engendering *goodwill*, would be examples of *lobbying*:

- Testimony at legislative committee hearings
- Formal appointments
- Casual conversations
- Written correspondence (letters, memos, e-mails, notes)
- Telephone conversations
- Providing:
  - Entertainment (sports events, movies, theatre)
  - Dining, cocktail parties
  - Travel and accommodations

Please contact the GSPC if you have questions about an activity.

**You are NOT required to register as a lobbyist if you answer yes to any of the following questions. (ORS 171.735)**

- Do you represent a news media organization and in the ordinary course of business directly or indirectly urge legislative action, but do not engage in other activities in connection with the legislative action? (ORS 171.735(1))
- Are you a *legislative official* acting in an official capacity? (ORS 171.735(2))
- Do you limit your *lobbying* activities solely to registering for and offering testimony in public sessions of Legislative committees or state agencies without receiving *compensation* or other *consideration*? (ORS 171.735(3))
- Do you spend less than 24 hours during any calendar quarter *lobbying*? (ORS 171.735(4))
- Do you spend less than \$100 during any calendar quarter *lobbying*? (ORS 171.735(4))
- Do you hold one of the following positions? (ORS 171.735(5))

Governor, Executive Assistant to the Governor,  
Legal Counsel to the Governor

Secretary of State, Deputy Secretary of State

State Treasurer, Chief Deputy State Treasurer

Attorney General, Deputy Attorney General

Superintendent of Public Instruction

Commissioner of the Bureau of Labor and Industries

Judge

## **II. REGISTERING AS A LOBBYIST**

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### **When to register**

You must register within three working days of engaging in any of the activities listed in Section I and upon meeting one of these two thresholds:

1. You have engaged in *lobbying* activities for 24 hours in one calendar quarter.
2. You have spent \$100 on *lobbying* activities in one calendar quarter.

**Remember:** If you limit your lobbying activities solely to registering for and testifying in public sessions of legislative committees without *compensation* or other *consideration*, you do not need to register.

**Note:** For those engaging in year-round lobbying activities, there is a grace period following the automatic expiration on December 31 of odd-numbered years. If you file a new lobbyist registration statement before March 31 of the following even-numbered year, your registration will be considered continuous.

### **How to register**

- Obtain a lobbyist registration form from the Government Standards and Practices Commission at:

Oregon Government Standards and Practices Commission  
885 Summer St NE, 2<sup>nd</sup> Floor  
Salem, Oregon 97301-2522

Telephone: 503-378-5105  
FAX: 503-373-1456

- OR download the form from the GSPC website at [www.gspc.state.or.us](http://www.gspc.state.or.us). Click on the Forms and Publications link.
- Complete the one page form and submit it to the GSPC.

## **What if a lobbying firm, public agency or other organization has more than one lobbyist who represents the same entity? (ORS 171.740(6))**

If more than one lobbyist from a lobbying firm, public agency or other organization represents the same entity, the firm, agency or organization may submit one registration for all lobbyists who represent that entity. Each individual lobbyist will be listed by name and will be required to sign the group registration form.

## **What information is needed to complete the registration statement? (ORS 171.740(1))**

Little more than your name, address and telephone number along with that of the entity you represent as a *lobbyist*.

Here are some tips that will help you successfully complete your statement:

Section 1 - Check one box indicating the type of registration you wish to file.

Section 2 - Be sure to provide the address where you want the required expenditure reports to be sent.

Section 3 - You must name the entity you will be representing, not the lobbying firm employing you. On the "Attn" line, please provide the name of the person to whom the annual entity expenditure report should be sent.

Section 4 - Each lobbyist must sign and date the registration statement.

Section 5 - You must acquire the signature of a representative of the entity you represent that authorizes you to lobby on their behalf.

***Note:*** You must notify the GSPC in writing within 30 days of any changes to the information provided on the registration form. (ORS 171.740(4))

## **What does it cost to register?**

There is no fee to register to lobby.

### **How long is the registration in effect? (ORS 171.745(5))**

All lobbyist registrations expire on December 31 of each odd-numbered year.

### **How is a lobbyist registration renewed?**

You must submit a new lobbyist registration statement to renew your registration.

Note: There is a grace period following the automatic expiration on December 31 of odd-numbered years. If you renew your lobbyist registration before March 31 of the following even-numbered year, your registration will be considered continuous. (ORS 171.745(5))

### **If a lobbyist represents several entities, can one registration form be used for all? (ORS 171.745(2))**

No. You must submit a registration form for each of the entities you represent as a lobbyist.

### **What if a lobbyist quits lobbying?**

If you discontinue your lobbying activities, please file a Lobbyist Termination form. A termination form must be filed for each entity you no longer represent. If you do not terminate your registration, you will continue to receive expenditure reports and be subject to mandatory reporting requirements until your registration expires.

Terminations are effective on the date received at the GSPC office. You will receive an expenditure report for the time prior to the termination that falls within the reporting period. (See more information in the expense reporting section of this guide.)

Either you or the entity you represent may submit a Lobbyist Termination form.

If you are unable to obtain a termination form, you or the entity can notify the GSPC office in writing that your lobbying activities have ended.

### **III. LOBBYING RESTRICTIONS AND PROHIBITIONS**

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#### **Oregon law prohibits lobbyists from engaging in the following conduct: (ORS 171.756)**

- Instigating legislative action for the purpose of gaining employment as a lobbyist against that same legislative action.
- Attempting to influence the vote of a legislator with the promise of giving financial support to a legislator's candidacy or the threat of financing opposition to a legislator's candidacy.
- Lobbying or offering to lobby for *compensation* or *consideration*, any part of which is contingent upon the success of the lobbying effort.
- Knowingly or willfully make false statements or misrepresentations to a legislative or executive official.
- Knowingly cause a document containing a false statement to be submitted to a legislative or executive official, without notifying the official of the truth in writing.

#### **Are there other restrictions?**

Yes. Other restrictions include the following:

- A legislative or executive official acting as a lobbyist in Oregon may not receive *consideration* other than from the State of Oregon
- During a calendar year, gifts to legislative or public officials, in whose office the lobbyist has a legislative or administrative interest, cannot exceed an aggregate total of \$100. This restriction also applies to the relatives of the official.
- Gifts of food and beverage, consumed by a public official and relatives in the presence of the provider, have no limit on the value or amount.
- Gifts of entertainment for public officials and their relatives such as sporting events, theatre, etc., are allowed if the entertainment is experienced in the presence of the provider and does not exceed the value of \$100 per person on a single occasion or \$250 per person in a calendar year.

## **IV. LOBBYIST EXPENDITURE REPORTS**

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### **Who must file lobbying expenditure reports? (ORS 171.745)**

All registered lobbyists or registered lobbying firms must file the mandatory expenditure reports with the GSPC.

### **Where can the expenditure report be obtained?**

The GSPC will automatically mail an expenditure reporting form to the address listed on your registration form approximately 30 days prior to its due date. *(Reminder: You must advise the GSPC within 30 days of any changes to the information on your registration.)*

Expenditure reports are due and must be filed by the following dates:

#### Even-Numbered Years

January 31  
July 31

#### Period Covered

previous July through December  
previous January through June

#### Odd-Numbered years

January 31  
April 30  
July 31

#### Period Covered

previous July through December  
previous January through March  
previous April through June

### **If a registration was in effect for only a few days of the reporting period, does a report still need to be filed?**

Yes. If you registered one day before a reporting period ends or terminated your registration one day into a new reporting period, an expense report will be sent to you for those periods

### **What if there are no expenses to report?**

You must complete and return the report even if there were no expenditures for the reporting period.

## **What if the entity I represent reimburses me for my expenditures?**

Statute requires that you report all your lobbying-related expenditures. The report form provides spaces for totals of actual expenditures and for those that were reimbursed to you. The difference between the two totals will equal your out of pocket expenses. These numbers, in conjunction with the expenditures separately reported by the entities you are registered on behalf of, provide a more accurate representation of lobbying activity in the State of Oregon.

## **What if a lobbyist was registered by a lobbying firm or organization that employs more than one lobbyist? Does each lobbyist file their own individual expenditure report? (ORS 171.745(6))**

The lobbying firm may file one expenditure report for all the lobbyists registered by the lobbying firm. The individual expenses of each lobbyist will be combined into the total of the lobbying firm's report.

## **What kinds of expenditures are exempt from reporting? (ORS 171.745(3))**

- Do not report personal living expenses, travel or parking expenses
- Do not report general overhead costs, such as office space, equipment, maintenance and wages paid to support employees.
- Do not report political contributions or expenditures reported under ORS Ch. 260.
- Do not report membership dues paid to organizations such as the Capitol Club.

## **What kinds of lobbying expenditures are reported? (ORS 171.745(1))**

The following list contains categories of expenditures identified in the statute that should be reported in Section A:

- Food and Refreshment
- Entertainment
- Printing, Postage and Telephone
- Advertising, Public Relations, Education and Research
- Miscellaneous

Generally, any of these expenditures incurred as a result of efforts to promote a desired legislative outcome or the goodwill of a legislator, a member of the legislative staff or an executive public official should be reported. This includes expenditures on behalf of the legislator's family (spouse, children, brothers, sisters or parents).

## **What is reported in Section B and are there any other requirements regarding expenditures other than the listing on this report?**

***(ORS 171.745(1)(b))***

- If you expend an amount on a lobbying-related activity for the benefit of a legislative or executive public official on any single occasion, with a cost exceeding the currently adjusted amount as noted on the expenditure report, you must report it in Section B. Expenditures for spouses, children, brothers, sisters or parents of the official are considered as “for the benefit” of the official.
- Any person or organization that provides a public official with food, lodging or travel expenses exceeding \$50 shall notify the public official in writing of the amount of the expense (*ORS 244.100(3)*). The notice shall be sent to the official within 10 days from the date such expense was incurred. The same requirements apply to expenses paid for the official’s spouse, parent, child or sibling.
- Copies of the notices sent to the officials must be attached to the expenditure report for the relevant time period (*ORS 171.745(5)*).

## **V. THE ENTITY EXPENDITURE REPORT**

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### **Who must file an annual entity expenditure report? (*ORS 171.750(1)*)**

- Any entity that engages the personal services of a registered lobbyist must file an expenditure report.
- Any entity that registers an employee as their lobbyist must file an expenditure report.

### **How can an entity expenditure report be obtained?**

The GSPC will mail a form to the entity’s address of record approximately 30 days prior to its due date. Entity expense reports are mandatory and are due by January 31 of each year.

### **What if an entity has no expenditures to report?**

The expenditure report form must be completed and returned even if there were no expenditures for the reporting period.

## **What types of expenditures are NOT required to be reported by an entity?**

- Do not report cost of living and travel expenses incurred for a lobbyist performing lobbying duties.
- Do not report political contributions reported under ORS Chapter 260.

## **What kinds of lobbying expenditures do entities report? (171.750(1)(a))**

In Section 1: Generally, any expenditure incurred as a result of efforts to promote a desired legislative outcome or the goodwill of a legislator, a member of the legislative staff or an executive public official should be reported. This includes expenditures on behalf of the legislator's family (spouse, children, parents or siblings). Other examples of expenditures to include would be:

- Compensation paid to lobbyists
- Reimbursement to lobbyists for their expenses
- Salary costs for support employees
- Overhead costs attributed to lobbying activity
- Printing, Postage and Telephone attributed to lobbying activity

Itemization of general expenses is not required, but encouraged. You may attach a sheet to the report form.

## **Some of these expenditures are difficult to estimate because employee costs and other overhead are also used in other business matters. How should such expenses be valued?**

It is understood that entities engage in activities and enterprises in addition to lobbying. In assigning value to a lobbying expense, such as overhead or an employee's salary, pro rate or make an estimate of that portion of an expense attributable to lobbying and indicate on the expenditure report if the amount shown is an estimate.

## **What is reported in Section 2? (ORS 171.750(1)(b))**

- If you expend a lobbying-related amount on an activity on behalf of a legislative or executive public official on any single occasion with a cost exceeding the current annually adjusted amount as noted on the expenditure report, and that expenditure was not reported by the lobbyist, you must report it in Section 2.

- Any person or organization that provides a public official with food, lodging or travel expenses exceeding \$50 shall notify the public official in writing of the amount of the expense. The notice shall be sent to the official within 10 days from the date such expense was incurred. *(ORS 244.100(3))* The same requirements apply to expenses paid for the official's spouse, parent, child or sibling.
- Copies of the notices sent to the officials must to be attached to the expenditure report for the relevant period. *(ORS 171.750(5))*

## **VI. PENALTY PROVISIONS**

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### **IMPORTANT NOTICE:** *(ORS 171.992)*

**Any person who violates any provision of lobbying regulation shall be subject to a civil penalty of not more than \$1000 for each violation.**

**Failure to complete and file the required expenditure reports by the final date for filing will subject you to an automatic civil penalty of \$5 for each day the report is not filed. The penalty may accrue to a maximum of \$1000.**

## VII. APPENDIX

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### Referenced Oregon Revised Statutes:

**171.725 Definitions for ORS 171.725 to 171.785.** As used in ORS 171.725 to 171.785, unless the context requires otherwise:

(1) “Compensation” has the meaning given that term in ORS 292.951. [wages or salary].

(2) “Consideration” includes a gift, payment, distribution, loan, advance or deposit of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable.

(6) “Legislative action” means introduction, sponsorship, testimony, debate, voting or any other official action on any measure, resolution, amendment, nomination, appointment, or report, or any matter that may be the subject of action by either house of the Legislative Assembly, or any committee of the Legislative Assembly or the approval or veto thereof by the Governor.

(7) “Legislative official” means any member or member-elect of the Legislative Assembly, any member of an agency, board or committee that is part of the legislative branch, and any staff person, assistant or employee thereof.

(8) “Lobbying” means influencing, or attempting to influence, legislative action through oral or written communication with legislative officials, solicitation of others to influence or attempt to influence legislative action or attempting to obtain the good will of legislative officials.

(9) “Lobbyist” means:

(a) Any individual who agrees to provide personal services for money or any other consideration for the purpose of lobbying.

(b) Any person not otherwise subject to paragraph (a) of this subsection who provides personal services as a representative of a corporation, association, organization or other group, for the purpose of lobbying.

(c) Any public official who lobbies.

(10) “Public agency” means a commission, board, agency or other governmental body.

(11) "Public official" means any member or member-elect of any public agency and any member of the staff or an employee of the public agency.

## **Referenced Oregon Administrative Rules**

### **Definitions:**

199-010-0005(3) "Good Will" means a supportive and friendly attitude; kindly feeling; well wishing; benevolence."