

City of Austin Lobbyist Requirements

Frequently Asked Questions

This list of Frequently Asked Questions is intended to assist lobbyists in understanding the lobbyist registration and reporting requirements found in City Code, Chapter 4-8. **This list is not intended as legal advice and lobbyists should refer to City Code, Chapter [4-8](#) for additional information or their own legal counsel.**

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Registering as a Lobbyist

1. Am I required to register as a lobbyist?

City Code, §4-8-3 states that a person¹ must register as a lobbyist **if** the person/entity:

(1) receives, or is entitled to receive under an agreement under which the person is retained or employed, compensation or reimbursement (not including reimbursement for the person's own travel, food, or lodging expenses or the person's own membership dues), of \$2,000 or more in a calendar quarter from another person to lobby², regardless of whether the person receives any compensation³ or reimbursement for lobbying³ in addition to the person's remuneration for that employment; **and** (2) spends 26 hours⁴ or more for which the person is compensated or reimbursed during the calendar quarter lobbying; **or** (3) makes a total expenditure⁵ of \$500 or more in a calendar quarter (not including the person's own travel, food, or lodging expenses or the person's own membership dues), to lobby.

If you meet this requirement, you must register not later than the fifth working day after you meet the threshold requirements of §4-8-3 and annually thereafter until a Termination of Lobbyist Registration is filed. The Lobbyist Reporting Form is used to file the initial and annual registration information. This form can be found at <http://www.austintexas.gov/department/lobbyists>.

2. What if I work for a business entity that has one or more employees who are subject to the registration requirement? Do I or my employer file?

It depends on which option your employer chooses.

City Code, §4-8-4(B) allows a business entity with one or more employees who are subject to the registration requirement the option to either: (1) register and report as a business entity; or (2) have each employee lobbyist register and report individually.

- A.** If a business entity elects the option under subsection (B)(1), an employee of the business entity who would otherwise be subject to the registration requirement is not required to register or file activity reports if the business entity: (1) registers on behalf of all of the business entity's employee lobbyists; (2) pays the annual registration fee for the business entity and each of the employee lobbyists; and (3) completely reports the activity of each employee lobbyist that is required by Chapter 4-8. **If this option is selected, the business entity is required to file a separate Lobbyist Reporting Form for each of their registered lobbyist with the appropriate registration fee.**
- B.** If a business entity elects the option under subsection (B)(2), and each lobbyist employed by the business entity who is subject to the registration requirement registers and files activity reports as required by Chapter 4-8, the business entity need not also register and file reports if all of the activity required to be reported by the business entity is included in one or more of the reports filed by the lobbyists employed by the business entity. **If this option is selected, each individual lobbyist must complete the Lobbyist Reporting Form and file the appropriate registration fee.**

3. When is my annual registration period?

A registrant is required to continue to file activity reports until the registrant terminates the registration by filing a “Termination of Lobbyist Registration”, City Code, §4-8-5(C); see FAQ no. 15. According to City Code, §4-8-5, lobbyists are required to pay their registration fee on the anniversary of their registration date. The payment is not considered late if paid by the filing deadline of the next quarterly activity report after the registration is due.

Registration Dates	Annual Registration Payment Due
January 1 through March 31	April 1 – April 10
April 1 through June 30	July 1 – July 10
July 1 through September 30	October 1 – October 10
October 1 through December 31	January 1 – January 10

4. What are the fees?

- Annual Lobbyist Registration Fee: \$300
- Annual Lobby Registration Fee registrant whose only lobbying activity is lobbying on behalf of one or more 501(c)(3) nonprofit organizations: \$25.
- Annual Lobbyist Registration Fee for a business association making the election under §4-8-4(B)(1): \$100 for the business association, and \$50 for each employee-lobbyist of the business association.
- Lobbyist Late Filing Fee for each notice that the City Clerk sends to the late filer as required under §4-8-11: \$50.

5. What is a Municipal Question?

City Code, §4-8-2(10) defines “municipal question” as the proposal of, consideration of, approval of, or negotiations concerning municipal legislation, an administrative action, or another matter that is, or may in the future be, subject to an action or decision by a City Official.

(A) Municipal question includes, without limitation: (i) possible action, including a recommendation, on a proposed ordinance, resolution, or other action pending before the Council, a Council committee, or a City board or task force; (ii) a matter that is appealable to a City board or to the Council; (iii) a recommendation, report, regulation, policy, nomination, appointment, or sanction by or to the Council, a Council committee or a City board; (iv) the development of specifications for, or the award of, a grant or contract for more than \$50,000; (v) rulemaking under Chapter 1-2 (Adoption of Rules); or (vi) licensing.

(B) Unless it is also included in (a), "municipal question" does not include: (i) the non-appealable, day-to-day decisions, routine application, administration, and execution of City programs and policies; or (ii) routine, non-appealable decisions on permitting, platting, and design approval matters in connection with a specific project or development; or (iii) a technical building decision on a specific project, whether appealable or not, under Chapter 25-12 (Technical Codes).

6. *What is compensation or reimbursement for lobbying?*

Compensation means money, or another thing of value, or a financial benefit received (or to be received) in return for, or in connection with services provided, or to be provided. Section 4-8-3(C) states that compensation or reimbursement for lobbying includes compensation or reimbursement that a person receives for preparing to lobby. For example, compensation for preparing to lobby includes, without limitation, compensation received for participation in a strategy session, the review and analysis of municipal legislation or an administrative matter, and research and communication related to a municipal question with the registrant's employer, client, or another person. A person who does not lobby is not required to register because of compensation received for only preparing to do so without directly communicating.

City Code, §4-8-3(D) states compensation or reimbursement for lobbying does not include compensation or reimbursement for: (1) requesting information, or inquiring only for informational purposes, without seeking to influence or persuade, about a municipal law, ordinance, regulation, rule, policy, practice, or procedure administered by the City; (2) preparing or submitting an application or other required written document, without seeking to influence or persuade, that only provides information required by law, ordinance, rule, regulation, order, or subpoena; (3) communicating for the purpose of sharing information to demonstrate compliance with an audit, inspection, City investigation, or existing laws, rules, and policies; (4) providing, without seeking to influence or persuade, information consisting of facts or data to a City Official that the City Official specifically requested regarding a municipal question, when the request was not solicited by or on behalf of the person providing the information; (5) communicating to a City attorney or a municipal judge concerning litigation or adjudicative proceedings to which the City is a party, or concerning adjudicative proceedings of the City; (6) providing testimony, making an appearance, or any other type of communication documented as part of a public record in a proceeding of an adjudicative or judicial nature, including before the Municipal Court, the Ethics Review Commission, and the Municipal Civil Service Commission; (7) providing only clerical assistance to another in connection with another person's lobbying or preparation for lobbying; (8) realizing financial gain as a result of a determination of a municipal question as to real property the person in question owns; (9) serving as a member of a City board, commission, or task force when the person's communications relate solely and directly to the person's public service on the City entity; (10) reimbursement for the person's own travel, food, lodging, or membership dues to communicate with a City Official on a municipal question.

7. *Is every vendor with the city by definition a lobbyist?*

Not unless the vendor meets the thresholds of §4-8-3.

8. How do I terminate my registration as a lobbyist?

If you no longer meet the lobbyist registration requirements found in §4-8-5, you must file a Termination of Lobbyist Registration. To notify the Clerk's Office of the termination, complete the first section of the Lobbyist Reporting Form and select "Termination of Lobbyist Registration" as report type.

Note: If you have lobbyist activity to report for the current reporting period, you must also file the quarterly activity report with the notice of termination.

Reporting Requirements for Registered Lobbyists

9. What am I required to file?

An individual (or business entity as described above) must complete a **Lobbyist Reporting Form** not later than the fifth working day after the person first directly communicates with a City Official to lobby.

In addition, **Quarterly Activity Reports must be filed between the first and tenth day of January, April, July, and October** using forms prescribed by the Clerk's Office located at <http://www.austintexas.gov/department/lobbyists>.

10. What review of the Lobbyist Report Form will occur?

Review by City Clerk: Not later than the 30th business day after a report is filed, the City Clerk must review the report for facial compliance, timeliness, and apparent completeness. Not later than the fifth business day after finding an apparent violation, the Clerk must notify the person responsible for filing the report of the apparent violation.

If the report is not corrected by the 14th day after the registrant receives notification of an apparent violation from the City Clerk, the Clerk must forward a copy of the report to the City Attorney and to the Ethics Review Commission and the report will be considered late.

Review by the City Auditor: The City Auditor must conduct an annual audit of a statistically representative random sample of lobby registrants, but not less than five percent of registrants, to ensure that registrants' filings are in compliance. Not later than the 14th business day after finding an apparent violation, the Auditor must notify the City Clerk, the City Attorney, and the Ethics Review Commission.

11. How do I complete the Municipal Question portion of the Lobbyist Reporting Form?

For each Municipal Question on which an individual lobbyist will lobby, a separate page should be completed. This requires a specific description of the Municipal Question. If the Municipal Question is regarding Real Property, include the address or legal description. For each Municipal Question identified, the filer must complete the subject matter section selecting each subject matter that applies to the identified Municipal Question.

12. If representing a coalition do I need to report every individual member?

Pursuant to section §4-8-2(3), “Client means a person who compensates or reimburses another person to lobby.”

13. What information will be posted on-line?

City Code, §4-8-9(B) requires the City Clerk to publish a downloadable, searchable database of lobbyist registration and activity information for the general public. Therefore, the content of the Lobbyist Registration Forms and Quarterly Activity Reports will be published online at the [City’s Open Data Portal](#). Registration and Quarterly Activity Reports will also be made accessible to the public during normal business hours within the Clerk’s Office.

14. When are the Quarterly Activity Reports due?

Quarterly Activity Reports must be filed between the 1st and 10th day of January, April, July, and October. Each report covers lobbying activities that took place in the preceding quarter:

Quarter	Activity Start Date	Activity End Date	Report Due Date
Q1	January 1	March 31	April 1 – April 10
Q2	April 1	June 30	July 1 – July 10
Q3	July 1	September 30	October 1 – October 10
Q4	October 1	December 31	January 1 – January 10

Report forms may be found at <http://www.austintexas.gov/department/lobbyists>.

15. Can I submit my Quarterly Activity Reports by email?

If you or your employer have completed and filed a **Lobbyist Contact Information Form** with the City Clerk, you may email the Quarterly Activity Reports, provided the email address listed on the contact form is the address used to file the reports.

The initial and annual registration requires payment of the lobbyist registration fee. Currently, the Office of the City Clerk is unable to accept electronic payments for this fee. **The payment must be made in person or by mail. Accepted forms of payment are cash, money order or check. If you email the registration form, it will not be considered received until payment is received.**

16. If I have no activity to report for the reporting period, do I need to file a Quarterly Activity Report?

Yes. The Lobbyist Reporting Form must be filed by the report due date even if you have no activity to report. You must complete the first four sections of the form, which includes a Statement of No Activity.

17. If I work for a nonprofit organization and lobbying is only a portion of the services provided, how do I report compensation?

Per § 4-8-6 (B) registered lobbyists must make a reasonable allocation between compensation for lobby activity and compensation for other activities. The Lobbyist Reporting Form only requires the amount of compensation allocated to lobbying. See §4-8-3(D).

18. What if I am not the registered lobbyist or business entity, but I am the person who will be completing and submitting the Quarterly Reports?

If someone other than the filer will be submitting reports, please complete the Lobbyist Contact Form and provide contact information for a secondary contact.

Attending a Meeting with a City Official

19. Who is a City Official?

City Code, §4-8-2(2) defines a City Official as: (a) the Mayor, or Mayor-elect; (b) a Council member, or Council member-elect; (c) a City employee, other than a City employee whose duties are solely clerical; or (d) a member of a City board or of a body created by the Council and listed by the City Clerk under §2-1-3(C) (*Boards Established*). A complete list of City boards and commissions can be found at <http://www.austintexas.gov/department/boards-and-commissions>.

20. What information must I report if I am communicating or meeting with a City Official?

In addition to the Lobbyist Registration and Quarterly Activity Reports, the following requirements apply:

In accordance with §4-8-8(A): If speaking before the Council, a City board, or a body created by the Council, a registrant must register to speak before that appearance and, before speaking, orally identify:

- the person speaking;
- the registrant, if the person is acting for a registrant; and
- the client the registrant represents.

In accordance with §4-8-8(B): A registrant, or a person acting for a registrant, must at the beginning of an oral communication with a City Official identify:

- the person speaking;
- the registrant, if the person is acting for a registrant; and
- the client the registrant represents.

In accordance with §4-8-8(C): A person who communicates in person with a City Official for compensation on behalf of another person during a scheduled meeting on a municipal question must disclose in writing to the City department, or office:

- the name and address of the person;
- the name of the City official with whom they are meeting;

- the name of the client or person on whose behalf the appearance or contact is made; and
- a statement regarding whether the person has received or expects to receive compensation for the appearance or contact.

City Code, §4-8-8(C) does not apply to a City Official or City employee or an appearance or communication on an intergovernmental matter if the person is an official or employee of a government agency.

21. If you attend a meeting but are not speaking are you required to disclose anything?

If you are attending a “scheduled meeting” with a City Official you must provide the required information via the method provided by the City Official as required by §§ 4-8-8(C).

If you are speaking to a City Official outside of a “scheduled meeting” you must verbally provide the information required by §4-8-8 (B).

If you are attending a public meeting, you must follow the speaker registration processes for that body and identify yourself when you speak. If you are attending a public meeting but not speaking to the body, you do not need to disclose anything.

22. Regarding Appearances, we are required to register before we speak – does it have to be before the meeting has actually occurred?

Section §4-8-8(A) requires registration before appearing to speak. A speaker should follow the registration procedures used by the Council, Council Committee or Board/Commission.

23. As a lobbyist or a visitor representing someone else, do I need to bring anything with me to a meeting with a City Official?

No, provided the lobbyist or visitor knows the information required to be disclosed and can complete the required information pursuant to §4-8-8(D). Lobbyists/visitors may provide and keep their own copy of a record, but they must **submit the required information via** the method provided by the department.

24. What are the requirements for disclosure when attending a Boards and Commissions meeting?

For public meetings, registered lobbyists are required to register to speak before speaking before Council, or a City board listed on the Boards and Commissions website (<http://www.austintexas.gov/department/boards-and-commissions>) and at the time of speaking, to verbally identify self, any registered lobbyist entity they represent, as well as the client represented. §4-8-8(A)

25. If I have back-to-back SCHEDULED meetings with different City Officials regarding a municipal question, do I have to disclose information for each meeting?

Yes. Written disclosure for each scheduled meeting with a City Official regarding a Municipal Question is required. When meeting in person with a City Official, registered lobbyists and persons being compensated by another must disclose in writing on the form provided by the department or

office, their name, business entity (if registered by a business entity), the client or person represented, and whether they are being compensated. § 4-8-8(C)

26. What does staff do with the information collected on sign in sheets?

All visitor logs/sign-in sheets or other methods of collecting required information such as Outlook calendar invites must be kept for 3 years. The information is considered public record and may be released in a public records request. Departments have flexibility to determine the reasonably practical method used to record the information required by §4-8-8(C) (e.g., whether in electronic or paper form).

Person means an individual, corporation, organization (other than a governmental organization or agency conducting governmental or intergovernmental business), business trust, estate, trust, partnership, association, or any other legal entity other than the City.

1. Lobby means to communicate directly with a City Official to influence or persuade the City Official to favor or oppose, recommend or not recommend, vote for or against, or to take action or refrain from taking action on a Municipal Question. §4-8-2(8); see §4-8-2(10) For determining registration thresholds, “lobby” includes preparing to lobby by a person who communicates directly. §4-8-2(8); §4-8-3(C)
2. Compensation or reimbursement for lobbying does not include compensation or reimbursement for: (1) requesting information, or inquiring only for informational purposes, without seeking to influence or persuade, about a municipal law, ordinance, regulation, rule, policy, practice, or procedure administered by the city; (2) preparing or submitting an application or other required written document, without seeking to influence or persuade, that only provides information required by law, ordinance, rule, regulation, order, or subpoena; (3) communicating for purposes of sharing information to demonstrate compliance with an audit, inspection, city investigation, or existing laws, rules, and policies; (4) providing, without seeking to influence or persuade, facts or data to a City Official that the City Official specifically requested about a Municipal Question, and which request was not solicited by or on behalf of the person providing the facts or data; (5) communicating to a city attorney or municipal judge about litigation or adjudicative proceedings of the City or to which the City is a party; (6) providing testimony or other type of documented communication, or making an appearance, as part of a public record in a proceeding that is judicial or adjudicative in nature, including before the Municipal Court, the Ethics Review Commission, and the Municipal Civil Service Commission; (7) providing clerical assistance only in regard to another’s lobbying or preparation to lobby; (8) realizing financial gain as a result of a determination of a Municipal Question as to real property the person owns; (9) serving as a member of a city board, commission, or task force when the person’s communications relate solely and directly to the person’s public service on the city entity. § 4-8-3(D)
3. If a person spends more than eight hours in a single day lobbying, the person is considered to have engaged in the activity for only eight hours during that day. §4-8-3(B)
4. Expenditure means a payment, distribution, loan, advance, reimbursement, deposit, or gift of money or anything of value, including a contract, promise, or agreement to make an expenditure, regardless of whether the contract, promise, or agreement is legally enforceable.