



The D.C. Government Rules Regarding The Registration of Lobbyists

Like most governments, the District of Columbia has rules that apply when a person wants to lobby the D.C. Government. These rules require any person who engages in lobbying to register with the D.C. Board of Ethics and Government Accountability's (BEGA), including nonprofit organizations.

Definition of Lobbying

In the District of Columbia, lobbying is defined as communicating directly with any official in the legislative or executive branch of the District of Columbia government with the purpose of influencing any legislative action or an administrative decision.

Lobbying does not include:

- Appearing or testifying before a rulemaking body or at a formal hearing. This includes written testimony as well as appearances made on behalf of an organization by another person, such as an attorney representing the organization.
- Information supplied in response to a written request by an executive agency, the D.C. City Council or a public official.

- Inquiries regarding the status of specific actions by an executive agency or the City Council.
- Testimony given before the City Council or any committee of the City Council at a proceeding that is part of the public record.
- Communications made via a newspaper, television or radio of general circulation or a publication whose primary audience is the organization's membership.

Legislative Action

The term "legislative action" means any activity conducted by an official in the legislative branch as part of his or her normal duties which relates to the introduction, passage or defeat of any legislation before the Council.

Administrative Decisions

The term "administrative decision" means any activity directly related to an action by an executive agency to issue a Mayor's Order, to undertake a rulemaking proceeding, or to propose legislation or make nominations to the Council, the President of the United States or the United States Congress.

Registering as a Lobbyist

A person is required to register as a lobbyist with the Director of the Office of Campaign Finance if:

- the person spends \$250 or more on lobbying in any three consecutive calendar month period, or
- the person receives compensation of \$250 or more in any three consecutive calendar month period for lobbying on another's behalf - this includes compensation from more than one source.

This means that an individual, nonprofit organization, trade association or business entity that directly employs a person (whether in-house or an outside entity) to lobby on its behalf is required to register under its own name. The registrant would identify those employees or independent entities that are lobbying on its behalf.

Similarly, an individual, law firm, association or business entity that is paid to lobby on another person's behalf must file a registration form. If a lobbyist works on behalf of more than one client, it must submit a separate registration form for each client.

Public officials, members of the press and candidates for or members of an Advisory Neighborhood Commission are exempted from the registration requirement.

When the Person Must Register

A person is required to register within 15 days of becoming a lobbyist. Each year

thereafter, the person must resubmit the registration form(s) on or before January 15th. The registration form is filed online using BEGA's [electronic filing system](#). First-time registrants must obtain log-in credentials by emailing bega.lobby@dc.gov or by calling 202-481-3411.

If the registrant is not an individual, an authorized officer or agent of the registrant may submit the form on its behalf. A registration fee must accompany each submission. The fee is \$50 for nonprofit organizations and any other organization that lobbies solely for nonprofits, and \$250 for all others. Thus, an individual who lobbied on behalf of three for-profit entities would need to file three registration forms and pay \$750 in fees.

Reporting Requirements

In addition to resubmitting the registration form each year, lobbyists are required to file an activity report twice a year with BEGA.

These reports are due on January 10th and July 10th and cover activity from the preceding six months. They are available for inspection by the public at the Office of Campaign Finance's website. Reports are filed online using BEGA's [electronic filing system](#).

In the report, the registrant must list the names of the persons actually engaged in the lobbying activity on its behalf and the matters with respect to which the person lobbied.

The report also asks for the compensation paid to the lobbyist in the form of salary, fees or retainers. If an

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employee engages in lobbying part-time, a portion of his or her salary must be apportioned to the lobbying activity, based on the time spent on lobbying activity.

In addition, the report should include the total expenditures in connection with the lobbying, broken down into the following categories:

- office expenses, such as office overhead and operating expenses,
- advertising and publications,
- personal expenses including any amount the lobbyist spent for the benefit of an official or employee of the D.C. government, regardless of whether the organization reimbursed the person for the expenses,
- travel expenses,
- compensation paid to others such as subcontractors, and
- other expenses, such as payments made to a lobbying coalition.

The report should also list each specific expenditure of \$50 or more. The detail should include:

- the date of the expenditure,
- the name and address of the person to whom the payment was made,
- the amount expended, and
- the purpose of the expenditure.

Campaign Contributions and Gifts to D.C. Officials

In addition to the other information, organizations need to disclose any loan, gift, honorarium, or contribution of \$50 or more that was made for the benefit of an official in the legislative or executive

branch or to a member of his or her staff, campaign or household.¹

These expenditures should also be itemized and include information regarding the date, who received the expenditure, and the amount and circumstances of the transaction. Registrants are also required to report the aggregate of expenditures of this sort that are less than \$50. For example, if a lobbyist made a contribution of \$49 to the Mayor and \$30 gifts to each of five council members, the lobbyist would need to note that a total of \$200 was spent on contributions and gifts.

Please note, however, that a person or organization, or anyone acting on their behalf, is prohibited from offering a gift or contribution, directly or indirectly related to lobbying, to an official in the legislative or executive branch or member of the official's staff that exceeds one hundred dollars (\$100) in value in the aggregate in any calendar year.

Officials in the legislative or executive branch or any member of the official's staff is also prohibited from soliciting or accepting anything, directly or indirectly relating to lobbying, that exceeds one hundred dollars (\$100) in value in the aggregate in any calendar year.

¹ Under the Internal Revenue Code, organizations exempt from tax under Section 501(c)(3) are prohibited from making political contributions to any candidate for elective office or from reimbursing anyone who makes such a contribution. However, an individual employed as a lobbyist by a 501(c)(3) organization must still report political contributions even if the nonprofit does not reimburse the lobbyist for the contribution.

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In addition to the financial disclosure, an organization must disclose:

- a list of each executive or legislative branch official with whom the registrant has had written or oral communications during the reporting period,
- each person whom the registrant has given compensation to lobby on his or her behalf, if applicable,
- each official in the executive or legislative branch and any member of that official's staff who received compensation in any manner from the registrant, if applicable.

- [IRS Rules Regarding Political Activity](#)
- [IRS Rules Regarding Lobbying](#)
- D.C. Bar Pro Bono Center, [A Nonprofit's Guide to Lobbying and Political Activity](#)

Maintaining Records by the Organization

Registrants should retain all accounts, bills, receipts, books, papers and documents necessary to substantiate its activity reports for five years from the date of filing.

Additional Resources

You may find the following information helpful:

D.C. Board of Ethics and Government Accountability (BEGA) [website](#) has some helpful information about the D.C. rules. This site contains downloadable forms as well as a database of registrants.

In addition to the DC rules, the IRS has extensive rules about nonprofit lobbying and political activity. For more information about the topics, please go to the following links:

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