

Non-Profit Lobbying in 2020 and Beyond: What You Need to Know



Beginning January 1, 2020, paid staffers and others who are paid to lobby* on behalf of non-profit organizations will need to register with the Board of Ethics as lobbyists.

Am I a lobbyist*?

If you lobby* on behalf of any non-profit organization in the course of your paid job, or otherwise do so for compensation, you will need to register as a **lobbyist** with the Board of Ethics in January 2020.

Some common examples of persons who will be required to register if they lobby* on behalf of non-profit organizations:

- Paid employees, directors, or staff members
- Paid contract lobbyists
- Persons who are professionally engaged† to lobby for a non-profit, even on a *pro bono* basis

Some common examples of personnel who will **NOT** be required to register:

- Volunteer directors or staffers
- Unpaid grassroots advocates
- Protestors
- Residents and other individuals representing their own personal interests, not those of an employer or client

†The phrase “undertakes those efforts as a matter of professional engagement” means there must be a formal attorney-client or other kind of professional-client relationship (e.g. architect-client), pursuant to an oral or written retention agreement.

*What is lobbying? What is a lobbyist?

Many jurisdictions regulate lobbying. The City of Chicago’s Governmental Ethics Ordinance defines “lobbyist” as any individuals who, on behalf of any person other than themselves, or as part of their duties as an employee of another, undertakes to influence any City administrative or legislative action. That is lobbying in Chicago.

In order to be considered a lobbyist under the City’s Ethics Ordinance, a person must be acting on behalf of **another** person or entity, such as an employer or client. Citizens or residents making requests on their own behalf for City services or expressing their own opinions as citizens or City residents are not lobbying and need not register as lobbyists.

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Common activities that are NOT considered lobbying include:

- Residents who call their alderman or other City officials or employees about a pothole, or to request other City services.
- Residents who, without receiving compensation, call their alderman or other City officials to advocate for City services or investment in their neighborhood, perhaps on behalf of a local neighborhood association or block club.
- Business owners who meet with aldermen in the course of applying for City licenses or permits, e.g. signage or street café permits.
- Residents who dispute their own water bill or other invoices from the City.
- Individuals who, on behalf of a City “delegate agency” or even a for-profit entity, submit an application for a grant or contract through a Request for Proposals (“RFP”) or Request for Qualifications (“RFQ”) process.
- Individuals who respond to a City-initiated request for information or request to testify in a City hearing.
- Individuals who testify in an administrative hearing.
- Volunteer board members of non-profit organizations who meet with the local alderman to discuss ongoing City administrative or legislative issues affecting the organization.

Common activities that ARE considered lobbying include:

- Business owners who ask an alderman to support a zoning change to expand their business.
- Representatives of real estate developers who ask City officials or aldermen to support City investment in their project, or for a zoning amendment.
- Paid representatives of non-profit organizations advocating for changes to City laws or policy that serve the interests of the organization or its membership.
- Representatives of City contractors who contact City officials seeking to renegotiate the company’s contract or grant.
- Business owners or representatives who email the Mayor, an alderman, or a department head suggesting changes to a pending ordinance.

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What is required of registered lobbyists under the Ethics Ordinance?

All registered lobbyists must file:

- **Annual Registration statements** with the Board of Ethics, by January 20 of each year. In their registration statements, lobbyists disclose their clients, and which City departments they expect to lobby on behalf each client in the coming year.
- **Quarterly reports** on their lobbying activity. This includes reporting on the following in the preceding quarter:
 - Which City departments they lobbied, per client
 - Which specific matters they lobbied on, per client
 - How much compensation they received for lobbying, per client
 - How much in lobbying expenditures they made, per client
 - What gifts they gave to City employees or officials
 - What political contributions they made to City elected officials or candidates for elected City office

All reports are submitted through the Electronic Lobbyist Filing System (“ELF”) of the Board of Ethics. Visit us at <https://webapps1.cityofchicago.org/elf/index.html>

Once lobbyists register, they will get reminders from the Board of Ethics one month prior to all reporting deadlines to help them stay on schedule. The staff of the Board of Ethics is always available to help lobbyists complete these registrations and report forms.

How much will this cost?

Under the amended Ethics Ordinance, the Board of Ethics will be able to waive all registration fees for individuals who lobby solely on behalf of a single 501(c)(3) organization.

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Why did the City make this change?

These changes were an important transparency measure. Representatives of many non-profit organizations meet with and ask legislators or other government personnel to make decisions in favor of their organizations. Regardless whether an organization is making a profit, taxpayers should know who is influencing policy and resource decisions. Many non-profits or their staffers are already required to register as lobbyists under both Cook County's and the State of Illinois's lobbyist laws.

Where do I go if I have questions about my status or the registration process?

You can find more information about how to register at <https://www.chicago.gov/city/en/depts/ethics>, or by contacting the Board of Ethics at 312-744-9660 or steve.berlin@cityofchicago.org.

All requests to the Board are confidential.



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