

BOARD OF ETHICS CITY OF CHICAGO

Lori Lightfoot, Mayor
William F. Conlon, Chair



A PLAIN ENGLISH GUIDE TO DEALING WITH LOBBYISTS AND BEING LOBBIED

INTRODUCTION. Chicago's lobbyist law is one of the broadest in the U.S. Most private or non-profit sector individuals who meet with or contact City employees or officials to "talk business" could be lobbying. It's acceptable and important for people to lobby in our democracy; it's a right guaranteed by the Constitution. But it's regulated speech. The Board regulates lobbying in and before City government.



WHO ARE LOBBYISTS IN CHICAGO? Few outside of K Street in Washington D.C. call themselves lobbyists. Under City law, a lobbyist is any individual (**whatever** his or her title) who attempts to influence City decisions **on behalf of another**, like a client or employer, regarding City administrative or legislative matters, including zoning, setting or designing contract specifications, seeking City contracts, grants, loans, or tax increment financing deals, or most City Council matters. Individuals representing non-profit entities are considered lobbyists only if they are compensated. **Only individuals representing another entity, organization or person are considered lobbyists: homeowners or City residents representing themselves, for example, are not lobbying.**

ARE CITY EMPLOYEES OR OFFICIALS LOBBYISTS? City employees and elected officials are effectively prohibited from acting as lobbyists before any City department or agency. City law makes clear they can perform their official City job responsibilities and that activity is not considered lobbying before the City.

Mayoral appointees who serve on City boards or commissions **may** lobby the City on behalf of their non-City employers or clients, provided that the matters on which they lobby are wholly unrelated to the work of their City board or commission.

RESTRICTIONS ON FORMER CITY OFFICIALS AND EMPLOYEES.

► For two years after they leave City service, former department heads and mayoral staff may not lobby any City department or agency; other Shakman-exempt employees and Mayoral appointees to City boards and commissions may not lobby their former department, board or commission.

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ANNUAL LOBBYIST REGISTRATION AND QUARTERLY REPORTING.

City law requires all individuals who engage in lobbying to register with the Board of Ethics annually, and four times each year file reports of their lobbying activity, compensation and expenditures, campaign contributions, and an itemized list of all gifts given to City personnel and their recipient(s). The Governmental Ethics Ordinance requires the Board of Ethics to charge a \$350 annual lobbyist registration fee and a \$75 fee per client after the first. However, the Board can waive this fee for lobbyists who represent non-profit entities qualifying under Section 501(c)(3) of the Internal Revenue Code.

EXEMPTIONS FROM REGISTRATION. The law exempts certain persons from having to register as lobbyists, including those simply responding to an already-issued RFP or RFQ, or who lobby on behalf of a single non-profit but who are uncompensated by that non-profit. Attorneys are also exempt when they represent clients in proceedings, arbitrations or mediations.

CLIENTS NEED NOT REGISTER. Under City law, only lobbyists are required to register—neither their clients nor the City employees and officials they lobby need to register.



You're a City employee or official: MUST YOU SPEAK WITH A LOBBYIST? No — you control your schedule. *City personnel are not required to talk to anyone just because they say they're a registered lobbyist.*

WHAT IF YOU SPEAK WITH A LOBBYIST WHO ISN'T REGISTERED? Not to worry: City personnel don't violate the law by meeting with someone who isn't registered as a lobbyist. Rather, persons who lobby then have 5 days to register after first engaging in lobbying. **So, we advise City officials or employees who think they're being lobbied to advise the possible lobbyist to contact the Board of Ethics as soon as possible, or, even better, just contact the Board of Ethics directly and we will handle it from there.**

Registration is easy and must be done online. The Board does, not, however, issue lobbyist "identification badges," unlike some jurisdictions. A current list of lobbyists is on the City's website at:

<https://www.chicago.gov/city/en/depts/ethics/provdrs/lobby/news/2019/november/lobbyistLists.html>

REPORTING LOBBYISTS. City policymakers must report to the Board the name of anyone they believe has lobbied them and who they know hasn't yet registered. A phone call or email to the Board with the possible lobbyist's name will suffice. The Board follows up on every name reported.

CAMPAIGN CONTRIBUTIONS, CONTINGENT FEES, AND GIFTS FROM LOBBYISTS. Lobbyists may not make political contributions to the Mayor or her political committee and are limited to \$1,500 in political contributions in a single year to any other City elected official or candidate for elected City office (or to their authorized committees).

Lobbyists cannot be retained for, or receive, any contingency fees.

Any gift that a lobbyist gives to a City employee or official must be reported in a public document, with the recipient's name.



PENALTIES. Penalties of up to \$1,000 per day can be imposed on individuals who don't register as required, or a fine of \$5,000 on their clients. The City can cancel any contract entered into or void any permit issued based on unregistered lobbying.

Bottom line: it is best practice to refer all potential lobbyists to the Board of Ethics or report them to the Board so we can follow up with them. It's not your responsibility to decide whether someone must register as a lobbyist (that's ours). But everyone should be aware that all lobbyists must register.

QUESTIONS? Think you've been lobbied? Please contact us:

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