



Political Law Alert

If you have any questions regarding the matters discussed in this memorandum, please contact the following attorneys or call your regular Skadden contact.

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Factors to Consider When Deciding to Renew State Lobby Registrations

A majority of state and local lobbyist and lobbyist employer registrations will expire at the end of 2018, including some key jurisdictions that follow a biennial registration cycle, such as California, New York and Pennsylvania. With some 2019 registration renewals already due in the coming weeks, now is the time to review where you are registered, determine if those registrations will expire and whether you should renew them or allow them to lapse.

Some questions to ask when weighing whether to re-register as a lobbyist or lobbyist employer include:

- Why did you initially decide to register or not register in this jurisdiction?
- Has the law changed in this jurisdiction since you last checked?
- Is our activity considered lobbying?
- What is the threshold for registration?

Terminating or Letting Your Registration Lapse

1. *Do you need to notify the jurisdiction?* Check to see if there is any action needed to notify the regulator that you intend to terminate your registration or if you can simply let it lapse. For example, in Chicago, even though the registration expires at the end of the year, you still must affirmatively notify the Board of Ethics of your intent not to renew.
2. *File any final reports.* You must submit all remaining triggered reports covering any period in which you were registered.

Renewing a Registration (or Registering for the First Time)

1. *Know when renewals are due.* Most renewals are due by the end of the year or early in the new year, but in some states they are due much earlier, including New Jersey, where renewals must be submitted and paid for by November 15th.
2. *Don't register your brand.* When your organization is registering as a lobbyist employer or is being listed as a client by an outside lobbyist on its registrations, be sure the appropriate full entity name (usually with "Inc.," "LLC" or "LLP" at the end) is being registered and not your global brand name. There are many reasons

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for ensuring that the right entity is properly registered. For example, New York's Joint Commission on Public Ethics will cross-reference registrations filed by outside firms versus those filed for in-house lobbyists to be sure the full entity name is an exact match and will send letters asking registrants to correct the registration(s).

- List appropriate contact information on the registration forms.* In order to ensure that you will quickly receive communications related to your registrations and reports from regulators, don't list a general "headquarters" address or other generic contact information. Include the direct office mailing address, phone number and email for someone at your organization who can quickly receive and respond to an inquiry related to your lobbyist or lobbyist employer registrations. Far too often, we hear from regulators that registrants were fined or triggered an audit simply because they didn't receive and respond in a timely manner to communications regarding a simple request or correction.
 - Have someone else review the forms.* Make sure a second set of eyes reviews the registration forms prior to submission as it is important to remember these forms will likely be posted publicly. Additionally, to ensure proper registration, your complete registration must be submitted on time. A small typo can result in the regulator rejecting your registration and subjecting you to fines or other penalties for having to resubmit after the renewal or initial registration deadline.
 - Training requirements?* Many registrations are contingent on the lobbyist(s) or lobbyist employer completing a training session within a prescribed timeframe. Some jurisdictions may only require that the registrants review a slideshow while others mandate registrants attend an in-person training class. For example, when submitting renewal registrations in California for the 2019-20 biennial session, if the lobbyist has not completed a training session in the previous 12 months, they must register for and attend an in-person training by June 30, 2019.
 - Do you have your badge?* Some jurisdictions require lobbyists to obtain a photo-ID badge as a condition of their registration. For example, Massachusetts and New Jersey require lobbyists to schedule an appointment and appear in-person to take a photo for the mandatory lobbyist badge.
 - Know your reporting obligations.* When registering for the first time or renewing a registration, review who has an obligation to report and what activity is reportable. Registering an individual as a lobbyist can often subject the lobbyist employer to some entity-wide reporting as it relates to its spending on lobbying, as well as some spending that may be unrelated to its lobbying activities. Though the requirements vary widely, examples of activity that could be reportable but unrelated to lobbying efforts include expenses/gifts benefiting public employees, certain charitable contributions, and business relationships or political contributions made by the company or its sponsored political action committee.
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