

Political Law Alert

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Recent Developments In Local Lobby Laws: District of Columbia Expands Scope of Lobby Law; Boston Enacts New Lobby Law

Below please find a discussion of recent lobbying developments in the District of Columbia and Boston, Massachusetts.

District of Columbia: Lobby Law Expanded to Cover Procurement Lobbying

On October 30, 2018, Act A22-0442 (the act) passed congressional review, expanding the scope of procurement lobbying covered by District of Columbia lobby law. This ratifies and makes permanent the temporary emergency law, which went into effect on October 1, 2018.

Under the District of Columbia lobby law, “lobbying” is defined as communicating directly with any official in the legislative or executive branch of D.C. government for the purpose of influencing any legislative action or administrative decision. Prior to the above amendment, the term “administrative decision” was limited to rulemaking and other policy decisions.

The amendment expands the definition of “administrative decision” to include action by an executive agency or official in the executive branch to make any contract, grant, reprogramming or procurement of goods or services. Thus, as of October 1, 2018, a person may trigger registration for procurement lobbying in the District of Columbia if he or she receives compensation or expends funds of \$250 or more in any period of three consecutive calendar months for such lobbying.

Beginning in January 2019, the act also changes the lobbyist reporting schedule from semiannual to quarterly and requires lobbyists to report additional information.

Boston

On October 15, 2018, Boston Mayor Marty Walsh signed the Lobbyist Registration and Regulation Ordinance (the ordinance), enacting new lobbying registration and reporting requirements in Boston. Previously, local lobbying in Boston was only governed by a City Council rule requiring a person who lobbies for compensation to register before entering the council chamber or anterooms, and a narrow provision of the state lobby law, which covers attempts to influence the decision of a city officer or employee weighing in on covered state government decisions. The ordinance is effective April 13, 2019, and its notable provisions include:

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- A requirement that lobbyists must register within 10 days of being retained, employed or designated by any client or lobbying entity, with or without compensation, to engage in lobbying activities. A client or lobbying entity also must register within 10 days of qualifying as such. Registrants must renew each year by December 15.
 - Registrants will be required to file quarterly statements with the City Clerk that report, among other things, compensation, expenditures and campaign contributions.
 - The ordinance covers legislative, regulatory and procurement lobbying, as well as lobbying on other non-ministerial actions or non-actions. It is unclear whether the ordinance is intended to cover grassroots lobbying.
 - The ordinance exempts:
 - a response to a request for proposals or similar public invitation by a city employee for information relevant to a contract (not including any communication to a city employee seeking to encourage the city to procure a particular type of item or service, or to consider a particular vendor);
 - participation in a bid conference;
 - an appeal or request for review of a procurement decision;
 - a request for a meeting, a request for the status of an action or any similar administrative request, if the request does not include an attempt to influence a city employee;
 - providing information in writing in response to a written request for specific information by a city employee;
 - any act done in furtherance of obtaining non-discretionary city approval, such as applying for a permit or license; and
 - a person who is requested to appear before the city council or a committee thereof who performs no other act to influence legislation, if the person's name is recorded in the city council or committee's official records.
 - The ordinance provides for a Municipal Lobbying Compliance Commission, which will have the authority to promulgate regulations, and will investigate and make findings regarding compliance with the ordinance.
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