



ARA-15.01 - Lobbying Entity Registration & Reporting

Administrative Rules Adopted by Bureaus Pursuant to Rule Making Authority (ARB)


Policy category: [Lobbying Entity Registration & Reporting Rules](#)

Policy number: ARA-15.01

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Keywords

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 [ARA 15.01 Lobbying Entity Registration and Reporting - full text of policy](#) 1.15 MB

A. Purpose

The City of Portland established a lobbying entity regulation program in 2005 to preserve the integrity of the City's decision-making process by requiring entities that engage in efforts to influence City officials to report their lobbying efforts to the public. The program also requires City officials to disclose activities related to lobbying, and restricts lobbying by former City officials and employees. This rule provides additional guidance for the lobbying registration and reporting requirements and procedures set forth in [Chapter 2.12 of the Portland City Code](#).

B. Authority

Section 2-506 of the Portland City Charter authorizes the City Auditor to adopt, amend, and repeal administrative rules to carry out the Auditor's Office's duties. In addition, Code Section 2.12.110 I. authorizes the City Auditor to adopt administrative rules to administer the provisions of the City's lobbying entity regulation program.

C. Construction and Interpretation

Code Chapter 2.12 was enacted to promote transparency, encourage open government processes to avoid even the appearance of favoritism, and assure an accountable City government. In accordance with Code Section 1.01.060, the provisions of Code Chapter 2.12 must be construed with a view to achieve its objectives and promote justice.

Registering as a lobbying entity is free, and the City's reporting requirements are not overly burdensome. To promote the spirit and intent of the law, all entities are encouraged to register if they may be subject to the registration requirement, and all activities that involve or may be construed to involve efforts to influence City Officials should be disclosed.

The City encourages participation and input by individuals, groups, and organizations, including individuals, groups, and organizations that are underrepresented, marginalized, and/or have otherwise not historically had a voice in City government. Nothing in this rule is meant to discourage public participation in City government.

D. "At Will Staff of a City Elected Official"

1. City Officials. Code Subsection 2.12.020 G. defines "lobby," "lobbying," and "lobbies" as "attempting to influence the official action of City officials." According to Code Section 2.12.020 D., "City officials" include:
 - a. Elected City officials (Mayor, Commissioners, and City Auditor).
 - b. City directors, as defined in Code Section 2.12.020 C.
 - c. The board and commission appointees listed in Code Section 2.12.020 D.
 - d. At will staff of a City elected official.
2. At Will Staff of a City Elected Official. For purposes of the City's lobbying registration and reporting requirements, City employees are considered to be "at will staff of a City elected official" if they are in a position that is excluded from the City's classified service and serve as:
 - a. A Deputy Director of certain City bureaus.
 - b. A high-level official within the Office of Management and Finance, such as the City Treasurer.
 - c. A member of the administrative staff employed in a City Council Office.
 - d. A Director of a City bureau that is not specifically listed in Code Section 2.12.020 C. For purposes of this rule, the City Attorney is not a Director of a City bureau.

The [Auditor's Office website](#) will list the specific City employees or positions considered to be "at will staff of a City elected official" for purposes of the City's lobbying registration and reporting requirements.

E. "Attempting to Influence"

Code Subsection 2.12.020 G. defines "lobby," "lobbying," and "lobbies" as "attempting to influence the official action of City officials." For purposes of the City's lobbying registration and reporting requirements:

1. Attempting to Influence. "Attempting to influence" includes communicating with a City official by any means (such as in person, in writing, electronically, via social media, etc.) to promote, oppose, or advocate on any official action, and time spent preparing for such communications.
2. Ministerial Tasks. Ministerial tasks, such as scheduling, are not lobbying, unless an attempt to influence is made during the

scheduling or other ministerial communication.

3. Public Comments.

- a. If an individual provides a public comment about a proposed City action (such as a comment on the proposed adoption of an administrative rule) that offers their own opinion, the individual is not lobbying.
- b. If a lobbyist provides a public comment on behalf of a lobbying entity:
 - i. Providing the comment to a City employee who is not a City official" (as defined in Code Section 2.12.020 D. and in D.1 of this rule) is not lobbying.
 - ii. Providing the comment through a City website designed to accept public comments is not lobbying because the comment is not provided directly to a City official.
 - iii. Providing the comment directly to a City official (such as in person, in writing, electronically, via social media, etc.) is lobbying.

4. Grassroots Lobbying. Attempts to influence City officials can occur directly, as well as by encouraging others to lobby (known as "grassroots lobbying").

- a. Code Section 2.12.030 A. requires a lobbying entity to register when the entity has spent eight hours or more or at least \$1,000 during any calendar quarter lobbying. Funds spent to stimulate grassroots lobbying count toward this threshold.
- b. Code Section 2.12.040 A.2. requires a registered lobbying entity to report funds spent on lobbying. Funds spent to stimulate grassroots lobbying must be reported.
For example: Funds spent on radio advertisements to encourage others to communicate with City Officials to oppose a pending change to the City Code would count toward the threshold for registering as a lobbying entity-and must be reported.
- c. Code Section 2.12.040 A.1. requires a registered lobbying entity to report about direct communications with City officials (such as in person, in writing, electronically, via social media, etc.). Efforts to encourage others to communicate with City officials do not need to be reported under this section.
- d. Groups and individuals that advocate, analyze, or discuss public policy, without encouraging others to communicate with City officials to promote, oppose, or advocate on any official action, are not considered to be attempting to influence the official action of City officials.

5. Attempts to Gain Goodwill. To promote transparency, the Auditor's Office encourages registered lobbying entities to disclose attempts to gain the goodwill of City officials if the attempt to gain goodwill is made in a professional capacity and with the intent to ultimately promote, oppose, or advocate on any official action.

F. Governments as Lobbying Entities

Although governments are not specifically listed in the definition "lobbying entity" set forth in Code Section 2.12.020 H., a government is a group or organization that may satisfy the definition of "lobbying entity" if the government employs or authorizes a lobbyist to lobby on its behalf. However, various government interactions with City officials are excluded from the definition of "lobbying" set forth in Code Section 2.12.020 G.

For purposes of the City's lobbying registration and reporting requirements:

1. "Person holding elected public office" means a person serving as an elected official of a local, state, tribal, or federal government, including special and education districts.
2. A "specifically authorized representative" of a person holding elected public office means a person who has been delegated the authority to represent a person holding elected public office or their government, and who is an employee of such government. A "specifically authorized representative" interacts with City officials only on behalf of one government entity.
3. A person or entity will be considered to be a lobbying entity subject to the City's lobbying registration and reporting requirements if the person or entity:
 - a. Provides services as a lobbyist, strategist, government relations specialist, communications consultant, or similar professional, on behalf of a government or public official, through a contract or other non-employment arrangement.
 - b. Interacts with government entities on behalf of more than one entity.

G. Online Reporting System and Training

The Auditor's Office provides an online [Lobbying Entity Registration & Reporting System](#).

1. Lobbying entities that are required by Code Chapter 2.12 to register and file reports with the Auditor must use the online system for the entire filing process.
2. The [Auditor's Office's website](#) provides written training materials with detailed instructions for accessing the online system and creating and managing a lobbying entity's required disclosures. In-person trainings are also available and are recommended prior to lobbying City officials.
3. A lobbying entity without internet access may make arrangements to use a public computer in the Auditor's Office for the purpose of complying with Code Chapter 2.12.

H. Lobbying Registration Filing Deadlines and Amended Registration Requirements

1. Lobbying entities must register via the [Online Registration & Reporting System](#) within three business days after meeting the 8 hour/ \$1,000 registration threshold set forth in Code Section 2.12.030.
2. Lobbying entities must file an amended registration via the [Online Registration & Reporting System](#) whenever any of the information disclosed on the registration form changes. The amendment must be filed within 10 business days of the change.

I. Filing Deadlines: Lobbying Reports

1. A lobbying entity must file a quarterly report by the 15th day after the end of each calendar quarter in which the lobbying entity has spent at least eight hours or \$1,000 on lobbying.
2. A lobbying entity may amend a quarterly report without penalty if it files the amended report within 25 calendar days after the end of the calendar quarter.
3. Calendar Quarters, Reporting Periods, and Filing Dates:

Quarter	Reporting Period	Report Due	Last Day for Amendments
1	Jan 1 - Mar 31	April 15	April 25
2	April 1 - June 30	July 15	July 25
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4. The filing deadline is 5 p.m. on the last day to file a report, provided that if the deadline falls on a Saturday, Sunday, or official City holiday, the due date is the next business day at 5 p.m.

J. Registration Expiration / Lapse

Lobbying entity registrations automatically expire on December 31 of each year.

1. A lobbying entity that anticipates renewing their registration is encouraged to do so at the beginning of each calendar year, but renewal is not required until the entity meets the eight hour or \$1,000 per quarter registration threshold in the new calendar year.
2. A lobbying entity that ceases lobbying activities does not need to cancel their registration; the entity can simply let the registration lapse after filing all required reports.

K. Public Access to Lobbying Registration and Reporting Information

1. To ensure that lobbying activities are fully and meaningfully disclosed, registration and reporting information required by and filed with the Auditor's Office pursuant to Code Chapter 2.12 will be readily available to and searchable by the public through the Auditor's Office's Lobbying Regulations website by the deadlines set forth in Code Section 2.12.100.
2. Community members without internet access may contact the Auditor's Office to arrange for public inspection and copying of registrations and quarterly reports.

Questions about this administrative rule may be directed to the [Lobbying Regulations and Political Consulting Reporting Program](#).

History

Adopted by the City Auditor and filed in PPD March 27, 2006.

Revised by the City Auditor June 8, 2006.

Revision filed in PPD June 8, 2006.


Amended rule adopted by City Auditor and filed in PPD January 12, 2007.

Amended rule adopted by City Auditor and filed in PPD January 7, 2008.

Amended rule adopted by Chief Deputy City Auditor and filed in PPD November 7, 2016.

Last revised by the City Auditor on November 26, 2019.

Related documents

 [ARA-15.01 - Lobbying Entity Registration & Reporting Administrative Rule](#) 1.15 MB



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