



## OVERVIEW OF SEATTLE'S LOBBYING LAW

In March 2008, the Seattle City Council voted to require that individuals paid to lobby the City Council and the Mayor's office register with the Seattle Ethics and Elections Commission (SEEC). The law went into effect on September 17, 2008. In December of 2020, the Seattle City Council updated the lobbying law with Ordinance 126260, which went into effect June 13, 2021.

This guide provides an overview of who must file with the Commission and how they must file. Please contact the SEEC if you have questions about a specific scenario.

### 1. Who Must Report Lobbying Activity?

Individuals who are paid or receive other consideration to communicate with City Council members, legislative department staff, the Mayor, or mayoral staff, Department Directors, Deputy Directors, or anyone who reports directly to a Department Director in an attempt to influence legislation must register and report unless they qualify for one of the exemptions discussed below.

Lobbyists' employers must also file reports. Under the law, the employer is the person or entity on whose behalf an individual is lobbying. If John Smith works for ABC Inc., and lobbies on ABC's behalf, then ABC is the employer. If Joan Smith works for a law firm, and lobbies on XYZ's behalf, then XYZ, not the law firm, is the employer for the purposes of filing reports under the lobbying law.

Sponsors of grassroots lobbying campaigns must also register and file reports. Any person who has spent \$1,500 or more within 3 months or \$750 or more within 1 month to present a program to the public primarily to influence legislation is considered a grassroots sponsor.

### 2. What Types of Lobbying are Reported in Seattle?

There are three kinds of lobbyists covered by the City of Seattle Municipal Code: someone hired to lobby directly and exclusively, someone who provides direct lobbying services as part of their employment duties but not exclusively, and indirect, also known as grassroots, sponsors who spend money on a public campaign to influence legislation.

- a) When a person or entity enters into a contract with someone to lobby directly on behalf of that person or entity, that lobbyist must register with the Commission. The direct lobbyist's compensation is a function of the contract between the person or entity and the lobbyist, and that lobbyist is hired for lobbying work exclusively.
- b) When an employee lobbies in the course of his or her employment, that employee



must file as a direct lobbyist as well. The distinction here is that the employee is providing lobbying services as part of their position, but they do not exclusively lobby in their position.

For example, if a company's general counsel advocates on the company's behalf for the introduction or passage of a bill, then that general counsel must register as a lobbyist unless they qualify for an exemption. As compensation, a regular employee will need to report the portion of their salary attributable to lobbying and preparation for lobbying. For example, if the general counsel earns \$100 per hour, and spends 20 hours in a quarter lobbying or preparing to lobby, the general counsel should report \$2,000 as compensation for lobbying for that calendar quarter.

- c) When any person has spent \$1,500 or more within 3 months or \$750 or more within 1 month to present a program to the public primarily to influence legislation, they are considered an indirect lobbyist and must register as an indirect lobbying sponsor within 30 days of meeting the reporting threshold(s).

### **3. Who is Exempt from Registering and Reporting?**

Direct lobbyists who appear only at public sessions of the City Council or its committees do not have to file. Those activities are already a matter of public record.

Direct lobbyists who restrict their lobbying to no more than four days or parts thereof during a calendar quarter – January through March, April through June, July through September, and October through December – and are paid no more than \$5,000 for lobbying in a given quarter are not required to file.

Appearances before public sessions of the City Council or its committees do not count toward the filing threshold. "Four days or parts thereof" does *not* mean 32 hours, it means that any portion of a day counts as one of the four days. If a direct lobbyist has a single 10-minute telephone call with a City Councilmember on a Tuesday afternoon, that day counts as one of the "four days or parts thereof."

Elected officials, officers, and employees of any local, state, or federal government agency acting in the scope of their employment do not need to register, provided that they are not specifically employed or retained by a government agency to lobby.

Hourly employees who contact City officials on their own time do not need to register as lobbyists because they are not paid to lobby. Similarly, salaried employees who (1) do not lobby in the course of their employment, (2) do not lobby on "company time," and (3) do not use their employers' resources to lobby, need not register.

### **4. What is Direct Lobbying?**



Direct lobbying means communicating with City Councilmembers, legislative department staff, the Mayor or Mayoral staff, Department Directors, Deputy Directors and those who report directly to a Department Director to influence legislation. Direct lobbying is not limited to face-to-face contact. Telephone calls, letters, and e-mails are all communications that, if intended to influence, require reporting under the law. However, a call to simply schedule a meeting does not constitute a lobbying contact.

Influencing legislation is defined to include not just lobbying on a specific bill, but attempting to influence elected officials or staff to “develop, propose, draft, consider or reconsider, promote, adopt, enact, reject, take favorable action upon, approve, disapprove, veto, or fail to take action upon legislation.” Legislation in this context means any council bill, ordinance, resolution, ballot measure, or charter amendment. The term also includes making, confirming, or rejecting appointments to City positions.

### **5. What is Indirect Lobbying?**

Indirect, also known as grassroots, lobbying occurs when a program is presented to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation. Once a person or group of people has spent \$1,500 or more in 3 months or \$750 or more in 1 month presenting such a campaign, if those expenditures are not otherwise reported by a registered lobbyist or a candidate or political committee, then that person or those people must register within 30 days as an indirect lobbying sponsor(s).

### **6. What is NOT Lobbying?**

- Communications or other actions by any local, state, or federal officer/employee/agent acting within the scope of their employment who were not hired explicitly to lobby.
- Communications or other actions related to existing or proposed collective bargaining agreements with the City or other legislation that could affect collective bargaining agreements with the City.
- Communications or other actions by members of the news media devoted to the dissemination of news or opinion and not created solely to influence specific legislation.
- An association or other organizations act of communicating with the members of that association or organization.

If you have suggestions for improvements to the guide or proposed changes to the law or rules, please e-mail [ethicsandelections@seattle.gov](mailto:ethicsandelections@seattle.gov) or [Chrissy.Courtney@seattle.gov](mailto:Chrissy.Courtney@seattle.gov).