

Summary of SO2023-0002937.pdf
Enacted 12/13/23 - Contact: Holly Ambuehl, hambuehl@myforefront.org

This ordinance, enacted 12/13/23, makes significant updates to the existing underlying law. Key provisions include:

- **Small Nonprofit Exemption:** Registration requirements only apply to nonprofit organizations when they have total expenses AND net assets or fund balances exceeding \$5M as shown on lines 18 and 22 of the most recent 990. See page 3, 2-156-010(p), (p-1), and (q-1).
- **Time + Expenses Threshold:** Above the \$5M threshold, registration is required once an individual that is lobbying on behalf of someone else spends > 20 hours/quarter or > \$1,250 on lobbying expenses. See page 4-5, 2-156-210.
- **Volunteer Exemption:** Nonprofit volunteers (e.g., board members) are exempt from registration. See 2-156-010(p).
- **Nonprofit Fee Waiver:** The registration fee waiver is codified in the substitute for the exclusive lobbyist of a nonprofit entity. See page 5-6, 2-156-230(d).
- **Grant Administration is Not Lobbying:** The administration of grants is not included in the definition of administrative action and therefore is not lobbying. See page 1, 2-156-010 a(9-10).
- **Testifying Does Not Require Registration:** Speaking in a public meeting before any City agency does not alone require registration. "Agency" is defined in 2-156-010(b) as the City Council, any committee or other subdivision thereof, any City department or other administrative unit, commission, board, or other division of the government of the City. See page 5, 2-156-220(d).
- **Asking City Officials to Influence Others May Be Lobbying:** Expressing support or opposition to the enactment of, and attempting to influence the interpretation of, any Federal and State legislation, rule, or regulation to a City official, employee, or agency may require registration as a lobbyist. See page 1, 2-156-010 (a)11-12.
- **Grassroots Communications and Events:** Issuing or participating in grassroots events or communications do not alone require registration. See page 2, 2-156-010 (m-1) and (m-2) and page 5, 2-156-220(e) and (f).
- **Public Private Partnerships:** Engagement in public private partnerships (such as jointly funded City positions) and the discussion of social problems and related solutions do not require registration. See page 5, 2-156-220(d) and (e).
- **Self-Defense Communications:** Self-defense communications do not require registration, and "self-defense communication" is defined consistently with federal law. See page 4, 2-156-010 (x-1) and page 5, 2-156-220(e).
- **Youth/Young Adult/Student Exemption:** Compensation associated with programming for youth that includes civic engagement does not make youth subject to lobbying requirements. See page 4, 2-156-010 (z-1) and (z-2) and page 5, 2-156-220(g).
- **Expense Reporting:** Certain expenses are excluded from reporting requirements entirely (e.g., stipends for civic engagement and public education), or unless they are made outside of the lobbyist's business entity (e.g., office expenses). Further, personal sustenance, lodging, and travel expenses for lobbying do not require itemization unless they exceed \$50. See page 6, 2-156-250(c).
- **Fines:** Failing to register is distinguished from failure to re-register/amend/terminate; the latter has lower fines. See page 7-8, 2-156-465. The Board of Ethics cannot impose fines for filing or training violations until seven business days after sending notice of violation, and fines will not begin accruing until the eighth calendar day post-notice. See 2-156-505.
- **Effective Date:** These changes begin July 1, 2024. Until then, the underlying law remains in place, but the City is not enforcing it for nonprofits. See page 8, Section 2.
- **Remember:** People engaging in the democratic process using their own voice, and speaking only for themselves, as well as volunteers such as board members are not subject to registration.