

**BRIEFING ON LOBBYIST REGISTRATION
CAMPAIGN CONTRIBUTION RESTRICTIONS
AND ZONING PROCESS AMENDMENTS**

- **SUMMARY OF KEY PROVISIONS OF LOBBYIST REGISTRATION LAWS**
- **CAMPAIGN CONTRIBUTION RESTRICTIONS**
- **MOTIONS TO APPROVE ZONING CASES**

LOBBYIST REGISTRATION IS REQUIRED IN THE
FOLLOWING TEXAS CITIES AND BY THE STATE OF TEXAS

AUSTIN

HOUSTON

SAN ANTONIO

EL PASO

(Recently Enacted)

STATE OF TEXAS

- **I. DEFINITIONS**
- **II. EXCEPTIONS**
- **III. REGISTRATION REQUIREMENTS**
- **IV. ACTIVITY REPORTS**
- **V. RESTRICTED ACTIVITIES**
- **VI. PENALTIES**

DEFINITIONS

- **LOBBY – AN ORAL OR WRITTEN COMMUNICATION, WITH ENUMERATED EXCEPTIONS (INCLUDING AN ELECTRONIC COMMUNICATION) TO A CITY OFFICIAL MADE DIRECTLY OR INDIRECTLY BY ANY PERSON IN AN EFFORT TO INFLUENCE OR PURSUADE AN OFFICIAL TO FAVOR OR OPPOSE, RECOMMEND OR NOT RECOMMEND, VOTE FOR OR AGAINST, OR TAKE OR REFRAIN FROM TAKING ACTION ON A MUNICIPAL QUESTION.**
- **MUNICIPAL QUESTION – A PUBLIC POLICY ISSUE OF A DISCRETIONARY NATURE THAT IS PENDING BEFORE, OR MIGHT BE THE SUBJECT OF ACTION BY, THE CITY COUNCIL OR ANY CITY BOARD OR COMMISSION.**
- **CITY OFFICIAL INCLUDES – CITY COUNCIL MEMBERS, CITY MANAGER AND ASSISTANT CITY MANAGERS, CITY ATTORNEY, CITY AUDITOR, CITY SECRETARY, MUNICIPAL JUDGES, ALL DEPARTMENT DIRECTORS AND ASSISTANT DIRECTORS, ASSISTANTS AND SECRETARIES TO CITY COUNCIL MEMBERS AND CITY MANAGER, AND MEMBERS OF DESIGNATED BOARDS AND COMMISSIONS.**

EXCEPTIONS TO REGISTRATION

- **MEDIA OUTLETS.**
- **PERSON WHOSE ONLY LOBBYING ACTIVITY IS TO ENCOURAGE OR SOLICIT THE MEMBERS, EMPLOYEES OR OWNERS OF AN ENTITY BY WHOM THE PERSON IS COMPENSATED TO COMMUNICATE WITH CITY OFFICIALS TO INFLUENCE MUNICIPAL QUESTIONS.**
- **A GOVERNMENTAL ENTITY WHOSE COMMUNICATIONS RELATE SOLELY TO SUBJECTS OF GOVERNMENTAL INTEREST.**
- **A PERSON WHO NEITHER KNOWS NOR HAS REASON TO KNOW THAT A MUNICIPAL QUESTION IS PENDING AT THE TIME OF CONTACT WITH THE CITY OFFICIAL.**
- **AN ATTORNEY OR OTHER PERSON WHOSE CONTACT IS MADE SOLELY TO RESOLVE A DISPUTE WITH THE CITY, PROVIDED THE CITY OFFICIAL DOES NOT VOTE OR HAVE FINAL AUTHORITY OVER THE MUNICIPAL QUESTION INVOLVED.**
- **A CLIENT WHO WOULD BE REQUIRED TO REGISTER ONLY BECAUSE OF AN EXPENDITURE TO COMPENSATE A REGISTRANT.**
- **AN INDIVIDUAL WHO ENGAGES IN LOBBYING, BUT WHO NEITHER RECEIVES COMPENSATION NOR EXPENDS MONIES FOR LOBBYING.**

REGISTRATION

- **A PERSON WHO, IN A CALENDAR QUARTER, RECEIVES COMPENSATION OF \$200 OR MORE, OR WHO EXPENDS \$200 OR MORE ON LOBBYING MUST REGISTER.**
- **A PERSON REQUIRED TO REGISTER MUST FILE A SEPARATE REGISTRATION FOR EACH CLIENT.**
- **THE INITIAL REGISTRATION FORM MUST BE FILED WITHIN TWO/THREE/FIVE DAYS AFTER THE START OF LOBBYING ACTIVITY, AND ANNUALLY THEREAFTER.**
- **THE REGISTRATION MUST BE ON A FORM PRESCRIBED BY THE CITY SECRETARY AND MUST INCLUDE THE FOLLOWING INFORMATION:**
- **THE FULL NAME AND ADDRESS OF THE REGISTRANT, THE CLIENT, AND ANY PERSON OTHER THAN THE CLIENT ON WHOSE BEHALF THE REGISTRANT HAS BEEN ENGAGED TO LOBBY.**
- **ANY PERSON OTHER THAN THE CLIENT WHO IS KNOWN BY THE REGISTRANT TO CONTRIBUTE FINANCIALLY TO THE REGISTRANT, OR WHO PLANS, SUPERVISES OR CONTROLS THE REGISTRANT'S ACTIVITIES ON BEHALF OF THE CLIENT.**

REGISTRATION

- **ANY LOBBYING FIRM FOR WHICH THE REGISTRANT IS AN AGENT OR EMPLOYEE.**
- **EACH EMPLOYEE OR AGENT OF THE REGISTRANT WHO ACTS OR REGISTRANT EXPECTS TO ACT AS A LOBBYIST ON BEHALF OF THE CLIENT.**
- **A STATEMENT OF ALL MUNICIPAL QUESTIONS ON WHICH THE REGISTRANT HAS LOBBIED FOR THE PRECEDING 12 MONTHS OR WILL FORSEEABLY LOBBY FOR 12 MONTHS FOLLOWING THE FILING OF THE REGISTRATION.**
- **A LIST OF ANY POSITIONS HELD BY THE REGISTRANT AS A CITY OFFICIAL OR EMPLOYEE DURING THE 24 MONTHS PRECEDING THE FILING OF THE REGISTRATION.**
- **THE REGISTRANT SHALL PAY A FEE OF \$300 FOR THE INITIAL FILING AND ANY SUBSEQUENT ANNUAL REGISTRATION.**

ACTIVITY REPORTS

- **EACH REGISTRANT MUST FILE A REPORT CONCERNING THE REGISTRANT'S LOBBYING ACTIVITIES FOR EACH CLIENT FROM WHOM THE REGISTRANT RECEIVED COMPENSATION OR EXPENDED MONIES FOR LOBBYING DURING THE PRECEDING CALENDAR QUARTER.**
- **THE REPORT MUST INCLUDE:**
- **NAME OF THE REGISTRANT, THE CLIENT, AND ANY CHANGES TO THE INFORMATION PROVIDED IN THE MOST RECENT REGISTRATION STATEMENT,**
- **A LIST OF ISSUES UPON WHICH THE REGISTRANT ENGAGED IN LOBBYING ACTIVITIES, INCLUDING A LIST OF SPECIFIC LEGISLATIVE PROPOSALS AND OTHER PROPOSED, PENDING OR COMPLETED OFFICIAL ACTIONS,**
- **A LIST OF CITY OFFICIALS CONTACTED BY THE REGISTRANT ON BEHALF OF THE CLIENT REGARDING A MUNICIPAL QUESTION,**
- **A LIST OF EMPLOYEES OR AGENTS OF THE REGISTRANT WHO ACTED AS LOBBYISTS ON BEHALF OF THE CLIENT,**
- **TOTAL EXPENDITURE ON LOBBYING IN THE ENUMERATED CATEGORIES (OFFICE EXPENDITURES, ADVERTISING AND PUBLICATIONS, COMPENSATION AND REMBURSEMENTS, LODGING AND TRAVEL), WITH EACH EXPENDITURE OF \$500 OR MORE BEING ITEMIZED BY DATE, NAME OF THE RECIPIENT, AND THE AMOUNT AND PURPOSE OF THE EXPENDITURE,**
- **EACH GIFT, BENEFIT OR EXPENDITURE GREATER THAN \$50 MADE TO OR CONFERRED UPON A CITY OFFICIAL, ITEMIZED BY DATE, CITY OFFICIAL, ACTUAL COST, AND CIRCUMSTANCES OF THE TRANSACTION,**

ACTIVITY REPORTS (CONTINUED)

- **EACH EXCHANGE OF MONEY, GOODS, SERVICES OR ANYTHING OF VALUE, BY THE REGISTRANT WITH ANY BUSINESS ENTITY IN WHICH THE REGISTRANT KNOWS OR SHOULD KNOW THAT A CITY OFFICIAL HAS AN ECONOMIC INTEREST IF:**
- **THE TOTAL OF SUCH EXCHANGES IS \$250/\$500/\$1000 OR MORE IN A CALENDAR QUARTER AND THE CITY OFFICIAL HAS BEEN LOBBIED BY THE REGISTRANT DURING THE CALENDAR QUARTER,**
- **THE NAME OF EACH CITY OFFICIAL OR IMMEDIATE FAMILY MEMBER WHO IS EMPLOYED BY THE REGISTRANT.**
- **EACH REGISTRANT MUST OBTAIN AND PRESERVE ALL ACCOUNTS, BILLS, BOOKS AND DOCUMENTS NECESSARY TO SUBSTANTIATE THE ACTIVITY REPORTS. THE SUPPORTING DOCUMENTATION MUST BE PRESERVED FOR FIVE YEARS AFTER THE REPORT IS FILED.**
- **NO QUARTERLY ACTIVITY REPORT IS REQUIRED IF THERE IS NO ACTIVITY DURING THE PRECEDING CALENDAR QUARTER, AND THERE ARE NO OTHER CHANGES TO ITEMS REQUIRED TO BE REPORTED.**
- **A PERSON MAY/MAY NOT LOBBY ON A CONTINGENT FEE BASIS.**

RESTRICTED ACTIVITIES

- **A REGISTRANT SHALL NOT INTENTIONALLY OR KNOWINGLY MAKE ANY FALSE OR MISLEADING STATEMENT OF FACT TO A CITY OFFICIAL, OR KNOWING A DOCUMENT TO CONTAIN A FALSE STATEMENT, CAUSE A COPY OF THAT DOCUMENT TO BE RECEIVED BY A CITY OFFICIAL WITHOUT NOTIFYING SUCH OFFICIAL IN WRITING OF THE TRUTH.**
- **A REGISTRANT SHALL NOT FAIL TO CORRECT A FALSE STATEMENT IN A REGISTRATION FORM OR ACTIVITY REPORT.**
- **A REGISTRANT SHALL NOT ACT, OR REFRAIN FROM ACTING, WITH THE EXPRESS PURPOSE AND INTENT OF PLACING ANY CITY OFFICIAL UNDER PERSONAL OBLIGATION TO SUCH LOBBYIST.**
- **A REGISTRANT SHALL NOT CAUSE OR INFLUENCE THE INTRODUCTION OF ANY ORDINANCE, RESOLUTION, APPEAL OR ACTION FOR THE PURPOSE OF BEING EMPLOYED AS A LOBBYIST TO SECURE ITS GRANTING, PASSAGE OR DEFEAT.**
- **A REGISTRANT SHALL NOT CAUSE ANY COMMUNICATION TO BE SENT TO A CITY OFFICIAL IN THE NAME OF A FICTITIOUS PERSON, OR IN THE NAME OF ANY REAL PERSON, EXCEPT WITH THE CONSENT OF SUCH REAL PERSON.**
- **A REGISTRANT SHALL NOT REPRESENT THAT THE REGISTRANT CAN CONTROL OR OBTAIN THE VOTE OR ACTION OF ANY CITY OFFICIAL.**
- **A REGISTRANT SHALL NOT GIVE TO ANY CITY OFFICIAL ANY GIFT THAT WOULD REASONABLY TEND TO INFLUENCE OR REWARD OFFICIAL CONDUCT OR THAT IS INTENDED TO INFLUENCE OR REWARD THE DISCHARGE OF OFFICIAL DUTIES.**

PENALTIES

- **A VIOLATION IS PUNISHABLE BY A CRIMINAL FINE NOT TO EXCEED \$500.**

CAMPAIGN CONTRIBUTION RESTRICTIONS

- **NO PERSON MAY MAKE A CAMPAIGN CONTRIBUTION TO A MEMBER OF THE CITY COUNCIL FOR THE PERIOD BETWEEN THE MAILING OF NOTICES OF CONSIDERATION OF THE APPLICATION BY THE CITY PLAN COMMISSION AND THE LATER OF:**
 - 1. 60 DAYS AFTER THE ZONING APPLICATION IS WITHDRAWN PURSUANT TO SECTION 51A-4.701 OF CHAPTER 51A OF THE DALLAS CITY CODE;**
 - 2. 60 DAYS AFTER THE DATE A DECISION OF THE CITY PLAN COMMISSION ON THE ZONING APPLICATION BECOMES FINAL AND ALL OPPORTUNITIES FOR APPEAL ARE EXHAUSTED; OR**
 - 3. 60 DAYS AFTER THE DATE A FINAL DECISION ON THE ZONING APPLICATION IS REACHED BY THE CITY COUNCIL EITHER GRANTING OR DENYING THE REQUEST.**

MOTIONS TO APPROVE ZONING CASES

- **A MAIN MOTION TO APPROVE OR DENY A ZONING CASE MUST BE SECONDED THREE TIMES, WITH EACH SECOND MADE BY A DIFFERENT CITY COUNCIL MEMBER.**
- **BY SECONDING THE MOTION, THE CITY COUNCIL MEMBER REPRESENTS THAT HE OR SHE HAS REVIEWED THE FACTS OF THE ZONING CASE, AND HAS DEVELOPED AN OPINION ON THE APPROPRIATENESS OF THE ZONING.**
- **A “ZONING CASE” IS DEFINED AS AN ITEM LISTED ON A CITY COUNCIL AGENDA FOR AN APPLICATION TO CHANGE THE ZONING ON A SPECIFIC PROPERTY, WITH THE FOLLOWING EXCEPTIONS:**
 1. **A DEVELOPMENT CODE AMENDMENT OR AN AREA PLAN;**
 2. **A ZONING ORDINANCE ON THE COUNCIL AGENDA WHEN THE CHANGE OF ZONING WAS PREVIOUSLY APPROVED BY THE CITY COUNCIL;**
 3. **AN INITIAL MOTION TO POSTPONE TO A CERTAIN TIME, COMMIT OR REFER, AMEND OR POSTPONE INDEFINITELY (SUBSEQUENT MOTIONS OF THIS NATURE REQUIRE THREE SECONDS).**