

# AM I A LOBBYIST? A STEP-BY-STEP GUIDE

Many governments in the United States and Canada regulate “lobbying” at the federal, state/provincial, and local levels. There is nothing “wrong” with being a lobbyist, but most people don’t like to think of themselves as one. Lobbying is in fact a critical activity in our democracy, specifically recognized and protected in the First Amendment of the Bill of Rights. But it is regulated speech: the public has a right to know who is trying to influence government officials, and who they represent.

The City of Chicago has had a lobbyist registration law since 1987. About 800 lobbyists are currently registered with the Board of Ethics under that law. In mid-2019, the City Council made important changes to this law, at the request of Mayor Lightfoot. The most important of these changes is that, beginning January 1, 2020, paid staffers and others paid to lobby on behalf of non-profits (including 501(c)(3) organizations) will need to register with the Board as lobbyists, but individuals who are unpaid by those non-profit organizations will be exempt and not required to register. And, of course, under the law since 2000, individuals who lobby on behalf of for-profit entities, or even for friends, will continue to need to register as lobbyists with the Board, regardless whether they are paid for their lobbying efforts.

This guide is designed to help YOU determine whether YOUR activity requires you to register as a lobbyist with the Board. It is not a substitute for confidential legal advice, which you can get any time by calling the Board at 312-744-9660, or emailing our Executive Director at [steve.berlin@cityofchicago.org](mailto:steve.berlin@cityofchicago.org). To the extent the language of this Guide differs from the language of the City’s Governmental Ethics Ordinance, the Ordinance’s language controls. You can read the Ordinance here:

<https://www.chicago.gov/content/dam/city/depts/ethics/general/Ordinances/GEO-2019-color.docx>

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## What is a “lobbyist” and what is “lobbying” in Chicago?

City law defines “lobbyists” as individuals who, on behalf of any person other than themselves, or as part of their duties as another’s employee, undertake to influence any City “administrative” or “legislative” action. [“Legislative action” means any matter pending or proposed to the City Council or any of its committees or subcommittees. “Administrative action” means any decision or non-action on any matter within the jurisdiction of the executive branch.]

*Thus, in order to be considered a lobbyist under City law, you must be:*

*--acting on behalf of another person or entity, like an employer or client, or even a friend;*

**and**

*--making or trying to make direct contact with City employees or officials, by telephone, email, text, in-person, or in a letter, in an attempt to influence City administrative or legislative action.*

If you’re acting on behalf of another, like a for-profit business, a friend, or a non-profit organization in your communications with City officials, you may be a lobbyist, required to register with the Board.

However: if you’re a citizen or resident making City service requests for yourself or explaining the effect of proposed City legislation on yourself, or just expressing your own opinions, you are NOT lobbying.



## HERE'S A FLOW-CHART TO HELP YOU



Are you communicating directly with any City employees or officials on behalf of another person, like an employer, a client, or a non-profit organization?

If **NO**, you are not lobbying.

If **YES**: are you attempting to influence the judgments, decisions, or actions of the City officials or employees you are contacting on any City administrative or legislative action?

If **NO**, you are not lobbying.

If **YES**: is the person, organization, or entity on whose behalf you are communicating with City officials or employees a non-profit entity, such as an entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code?

If **YES**: are you a volunteer for this organization, such as an unpaid director?

If **YES**, you are not a lobbyist

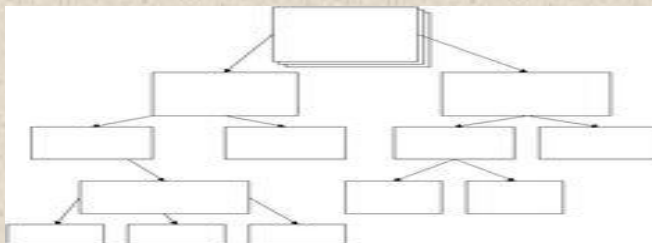
If **NO**, and you are paid by the organization, you may be a lobbyist\*

If **NO**, and the person, organization, or entity on whose behalf you are communicating with City officials is a for-profit entity or a friend, are you either: (i) solely responding to a City Request for Proposals (RFP), Request for Qualifications (RFQ), or Request for Information (RFI); or (ii) discussing performance of an existing City contract; or (iii) solely applying for a permit or license; or (iv) an attorney representing your client in an adversarial proceeding?

If you answered **YES** to (i) or (ii) or (iii) or (iv), you are not lobbying.

If you answered **NO** to (i) and (ii) and (iii) and (iv), you are lobbying and required to register as a lobbyist

\*Note: there are some additional exceptions in the Ordinance for individuals paid by non-profits to communicate on these organizations' behalf, such as: (i) undertaking non-partisan analysis, study, and research; (ii) providing technical advice or assistance; or (iii) examining or discussing broad social, economic, and similar problems. If you think you fall into one of these, please contact the Board.



# OH MY: I WENT THROUGH THAT FLOW CHART AND I AM REQUIRED TO REGISTER AS A LOBBYIST! WHAT DOES THIS MEAN?

Don't panic! All registered lobbyists must file, through the Board's on-line, secure ELF (Electronic Lobbyist Filing) System,

<https://webapps1.chicago.gov/elf/index.html>:

» **Annual Registration statements**, by January 20. In these, you'll disclose your lobbying client(s), which could be your employer, which City departments you expect to lobby on behalf of each client in the coming year, and how you are being paid or compensated for lobbying by each such client or employer; and

» **Quarterly reports of your activity**, every January 20, April 20, July 20, and October 20. These ask, for the preceding quarter:

- ◆ Which City departments you lobbied, per client;
- ◆ Which specific matters you lobbied on, per client;
- ◆ How much compensation you received for lobbying, per client;
- ◆ How much in lobbying expenditures you made, per client;
- ◆ What gifts you gave to City employees or officials (regardless of value), in the preceding quarter;

◆ What political contributions you made to City elected officials or candidates for elected City office (note: by Mayoral Executive Order, registered lobbyists are prohibited from contributing to Mayor Lightfoot or her political committee).

Once you register, you'll get reminders from the Board of Ethics about a month prior to all reporting deadlines to help you stay on schedule. Board staff is always available to help lobbyists complete these filings.

## How much will this cost?

By law, lobbyists must pay an annual \$350 registration fee, plus additional client fees of \$75 for each client after the first (which is free). However, the Board will waive all fees for individuals who lobby solely on behalf of a single 501(c)(3) organization. All we'll need is written evidence that you are entitled to this waiver.

## For more information

You can find more information about how to register at

[https://www.chicago.gov/city/en/depts/ethics/supp\\_info/elfinstructions.html](https://www.chicago.gov/city/en/depts/ethics/supp_info/elfinstructions.html)

or by contacting the Board at 312-744-9660.

**Board of Ethics**  
**740 North Sedgwick, Room 500**  
**Chicago, IL 60654**  
**312-744-9660**

**Lori Lightfoot, Mayor**  
**William F. Conlon, Chair**

[www.chicago.gov/Ethics](http://www.chicago.gov/Ethics)  
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