

**Missouri Ethics Commission**  
**Lobbyist**  
**Frequently Asked Questions**  
UPD 05/16/2012

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## Overview

1. **Question:** What statutes govern lobbyist laws?

**Answer:** Sections 105.470 through 105.478, RSMo.

2. **Question:** What is a lobbyist? (Section 105.470, RSMo.)

**Answer:** A lobbyist is an individual who attempts to influence state executive, state legislative or state judicial actions **and** meets *one or more* of the following:

- ✓ Is acting in the ordinary course of business
- ✓ Is engaged in pay as a lobbyist
- ✓ Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation, association or other entity
- ✓ Spends \$50 or more on behalf of public officials, annually, from January 1 through December 31<sup>st</sup>

An elected local government official's lobbyist is an individual employed specifically for the purpose of attempting to influence any action by a local government official elected in a county, city, town, or village with an annual operating budget of over \$10 million dollars.

3. **Question:** What is a lobbyist principal? (Section 105.470(7), RSMo.)

**Answer:** A lobbyist principal is any person, business entity, governmental entity, religious organization, nonprofit corporation or association who employs, contracts for pay, or otherwise compensates a lobbyist.

4. **Question:** Can a private association be a lobbyist principal? (Opinion No. 2002.02.100)

**Answer:** Yes, if the association's agents or members are engaged in lobbying activities on behalf of the association, the association should register as the lobbyist principal.

5. **Question:** What are the different types of lobbyists? (Section 105.470, RSMo.)

**Answer:** There are four types of lobbyists.

- (1) Executive Lobbyist – A person attempting to influence the executive branch of state government's actions taken by an elected/appointed official or government employee.
- (2) Elected Local Government Official Lobbyist – A person employed specifically for the purpose of attempting to influence any local government official's (county, city, town, or village with an annual operating budget over \$10 million dollars) acts.
- (3) Judicial Lobbyist – A person acting or attempting to act to influence purchasing decisions of the judicial branch of government.
- (4) Legislative Lobbyist – A person attempting to influence any action or matter pending before Missouri House or Senate (legislature). [A legislative lobbyist includes attorneys at law engaged in activities].

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6. **Question:** Who is not considered a lobbyist? (Section 105.470, RSMo.)  
**Answer:** In general, the following are examples of a person who is NOT required to register as a lobbyist solely due to their activities as listed below:

- ✓ General assembly member
- ✓ Elected state official
- ✓ Preparing or publishing news information in print or electronic medium
- ✓ Acting in the scope of employment by the general assembly, executive branch, public official or executive branch employee
- ✓ Other persons described in 105.470, RSMo.

Lobbyist Type	What's <u>Not</u> a Lobbyist – Examples
Executive	<ul style="list-style-type: none"> <li>✓ Appearing or inquiring before a state board, commission, department, division, or executive branch</li> <li>✓ Preparing, filing, or responding to an audit about a tax return, public document, permit/contract, permit/license/certificate application, or any document filed with the state or a political subdivision</li> <li>✓ Selling goods or services paid for with public funds as long as you are trying to influence only the person authorized to enter into a contract for the goods or services</li> <li>✓ Participating in a public hearing or public proceeding on rules, grants, other matters</li> </ul>
Judicial	<ul style="list-style-type: none"> <li>✓ Appearing or inquiring before a state court about a complaint, citation, summons, adversary proceeding, or contested case</li> <li>✓ Participating in a public hearing or public proceeding on rules, grants, other matters</li> </ul>
Legislative	<ul style="list-style-type: none"> <li>✓ Testifying as a witness before the general assembly or any committee of the general assembly</li> </ul>

7. **Question:** Is a lawyer who practices in the area of municipal zoning and economic planning required to register as an elected local government official's lobbyist? (Opinion No. 2007.03.L.007)?

**Answer:** It depends. A lawyer who is specifically employed to influence a local elected official, and who, in the course and scope of employment meets with individual council members to attempt to influence the official, qualifies as an elected local government official lobbyist.

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8. **Question:** Is a commercial real estate broker required to register as an elected local government official's lobbyist? (Opinion No. 2007.02.L.002)?  
**Answer:** It depends if the commercial real estate broker is specifically employed to influence a local elected official.
9. **Question:** Is an individual who monitors legislation and committee hearings for another required to register as a lobbyist? (Opinion No. 1995.03.114)  
**Answer:** No, the individual is not required to register as a lobbyist simply for performing these services.

### **Registering as a Lobbyist**

1. **Question:** When do I need to register as a lobbyist? (Section 105.473.1, RSMo.)  
**Answer:** Within five (5) days after beginning lobbying activities.
2. **Question:** How do I register as a lobbyist? (Section 105.473, RSMo.)  
**Answer:** Complete a [Lobbyist Registration Statement](#) and submit a \$10 registration fee made payable to the State of Missouri to our office at PO Box 1370, Jefferson City MO 65102-1370.
3. **Question:** What information is required on the Lobbyist Registration Statement? (Section 105.473.1, RSMo.)  
**Answer:** The lobbyist must provide the lobbyist's name and business address, the name and address of all people employed by the lobbyist for lobbying purposes, the name and address of each lobbyist principal by whom such lobbyist is employed or in whose interest such lobbyist appears or works.
4. **Question:** What occurs once the Missouri Ethics Commission receives a Lobbyist's Registration statement?  
**Answer:** Upon receipt of the completed and signed Lobbyist Registration Statement and \$10 annual registration fee, the Missouri Ethics Commission sends an email that provides the lobbyist ID and password, necessary for electronic filing, to the email address provided on the registration.
5. **Question:** Can I fax my lobbyist registration?  
**Answer:** No, the Commission must receive an original signature on the lobbyist registration form.

## **Reporting Requirements**

1. **Question:** What reports are required to be filed by a lobbyist? (Sections 105.473.3(1) and 105.473.12, RSMo.)

**Answer:** The lobbyist must file with the Missouri Ethics Commission:

- ✓ Monthly reports filed electronically and due the close of business on the 10th day of each month.
- ✓ [List of Principals and Legislative Action](#): General description of the proposed legislation or action by the executive branch or judicial branch the lobbyist or lobbyist principal either supported or opposed; this report is filed annually by March 15<sup>th</sup> and May 30<sup>th</sup> by each lobbyist or lobbyist principal.

2. **Question:** What information is reported on the monthly expenditure reports? (Section 105.473.3(2), RSMo.)

**Answer:** For the previous month, the lobbyist should report:

- ✓ Money spent on behalf of elected officials, their employees, spouses, and dependent children; categories include beverages, entertainment, food, gifts, media, printing, publication, other advertising, and travel. This money is reported as a group, an individual, or solicitation expenditure.
- ✓ Direct business relationships, associations, or partnerships the lobbyist has with a public or elected local government official.

3. **Question:** Can I amend a report?

**Answer:** Yes, amended reports are filed electronically. A lobbyist should amend a report if they determine information previously provided was incomplete or inaccurate.

4. **Question:** How is an individual, group, or solicitation expenditure defined? (Section 105.473.3(2)(c)(d)(e))

**Answer:** See question #5 for group expenditures. Individual and solicitation expenditures are defined as follows:

- ✓ Individual: Money spent by a lobbyist on behalf of an individual public official, elected local government official or their employees, spouses and/or children, and is reported as itemized to that official, employee, spouse or dependent children. This expenditure is reported with recipient's name, expenditure description and dollar amount.
- ✓ Solicitation: These expenditures are solicited by the public official, staff, employee(s), spouse, or dependent children and are on behalf of that official, staff, employee(s), spouse, or dependent children. (Solicitation expenses do not include expenditures made to a not-for-profit, charitable, civic, etc., type organization.) The expenditure is reported individually, as solicitation expenditure, with the recipient's name, expenditure description, and dollar amount.

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5. **Question:** Do lobbyists report their expenditures on behalf of public officials in total or individually to each official? (Section 105.473.3(2), RSMo.)  
**Answer:** All expenditures, except for group expenditures, must be reported individually. For group expenditures, the total expenditure amount should be reported when any of the following groups are invited, in writing, to an event:
- ✓ All Senate members
  - ✓ All House of Representative members
  - ✓ All members of a joint committee of the General Assembly
  - ✓ All members of a standing committee of the General Assembly
  - ✓ All members of a caucus of the majority or minority party of the House or Senate
6. **Question:** What types of expenditures qualify for group expenditures? (Section 105.473.3(2), RSMo., Opinion No. 2010.03.L.004)  
**Answer:** The lobbyist can report expenditures related to “occasions” when the allowable groups are invited in writing to the occasion. Expenditures would include meals, food, beverage and the like.
7. **Question:** How are meals provided by a Lobbyist to a group of House or Senate members reported? (Section 105.473.3(2), RSMo., Opinion No. 2010.03.L.004)  
**Answer:** Lobbyists may report “group” expenditures by the identity of the group invited when any of the following groups are invited, in their entirety, in writing); **all other expenditures must be reported on behalf of the individual public office holder:**
- ✓ All Senate members
  - ✓ All House of Representative members
  - ✓ All members of a joint committee of the General Assembly
  - ✓ All members of a standing committee of the General Assembly
  - ✓ All members of a caucus of the majority or minority party of the House or Senate
8. **Question:** How does a lobbyist report expenditures for a meal when multiple officials attend but the group is not an authorized group for reporting purposes?  
**Answer:** The lobbyist would determine the fair market value of the meal per person depending on the number of persons invited to attend. The lobbyist would then report the fair market value of the meal to the individuals in attendance.
9. **Question:** Is a lobbyist required to report out-of-state travel paid on behalf of a legislator? (Section 105.470-105.478, RSMo.)  
**Answer:** Yes, lobbyists report any out-of-state travel that is a defined expense according to 105.470 – 105.478, RSMo.

In addition, any lobbyists’ expenditures (meeting the definition under 105.470.(3), RSMo.) for travel or lodging outside the state of Missouri on behalf of a Senator or Representative, staff, employees, spouse, or dependent child *must be approved in advance by the Senate Administration Committee or the House Accounts Committee. See exceptions defined in Section 105.470(3)(a-3), RSMo.*

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10. **Question:** What information doesn't need to be reported on my monthly expenditure report? (Section 105.470(3)(a-g), RSMo.)

**Answer:** The following are examples of items a lobbyist would not be required to report:

- ✓ Any amounts spent by a lobbyist or lobbyist principal on him or herself
- ✓ Gifts, souvenirs, mementos, or services to family members (who are related within the 3<sup>rd</sup> degree to the lobbyist or lobbyist principal) that are unrelated to the lobbyist's activity (A 3<sup>rd</sup> degree relationship includes Great Grandparent, Great Grandchild, Niece/Nephew, or Aunt/Uncle)
- ✓ Informational materials like books, reports, etc. that inform a public official about their official duties
- ✓ Souvenirs or mementos valued at less than \$10
- ✓ Contributions to the public official's campaign committee or candidate committee reported according to Chapter 130, RSMo.
- ✓ Loan or credit provided or paid in the ordinary course of business and not made to public officials
- ✓ Items or services that are also offered to the general public, of minimal value, and not motivated by the recipient's status as a public official.
- ✓ The transfer of an item, provision of any service, or granting of any opportunity necessary for a public official or employee to perform duties as a public official. Examples include entrance fees to a sporting event, museum, or other venue when the official or employee is participating in a ceremony, public presentation, or official meeting.
- ✓ Anything of value given to a public official (or employee/spouse/child) as compensation for employment other than their employment as a public official

11. **Question:** Does a lobbyist have to report expenditures spent, by a lobbyist or lobbyist principal, on her or himself? (Section 105.470(3)(a-g), RSMo.)

**Answer:** No, there are no requirements in Missouri statutes for a lobbyist or lobbyist principal to report expenditures they make on her or himself.

12. **Question:** Must a lobbyist report entertainment tickets given to an elected official if the official does not attend and gives them to others? (Opinion No. 2008.06.L.003)

**Answer:** Yes, a lobbyist must report all tickets received and accepted on behalf of an elected official.

13. **Question:** How does a lobbyist report the value of entertainment tickets, tickets to a charitable function, or other gifts if the lobbyist does not pay for the tickets? (Section 105.470(3), RSMo, Opinion No. 2005.01.100)

**Answer:** All expenditures should be reported using the fair market value for which a charge is customarily made. The fact that a contribution is given to a not-for-profit or charitable function does not diminish the value of the ticket.

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14. **Question:** Is a lobbyist required to report a wedding gift to a legislator or other official if the gift is unrelated to lobbying (Opinion No. 1993.09.106)

**Answer:** Yes, a lobbyist must report all personal gifts given to an official. Gifts to family members, related within the 3<sup>rd</sup> degree (Great Grandparent, Great Grandchild, Niece/Nephew, or Aunt/Uncle) are not required to be reported.

## **Reporting Deadlines**

1. **Question:** When are a lobbyist's monthly expenditure reports due? (Section 105.473.3, RSMo.)

**Answer:** Each lobbyist must file their expenditure reports by the close of business on the 10<sup>th</sup> of each month. The lobbyist would report on the previous month's expenditures and/or business relationships.

2. **Question:** When are the [List of Principals and Legislative Action](#) reports due? (Section 105.473.12, RSMo.)

**Answer:** March 15<sup>th</sup> and May 30<sup>th</sup> of each year

3. **Question:** What if the deadline for filing reports falls on a weekend or official state holiday? (Section 105.964, RSMo.)

**Answer:** When the last day of filing a report or other document with the Missouri Ethics Commission falls on a Saturday, Sunday, or an official state holiday, the filing deadline becomes 5:00 p.m. on the next business day (that is not a Saturday or Sunday or official holiday).

## **Updating Information**

1. **Question:** What information filed with the Missouri Ethics Commission does a lobbyist need to update? (Section 105.473.1, RSMo.)

**Answer:** A lobbyist must update the following:

- ✓ Changes in the lobbyist's employment or representation (principal) within one week of the change. This is done electronically by logging into the Lobbyist Electronic Filing System, under "Principal Information".
- ✓ Contact information including the lobbyist's mailing address, phone number, email address, and electronic password

2. **Question:** How does a lobbyist change their contact information?

**Answer:** By logging into the Lobbyist Electronic Filing System and going under "Registration Information". Here you may update your mailing address, contact phone number, email address or password.

3. **Question:** For a name change, how does a lobbyist provide this name change to the Missouri Ethics Commission?



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**Answer:** Provide to the Missouri Ethics Commission, either in a signed letter or email, the name change. Emails may be sent to [lobby@mec.mo.gov](mailto:lobby@mec.mo.gov).

## **Reporting Penalties**

1. **Question:** What happens if a lobbyist does not file the monthly expenditure report on time? (Section 105.492.5, RSMo.)

**Answer:** A lobbyist failing to timely file a lobbying disclosure report, as required by Section 105.473, RSMo., must be assessed a late filing fee of ten dollars for every day the report is late.

2. **Question:** What happens if I fail to report an expenditure on my monthly expenditure report? (Section 105.478, RSMo.)

**Answer:** Any person who knowingly violates the provisions of Sections 105.450 to 105.498, RSMo., shall be punished as follows:

- ✓ For the first offense, such person is guilty of a class B misdemeanor;
- ✓ For the second and subsequent offenses, such person is guilty of a class D felony.

3. **Question:** Can someone file a complaint against a lobbyist? (Section 105.957.1(1), RSMo.)

**Answer:** Yes, the Missouri Ethics Commission's authority includes investigating complaints received alleging violations of the requirements imposed on lobbyists by Sections 105.470 to 105.478, RSMo.

In addition, Section 105.955.14(2), RSMo., provides authority to the Missouri Ethics Commission to review and audit lobbyist registration and reporting for timeliness, accuracy, and completeness of content.

4. **Question:** How do I file a complaint with the Missouri Ethics Commission about a lobbyist? (Section 105.957.2, RSMo.)

**Answer:** The complaint must be filed in writing, using the Missouri Ethics Commission's *Official Complaint Form*. The complaint must contain all facts known by the complainant, be signed, and notarized by the complainant.

## **Registration Renewal**

1. **Question:** How long is the lobbyist's registration good for? (Section 105.473.1, RSMo.)

**Answer:** A lobbyist registration is annual, from the registration date through December 31<sup>st</sup>.

2. **Question:** How do I renew my lobbyist registration? (Section 105.473, RSMo.)

**Answer:** A Missouri lobbyist is required to file an annual registration statement and a \$10.00 renewal fee with the Missouri Ethics Commission by January 5<sup>th</sup> of each year, pursuant to Section 105.473, RSMo.

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Your renewal can be processed electronically by logging into the Lobbyist Electronic Reporting System. If filing electronically the renewal fee must be paid with a credit or debit card. There will be a one dollar processing fee per lobbyist. A lobbyist may also renew by completing the Lobbyist Registration Statement, indicating renewal, and enclosing a \$10 check or money order.

**To Renew Electronically**

- Log into the Lobbyist Electronic Reporting System as you normally do.
- Click the “Registration Information” link located on the left side of the Report Center main page.
- Click the “Renew Registration” link in the upper right side of the page.
- To renew online, select “Go”.
- At the Legal Statement Page, select “Continue/Process Payment”.
- The screen will be directed to a secure vendor to process your payment. At the payment cart, select “Check Out”.
- Please fill in the required fields and then click “Continue”.
- Enter your payment information and click “Submit”.
- You will then be taken to the Registration Confirmation Page in the Lobbyist Reporting System. Please note: At this screen you have the option to add an additional email address in which to receive more than one renewal confirmations. When adding an additional email address use a comma between each address and do not use a space in between email addresses. This will not update the lobbyist’s registered email address with our office.

3. **Question:** What happens if I fail to renew my lobbyist registration? (Section 105.473, RSMo.)

**Answer:** If the lobbyist fails to renew their status as a lobbyist by January 5<sup>th</sup> the lobbyist’s status will be terminated effective December 31<sup>st</sup>.

**Lobbyist Termination**

1. **Question:** How do I terminate my status as a lobbyist?

**Answer:** You will need to terminate your status as a lobbyist electronically in the Lobbyist Electronic Filing System by:

- Log into the Lobbyist Electronic Filing System.
- At the Report Center main page, to the left, click on the “Registration Information” link.
- In the middle of the page under “Lobbyist Information there will be a box after “Terminate Lobbyist Status”. Check this box using your mouse and then click on the “Terminate” button.
- Go back to the Report Center main page and file your last lobbyist monthly expenditure report for the current month.

## **Viewing/Searching Lobbyist Information**

1. **Question:** What information is available to the public about money spent by lobbyist for public officials?

**Answer:** On the first day of each month, the Missouri Ethics Commission publishes each lobbyist's monthly report filed in the previous month. For example, a lobbyist's report in May 2012, for April 2012 expenditures, becomes available on the Commission's website on June 1, 2012. The following types of searches are available:

- ✓ Lobbyist Search: To view lobbyist's monthly reports
- ✓ Principal Search: To view the lobbyists who are registered to represent the specific principal
- ✓ Lobbyist Expense – Public Official: To view expenses reported by lobbyists, as paid on behalf of a public official, their spouse, or dependent children

2. **Question:** How does a public official know when a lobbyist has reported expenditures made by the lobbyist on their behalf?

**Answer:** The Missouri Ethics Commission distributes a report to each elected official, who is reflected on a lobbyist's report, by the 20<sup>th</sup> of each month. This report lists the prior month's lobbyist's expenses made on behalf of the elected official. Any specific questions about reported expenses should be directed to the lobbyist. The lobbyist reports are published on the Missouri Ethics Commission's website the first day of each month.