

Lobbying in Dallas, Texas

Are you required to register as a lobbyist & report your lobbying activities?

(Updated March 2018)

If you or your nonprofit works to impact public policy in the City of Dallas, you may be required to register as a lobbyist and report your lobbying activities. The general rule is that a **person** (including an individual or organization) is engaged in a lobbying activity if the person communicates, directly or indirectly, to a **city official** in an effort to influence that official's position on a **municipal question**.

According to the City of Dallas Code of Ethics (the Code), a **person** is defined as an individual, corporation, association, firm, partnership, committee, club, organization, or group of persons who are voluntarily acting in concert. This includes 501(c)(3) public charities, 501(c)(3) private foundations, 501(c)(4)s, labor unions, and for-profit entities.

The term **city official** includes the mayor, city council members, the city manager and assistant city managers, the city attorney and first assistant city attorney, the city secretary and first assistant city secretary, the city auditor and first assistant city auditor, municipal judges, all department directors, and city of Dallas appointed members to certain boards and commissions. A complete list of those boards and commissions can be found in [Article III-A, Chapter 12A-15.2 of the Dallas Code of Ethics](#).

Finally, under the Code a **municipal question** is a public policy issue of a discretionary nature that is pending before, or that may be the subject of action by, the city council or any city board or commission. It includes (but is not limited to) items such as ordinances, resolutions, motions, reports, policies, grants, and bids. The term does not include the day-to-day administration of city programs and policies (e.g. permitting, platting, and design approval matters related to specific projects or developments).

Examples of activities that are considered lobbying:

- Meeting with your city council member and asking her to vote for an ordinance you would like to see passed.
- Sending an email to the members of city council asking them to support a company's bid for the collection of unpaid traffic tickets.

Certain types of activities will NOT be considered lobbying under the Code include¹:

- requesting information or inquiring about the facts or status of a municipal question without trying to influence a city official
- making statements at a meeting open to the public under the Texas Open Meetings Act

¹ NOTE: Even though these types of communications are not considered lobbying according to the City of Dallas Code of Ethics, they may be considered lobbying by the IRS. As such, 501(c)(3) organizations should consult the federal tax rules, even when tracking their activities on the local level.

- written comments filed in the course of a public proceeding or other communications made on the record in a public proceeding
- communications made in a speech, article, publication or other material that are distributed and made available to the public through a mass media communication (e.g. radio, TV)
- narrowly tailored oral or written responses to requests from city officials for specific information
- comments made in response to a public notice soliciting feedback from the public and directed to the person specifically designated in the notice to receive the communications
- statements made by witnesses at official proceedings
- statements the content of which are compelled by law

Examples of activities that are not lobbying:

- Asking a city council member's staff person for information regarding a proposed resolution.
- Encouraging your organization's members to show up at a public hearing to testify in opposition to a new city policy.

A **person** engaged in lobbying must register as a lobbyist with the Dallas city secretary if the person:

- 1) Receives compensation of \$200 or more in a calendar quarter for lobbying, or
- 2) Receives reimbursement of \$200 or more in a calendar quarter for lobbying, or
- 3) Lobbies as the agent or employee of a person who receives compensation or reimbursement of \$200 or more in a calendar quarter for lobbying.

Lobbying firms with more than one employee who meets the requirements for registration listed above may register on behalf of those employees instead of requiring each employee to register individually. The Code defines a lobbying firm as a self-employed lobbyist, a person that has one or more employees that are lobbyists on behalf of a client, or a person who has one or more employees that are lobbyists on behalf of the person (organization) who employs them. As a result, if a nonprofit has lobbyists on staff, it can register as a lobbying firm and report on the lobbying activities of its employees, thus avoiding the need for separate registration by both the organization and its individual lobbyist staff members.

Other individuals who must register as lobbyists include attorneys engaged in lobbying who meet the reimbursement or compensation thresholds listed above and persons engaged in lobbying who represent associations of current or former city employees, even if that representation is conducted *pro bono*.

NOTE: The term "compensation" does not include payments to an organization's employee if the payment would be made even if the employee did not engage in lobbying. Individuals who engage in occasional or incidental lobbying activities only (not as part of their regular job responsibilities) do not have to register as a lobbyist and follow lobbying reporting requirements. Therefore, staff members' salaries do not count as lobbying compensation if lobbying is not a part of their regular job duties, but if

an organization has a lobbyist (or government affairs specialist) on staff, that person may be required to register since they are compensated for engaging in lobbying activities. Compensation is considered received by the lobbyist on the date that it is earned (if that date is ascertainable). Otherwise, it is considered received whenever the contract or agreement for compensation is made, or on the date lobbying begins (whichever is earlier).

Those required to register as a lobbyist in Dallas may complete the online lobbyist registration form online at the [City of Dallas Lobbyist Registration System](#). The City of Dallas collects a \$300.00 fee at the time of registration, and registration expires one year after filing.

Lobbying reports are due in quarters when lobbying activities take place. Filers must disclose items such as the name of the registrant, the name of the registrant's clients, the specific issues on which the registrant engaged in lobbying, the name of each city official contacted on behalf of the client (and the form of that communication – e.g. email, phone, etc.), a list of employees who acted as lobbyists on behalf of a client, lobbying expenditures, gifts to city officials, and more. For a complete list of items that should be disclosed on Dallas lobbying activity reports, see [Section 12A-15.6 of the Code](#).

Identification of Lobbyists

Persons who engage in lobbying in front of the city council or its boards or commissions must orally identify themselves and the clients they represent at the beginning of their address to that body. They should also disclose their identity, registration status, and client information on the appropriate sign-in sheets.

Lobbyist Registration & Reporting Exceptions

Certain exceptions to the lobbying registration and reporting requirements exist, and they include (but are not limited to) exceptions for:

- Persons (including nonprofits) whose only lobbying activities include encouraging and soliciting members, employees, or owners (shareholders) of an entity to communicate with city officials on municipal questions,
- Neighborhood associations, crime watch groups, or homeowners' associations who lobby on behalf of municipal questions affecting the whole group, or
- Agents or employees of lobbying firms whose firms fully report on their behalf.

The information contained in this fact sheet and any attachments is being provided for informational purposes only and not as part of an attorney-client relationship. The information is not a substitute for expert legal, tax, or other professional advice tailored to your specific circumstances, and may not be relied upon for the purposes of avoiding any penalties that may be imposed under the Internal Revenue Code or local law. Alliance for Justice publishes plain-language guides on nonprofit advocacy topics, offers educational workshops on the laws governing the advocacy of nonprofits, and provides technical assistance for nonprofits engaging in advocacy. For additional information, please feel free to contact Alliance for Justice at 866-NP-LOBBY.

www.bolderadvocacy.org | www.allianceforjustice.org