

Lobbying in El Paso, Texas

Are you required to register as a lobbyist and report your lobbying activities?¹

If you or your nonprofit organization works to impact public policy in the city of El Paso, you may be required to register as a lobbyist and report your lobbying activities to the City. According to Title 2, Chapter 2.94 of the El Paso Code of Ordinances, the general rule is that a person must register as a lobbyist within two business days of meeting lobbyist registration requirements. As described below, the threshold for registration is quite low. These rules apply to all entities, not only nonprofits.

Lobbying includes actions designed to influence or persuade (directly or indirectly) a City Official to refrain from or take action on a municipal question. Lobbyist registration is required if a person is hired by an organization, corporation, or group to lobby and:

- 1) Receives compensation of \$200 or more in a calendar quarter for lobbying;
- 2) Receives a salary or other employment compensation of \$200 or more in a calendar quarter and regularly engages in lobbying as part of assigned duties and responsibilities;
- 3) Receives reimbursement of \$200 or more in a calendar quarter for lobbying;
- 4) Spends \$200 or more in a calendar quarter for lobbying;
- 5) Lobbies as an employee or agent of a person who qualifies under the above categories; or
- 6) Enters into an agreement to provide lobbying services on a contingent fee basis.

The Code defines a **person** as an “individual, corporation, association, firm, partnership, committee, club, organization including nonprofit organizations, or group of persons who are voluntarily acting in concert.” The individual who engages in lobbying communications must register as a lobbyist and submit periodic lobbying reports that include the name of their employing organization. The staff member must specify during registration the name of each employer on whose behalf he or she will lobby city officials. Both individuals and entities can register as lobbyists with the city.

A **municipal question** “means a public policy issue of a discretionary nature pending or impending before the city council, a legislative review committee of the council, or any board, commission or committee set forth in [Section 2.94.030](#)” of the Code. Municipal questions include ordinances, resolutions, policies, appointments, bids, RFPs, motions, and similar items.

¹ This factsheet was last updated on August 30, 2018.

The relevant **city officials** addressed by the Code include the major, city council members, city managers, and members of the following boards and commissions:

1. Building board of appeals;
2. Building and standards commission;
3. Civil service commission;
4. Public service board;
5. Historic landmark commission;
6. City plan commission;
7. Zoning board of adjustment; and
8. A retirement board, including the pension fund board of trustees and the fire and police pension fund board of trustees.

Anyone who is an appointed member of any of the above boards and commissions is prohibited from registering as a lobbyist with the city.

Examples of activities that are considered lobbying include:

- Calling a council member to ask her to vote for a pending ordinance.
- Tweeting at the mayor asking her to promise to support a pending resolution.

A person who knowingly lobbies in violation of the chapter or fails to meet the reporting requirements is guilty of a misdemeanor offense.

A lobbyist's registration expires on the last day of the month of filing during the following year.

Example: If Sally registered on November 12, 2016, her registration expires on November 30, 2017

What do I need in order to register?

A lobbyist must file a yearly [registration form](#) with the Office of the City Clerk. The form must be signed under oath no later than two (2) business days after the person becomes a lobbyist and meeting the registration requirements. A \$100 filing fee must be paid at the time of registration.

Exceptions to Registering

The Code sets out a number of situations where a person is not required to register, even if they meet the expenditure or compensation thresholds for attempting to influence a city official to refrain from or take certain action on a municipal question. Persons excepted from registration include:

- Media employees and reporters of a bona fide news medium who disseminate news that opposes or promotes municipal questions so long as they do not engage in other activities that would require lobbyist registration;
- A person whose only attempts to influence municipal questions occur at public meetings or events scheduled or planned by the city;
- A representative of a city employee union whose only communication concerning administrative action is on behalf of an individual member of the union;
- Persons performing acts that can only be done by a licensed attorney; and
- An employer with an interest in a municipal question who compensates an employee to lobby, so long as the employee registers as a lobbyist.

Additional exceptions are listed in [Section 2.94.050](#) of the Code.

Reporting Requirements

Once registered as a lobbyist, a person must submit quarterly activity reports to the City Secretary in January, April, July, and October between the first and tenth of each month. A lobbyist must also file a separate activity report for each person from whom the lobbyist received compensation or reimbursement for lobbying.

These [reports](#) must be signed by the registered lobbyist under oath (or other authorized officer or agent) on a form prescribed by the city clerk and include:

- 1) The registrant's name;
- 2) The total amount of expenditures made in connection with lobbying activities;
- 3) A list of gifts made by the registered lobbyist to benefit a Council Member, department head and executive assistant to the Mayor;
- 4) The identification of each business entity with which the lobbyist exchanged \$500+ in money, goods, services or other items of value in a calendar quarter and in which the lobbyist knows (or has reason to believe) a member of the executive or legislative branch has a substantial interest;
- 5) The names of city officials or members of their immediate family who are employed by the registrant and the nature of their employment; and

- 6) A list of city officials contacted by the registrant on behalf of a client on a municipal question. The lobbyist must keep a daily log of all contacts with city officials in order to produce this list on the report.

On the quarterly activity report, the lobbyist must complete Schedule B of the form for each person from whom the lobbyist receives lobbying compensation or reimbursement. That form requires that the registrant names his employer, provides a list of all municipal questions on which lobbied, and attaches a list of city officials contacted by the registrant on behalf of his or her employer.

No quarterly reports will be due if there are no reportable activities and there are no other changes to items that the city requires each lobbyist to report. For example, if an individual registered as a lobbyist in El Paso and does not need to amend his or her registration and has no reportable expenses in January, February or March, that individual will not be required to file a report between April 1st and April 10th. However, the individual will be required to file a written statement with the city clerk asserting that he or she has no activity or changes to report.

Registration amendments are only required when information about the lobbyist changes, including contact or address updates and new or changed clients.

A lobbyist must preserve reports and all supporting documents (bills, receipts, papers, etc.) for a period of two years from the date of filing. Should a lobbyist no longer wish to be registered, they must send a termination notice within 30 days of ceasing any activity requiring registration.

Prohibitions

Lobbying city officials and employees is prohibited during the solicitation, competitive bid, request for proposal, or other bidding process for projects or contracts with the city.

In the time preceding a recommendation by city staff to city council on any activity or project that impacts economic development incentives, no person, registered lobbyist or otherwise, may contact any elected official or employees of the mayor or city council regarding that project.

Lobbyist Appearances

Lobbyists must orally identify themselves and the party they represent before appearing before and addressing a city official.

For additional information, contact or email cityclerk@elpasotexas.gov or call 915-212-0049. The Office of the City Clerk is located on the 1st floor of City Hall, 300 N. Campbell, El Paso, TX 79901.

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