

What is lobbying in San Antonio, Texas?

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

The San Antonio Ethics Review Board requires individuals and organizations who lobby in San Antonio to register with the city and file activity reports if they meet certain requirements.

In San Antonio, a lobbyist is a person who:

- communicates, either verbally or in writing (including electronic communications),
- to a city official,
- in an effort to influence or persuade that official to favor or oppose, recommend or not recommend, vote for or against, or take or refrain from taking any action regarding a municipal question.

For [lobbying purposes](#), the term **city official** is limited to:

- the Mayor and Assistants to the Mayor (including contract personnel);
- members of the City Council and Assistants to the City Council (including contract personnel);
- Municipal Court Judges and Magistrates;
- the City Manager, Deputy City Manager, Assistant City Managers, and Assistants to the City Manager;
- the City Clerk, Deputy City Clerk, and Assistant City Clerk;
- all department heads and assistant department heads;
- the Internal Auditor, Assistant Internal Auditors, and Compliance Auditor;
- Executive Secretaries;
- the Public Utilities Supervisor;
- members of bid committees;
- members of the Historic and Design Review Commission;
- members of the Zoning Commission; and
- members of any board or commission that is more than advisory in nature.

A **municipal question** is any **discretionary** public policy issue before the City Council or a commission or board (e.g. proposed ordinances, resolutions, motions, nominations, bids, etc.). The term also encompasses all discretionary matters before the Board of Adjustment, the Planning Commission, and their advisory committees and subcommittees. Routine administration or application of programs, policies, and practices are not considered matters involving municipal questions. This means that *matters that can be approved administratively*,

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

without consideration by City Council or a city board or commission, would not trigger lobbyist registration requirements.

In order for an activity to be considered lobbying, there must be an attempt to ***influence or persuade*** a city official on a municipal question. If a person tries to convince a city official to favor or oppose, vote for or against, recommend or not recommend, or take action on a municipal question, they are engaged in lobbying. But, simply requesting information on a municipal question, responding to a written request for information by a city official, or responding to a public notice asking for comment from the public are not considered lobbying communications.

In addition, the City does not consider communications made in open, public forums to be lobbying. This means that if an organization's representative makes a statement at a meeting that is considered public under the Open Records Act or submits a written comment at a public proceeding, that communication would **not** be a lobbying communication. Additional examples of communications that are not included in the definition of lobbying can be found in [Chapter 2, Article III, Division 5, Sec. 2-62 of the San Antonio Code](#).

Registration Requirements

A person or entity is required to register as a lobbyist if it expends money to lobby or is compensated to lobby on behalf of a client.

The general rule is that if a **person** expends money to lobby or is compensated for doing so and is not exempted from registration, then he/she must register as a lobbyist. However, individuals are not required to register if they are employed by an organization and that organization registers on their behalf. In other words, if the organization that employs an individual registers as a lobbyist, then it can identify its employees in its initial registration and report their lobbying activities for them, avoiding the need for separate registration by both the organization and the employee.

Organizations (including nonprofits) are required to register if they are compensated to lobby or expend money for lobbying, unless the organization does not lobby directly and instead only spends money to mobilize its constituents to communicate with city officials or the organization hires a non-employee to lobby on its behalf. For example, if a nonprofit hires an outside consultant to implement and carry out its lobbying activities, the organization itself is not required to register, but if an employee of the organization lobbies for the group, those activities would trigger lobbyist registration and reporting requirements for the nonprofit.

Initial registration needs to occur within 90 days of the first lobbying communication or before city action related to the lobbying contact occurs, if that action would be before the end of the 90 days.

Any person who is required to register as a lobbyist must file *separate registration forms* for each separate client. According to the Ethics Code, a **client** is defined as any person on whose behalf lobbying is conducted. This means that if an individual or entity lobbies on his or her own behalf, that person or entity is both a lobbyist and a client.

Subsequent annual registration must be filed before January 31st for all of the registrant's current clients.

A registrant shall notify the City Clerk with a [termination of registration](#) if he/she no longer meets the registration requirements.

The city charges a \$500 registration fee for each registrant, as well as an additional fee for each agent or employee who engages in lobbying on behalf of the registrant's clients.

The City [exempts from registration](#) certain individuals and groups, including:

- Individuals who do not receive **compensation** or **expend** money for lobbying on behalf of a client;
- Licensed attorneys who perform acts that may be performed only by licensed attorneys (i.e. legal representation of clients);
- Nonprofit organizations whose only lobbying expenses relate to encouraging constituents or members to communicate with city officials (e.g. groups that do not directly lobby themselves but instead motivate others to speak out about municipal questions);
- Media outlets, unless they are seeking to influence a municipal question in which the media had an economic interest;
- Employees/agents of lobbying firms so long as their lobbying activities are registered and reported by their lobbying firm; and
- Those who did not know or have reason to know that there was a municipal question pending when they contacted a city official.

Compensation refers to money or anything of value exchanged for lobbying services provided. It includes reimbursement for expenses incurred while lobbying. **Expenditures** include any payments, distributions, loans, advances, reimbursements, deposits, or gifts of money or anything of value (e.g. contracts, promises). However, compensation and expenditures do not include payments made to or by an employee if such payments would be made regardless of the lobbying activity and so long as lobbying is not a regular responsibility of the employee.

Quarterly Activity Reporting

Each registrant is required to file a quarterly [activity report](#) detailing lobbying activity for the previous quarter. These reports must be filed between the first and fifteenth days in April, July, October, and January. If a registrant did not engage in any reportable activity in a reporting period and has no other changes to report, an activity report is not required to be filed.

These reports should include information on each of the registrant's clients, each issue worked on, a list of city officials contacted, and [other information](#) about a registrant's lobbying activity. Registrants must also preserve all records that corroborate lobbying activity for five years from the date of filing the quarterly report that includes those lobbying activities.

Identification Requirement

Lobbyists are required to [identify themselves](#) and on whose behalf they are lobbying prior to appearing before the City Council or other official body. Additionally, they must also disclose this information on any sign-in sheet at such meetings.

A person must identify herself/himself as a lobbyist and the clients she/he represents in all oral and written communications with city officials.

Gift restriction

In order to avoid any potential conflicts of interest, city officials are forbidden from accepting any [gift or other benefit](#) that is intended to influence their official conduct. Lobbyists are allowed to offer city officials items of nominal value (worth \$50 or less). Additionally, entertainment or meals totaling \$50 or less per occurrence are permissible up to a total of \$500 in a calendar year from a single source per city official.

Admission to certain events and trainings are also exempted from the gift restriction. For instance, if a lobbyist sponsors a widely attended event, she/he may provide free admission to a city official so long as such admission was not solicited by the city official. A complete list of exempted expenses can be found under the "[Special Applications](#)" section of the Code.

City Contracting Reporting Requirements

On June 21, 2018, the San Antonio City Council [enacted new legislation](#) aimed at persons doing business with the city and their interaction with city officials. Individuals or entities who

apply for a city contract, as well as their lobbyists, are prohibited from contacting city officials regarding the contract after a request for proposals or request for qualifications has been released.

[Section 2-59](#) of the City Code, which goes into effect January 1, 2019, now requires disclosure of certain information when doing business with the city.

Individuals or entities who seek:

1. A discretionary contract;
2. A housing or retail development incentive from the City;
3. To purchase, sell or lease real estate to or from the city;
4. A resolution of support or no objection from the city for multi-family housing project which could include housing tax credits from the Texas Dept of Housing and Community Affairs;
5. The approval of revenue bonds;
6. City council appropriation of funds for an economic development incentive; or
7. A zoning change

must disclose the following information no later than 72 hours before City Council takes action on it:

1. The identity of all parties in the transaction;
 - a. This includes all subcontractors, parent and subsidiary entities, and board members, executive committee members, and officers of any entities.
2. The identity of any lobbyist, attorney, or consultant employed by any of the parties involved in the transaction.

Additionally, the individual/entity must disclose all political contributions made directly or indirectly² to any current or former member of or candidate for city council, or to any PAC that contributes to city council elections within the past two years.

There is an exception for political contributions within the last two years to a former city council member. They must be disclosed unless:

1. The contributions were made in connection with a campaign or officeholder account not associated with a city office (i.e. campaign for higher office),

² Indirect contributions by an individual include contributions made by an individual's spouse. If made by an entity, they include contributions made by the officers, owners, attorneys, consultants or registered lobbyists of the entity hired or retained to assist in seeking a contract. Indirect contributions do not include contributions by owners of an entity who hold less than 10% of the fair market value or voting stock of the entity.

2. The former officeholder has terminated the campaign treasurer appointment and filed a final campaign finance report with the city clerk, and
3. The former member is not or was not serving in a city office at the time the contract was in the bidding or consideration process at the city.

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