

Office of the Secretary of the Commonwealth

Lobbyist Disclosure Statement Instructions (Rev. 5/04)

INSTRUCTIONS: FILING AN INCORPORATED DISCLOSURE

In many instances, more than one lobbyist represents a principal. In order to save time when filing disclosure statements, an allowable option is for a “designated” individual to file pre-specified financial information.

PARTS I, II & III

Each lobbyist, whether filing an incorporated statement or not, is responsible for filing a disclosure statement with complete answers to Part I, items 1-3, Part II, items 1-5. If you are not individually compensated as a lobbyist, you will not answer Part II, items 6a and 6b. You will complete Part III, items 1 and 2.

The “designated” individual would file the group’s answers to Part I, items 5 and 6, and any applicable schedules. All other lobbyists representing the principal would complete Part I, item 4 to indicate the name(s) of the individual(s) that they are filing an incorporated statement with.

AFFIDAVITS

Each lobbyist must also execute the Statement of Lobbyist and their principal officer must execute the Statement of Principal.

PENALTIES

Using the incorporated method of filing **DOES NOT** relieve other lobbyists representing the principal of their duty to file their disclosure statements in a timely fashion. *If the designated lobbyist does not file on time, each lobbyist incorporated with the designated lobbyist and their principal will be assessed the prescribed civil penalty.*

INSTRUCTIONS: FOR COMPLETION OF PART I

ITEM (1): Enter the name of the organization, firm, corporation, or other entity for which your lobbying activities were conducted.

ITEMS (2a, b, c): Enter the name of the principal officer, business address, and telephone number. The address used should be a permanent address.

ITEM (3): Briefly describe the focus of your lobbying activities. Be as specific as possible.

ITEM (4): If you wish to file an incorporated report with other lobbyists representing the same principal, please answer the questions in this section.

ITEM (5): If you will file any of the expenditure attachments, please indicate.

ITEM (6): EXPENSE TOTALS:

- (a) **ENTERTAINMENT.** *Any entertainment paid for or reimbursed by the principal and/or the lobbyist must be disclosed.* The amount disclosed should be the total amount expended by the principal and/or the lobbyist in furnishing entertainment to a legislative and/or executive official. If the cost of a single event is greater than \$50, Schedule A must be filed with the lobbyist’s report. **Furthermore, if the average cost per person in attendance exceeds \$50, then the names of each legislative and/or executive official must be specified.**

Note: An executive or legislative official as defined in § 2.2-419 of the *Code of Virginia*.

The cost of an entertainment event should be reported in full, even if the guest list includes persons other than a legislative or executive official.

- (b) **GIFTS.** A gift is defined as anything of value furnished to a executive and legislative officials. If the value of any gift is greater than \$25, Schedule B must be filed with the lobbyists' report.
- (c) **OFFICE EXPENSES.** Rental and/or acquisition of office space, supplies, telephone charges, secretarial and research costs, and other operational costs are expenses that must be reported by the lobbyist.

If a lobbyist uses the same office spaces year-round and conducts non-lobbying related activities, only additional expenses generated by lobbying related activities are reportable.

- (d) **COMMUNICATIONS.** Communications are defined as all documents, advertisements, letters, displays, signs, brochures, or other written and oral means of communication, which are intended to influence and/or persuade executive or legislative officials.
- (e) **PERSONAL LIVING AND TRAVEL EXPENSES.** The cost of housing, food, and transportation necessary to conduct lobbying activities are reportable by the lobbyist.
- (f) **COMPENSATION OF LOBBYISTS.** Compensation is defined as salaries or retainers paid to a lobbyist for services rendered.

If a lobbyist files an incorporated disclosure statement, the amount disclosed will include their salary, as well as the salaries of any other individuals filing an incorporated disclosure with them.

- (g) **HONORARIA.** This is defined as the payment for services on which no fee is set. Any such payment made to an executive or legislative official by the principal shall be included on the lobbyists' expense report.
- (h) **REGISTRATION COSTS.** All lobbyists must disclose their \$50 registration fee.
- (i) **OTHER.** This section is provided for any lobbying related expenses not covered above.

INSTRUCTIONS: FOR COMPLETION OF PART II

ITEM (1a, b, c): Enter the name, business address, and telephone number of the lobbyist. The address used should be a permanent address.

ITEM (2): As a lobbyist, are you employed, retained, or not compensated?

EMPLOYED: On the payroll of the principal and compensated directly by the principal.

RETAINED: Self-employed or employed by an organization other than the principal, and not on the payroll of the principal.

NOT COMPENSATED: Not paid for lobbying services provided to a principal. The lobbyist may be reimbursed for expenses incurred.

ITEM (3): Please provide the names of all lobbyists, other than yourself registered to represent your principal.

ITEM (4): If you disclosed that you are **EMPLOYED** lobbyist, please answer this question.

ITEM (5): If you are **NOT COMPENSATED** as a lobbyist, please indicate why you received no compensation.

ITEM (6a): **Note:** *If you complete Part II, items 6a and 6b, do not complete Part III, items 1 and 2.*

Lobbyists categorized as **EMPLOYED** or **RETAINED** should answer this question. **EMPLOYED** lobbyists may have to pro-rate the part of their salaries attributable to lobbying duties. Please use the instructions for ITEM (6b) as a guideline. **RETAINED** lobbyist should report only the amount they were paid for lobbying duties.

ITEM (6b): If you are an **EMPLOYED** lobbyist and have job responsibilities other than those involving lobbying, you will need to provide an approximate amount of your salary that is attributable to your lobbying activities. In words, describe how you arrived at the figure listed in ITEM (6a).

EXAMPLE: John Doe is employed full-time as Director of the VA Association of Tree Trimmers. His salary is \$55,000 annually. He **WOULD NOT** report his entire annual salary as lobbying compensation. For example, let us say that John lobbied part-time from November 15th until the beginning of session and almost full-time during the session. He might disclose the following:

I estimate that I spent 40 days lobbying during the reportable period of the General Assembly session (November 15th through adjournment of session). I divided 40 days I lobbied into 250 working days in a year for a total of .16. I spent 16% of the year conducting lobbying activities; therefore 16% of my salary is attributable to these activities. 16% of \$55,000 is \$8,800

INSTRUCTIONS: FOR COMPLETION OF PART III

Some lobbyists are not individually compensated for their lobbying activities on behalf of a principal. This may occur when several members of a law firm represent a single principal. The principal, in turn, makes a single payment to the firm in return for lobbying services rendered. Complete Part III, items 1 and 2 if you are not individually compensated.

Note: *If you complete Part II, items 6a and 6b, do not complete Part III, items 1 and 2.*

ITEM (1): Provide the names of all other lobbyists associated with your firm that provided lobbying services to your principal.

ITEM (2): Please disclose the amount of compensation paid to your firm by the principal for lobbying activities conducted on their behalf.

INSTRUCTIONS: FOR COMPLETION OF SCHEDULE A

If a principal or lobbyist furnishes reportable entertainment with the cost of the event being greater than \$50, it is required that the lobbyist file a detailed statement of costs. *If additional forms are necessary, please duplicate to meet your needs.*

Note: For any reportable event in which the average cost per attendee exceeds \$50, you will be required to provide the names of those legislative or executive officials in attendance.

- **Food and Beverages:** May be reported together.
- **Transportation:** Cost of furnishing transportation to legislative or executive official.
- **Lodging:** Cost of furnishing accommodations for a executive or legislative official as part of the entertainment being reported.
- **Performers, Speakers, etc.:** Includes honoraria, costs of acquiring film or slide presentations, performer's pay, travel expenses, other program costs, etc.
- **Displays:** Fixed informational or persuasive displays in any medium made available for the inspection of guests, however not part of the actual program.
- **Rentals:** Facilities costs, including public address systems, tables and chairs, and table furnishings.
- **Service Personnel:** Bartenders, wait staff, cashiers, and other personnel.
- **Miscellaneous:** Any other items the lobbyist wishes to disclose.

INSTRUCTIONS: FOR COMPLETION OF SCHEDULE B

If a principal presents any gift with a fair market value of greater than \$25 to a legislative or executive official, the lobbyist must execute Schedule B. *If additional forms are necessary, please duplicate to meet your needs.*

- **Date of Gift:** The day the gift was given.
- **Description of Gift:** Include enough information to make the gift identifiable.
- **Recipient of Gift:** Provide the name of the legislative or executive official who received the gift. *You may not categorize (i.e. members of the General Assembly).*
- **Cost of Gift:** The actual cost or fair market value of the gift given.

INSTRUCTIONS: FOR COMPLETION OF SCHEDULE C

A lobbyist should itemize additional expenses incurred during their reportable period that are not covered in Part I, items 6a-6h on the lobbyist's disclosure statement. An example of this type of expense would be the rental of a "bill box" during the General Assembly session.

INSTRUCTIONS: FOR COMPLETION OF STATEMENTS

Both the lobbyist and the principal officer must sign each disclosure form, attesting to its completeness and accuracy. *Fax signatures are acceptable in filing the Lobbyist Disclosure Statement*