



City of Austin

Office of Council Member Leslie Pool, District 7

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FAQs on Austin Lobbying Law and Reforms

1. **What is wrong with Austin's current lobbyist law?** Austin's law is 40 years – old and full of loopholes. This allows a number of significantly paid lobbyists not to register and report their activities. The few lobbyists who do report disclose very little.
2. **What are the major loopholes? There are two.**
 - **The incidental lobbying loophole.** Current Austin law exempts from lobbyist reporting people who are paid to lobby but allege that their lobbying is "incidental" to their regular employment. So, a lawyer who makes \$250,000 a year can claim that \$100,000 in paid lobbying is incidental and therefore does not register.
 - **The city staff loophole.** Austin exempts from lobbying those who seek to influence any city employee who is not at the top of the city hierarchy (Council, the city manager, a department head or assistant department head, etc.). So, an upper-middle management city employee can head up a multi-million dollar project, and all lobbying of them is not counted as lobbying. Texas state law has neither loophole.
3. **How does Council Member Pool's lobby reform resolution fix these 2 loopholes?**
 - Her proposal eliminates the incidental lobbying loophole and requires a compensation threshold of \$2,000 a calendar quarter to be required to register.
 - Lobbying would include attempting to influence any city staff, except clerical or administrative personnel, on a discretionary municipal matter.
4. **What is wrong with Austin's lobbyist reporting?** Austin does not require reporting of specific subject matters, itemized expenditures, or lobbyist compensation. State law requires all three. Reports are not filed electronically, so they are not searchable.
5. **So, how does Council Member Pool's resolution improve reporting?** It calls for
 - Listing the property address and checking off a detailed subject matter description box.
 - Itemized expenditures on entertainment, meals, gifts, etc. over \$50.
 - Electronic filing.
6. **How does the proposed resolution improve enforcement? It:**
 - Explicitly subjects lobby filings to being under oath and state perjury laws.
 - Explicitly makes each violation a separate Class C Misdemeanor (\$500 fine.)
 - Requires random lobby report audits annually to ensure compliance.

7. How does the proposed resolution ensure average citizens are not required to register?

- A person has to be compensated to be a lobbyist, with a number of clear exceptions such as for mere inquiries to the city, responding to city requests, and public testimony.
- The compensation threshold for registering is \$2,000 a quarter, which is twice the state level.
- Technical building, life, and safety issues are excluded from lobbying as non-discretionary decisions. So, plumbers, electricians, etc. are not lobbyists.

Answers to Common Objections to Lobby Reform

1. Lobby reporting is burdensome. Why should the public care whether businesses are lobbying Austin city officials? Like citizens across the country, Austinites are concerned that paid lobbyists for special interests have undue access and influence on city decisions that affect their lives. They have a right to know who is being paid appreciably to influence city officials on government matters. They are entitled to a city government that they trust and that hears their concerns too.

2. Why shouldn't uncompensated citizens who seek to influence government not register as lobbyists?

- No government at any level in the United States requires uncompensated citizen to register as lobbyists-- whether they are an uncompensated neighborhood association activist or an uncompensated trade association board member.
- People have a constitutional right to lobby; the public also has a right in a democracy to government transparency and to know who is paying whom on what matters to influence their government.
- **Why should lawyers, engineers and developers register as lobbyists, since they are licensed professionals?** Lobby laws should not determine who reports based on their job title, but on whether their activities meet the required definitions of a lobbyist. The requirements for being a lobbyist are clearly spelled out in the resolution: the person is compensated over a certain minimum threshold to influence city officials through direct communications on a discretionary municipal decision.
- **Would not tens of lobbying employees of a larger development or engineering firm have to register and pay a separate lobbyist fee?** No. This proposal requires only the lobbying entity to register, pay a firm fee, and report standard information for its lobbying employees.
- **Why should someone be required to register as a lobbyist, if it prevents them from serving on city boards?** Who is a lobbyist and should report is an issue of government transparency. Who should be able to serve on city boards is a separate issue involving conflicts of interest. Board service issues should be considered and analyzed separately than lobby reporting.