

recommends that lobbyists be required to report contributions and fundraising activity within 2 business days of the time that in the aggregate, the contributions exceed a specified amount. The reporting requirement would apply to contributions and fundraising for a City official or official's committee and candidate for City office each time more than the threshold dollar amount is exceeded in any 12 month period.

This recommendation will provide an opportunity for the public to have access to information regarding specified amounts of contributions and fundraising by lobbyists before the filing dates of the lobbyist's quarterly reports. The Commission concluded that it would be more appropriate for the City Council to determine the threshold aggregate amount which would trigger the filing requirements.

This proposal is similar to lobbyist provisions in Los Angeles which require a one business day disclosure of contributions in excess of \$7,000 and fundraising activity of more than \$15,000 for city council and more than \$35,000 for mayor. It should be noted that Los Angeles has contribution limitations of \$500 for council and \$1,000 for the mayoral races and a matching public funds program.

B. Definition of "In-House Lobbyist"

The Lobbying Ordinance defines an "in-house lobbyist" as an individual who is an officer or employee of an organization or association which has a membership and for which the officer or employee is compensated to advance its goals or mission and who engages in lobbying on its behalf in an aggregate amount of 20 hours or more within any three month period.

The Commission recommends that the 20 hours or more threshold apply to all individuals who are employed by an organization, association or business and who meet the definition of an in-house lobbyist. This recommendation would provide that if an association or organization employs 2 or more lobbyists who lobby City officials, each of the lobbyists hours spent in lobbying activities would be totaled for purposes of the 20 hour threshold.

This recommendation is meant to address a situation where an organization's employees lobby for a total of more than 20 hours within a three month period but are not currently required to register as lobbyists with the City Clerk because none of the individual employees lobby for more than 19 hours. For example, an organization may have one in-house lobbyist lobby City officials for 15 hours and another in-house lobbyist engage in lobbying City officials for 10 hours within a three month period. This recommendation would require both in-house lobbyists to register with the City since more than 20 hours within a three month period would be spent lobbying by both of the organizations lobbyists.

Conclusion

The Elections Commissions recommends that the City Council approve the proposed amendments to the Lobbying Ordinance.

San Jose Elections Commission

By 
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