

Guidelines for city officials who routinely engage with legislators or communicate with constituents about legislative matters

The Public Disclosure Law, passed by initiative in 1972, includes important legal restrictions on how cities and towns communicate with their legislators and constituents about legislative issues at the state level.

The law includes a distinction between lobbying and other advocacy communications related to legislation at the state level (Ch. 42.17 RCW and WAC 390). Representatives of public entities may only spend public dollars for statutorily-approved lobbying activities. Public agencies must also periodically report their lobbying expenditures, unless they undertake activity that is not reportable, or they do not "lobby" as that term is defined for public agencies.

For more information, visit the PDC's website pdc.wa.gov or review the [PDC's public agency lobbying instructions](#).

Activities that are allowed:

- City officials may directly lobby legislative representatives and be an active participant in legislative matters, including testifying at hearings. (See section below on reporting lobbying activities to the PDC.)
- City officials may voice their position on potential legislation or the impacts of legislation.
- City officials can provide information about potential or actual impacts of legislation to constituents.
- City officials may lobby with a state agency representative in order to attempt to influence that state agency's adoption, repeal, or amendment of a rule, rate, standard or other legislative enactment of the agency.

Activities that are *not* allowed:

- City officials cannot indirectly lobby. This means that you cannot encourage your constituents to call legislators or the legislative hotline to comment on legislation.
- Agencies may not use public resources to support or oppose an effort to qualify an Initiative to the Legislature. (There are exceptions for official action by members of an elected legislative body, statements by elected officials, and activities that are part of the "normal and regular conduct" of the agency.)
- Agencies may not spend public funds as a campaign contribution to any elected official, officer or employee of any agency.
- Agencies may not spend public funds as a direct or indirect gift to any elected official, officer, or employee of any agency. A gift includes anything of value: meals, beverages, leisure travel expenses, theater or sporting event tickets, art work, or flowers.
- Agencies may not spend public funds for the purpose of entertaining legislators, other state elected officials, or state employees – regardless of the cost.

What is lobbying?

Lobbying is any in-person contact. This includes testifying at hearings, *"attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate or other legislative enactment of any state agency under the state Administrative Procedure Act, chapter 34.05 RCW."*

The PDC's guidance recommends reporting remote video (Zoom) meetings with legislators and remote testimony at hearings a substitute for "in person" lobbying.

Lobbying does not include "an association's or other organization's act of communicating with the members of that association or organization."

Activities that are allowed because they are not lobbying under the state statute:

- Monitoring committee or agency hearings.
- Telephone conversations or preparation of written correspondence (only in-person contacts, including testifying at hearings, are considered lobbying).
- Preparation or adoption of policy positions within an agency or group of agencies (once a position is adopted, further action to advocate it may constitute lobbying).
- Recommendations or reports to the legislature in response to a legislative request expressly requesting or directing a specific study, recommendation or report on a particular subject. (In this case, in-person contacts, including providing information at work sessions or hearings in response to a legislative request would not be lobbying.)
- Attempting to influence the interpretation or application of an existing state rule or policy with a state agency (advocating a change to it would be lobbying).
- Requests, recommendations or other communications between or within local agencies.
- Attempts to influence federal or local legislation.

City officials that lobby may need to report to the PDC¹

Cities that conduct lobbying activities through a contract lobbyist, with in-house staff, or with city elected officials may need to report to the Public Disclosure Commission. Below are some examples of when activities must be reported to the PDC.

Cities that fail to comply with reporting requirements on lobbying activities may be subject to penalties. For more information, see the PDC.

- Cities that hire a contract lobbyist who is required to register as a lobbyist with the PDC must file a report.
- Cities that have in-house lobbyists who spend, in aggregate, more than four days a quarter lobbying the legislature may need to complete a report. (Less than four days a quarter per agency is considered "non-reportable" lobbying; any portion of a day is counted as a full day.)
- Elected officials' in-person lobbying is not required to be disclosed, except that, **if an elected official spends over \$100 of non-public funds for the individuals lobbied, the amount and purpose of the expenditures must be disclosed.**

¹ Lobbying federal or local entities may have separate rules and reporting requirements to other federal or local agencies.