

Louisville Metro Ethics Commission

Regulation of Lobbying and Lobbyists

FAQs

In November 2022, Metro Council enacted an ordinance governing the conduct of persons and entities who lobby members of Metro Government. The chief enforcement organ of this ordinance is the Louisville Metro Ethics Commission. As part of the Commission's responsibility to interpret, enforce, and publicize the ordinance, the Commission offers the following Frequently Asked Questions to assist in initial guidance for lobbyists, employers of lobbyists, Metro officers, council members, and the general public.

Disclaimer: This document is intended as a quick reference guide—a way to start your research for answers, rather than being final answers in themselves. The terms of the ordinance itself will always control over the language of a FAQ. The ordinance can be found [here](#) and should be directly consulted before undertaking any lobbying activity.

1. *Who's covered by the ordinance?* The Lobbying Ordinance covers anyone defined as a lobbyist, and anyone engaging such lobbyists on their behalf. In some provisions, the ordinance covers the behavior of Metro Government officers and elected officials as well.

Lobbyist:

A lobbyist is defined as “any person engaged to conduct lobbying for an employer. This includes individuals employed or engaged by associations, coalitions, or public interest entities to spend a portion of that individual's time influencing the decisions of Metro Officers.”

Employer of Lobbyist:

An employer of a lobbyist is defined as any persons, business, associations, coalitions, or public interest entities who engage, directly or indirectly, a lobbyist. *Note that the ordinance uses the term “employer,” but this does not mean only the traditional employer/employee workplace-type arrangement. It means any one of these persons or entities who uses a lobbyist by any arrangement.*

Excluded from the definition of lobbyist are three classes of people: (1) any person who limits lobbying activities to appearing before public meetings or submitting public comments to an agency; (2) a private citizen expressing a personal opinion or petitioning an agency for redress of grievances, including those who do so assembled with other persons, but for whom no compensation for lobbying occurs; (3) an elected or appointed officer of federal, state, or local government who seeks to influence a Metro officer as part of acting in their official capacity.

2. *What activity constitutes “lobbying”?* Lobbying includes any direct communication with a Metro officer or staff of a Metro officer for the purpose of influencing official decisions or actions. This expressly includes actions regarding: proposing or drafting rules, regulations, or policies; passage modification or defeat of legislation; anything affecting financial arrangements or dispositions of public funds.

There are several exclusions from the covered definitions of lobbying. Interested persons should consult the ordinance for this list.

3. *If I am a lobbyist, what are the registration requirements?* Lobbyists, and persons or entities engaging lobbyists, are required to register with the Louisville Metro Ethics Commission before engaging in any lobbying. (The only exception to the requirement not to engage in

lobbying prior to registration will occur in the window between November 16, 2022, and May 15, 2023.) The first set of registrations under the new ordinance will be due on **May 15, 2023**. In general, lobbyists must provide in their initial registration their contact information, occupation, date on which they were first engaged, and a brief description of the government action about which they will be lobbying. Persons or entities engaging lobbyists on their behalf are required to disclose name, contact information, purpose for which the lobbyist is engaged, and the identity of the real party in interest they represent if it is different from the direct employer of the lobbyist. 501(c) organizations are not required to disclose their individual members.

4. *What is the due date of initial lobbyist registrations?* The first due date of any lobbyist registrations is **May 15, 2023**. Lobbyists and persons or entities using lobbyists are cautioned, however, that their conduct became subject to the ordinance when it was enacted on November 16, 2022. The 180 days following the enactment of the ordinance, but before registrations are due, is not a grace period to not comply with the ordinance in any other way. After the initial May 15, 2023, deadline, lobbyists must register within seven (7) days of being engaged.

5. *What spending must be disclosed?* Lobbyists, and persons or entities employing lobbyists on their behalf, shall file a statement of spending with the Metro Ethics Commission. The initial statements are due on **May 15, 2023**—the same day initial registrations are due. The list of expenditures which must be disclosed are found in Louisville Metro Ordinance § 21.42.

6. *What financial transactions must be disclosed, and when?* Lobbyists will be required to disclose any financial transactions they

have had with or for the benefit of a Metro officer, any member of the Metro officer's staff, or any candidate for a Metro office. These statements are due for the first time on May 15, 2023. Even though the statements are not due until May 15, 2023, lobbyists are cautioned that the disclosure must include any such transactions which occurred on or after November 16, 2022. Following the initial 5/15/23 due date, these statements will be due twice per year, on or before July 1 and January 1 of each year, and will cover the period of December 15 to June 15; and June 15 to December 14, respectively. The statement must include details of the transactions, including name of the Metro officer, staff person or candidate, purpose and nature of the transaction, and the date it was made or entered into.

7. *What are the standards of behavior for lobbyists?* Lobbyists are required to register, to file statements of expenditures, and statements of financial transactions with Metro officers and candidates. Lobbyists must retain business records and receipts related to these transactions. These statements must all be timely, complete, and truthful.

Lobbyists may not give or agree to give any value or service worth more than \$50 to any Metro officer, candidate for Metro office, or the immediate family of a Metro officer or his/her staff. For events to which all Metro Council and Metro officers are invited, lobbyists may cover the costs of attendance up to \$300 per officer. No person or entity may engage a lobbyist, and no lobbyist shall accept any engagement for compensation that is contingent upon the passage, modification, or defeat of any legislation, or contingent upon a particular executive action.

Former Metro officers must wait one year from leaving office before engaging in any lobbying.