

[West's Annotated Code of Maryland](#)

[General Provisions \(Refs & Annos\)](#)

[Title 5. Maryland Public Ethics Law \(Refs & Annos\)](#)

[Subtitle 7. Lobbying \(Refs & Annos\)](#)

MD Code, General Provisions, § 5-702
Formerly cited as MD CODE, SG, § 15-701

§ 5-702. Lobbying --Generally

Effective: April 14, 2015

[Currentness](#)

Registration required

(a) Unless exempted under subsection (b) of this section, an entity shall register with the Ethics Commission as provided in this subtitle and shall be a regulated lobbyist for the purposes of this title if, during a reporting period, the entity:

(1) for the purpose of influencing any legislative action or any executive action relating to the development or adoption of regulations or the development or issuance of an executive order:

(i) 1. communicates with an official or employee of the Legislative Branch or Executive Branch in the presence of that official or employee; and

2. except for the personal travel or subsistence expenses of the entity or a representative of the entity, incurs expenses of at least \$500 or earns at least \$2,500 as compensation for all such communication and activities relating to the communication during the reporting period; or

- (ii) 1. communicates with an official or employee of the Legislative Branch or Executive Branch; and
- 2. earns at least \$5,000 as compensation for all such communication and activities relating to the communication during the reporting period;
- (2) in connection with or for the purpose of influencing any executive action, spends a cumulative value of at least \$100 for gifts, including meals, beverages, and special events, to one or more officials or employees of the Executive Branch;
- (3) subject to subsection (b)(4) of this section, is compensated to influence executive action on a procurement contract that exceeds \$100,000;
- (4) subject to subsection (b)(5) of this section, is compensated by a business entity to influence executive action to secure from the State a business grant or loan with a value of more than \$100,000 for the business entity;
- (5) spends at least \$2,000, including expenditures for salaries, contractual employees, postage, telecommunications services, electronic services, advertising, printing, and delivery services, for the express purpose of soliciting others to communicate with an official to influence legislative action or executive action; or
- (6) spends at least \$2,500 to provide compensation to one or more entities required to register under this subsection.

Exempted activities

(b)(1) The following activities are exempt from regulation under this subtitle:

- (i) an appearance as part of the official duties of an elected or appointed official or employee of the State, a political subdivision of the State, or the United States, to the extent that the appearance is not on behalf of any other entity;

(ii) an action of a member of the news media, to the extent that the action is in the ordinary course of gathering and disseminating news or making editorial comment to the general public;

(iii) representation of a bona fide religious organization, to the extent that the representation is for the purpose of protecting the right of its members to practice the doctrine of the organization;

(iv) an appearance as part of the official duties of an officer, a director, a member, or an employee of an association engaged only in representing counties or municipal corporations, to the extent that the appearance is not on behalf of any other entity; or

(v) an action as part of the official duties of a trustee, an administrator, or a faculty member of a nonprofit independent college or university in the State, provided the official duties of the individual do not consist primarily of attempting to influence legislative action or executive action.

(2) The following activities are exempt from regulation under this subtitle if the individual engages in no other acts during the reporting period that require registration:

(i) professional services in drafting bills or in advising clients on the construction or effect of proposed or pending legislation;

(ii) an appearance before the entire General Assembly, or any committee or subcommittee of the General Assembly, at the specific request of the body involved;

(iii) an appearance as a witness before a legislative committee at the specific request of a regulated lobbyist if the witness notifies the committee that the witness is testifying at the request of the regulated lobbyist;

(iv) an appearance before an executive unit at the specific request of the executive unit involved; or

(v) an appearance as a witness before an executive unit at the specific request of a regulated lobbyist if the witness notifies the executive unit that the witness is testifying at the request of the regulated lobbyist.

(3) An elementary, secondary, or postsecondary school student or student organization that communicates as part of a course or student activity is not subject to the registration requirements based on the expense threshold under subsection (a)(1)(i) of this section.

(4) Subsection (a)(3) of this section does not apply to a bona fide salesperson or commercial selling agency employed or maintained by an employer for the purpose of soliciting or securing a procurement contract unless the person engages in acts during the reporting period that require registration under subsection (a)(1) or (2) of this section.

(5) If the person engages in no other act during the reporting period that requires registration, subsection (a)(4) of this section does not apply to:

(i) a bona fide full-time official or employee of a business entity seeking to secure a business grant or loan; or

(ii) a person seeking to secure a business grant or loan for the purpose of locating, relocating, or expanding a business in or into the State.

Limited exemptions --Employer of regulated lobbyist

(c)(1) Except for the certification required by [§ 5-703](#) of this subtitle and the report required by [§ 5-705\(d\)](#) of this subtitle, an entity that compensates one or more regulated lobbyists, and that reasonably believes that all expenditures requiring registration will be reported by the regulated lobbyist or lobbyists, is exempt from the registration and reporting requirements of this subtitle if the entity engages in no other act that requires registration.

(2) If a regulated lobbyist compensated by an entity that is exempt under paragraph (1) of this subsection fails to report the information required by this subtitle, the entity immediately shall become subject to the registration and reporting requirements of this subtitle.

Credits

Added by [Acts 2014, c. 94, § 2, eff. Oct. 1, 2014](#). Amended by [Acts 2015, c. 22, § 1, eff. April 14, 2015](#).

MD Code, General Provisions, § 5-702, MD GEN PROVIS § 5-702

Current with all legislation from the 2021 Regular Session of the General Assembly. Some statute sections may be more current, see credits for details.

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Approved by
The Commission

No. 5-61

Initially issued:

Last amended: Rev. 12 June 1985

Last reviewed:

LOBBYING DISCLOSURE

AUTHORITY This practice was approved by the Commission November 9, 1983, and revised June 12, 1985.

Thomas H. Countee, Jr.
Executive Director

REFERENCES Maryland Public Ethics Law, Article 40-A, §6-302, Annotated Code of Maryland, requires the Maryland-National Capital Park and Planning Commission to develop a lobbying disclosure policy.

Article 28, §2-115, Annotated Code of Maryland.

PURPOSE To assure that lobbying the Maryland-National Capital Park and Planning Commission, the Montgomery County Planning Board, the Prince George's County Planning Board, or the Merit System Board, for the purpose of influencing any action of theirs, does not violate ethical norms and erode the highest trust placed by the public in Commissioners, appointees, and employees of the Commission.

APPLICATION This practice applies to all individuals or groups who lobby Commissioners, appointees, or employees of the Maryland-National Capital Park and Planning Commission for the purpose of influencing any actions of the Commission, the Planning Boards, the Merit System Board, or the employees, in the performance of legislative or quasi-legislative functions.

DEFINITIONS For the purpose of this practice the following words are defined:

(a) Lobbyist: Means a person who:

(1) Receives \$500 or more as compensation, or

(2) Expends a cumulative sum of \$100 or more during a fiscal year to entertain a Commissioner or employee with meals and beverages, entertainment, or other gifts*, and

* Various Commission Practices and Merit Rules prohibit the acceptance of gifts in the course of Commission business by Commissioners or employees. See: Practices 2-72 and 4-10 and Merit Rules 1625 and 1629.

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(3) Communicates orally or in writing with any Commissioner or employee for the purpose of influencing any action which that Commissioner or employee is authorized to take in the performance of legislative or quasi-legislative functions.

(b) Legislative or Quasi-Legislative Function: The preparation and adoption of rules and regulations to direct the operation of the Commission, the Planning Boards, and the Merit System Board.

EXEMPTIONS

(a) This practice does not apply to the following:

- (1) Professional services by any Commissioner or employee of the Commission in drafting or in advising and rendering opinions as to the construction and effect of proposed or pending actions where these services do not otherwise constitute activities as a lobbyist.
- (2) Appearances before the Commission, Planning Board, or any committee, upon its specific invitation or request, but only if the person engages in no further or other activities in connection with the passage or defeat of proposed actions.
- (3) Appearances as part of the official duties of a duly elected or appointed official, or employee of the state, or a political subdivision of the state, or of the United States, and not on behalf of any other entity.
- (4) Actions of a publisher or working member of the press, radio, or television in the ordinary course of business of disseminating news or making editorial comment to the general public, but who does not engage in further or other lobbying that would directly and specifically benefit the economic, business, or professional interests of that person or that person's employer.
- (5) Appearances as a witness before the Commission, or Planning Board, or a committee at the specific invitation or request of a lobbyist, provided no other act is undertaken for which reporting is required, and provided the witness identifies himself as appearing at the request of the lobbyist.
- (6) The representation of a bona fide citizens' organization solely for the purpose of protecting the rights of its own members.

AUTHORIZATION

Authorization of Lobbyist to Act

Every employer of a lobbyist shall furnish a written and signed authorization to act which shall be filed with the Commission by the lobbyist at the time he acts pursuant to the authority. If the employer is a corporation, any authorized officer or agent shall furnish and sign the written authorization. The authorization shall include the full and legal name and business address of both the employer and the lobbyist, the period of time during which the lobbyist is authorized to act, unless sooner terminated, and the subject matter upon which the employer is represented.

REGISTRATION

Registration of Lobbyist with the Commission

- (a) Except as exempted above the following persons shall register with the Commission:
 - (1) A lobbyist
 - (2) Any person who has expended \$500 or more for compensation of one or more lobbyists in a fiscal year; and
 - (3) Any person who expends \$2,000, including postage, during any fiscal period for the express purpose of soliciting others to communicate with any Commissioner or employee to influence any Commission action.
- (b) On or before January 31st of each year if required, and, in any event, not later than five days after first authorized to perform any act requiring registration under this practice, every person required to register with the Commission pursuant to subsection (a) shall provide the following information, where appropriate, on a form approved by the Commission and provided by the Executive Director:
 - (1) Lobbyist's (or other person's) name and permanent address;
 - (2) The name and permanent address of each person who is required to register under this practice and who will lobby on the registrant's behalf as applicable.
 - (3) The name, address, and nature of business of any person who compensates the lobbyist accompanied by the lobbyist's statement that he is authorized to represent that person and that the person will be exempt from the provisions of this practice.

REGISTRATION
(Continued)

- (4) The identification, by formal designation, if known, of matters on which the lobbyist expects to act or employ someone to act in a manner which requires registration under this practice.
- (c) A lobbyist shall file a separate registration for each employer.
- (d) Each registrant may file a notice of termination within 30 days after ceasing any activity that requires registration and file the reports required hereunder.

Reports of Lobbying to the Commission

REPORTS

- (a) Each registrant shall file with the Commission, one report per year under oath concerning his/her lobbying activities. The report shall be filed by January 31st, covering the previous calendar year. If the registrant is not an individual, an authorized officer or agent of the registrant shall sign the form. Each lobbyist shall file a separate activity report for each person from whom he receives compensation. The report shall include:
 - (1) A complete and current statement of the information required to be supplied pursuant to this practice.
 - (2) Total expenditures on acts requiring registration in each of the following categories:
 - (i) Total compensation paid to the registrant not including either expenses reported under subparagraphs (ii) through (ix) or salaries, compensation, and reimbursed expenses for the staff of the registrants;
 - (ii) Office expenses of the registrant not reported in subparagraph (i) of this subsection;
 - (iii) Professional and technical research and assistance not reported in subparagraph (i) of this subsection;
 - (iv) Publications which expressly encourage persons to communicate with officials or employees;
 - (v) Names of witnesses, and the fees and expenses paid to each;

REPORTS
(Continued)

- (vi) Meals and beverages for officials, or employees, or their immediate families;
 - (vii) Entertainment, including parties, dinners, athletic events, and other functions to which all members of the Commission and employees are invited;
 - (viii) Expenses of food, lodging, and scheduled entertainment of Commissioners and employees for a meeting which is given in return for participation in a panel or speaking engagement at the meeting;
 - (ix) Other gifts to or for Commissioners, or employees, or their immediate families; and
 - (x) Any other relevant expenses.
- (3) The name of each Commissioner, or employee, or member of his immediate family, who has benefited from gifts with accumulative value of \$75 or more during the reporting period given by the registrant or anyone acting in behalf of the registrant, whether or not the gifts were given in connection with the registrant's lobbying activities. For the purpose of this subsection, gifts totaling less than \$15 in a calendar day need not be counted toward the cumulative value of \$75, but if the cumulative value of \$75 is attained or exceeded, each gift of \$15 or more, thereafter, shall be itemized by date, recipient, amount of value, and the nature of the gift. Expenses reported for each meeting, event, seminar and the date, location, and total expense incurred by the registrant shall be stated without allocation of expenses to each individual participant.
- (b) The Commission may require any registrant to file additional reports as it may deem necessary.

Notice to Commissioner or Employee Named in Report

If any report filed with the Executive Director contains the name of Commissioner, or employee of the Commission, or member of his immediate family, the Executive Director shall notify the Commissioner or employee within 30 days, with a copy of such notification sent to the Commission.

REPORTS
(Continued)

Following notification of inclusion of his name in a report filed by a registrant, Commissioner or employee shall have 30 days to file a written exception or explanation to the inclusion of his name.

ENFORCEMENT

The Maryland-National Capital Park and Planning Commission will enforce strict compliance of its practice by taking appropriate legal measures for this purpose.