



VIRGINIA
CONFLICT OF INTEREST AND
ETHICS ADVISORY COUNCIL

**AN INFORMAL GUIDE TO COMPLETING THE
LOBBYIST'S DISCLOSURE STATEMENT**

Introduction and Frequently Asked Questions

1. Who files the Lobbyist's Disclosure Statement?

The Lobbyist's Disclosure Statement (the Statement) is a required filing for all individuals who have been registered as a lobbyist at any point during the previous lobbying year (May 1 through April 30).

2. When do I file the Statement?

The Statement is filed annually, due on or before July 1. If July 1 falls on a weekend or state holiday, the deadline is moved to the next regular business day.

3. What is the reporting period?

For a regular annual filing, the Statement covers the reporting period of the immediately preceding year, from May 1 through April 30.

If you are terminating your registration as a lobbyist prior to the natural end of the lobbying year (April 30), you are required to file a final Statement. You may do this at the time your registration is terminated, or you may do it by the next regular annual filing deadline (July 1). A termination Statement filed prior to the end of the lobbying year should report on the period from the date lobbying activity began through the last date of lobbying activity.

4. How do I file the Statement?

All lobbyists are required to file with the Virginia Conflict of Interest and Ethics Advisory Council (the Council), using the Council's online filing system.¹ The Council may NOT accept any filings submitted via mail, email, fax, or hand delivery.

Lobbyists will receive an email each year reminding them of the filing deadline. If you fail to receive this email, it does not excuse your requirement to timely file. Therefore, if the filing deadline is approaching and you have not yet received such an email, you are still required to log in to the online filing system to file your Statement.

5. What happens if I do not file by the filing deadline?

If you do not file by the filing deadline, the Council is required to include your name on a list of late filers that is sent to the Secretary of the Commonwealth. The Secretary of the Commonwealth is then required to assess and collect a late filing fee. The late filing fee is \$100 (\$50 for the lobbyist and \$50 for the lobbyist's principal) for the first 10 days for which the Statement is late and \$100 per day (\$50 for the lobbyist and \$50 for the lobbyist's principal) for each day afterwards until the Statement is filed.²

¹ VA. CODE ANN. § 2.2-428. "The Virginia Conflict of Interest and Ethics Advisory Council shall accept any lobbyist's disclosure statements required by § 2.2-426 filed by computer or electronic means in accordance with the standards approved by the Council pursuant to the provisions of § 30-356."

² *Id.* § 2.2-431(A), (B).

"A. Every lobbyist failing to file the statement prescribed by § 2.2-426 within the time prescribed therein shall be assessed a civil penalty of \$50, and every individual failing to file the statement within 10 days after the time prescribed herein shall be assessed an additional civil penalty of \$50 per day from the eleventh day of such default until the statement is filed. The Council shall notify the Secretary of any lobbyist's failure to file the statement within the time prescribed, and the penalties shall be assessed and collected by the Secretary. The Attorney General shall assist the Secretary in collecting the penalties, upon request.

If you require a deadline extension, you may request one by submitting the deadline extension request form found on the Council's website.³ The Council has five business days to respond to a request. If the Council requests more information from you, the Council has five business days after receiving the information to respond to your request.

Deadline extensions are granted for:

1. The death of a relative of the filer, as "relative" is defined in the definition of "gift" in Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or in the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) or the General Assembly Conflicts of Interests Act (§ 30-100 et seq.).
2. A state of emergency is declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States or the governor of another state pursuant to law and confirmed by the Governor by an executive order, and such an emergency interferes with the timely filing of disclosure forms. The extension shall be granted only for those filers in areas affected by such emergency.
3. The filer is a member of a uniformed service of the United States and is on active duty on the date of the filing deadline.
4. A failure of the Council's electronic filing system that prevents the timely filing of disclosure forms.
5. Good cause shown as determined by the Council.⁴

6. Are my filings available to the public? How long are my filings retained?

Your filed Statement is available to the public on a searchable database on the Council's website. Your filing is retained for five years.

7. What if I need to amend a Statement I already submitted?

Please contact ethics@dls.virginia.gov.

8. Can I attach a list or spreadsheet of information for any of the schedules on the Statement instead of entering the information line by line?

No.

The online filing system does not allow for uploads of any kind, and you may not add attachments as a substitute for properly filling out any portion of the Statement.

"B. Every lobbyist's principal whose lobbyist fails to file the statement prescribed by § 2.2-426 shall be assessed a civil penalty of \$50, and shall be assessed an additional civil penalty of \$50 per day from the eleventh day of such default until the statement is filed. The Council shall notify the Secretary of any lobbyist's failure to file the statement within the time prescribed, and the penalties shall be assessed and collected by the Secretary. The Attorney General shall assist the Secretary in collecting the penalties, upon request."

³ <http://ethics.dls.virginia.gov/filing-resources.asp#extension>.

⁴ VA. CODE ANN. § 30-356.2.

I. Part I: Principal and Lobbyist Information

In this section, you will provide your basic contact information and the basic contact information of your principal.

1. Numbers 1 through 4 of the Statement will auto-fill with information you provided in your registration form. If any of your (lobbyist) information is incorrect or needs to be updated, you may make changes or corrections in “My Account.” If any of your principal’s information is incorrect, please contact ethics@dls.virginia.gov.

2. Identify the matters for which you lobbied, including executive and legislative actions and procurement transactions. Please use as much specificity as possible.

3. Select the type of filing you are submitting.

If you are filing the Statement on behalf of yourself only, please check the first box.

If you are filing the Statement on behalf of yourself and other lobbyists who also represented the same principal, please check the second box. Select the names of all the lobbyists on whose behalf you are filing the Statement.

If another lobbyist filed his Statement on your behalf for representing the same principal, please check the third box. Select the name of the lobbyist who incorporated your Statement.

II. Part II: Compensation

If you are an employed lobbyist, please list the total amount paid to you for your lobbying services. If you have responsibilities other than lobbying, you should prorate your salary to determine the portion of your salary attributable to your lobbying activities.

If you are a retained or noncompensated lobbyist, please list the total amount paid or reimbursed to you, your firm, organization, association, corporation, or other entity for lobbying services.

III. Part III: Expenditure Totals

In this section, you will provide information on lobbying expenditures.

Please remember that an item that is excluded from the definition of a gift is likely still included in the definition of an expenditure. Please review the definition of “expenditure” in Va. Code § 2.2-419.

- If you are filing the Statement on behalf of only yourself, do NOT include expenses of any other lobbyists.
- If you are filing the Statement on behalf of yourself and other lobbyists who represented the same principal, the expenditure totals should include the expenses of both yourself and all lobbyists on whose behalf you are filing. This includes compensation.

1. On line (a), enter the total expense for events, entertainment, meals, and travel. This total does not have to match the total amount of expenses itemized on Schedule A.

- **All expenses in this category should be reported here, including those not required to be itemized on Schedule A.**

2. On line (b), enter the total expense for gifts. This total does not have to match the total amount of expenses itemized on Schedule B.

- **All expenses in this category should be reported here, including those not required to be itemized on Schedule B.**

3. On lines (c) and (d), enter the total expenses for communications and any reimbursements given to lobbyists for personal living and travel expenses.

4. On line (e), enter the total expense for compensation of lobbyists. Remember that if you are filing on behalf of other lobbyists, this will include their compensation as well as your own.

5. On line (f), enter the total expense for honoraria given.

6. On line (g), enter the total expense for other expenses that do not fit into the categories listed in (a) through (f). This total **must match** the total amount of expenses itemized on Schedule C.

IV. Schedule A: Events, Entertainment, Meals, and Travel Expenses

In this section, you will provide itemized information regarding expenses for certain events, entertainment, meals, and travel.

1. If you have any single event, entertainment, meal, or travel expense included in the expense totals of the principal with a value over \$50, answer “yes” to the question and list such expense in the table provided.

2. List the date and location of the event, a description, the total number of persons who attended the event, and the total value of the event.

3. Indicate if the event was a widely attended event. Please refer to the definition of a “widely attended event” in the definitions accompanying the Statement.

4. If the average value-per-person of the event exceeds \$50, list the names of all legislative and executive officials and members of their immediate family who attended the event.

- If an individual listed was a featured speaker, presenter, or lecturer at the event, indicate such by placing “(speaker)” after his name.
- You are not required to list the name of any individual who paid for the value of his attendance.

EXAMPLE:

During the reporting period you had the following expenses for events, meals, entertainment, and travel:

- A reception with a total value of \$10,000. There were 100 people who attended the event, and the event’s purpose was for legislative and executive officials to meet with members of a local professional organization. Among the attendees were Legislator Smith, Legislator Brown, and Legislator Williams, who attended with their spouses. Executive Official Green and Executive Official Johnson also attended with their spouses. Legislator Brown paid for the value of his attendance as well as the attendance of his spouse. Executive Official Green gave a speech at the reception.

- A dinner with Legislator Smith with a total value of \$40. You and Legislator Smith were the only attendees at the dinner.
- A dinner with a total value of \$1,000. There were 30 people who attended the event. Among the attendees were Legislator Williams and Executive Official Johnson.

Schedule A should be completed as follows:

Date and Location of Event:	4/4/2017, Richmond, VA	
Description of Event, Entertainment, Meal, or Travel:	Reception	
Is this a widely attended event?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Total Number of Persons Attending:	100	
Name(s):	Legislator Smith Mrs. Smith Legislator Williams Mrs. Williams Executive Official Green (speaker) Mrs. Green Executive Official Johnson Mrs. Johnson	
TOTAL VALUE:		\$10,000

Date and Location of Event:	8/3/2016, Arlington, VA	
Description of Event, Entertainment, Meal, or Travel:	Dinner	
Is this a widely attended event?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Total Number of Persons Attending:	30	
Name(s):		
TOTAL VALUE:		\$1,000

You should report the reception because the total value of the event exceeded \$50. Because there were more than 25 persons invited to the event and the event was open to individuals who are

members of a professional organization, the reception qualified as a widely attended event. The average value-per-person for the event is calculated by dividing the total cost of the event by the number of persons in attendance.⁵ Because that value is greater than \$50, you should list all of the legislative and executive officials and members of their immediate family who attended the event. You do not have to list Legislator Brown or his spouse because he paid for the value of their attendance. Because Executive Official Green was a featured speaker at the event, you should mark such after listing his name.

You should also report the dinner that was attended by 30 people because the total value exceeded \$50. However, you are not required to list the names of attendees because the value-per-person did not exceed \$50.

You are not required to itemize the dinner with Legislator Smith because the total value did not exceed \$50. However, you should include the \$40 expense in your expense totals in Part III.

V. Schedule B: Gifts

In this section, you will provide itemized information for certain gift expenses.

1. If you gave any gift to any legislative or executive official or a member of his immediate family during the lobbying year with the value exceeding \$50, answer “yes” to the question and itemize such gifts in the table provided.

- DO NOT INCLUDE expenses for events, entertainment, meals, or travel when completing this schedule.
- Please refer to the definition of a gift in the definitions accompanying the Statement.

2. List the name of the recipient or recipients, the exact gift given, the date the recipient or recipients accepted the gift, and the total value of the gift.

EXAMPLE:

During the reporting period, you gave the following gifts to legislative and executive officials and members of their immediate family:

- A \$60 book to Legislator Smith
- A \$25 paperweight to Executive Official Johnson
- A \$55 piece of artwork to Legislator Brown’s spouse

Schedule B should be completed as follows:

Name of Recipient(s)	Exact Gift	Date Accepted	Value
Legislator Smith	Book	4/6/2017	\$60
Mrs. Brown	Artwork	11/2/2016	\$55

⁵ See Virginia Conflict of Interest and Ethics Advisory Council Formal Advisory Opinion 2015-F-004 at http://ethics.dls.virginia.gov/Formal%20Advisory%20Opinions/2015-F-004A%202.2-426%20Lobbyist%20reporting%20of%20a%20banquet_FINAL%20APPROVED%20OPINION.pdf.

You should list both the book given to Legislator Smith and the piece of artwork given to Mrs. Brown because the value of each gift exceeded \$50.

You should not itemize the paperweight given to Executive Official Johnson because the value did not exceed \$50. However, you should include the \$25 in your expense totals in Part III.

VI. Schedule C: Other Expenses

In this section, you will provide itemized information for lobbying-related expenses that do not fit into the categories listed in items a through f of Part III.

1. If you entered any lobbying-related expenses in item (g) of Part III, “yes” will already be auto-selected for you and you will be required to itemize each such expense in the table provided.

- **The total amount of expenses itemized in this schedule MUST match the amount you enter in item (g) in Part III.**

2. List the date the expense was made, a description of the expense, and the total amount of the expense.

EXAMPLE:

During the reporting period, you paid \$600 for Lobbyist-in-a-Box. You had no other expenses that did not fit into items a through f of Part III.

Schedule C should be completed as follows:

Date of Expense	Description of Expense	Amount
12/1/2016	Lobbyist-in-a-Box	\$600
TOTAL OTHER EXPENSES:		\$600

VII. Part V: Statements

In this section, you must provide all necessary signatures to complete the Statement.

1. Both the lobbyist and the principal authorizing officer **MUST** electronically sign the Statement for it to be complete, unless there is a current principal signature waiver form on file, and then only the signature of the lobbyist is required.

- The same individual may **NOT** sign as both the lobbyist and the principal authorizing officer.

2. **The Statement is not complete or considered filed until both signatures are properly completed.**