

Commonwealth of Virginia

Chris Piper, Executive Director



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Virginia Conflict of Interest and Ethics Advisory Council

MEMORANDUM

TO: Council Members
FROM: Chris Piper
DATE: September 28, 2015
RE: Council Staff Internal Processes for Lobbyist Registrations and Disclosures

Suggested Motion for Council: I move that we adopt the following forms and internal processes for lobbyist registrations and disclosures Lobbyist Registrations - Review and Notification Process.

Lobbyist Registrations - Review and Notification Process

- Registrations received by the SOC will be delivered to Council staff via hand delivery or interoffice mail after payment has been processed and approved. Council staff will review and process the registration for approval and notify the filer of the status of the registration.
- Lobbyist registration payment will be processed by the Secretary of the Commonwealth (SOC) per § 2.2-422.
- If a registration is submitted to the Council office with payment made by check, Council staff will process the registration leaving the status as “Submitted, Awaiting Payment.” Payment will be delivered to the SOC via hand delivery or interoffice mail for processing. When Council staff has been notified that payment has been processed and approved, Council staff will change the registration status to “Approved” and the lobbyist will be notified via email.

If payment is being made by credit card, filers will be sent to the SOC for payment processing or told to register online via the lobbyist online registration portal.

- If a registration is found to be incomplete, Council staff will notify the filer via email of the information or documentation required. The registration will not be entered into the

The Honorable Walter S. Felton, Jr.
The Honorable Janet D. Howell
The Honorable Thomas K. Norment, Jr.

The Honorable Todd Gilbert
The Honorable Jennifer L. McClellan
The Honorable Patricia L. West

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Bernard L. Henderson, Jr.
Sharon E. Pandak

registration system, and the lobbyist will remain unregistered until all required information has been submitted.

- Registrations will be accepted only if submitted on forms provided by the SOC pursuant to § 2.2-423. Registrations submitted on other forms will be considered incomplete and the filer will be notified via email.
- Council staff will not accept unsigned registrations.
- Council staff will ensure the SOC is up to date on active registrations during General Assembly sessions so they may notify the House and Senate Clerks of newly registered lobbyists pursuant to § 2.2-425.
- Council staff will deliver reports to the SOC via email to ensure that new registrations are not accepted for disclosure filings and fees in default.

Lobbyist Disclosures - Review and Notification Process

- A disclosure submitted on paper will be considered delivered timely if received in the Council office by 5 p.m. on the date of the filing deadline, June 15 or December 15, or the next business day should the filing deadline fall on a legal holiday or weekend. Paper disclosures will be date stamped as received by Council staff. This will not prohibit Council staff from requesting further documentation from the filer if necessary. Failure to file a timely disclosure will result in an automatic \$50 penalty pursuant to § 2.2-431. Failure to file a disclosure within 10 days of the deadline will result in a \$50 penalty per day the filing is late after the 10th day.
- Disclosures submitted via the lobbyist online disclosure portal will be considered as submitted timely if submitted by 11:59 p.m. on the date of the filing deadline (as determined by the time received by the Council's servers), June 15 and December 15, or the next business day should the filing deadline fall on a legal holiday or weekend.
- The SOC is required to assess and notify filers of their penalties (§ 2.2-431). Council staff will notify the SOC immediately following the deadline of those individuals who have failed to file their disclosures and will update the list daily.
- If a disclosure is found to be incomplete, Council staff will notify the filer via email of the information or documentation required (notifications requesting additional information are exempt from disclosure under the Freedom of Information Act pursuant to § 30-356). The filer has five business days from the date of the request to provide the Council with the required documentation.
 - Should the disclosure be found incomplete after the reporting deadline, a request for additional information will be made to the filer via email giving the filer five business days from the date of the request to respond with the additional information.

No penalty will be assessed to the filer if the additional information is received by the Council within five business days of the request. If the filer does not

respond within five business days, the disclosure will be considered late and both the filer and principal will be assessed the prescribed penalty of \$50.

- Only disclosures that are submitted on Council-approved forms will be accepted pursuant to § 2.2-426. Disclosures submitted on other forms will be considered incomplete, and filers will be notified via email that they have five business days from the date of the notification to complete their disclosure on the appropriate forms.
- If the officer of principal waived the signature requirement for the lobbyist disclosure, the signed waiver must be received by the Council office before a disclosure that does not contain a signature in the “Statement of Principal” section can be considered complete.