

New Lobbying Disclosure Act Disclosure Requirement

Jeffrey J. Hunter

April 5, 2019

The [Justice Against Corruption on K Street Act](#), or "JACK Act," amends the LDA by requiring registrants to disclose whether any individual lobbyist has been convicted of any offense involving bribery, extortion, embezzlement, an illegal kickback, tax evasion, fraud, a conflict of interest, making a false statement, perjury, or money laundering. If the answer is "Yes," the registrant must disclose the lobbyist's name and a description of the offense, specifically the name or code section of the offense, the presiding court, and the date of conviction.

Here are two examples the Senate Office of Public Records provided registrants to help describe covered offenses:

If a listed lobbyist was convicted in the United States District Court for the District of Columbia on January 1, 1970 of 22 counts of violating the Hobbs Act through extortion, 5 counts of making a false statement, 1 count of conspiracy to make a false statement, and the nature of those offenses also involved tax evasion and receiving illegal kickbacks, you could report either:

1/1/1970 - U.S. District Court (DDC), offenses involving extortion, making a false statement, tax evasion, and receiving an illegal kickback; or

1/1/1970 - U.S. District Court (DDC), 18 U.S.C. §1951 (22 counts)
- U.S. District Court (DDC), 18 U.S.C. §1001 (5 counts)
- U.S. District Court (DDC), 18 U.S.C. §371

If the convictions were in state court of two counts of public bribery and one count of false accounting, and if the nature of the false accounting conviction involved making a false statement, fraud, and money laundering, you could report either:

1/1/1970 - State of East Hypothetica, City of Example Criminal Court, offenses involving bribery, making a false statement, fraud, and money laundering; or

1/1/1970 - State of East Hypothetica, City of Example Criminal Court, EH Rev. Stat. §37:206 (2 counts)
- State of East Hypothetica, City of Example Criminal Court, EH Rev. Stat. §37:1309

Ongoing Disclosure Required. The Senate Office of Public Records has interpreted the JACK Act to require disclosure of covered offenses on both the first 2019 LD-1 (registration) or LD-2 (quarterly report) form that includes the convicted lobbyist's name and every LD-2 report thereafter. This is not a "one and done" disclosure. The Senate Office of Public Records further cautioned "that making false statements on LDA filings, or intentionally omitting required information from LDA filings may constitute a violation of federal law."

Necessary Amended Filings. This new disclosure requirement became effective on January 3, 2019. Persons who filed new LD-1 registrations or 1Q 2019 LD-2 reports *after* January 3 and *before* the Clerk and Secretary updated the LD-1 and LD-2 forms must amend those filings to comply with the JACK Act requirements now found on Line 15 for LD-1 forms and Line 29 for LD-2 forms.

For More Information. We are here to assist you with lobbying disclosure compliance. If you have any questions about the JACK Act, or the LDA more generally, please contact [Jeff Hunter](#) at jhunter@kelleydrye.com.