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Client Alert

Government Advocacy & Public Policy Practice Group

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Legislation Enacted in the State of Georgia Makes Key Changes to Lobbying Law

Similar to most states, Georgia regulates the activities of lobbyists through a process of registration and periodic reporting.

On March 7, 2011, the State of Georgia Government Transparency and Campaign Finance Commission (the "Commission") issued an advisory opinion that set forth the broad applicability of the lobbyist registration rules on entities and individuals that conduct activities in the State of Georgia. While the advisory opinion did not on its face break new ground, it created a great deal of concern in the regulated community which believed the interpretation contained in the advisory opinion to be overly broad and in conflict with the intent of the legislature.

Thereafter, and largely in response to lobbying efforts by the Georgia Chamber of Commerce (who had filed the original advisory opinion request), the Georgia General Assembly passed and the Governor subsequently signed into law legislation that, among other things, redefines the term "lobbyist," thereby limiting its applicability and the registration requirement. The amended definition is intended to allow for persons to engage incidentally in lobbying activities without being required to register as lobbyists. For example, a "lobbyist" is now defined, among other things, as:

(A) Any natural person who, either individually or as an employee of another person, is compensated specifically for undertaking to promote or oppose the passage of any legislation by the General Assembly, or any committee thereof, or the approval or veto of legislation by the Governor; or

(B) Any natural person who makes a total expenditure of more than $1,000.00 in a calendar year, not including the person's own travel, food, lodging expenses or informational material, to promote or oppose the passage of any legislation by the General Assembly, or any committee thereof, or the approval or veto of legislation by the Governor.

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In addition, the following qualification has, in pertinent part, been added to further clarify the law's applicability:

> Subparagraph (A), above, shall apply only where the person in question spends more than 10 percent of his or her working hours engaged in the activities described. In the case of a person who is employed by a single employer, the 10 percent test shall be applied to all time worked for that employer. In the case of a person who is employed by more than one employer or retained by more than one client, the 10 percent test shall be applied separately with respect to time spent working for each employer and each client. A person who spends less than 10 percent of his or her time working for an employer or client engaged in such activities shall not be required to register as or be subject to regulation as a lobbyist for that employer or client. In applying the 10 percent test, time spent in planning, researching, or preparing for activities described in subparagraph (A), above, shall be counted as time engaged in such activities.

The full text of the legislation, with markings indicating the relevant changes (see Section 7), may be found at http://www.legis.ga.gov/legislation/en-US/displaybill.aspx?BillType=HB&billNum=232.

These changes became effective on March 15, 2011, and apply retroactively to January 10, 2011.

Given the disparate nature of lobbying laws at the federal and state levels, we advise entities and individuals to monitor their activities and any changes in the laws in the various jurisdictions to ensure complete and accurate compliance.

If you have any questions or require additional information, please do not hesitate to contact us.