

Lobbyist Frequently Asked Questions

(FAQs)

LOBBYIST REGISTRATION:

Who is required to register as a lobbyist and how do I determine if I am required to register?

The Metropolitan Water Reclamation District of Greater Chicago (MWRD) Ethics Ordinance requires any individual or entity that engages in lobbying with a MWRD Commissioner, Officer or Employee to register as a lobbyist. A person or entity engages in lobbying when they participate in communication or conduct with the ultimate purpose of influencing any Executive, Legislative or Administrative action by the MWRD. However, the MWRD Ethics Ordinance provides 14 exceptions to this broad definition, which you can find by visiting mwrdd.org, selecting the “Documents” tab, clicking on “Rules and Ordinances,” and then clicking on “Ethics Ordinance.” You may also reference the “Step by Step Guide” to help determine if you must register as a lobbyist.

If I am not receiving any compensation, am I a lobbyist?

If you do not receive any compensation other than reimbursement for expenses up to \$500 **AND** you do not make any expenditures that are reportable under the MWRD Ethics Ordinance, then you are not a lobbyist. (See exemption #12 of MWRD Ethics Ordinance, Article IV, Section B.)

What information and/or documentation do I need in order to register as a lobbyist?

- For each client or business entity on behalf of which a registrant expects to act as a lobbyist:
 - (a) The name, business address, permanent address and nature of the business of the client or business entity;
 - (b) Whether the relationship is expected to involve compensation and/or expenditures;
 - (c) A brief description of the legislative or administrative action regarding such service to be rendered;
 - (d) Nature of the client’s business;
 - (e) Confirmation that the registrant has a sexual harassment policy;
 - (f) Confirmation that the registrant has completed the Ethics and Sexual Harassment training as required by the MWRD Ethics Ordinance;
 - (g) Confirmation that registrant recognizes the jurisdiction of the Inspector General to review any allegations of sexual harassment against the registrant or their hired lobbyists.
- Photograph of each registered lobbyist;
- A non-refundable annual registration fee of \$150 per each registrant.

Is lobbyist registration required on an annual basis?

Yes. After initial registration, you must then register “annually thereafter” by January 31. For example, if your initial registration occurs on January 15, 2021, you must register annually by January 31 beginning in 2022. Existing lobbyists may submit their annual registration statement online through the MWRD Lobbying Webpage between January 1 and January 31.

Am I also required to repay the \$150 fee on an annual basis?

Yes. You will first pay the \$150 fee when you submit your initial registration statement. That \$150 fee covers a one-year period and becomes due again one year from the date it was initially paid. For example, if you initially register on June 15, 2021, you would submit your initial registration statement and \$150 fee on that date. You would then be required to submit your annual registration statement between January 1 and January 31, 2022. However, your annual \$150 fee would not become due until June 15, 2022, because the payment of the fee covers a one-year period from the date it was paid.

If I provide technical skills and knowledge to the Watershed Management Ordinance Technical Advisory Committee (TAC), am I required to register as a lobbyist?

If you are in possession of technical skills and knowledge that is relevant to certain areas of Executive, Legislative or Administrative Actions and your skills and knowledge would be helpful to Commissioners, Officers or Employees when considering those actions **AND** you do not make any expenditures that are reportable under the MWRD Ethics Ordinance (besides receiving expense reimbursement for occasional appearances), then you are not a lobbyist. (See exemption #9 of MWRD Ethics Ordinance, Article IV, Section B.)

What are some examples of community or trade groups that often provide technical advice to the MWRD?

Some examples are: Center for Neighborhood Technology (CNT), Metropolitan Planning Council (MPC), The Nature Conservancy (TNC), Sierra Club, Friends of the Chicago River, OpenLands, Environmental Law & Policy Center, Natural Resource Defense Council (NRDC), Alliance for the Great Lakes, Prairie Rivers Network, Environmental Law & Policy Center, Gulf Restoration Network, Ixchel, Little Village Environmental Justice Organization, Chicago Association of Realtors, South Suburban Home Builders Association, and Illinois Association of Realtors.

Do I have to include a photograph with my registration?

Yes. The MWRD Ethics Ordinance requires all lobbyists to submit photographs as part of their registration.

Can I prevent my information from being displayed publicly?

No. The information you enter will be displayed publicly in compliance with the MWRD Ethics Ordinance, the purpose of which is to promote public access and transparency.

If I fail to register as a lobbyist but continue to engage in lobbying, are there penalties?

Yes, there could be. However, there is a review process for any alleged violation and any person or entity accused of violating the MWRD Ethics Ordinance will be provided an opportunity to be heard. The Ethics Commission shall initiate investigations of violations related to lobbyist registration upon receipt of credible evidence of a violation. If upon conclusion of an investigation, the Ethics Commission reasonably believes a violation has occurred, the Ethics Commission shall provide the alleged violator with written notification of the alleged violation. Within 30 calendar days after receipt of the notification, the alleged violator shall submit a written response to the Ethics Commission. The response shall indicate whether the alleged violator (i) disputes the alleged violation, including any facts that reasonably prove the alleged violation did not violate the Act or (ii) agrees to take action to correct the alleged violation within 30 calendar days, including a description of the action the alleged violator has taken or will take to correct the alleged violation. If the alleged violator disputes the alleged violation or fails to respond to the notification of the alleged violation, the Ethics Commission shall transmit the evidence to the appropriate State's Attorney or Attorney General. If the alleged violator agrees to take action to correct the alleged violation, the Ethics Commission shall make available to the public the notification from the Ethics Commission and the response from the alleged violator and shall not transmit the evidence to the appropriate State's Attorney or Attorney General. Failure to cooperate in an investigation initiated by the Ethics Commission is a separate and punishable offense for which the Ethics Commission has the discretion to strike or suspend the Lobbyist's registration, after providing the alleged violator a reasonable opportunity to be heard. See Article V(B)(5) of the Ethics Ordinance for additional details concerning the powers and duties of the Ethics Commission regarding lobbyist registration enforcement.

If a violation is found, some possible penalties include:

- Any person/entity who violates any of the provisions of Article IV of the MWRD Ethics Ordinance shall be guilty of a business offense and can be fined up to \$10,000 for each violation. Notably, each day a report is late is considered a separate offense.
- Any person who is convicted of an offense under Article IV shall be prohibited from lobbying for three years from the date of the conviction.

See Article V(B)(6) of the Ethics Ordinance for additional details regarding penalties for violations related to lobbyist registration.

FILING REPORTS OF LOBBYING ACTIVITY:

When must I file reports on my lobbying activity?

You must file reports twice per month—one for the first half of the month and one for the second half of the month.

What are the due dates for the two reports I must file each month?

For the report covering the first half of the month (1st – 15th), your report must be filed no later than the 20th. For the report covering the second half of the month (16th-last day of the month), your report must be file by the 5th of the following month.

If I do not have any reportable activity during a reporting period, should I still file a bi-monthly report?

Yes. You should file the bi-monthly report and state there was “No Activity” for that the reporting period.

Are there penalties if I file my reports late or if I fail to file reports?

If a registrant is late in filing or fails to file three consecutive bi-monthly reports, then the Ethics Commission may suspend the registration of any lobbyist for a one-year period.

TERMINATION AND ADMENDMENT OF FILINGS:

Am I ever required to amend my registration statement?

Yes. You must amend your registration statement within 14 days of any substantial change or addition that occurs to any of the information you provided when you registered.

If I change my name, must I change it on my filing? And if so, how do I do that?

Yes. You must amend your filing. You may do so by logging into your account on the Lobbyist Registration portal of the mwrdr.org website and then following these steps: (1) Click on “View or edit your profile,” (2) Click “Edit,” (3) Update your information, and (4) Click “Save.”

If I discover an error in my reports/registration, how do I make changes to a report that has been submitted?

Please log in to the lobbyist registration site with your username and password and navigate to the submission you want to amend. Edit it and proceed through the report and save in order to amend the report.

If I terminate the lobbying activities that require registration and reporting under the Lobbying Registration Act, must I file a report?

Yes. A registrant should file a Termination Notice with the Clerk, which shall include a report of Compensation and Expenditures, covering the period of time since the filing of the last report to the date of termination of the activities requiring registration under the MWRD Ethics Ordinance.

A registrant will need to re-register if lobbying activities are resumed and meet the definitions and criteria within the MWRD Ethics Ordinance.

SPECIFIC ACTIVITIES AND HOW TO REPORT:

How do I report a meeting where I met with more than one commissioner at the same time?

You should separately report an individual activity for each commissioner that was present.

How do I report a meeting where two or more lobbyists met with one commissioner at the same time?

Each lobbyist should file their own separate report.

What is Grassroots Lobbying?

Grassroots Lobbying occurs when constituents contact Commissioners, Officers or Employees as part of an organized effort to influence Executive, Legislative or Administrative action. Grassroots Lobbying can include both communications and events.

Grassroots communications include:

- any correspondence sent to a segment of the general public to encourage correspondence with a Commissioner, Officer or Employee, or
- correspondence sent to a Commissioner, Officer or Employee by any segment of the general public in support or opposition to any legislative, executive or administrative action.

Grassroots events include the invitation or transportation of participants to a specific site where Commissioners, Officers or Employees are expected to be accessible, undertaken for the purpose of influencing their actions.

- This is generally considered a reportable expense by the organizer of the event.
- This does not usually apply to impromptu meetings or walk-in constituent office-visits.

Does Grassroots Lobbying require lobbyist registration?

Many Grassroots communications do not initially constitute lobbying but can develop into reportable lobbying. For example, any person who is paid to perform contractual Grassroots communications must register as a lobbyist when the contractor contacts a Commissioner, Officer or Employee for more than routine communications. Therefore, whether a Grassroots communication requires registration and reporting depends on who initiates the contact, whether compensation is earned, and the type of contact (substantive or procedural).

Although Grassroots events may also fall outside the definition of “Lobbying” or fit into an exemption, they will usually require registration and reporting if they involve reportable expenses. When the purpose of an event is to influence the actions of a Commissioner, Officer or Employee on an Executive, Legislative, or Administrative action, that constitutes Lobbying if no exemption applies.

In general, if the Grassroots communication or event fits the MWRD Ethics Ordinance’s definition of “Lobbying” and no exemption applies, then lobbyist registration and reporting is required.

WHERE TO FIND ASSISTANCE:

Who can I contact if I need help with my registration or filing a report?

- Mete Hachim, Supervising Accountant, MWRD, 312-751-6516 or hachimm@mwrld.org
- Ellen Avery, Deputy General Counsel, MWRD, 312-751-6570 or averye@mwrld.org
- Patrick M. Blanchard, Inspector General, Office of the Independent Inspector General, 312-603-0350 or patrick.blanchard@cookcountyil.gov