

HAWAII STATE ETHICS COMMISSION

Instructions for Lobbyist Registration Form

The following instructions are designed to assist you, as a lobbyist, in completing the lobbyist registration form. If the instructions do not answer questions you may have, please do not hesitate to contact the Hawaii State Ethics Commission (“Commission”) at (808) 587-0460 or ethics@hawaiiethics.org.

WHO MUST FILE

Under HRS §97-2, a “lobbyist” must register with the Commission within five days of becoming a lobbyist. A “lobbyist” also must file lobbying expenditures and contributions reports (“expenditure reports”) with the Commission. You are a “lobbyist” if you are an individual (*not* an organization) and you meet any of the following criteria:

- (1) You receive or expect to receive, either by your employment or by contract, \$1,000 or more in compensation in any calendar year for engaging in lobbying; or
- (2) For pay and on behalf of another person:
 - a. You engage in lobbying for more than five hours in any month or more than ten hours in any calendar year; or
 - b. You spend \$1,000 or more of your own or another person’s money lobbying during any reporting period.

To engage in lobbying “for pay” includes being paid to lobby on behalf of your private employer as part of your job duties.

“Lobbying” means communicating directly or through an agent, or soliciting others to communicate, with any official in the legislative or executive branch, for the purpose of attempting to influence legislative action, administrative rule making, or a ballot issue. “Lobbying” does not include the preparation and submission of a grant application pursuant to HRS chapter 42F by a representative of a nonprofit organization. HRS §97-1.

GRANT APPLICATIONS BY NONPROFIT ORGANIZATIONS

You are not a lobbyist and do not need to register as a “lobbyist” or submit expenditure reports if your only work with the Legislature involves Grant-In-Aid (“GIA”) applications, subject to certain conditions. Specifically, you do not need to register as a “lobbyist” and you do not need to submit expenditure reports for either of the following categories of activities:

- (1) The preparation of a GIA Application. “Lobbying” does not include the preparation and submission of a GIA application by a nonprofit organization pursuant to HRS chapter 42F; and

(2) Lobbying in support of a GIA Application. You are not a “lobbyist” if you meet the following criteria:

- a. You are employed by a nonprofit organization (if you are an outside hired “lobbyist,” you must register and file expenditure reports);
- b. You spend less than ten hours in any month lobbying in support of a GIA application; and
- c. You do not lobby on other matters aside from the GIA application. If you lobby on other matters and meet the criteria for a “lobbyist,” then you must register and file expenditure reports for that lobbying activity.

WHERE TO FILE

The lobbyist registration form is to be filed with the Hawaii State Ethics Commission. You can (1) e-mail your completed form to the Commission at ethics@hawaiiethics.org (attach your form as a PDF to your e-mail), or (2) deliver or mail your completed paper form to the Hawaii State Ethics Commission, 1001 Bishop Street, American Savings Bank Tower, Suite 970, Honolulu, Hawaii 96813.

HOW TO COMPLETE THE LOBBYIST REGISTRATION FORM

Complete the lobbyist registration form by typing or printing in the appropriate spaces your full name, mailing address (street address and e-mail address) and telephone number, as well as the name and address of the person or organization you lobby for. Indicate the subjects upon which you expect to lobby. Sign and date the "Certification of Lobbyist" section and then forward the form to the person or organization you lobby for so that the "Authorization to Lobby" section of the form can be completed.

If you lobby for more than one person or organization, a separate registration form must be completed for each person or organization that you represent. These forms are available on the Commission's website at <http://ethics.hawaii.gov>.

WHAT IS MEANT BY "EMPLOYING ORGANIZATION"

In some instances, a person or organization may retain another business or organization to handle its lobbying efforts. The business or organization so retained then designates one of its employees to do the lobbying. This employee is, then, a lobbyist. The business or organization is termed the "employing organization" because it is the lobbyist's immediate employer. For example, ABC Company retains XYZ Consultants, Inc., to lobby on its behalf. XYZ Consultants, Inc., has its public relations officer do the lobbying. In this situation, XYZ Consultants, Inc. is the "employing organization" (because it directly employs the individual doing the lobbying) and ABC is the entity being lobbied for or represented. Similarly, a person or organization may retain a law firm to handle its lobbying. The law firm then designates an attorney in the firm to do the lobbying. The law firm is the "employing organization" because it is the immediate employer of the attorney.

TRADE AND BUSINESS ASSOCIATIONS

Trade or business associations that retain lobbyists must complete the "Authorization to Lobby" section of the lobbyist registration form. Please note that individual members of such associations are not required to fill out and sign the "Authorization to Lobby" section when their trade or business associations retain lobbyists to represent the associations.

SIGNATURES

Please note that registration of a lobbyist requires two signatures, that of the lobbyist and that of the person or organization represented by the lobbyist. A registration form is not considered complete and will not be accepted unless both signatures appear on the form.

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