

# Cook County Registered Lobbyist Training Overview



# Course Overview

This training offers a high-level overview on how to be compliant with the Cook County Lobbying Registration Ordinance as amended effective December 17, 2020. Completion of this training is a mandatory component of registering as a Cook County lobbyist. By the end of this training, you will learn more about:

- What is considered “lobbying” under the Cook County Ordinance;
- Who is required to register as a Cook County lobbyist;
- What a registered Cook County lobbyist must do;
- How the Cook County Ordinance will be enforced; and
- Who to contact with further questions.

*Note: The best way to learn about the Cook County Lobbyist Registration Ordinance is to read this important law for yourself. Click on the citation numbers in the lower right hand corner of the slides that follow to see the actual language of the referenced ordinance. Click to open, click to close.*

# What is Lobbying?

- Your duties and responsibilities under the Cook County Lobbying Registration Ordinance depend, in large measure, on whether you are (or have job duties that involve) “lobbying” as that term is defined in the Ordinance.
- The definition of “lobbying” in the Ordinance has five components. Lobbying is:
  1. Any attempt to influence
  2. a County Official, County Appointee or County Employee
  3. with respect to any County Matter
  4. on behalf of another Person
  5. and for compensation.
- Let’s take a closer look at each component.

# Any Attempt to Influence

Lobbying requires some identifiable action that is intended to influence the person being lobbied, such as setting up a meeting, sending an email or making a phone call.

# Any Attempt to Influence

Lobbying does not include:

- ordinary social interactions that are not intended to influence, such as saying hello to a County official when passing her in the hallway, or
- ordinary, regulated interactions with the government, such as:
  - Submitting an application to the County for a license or a permit;
  - Responding to a posted request for proposals;
  - Testifying by invitation at a County Board hearing;
  - Representing a client as the attorney with an appearance on file in a court proceeding or other adversarial and judicial or quasi-judicial County agency hearing; or
  - Negotiating a collective bargaining agreement or other contract.

# A County Official, County Appointee or County Employee

Lobbying requires that the attempt to influence must be directed at a County Official, Appointee or Employee.

- County officials include the County Assessor, members of the Board of Review, the Clerk of the Circuit Court, the County Clerk, Commissioners of the County Board, the President of the County Board, the Recorder of Deeds, the Sheriff, the State's Attorney, the Treasurer of the County and any member of any County agency.
- County Appointees include any person who is appointed by the President of the County Board to any board, commission or unit of local government created by County Ordinance or state law (*e.g.*, Cook County Commission on Women's Issues, Metra, Northwoods Sanitation District, etc.).
- County Employees include anyone with a part-time or full-time job working for a County Official or Appointee.

# With Respect to any County Matter

Lobbying must be related to a “County Matter.”

Every official action or decision by a County Official, Appointee or Employee is a “County Matter,” including, for example:

- Development of any proposal for introduction to the County Board;
- Preparation of contract specifications for a County program or project;
- The award or administration of a County contract, grant, loan or other disbursement of public money;
- Procurement of goods or services by or for the County; and
- The approval, drafting, development, consideration, amendment, modification, review, introduction, proposal, postponement, adoption, approval, passage, enactment, promulgation, execution, issuance, defeat, rejection, or veto of any rule, resolution, regulation, standard, fee, rate, contractual agreement, purchasing agreement, order, decision, determination, proceeding or motion, or a portion thereof, by a County Official, Appointee or Employee.

# On Behalf of Another Person

- The Lobbying Registration Ordinance does not interfere with the constitutional rights of citizens to petition their government and of the press to gather and publish news.
- County Officials, Appointees and Employees want to hear from the people who live and work in Cook County.
- Except under limited circumstances related to the sale of goods or services to the County, contacting an elected or appointed official or public employee to share your own views on a County matter is not lobbying.

# And for Compensation

- Lobbying requires compensation.
- A lobbyist is paid (or otherwise compensated) to influence County Officials, Appointees and Employees on County matters.

# Who Must Register?

- Anyone who lobbies.
- Anyone whose employment duties include lobbying.
- Any person who employs someone else to lobby.
- Persons conducting "grassroots or indirect lobbying activity."

# Who Must Register?

- A person who hires a Lobbyist may also be required to register as a Lobbyist under some circumstances.
  - A person who hires Lobbyists or contracts with a Lobbyist for services must register under the County Ordinance as a Lobbyist unless the hired or contracted Lobbyist fulfills his or her duties under the County's Ordinance to fully disclose both the existence of the person who hired or contracted with him or her and all related lobbyist expenditures and contacts made on behalf of that person.
  - If you are hiring or contracting with a lobbyist make sure the person you retain has reviewed the County's Ordinance and understands his or her obligations.

# Who Does NOT Have to Register?

- Media outlets
- Those who draft laws and other policies
- Elected officials and employees of other units of government acting in their official capacity
- Persons with special skills or knowledge who are requested by a Commissioner or the President to discuss such matter before the Board
- Religious organizations
- Persons seeking to do business with the County, whose less than 5 contacts are limited to occasional sales-related inquiries, bids, RFPs, etc., and who make no reportable expenditures

# Who Does NOT Have to Register?

- Persons who are negotiating the terms of a collective bargaining agreement or other contract
- Not-for-profit neighborhood, community, or civic organizations
- County Officials, County Appointees, and County Employees acting in their official capacity
- Persons providing recommendations for other Persons seeking employment with the County
- Persons who are owners, directors, officers or full-time employers of a business, who limit lobbying to 1 time per calendar year

# A Registered Lobbyist Must

- Register
  - File annual registration statement
  - Pay registration fee
- Report
  - File semiannual Lobbying Expenditure Report (Due January 20 & July 20)
  - File semiannual Lobbying Activity Report (Due January 20 & July 20)
  - If you terminate, you still are required to file a final report
- Obtain and display lobbying identification
- Take this course
- And refrain from prohibited activities

# Register

- Within 30 days of lobbying any County Official, Appointee, or Employee (and then subsequently each year between January 1 and January 20), anyone who must register under the Lobbying Ordinance must complete a registration statement form provided by the County Clerk containing:
  - The registrant's name, address and business affiliation;
  - The names and addresses of the registrant's employees;
  - The name and address of the person or entity on whose behalf the registrant is lobbying; and
  - The County Matter with respect to which the registrant will lobby.
- After their initial registration, registrants must re-file this registration statement annually between January 1 and January 20. During the year, registrants must also amend their registration statement within 14 days if there are any changes (*e.g.*, the addition or subtraction of a lobbying client).
- Most registrants must also pay the County Clerk a registration fee. This fee will be waived for some employees of nonprofit organizations.

# Report

- In addition to filing a registration statement, a registered lobbyist must file a Lobbying Expenditure Report twice a year:
  - First between January 1 and January 20, disclosing lobbying expenditures from July 1 to December 31 of the previous year,
  - And then again between July 1 and July 20, disclosing lobbying expenditures from January 1 to June 30.
  - Expenditures are anything of value, including payments, loans, political contributions, honoraria, gifts, contracts, promises, agreements and expenses in connection with travel, entertainment or meals.
- The Lobbying Expenditure Report must disclose:
  - The recipient or benefiting County Official, Appointee or Employee and the client on whose behalf every expenditure of \$10 or more was made.
  - For each expenditure of \$100 or more, the registered lobbyist must also disclose the date of the expenditure and the County Matter in connection with which the expenditure was made.
  - For each client, the registered lobbyist must also disclose the amount of compensation received from the client and the aggregate expenditures by the registered lobbyist on behalf of each client attributable to advertising, travel, advocacy, honoraria, political contributions, gifts, and meals/entertainment.

# Report

- A registered lobbyist must also file a Lobbying Activity Report twice a year with the Lobbying Expenditure Report
- The Lobbying Activity Report must disclose:
  - Every lobbying contact (*e.g.*, meeting, mailing, phone call, fax, email, text message, substantive conversation, etc. in which lobbying occurred) with a County Official, Appointee or Employee.
  - For each lobbying contact, the report must disclose the County Official, Appointee, or Employee contacted; the client on whose behalf the contact was made; the location of the contact; and the County Matter addressed in any contact.
  - The registered lobbyist must also disclose any familial relationships, by birth or by marriage, with any County Official, Appointee or Employee contacted.
- If a registered lobbyist has no disclosable expenditures or contacts for the reporting periods, he or she must still file the applicable reports with the County Clerk attesting to this fact.
- Don't forget: if a registered lobbyist terminates registration before the end of the six-month reporting period, his or her Lobbying Expenditure and Activity Reports must be filed within 30 days of such termination.

# A Registered Lobbyist Must Also

- Take this training provided by the County Clerk and the Board of Ethics within 120 days of registering as a lobbyist.
- Display lobbyist registration identification provided by the County Clerk while lobbying on any County premises.

# A Registered Lobbyist Must Not

- Make a false statement on his or her Lobbyist registration, Lobbyist Expenditure Report or Lobbyist Activity Report.
- Accept a lobbying engagement where his or her compensation is contingent in whole or in part on the result obtained or the final disposition of a County Official, Appointee or Employee on any County Matter.
- Make a gift or series of gifts to a County Official, Appointee or Employee in one year valued, in aggregate, at more than \$100, or otherwise in violation of the County's Gift Ban.
- Lobby a member of the County Board in the County Boardroom during an active session of the County Board or a Committee of the County Board.

# Enforcement

Registered lobbyists face serious consequences for failing to meet their duties and responsibilities under the Cook County Lobbyist Registration Ordinance.

- After a 10-day grace period, the Cook County Clerk will impose a late filing fee of \$100 per day for untimely registration or reports required under the Lobbying Ordinance.
- The Cook County Board of Ethics is authorized to impose fines of up to \$5,000 for violation of the Cook County Gift Ban.
- All other violations of the Cook County Lobbying Ordinance are subject to fines of \$250 per occurrence by the Cook County Board of Ethics and a three-year bar from lobbying County Officials, Appointees and Employees.

Recent amendments to the Ordinance will facilitate faster and more certain prosecutions for violations.

# Sexual Harassment

In 2017, the subject of sexual harassment exploded onto the front page of newspapers and into the public consciousness. Know that the County strictly prohibits sexual harassment in the workplace, and also prohibits workplace harassment based on other protected classes (including race, ethnicity, age, religion and disability status).

The Cook County Human Rights Ordinance defines sexual harassment as any unwelcome sexual advance, request for sexual favors, or conduct of a sexual nature when:

- Submission to such conduct is an explicit or implicit term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting the individual; or
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

# Sexual Harassment

Employers may be held responsible for harassment in the workplace. Cook County holds employers responsible for its agents' and supervisory employees' sexual harassment regardless of whether the specific acts complained of were authorized or even forbidden by the employer and regardless of whether the employer knew or should have known of their occurrence. An employer is responsible for acts of sexual harassment between co-employees if the employer knew or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action.

Harassment may be perpetrated by men and women, and both men and women may be victims. In addition to the County's harassment law, other federal, state, and local laws may apply.

# Lobbyist Protections

Every County agency and office is required by County law to adopt a policy prohibiting discrimination and harassment, including sexual harassment.

Often, sexual harassment involves one person's assertion of power over another person. That can leave those attempting to influence government action in a vulnerable position vis-à-vis the government actors they are seeking to influence. It is a County imperative not only to ban sexual harassment from the workplace, but also to eliminate sexual harassment by any County official or employee against any other person who is using County services or seeking to influence County government – including lobbyists.

# Lobbyist Protections

We ask that you help make Cook County a zero-tolerance environment for harassment. Please report any harassment you experience in the course of your lobbying activities within the County to the Cook County Office of the Inspector General, the Cook County Board of Ethics or the Cook County Commission on Human Rights. Reports will be treated confidentially, and you will be offered whistleblower protections. If you witness harassment, don't be silent: you can intervene in the moment if you are comfortable, talk to the harasser or the target of the harassment after the fact, and/or reach out to the authorities above.

# Summary

Now you have a general idea of what sorts of activities Cook County regulates as lobbying, who must register with Cook County as a lobbyist, what the duties and responsibilities of a registered lobbyist are and what the consequences are for failing to meet those obligations.

In addition to this training, you must read the Cook County Lobbyist Registration Ordinance for yourself. The Ordinance contains a number of provisions in addition to those discussed here. If you see something that you are unsure about, do not hesitate to contact the County Clerk, the Board of Ethics or the Office of the Independent Inspector General for further advice. Your inquiries are confidential, and it is always safer to ask first than to risk prosecution and penalties.

# For Further Assistance

## Cook County Clerk's Office

69 W. Washington Street, Suite 500 • Chicago, IL 60602

Off.: 312.603.0907 Fax: 312.603.9787

Email: [clerk.ethics@cookcountyil.gov](mailto:clerk.ethics@cookcountyil.gov)

## Cook County Board of Ethics

69 W. Washington Street, 11th Floor • Chicago, IL 60602

Off.: 312.603.4304 Fax: 312.603.9988

Email: [cookcounty.ethics@cookcountyil.gov](mailto:cookcounty.ethics@cookcountyil.gov)

## Cook County Office of the Independent Inspector General

69 W. Washington Street, Suite 1160 • Chicago, IL 60602

Off.: 312.603.0350 Fax: 312.603.9948

<https://apps.cookcountyil.gov/oiig/>