



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 34

July 24, 1992

Whether a person required to register as a lobbyist may give weekly parties to which all legislators and their staffs are invited. (AOR-36)

The Texas Ethics Commission has been asked to consider whether a person registered as a lobbyist may give weekly parties to which all legislators and their staffs are invited. Other registered lobbyists are also invited. There would be no admission charge, the hosting lobbyist would pay for the band, and individuals would pay for their own food and drink. The questions raised are whether this activity is permissible under chapter 305 of the Government Code and how the expenditures should be reported on lobbyist activity reports.

Section 305.003(a)(1) of the Government Code requires a person to register as a lobbyist if, excluding expenses for his own travel, food, lodging, and membership dues, the person makes total expenditures of more than \$200 in a calendar quarter on certain lobbying activities, as outlined in section 305.006(b)¹ of the code, to directly communicate with members of the legislative or executive branch to influence legislation or administrative action.² Tex. Ethics Comm'n, 17 Tex. Reg. 4444 (1992) (to be codified at title 1, section 40.1, of the Texas Administrative Code). The request makes clear that the expenditures for these weekly parties will be in excess of \$200 a quarter. The parties are communications to generate goodwill toward the host on the part of members of the legislative branch. Such communications are therefore to influence legislative action. See [Ethics Advisory Opinion No. 4](#) at 2 (1992).

Once the \$200 expenditure threshold is crossed, the person making the expenditure is required to register as a lobbyist with the Ethics Commission. The registrant is required to file a lobby activity report with the commission listing certain specific expenditures to communicate directly with members of the legislative or executive branch to influence legislation or administrative action. Gov't Code § 305.006. In the situation presented by the requestor, monthly lobby activity reports will be filed.³ To be timely filed, these activity reports must be sent to the commission and postmarked by the 10th day of each month following the month in which the expenditures were made.

Generally, expenditures are divided into categories of types of expenditures, such as entertainment and food. Gov't Code § 305.006(b); see also *id.* § 305.0062(a) (expenditures attributable to groups). However, the legislature provided that when all legislators are invited to a particular event, the registrant must list the expense under only one category, "events to which all legislators are invited." *Id.* § 305.0062(a)(8), (d). In this case, the requestor should report the cost of the band under that category. Under section 305.006(f), the registrant who is providing the band, which is entertainment, would have to be present during the event.

SUMMARY

A person who is registered as a lobbyist may give a party to which all legislators and their staffs are invited, at which the registrant pays for the band and individuals pay for their own food and drink. The lobbyist must report the expenditures for the band on a monthly lobby activity report as an event to which all members of the legislature were invited. Since the party is an entertainment event, the lobbyist must comply with the chapter 305 requirement that the lobbyist be present at the event.

¹ Section 305.006(b) of the Government Code lists six different categories of expenditures for direct communication:

- (1) transportation and lodging;
- (2) food and beverages;
- (3) entertainment;
- (4) gifts, other than awards and mementos;
- (5) awards and mementos; and
- (6) expenditures made for the attendance of members of the legislative or executive branch at political fund-raisers or charity events.

² Section 305.002(7) of the Government Code defines "member of the legislative branch" as a "member, member-elect, candidate for, or officer of the legislature or of a legislative committee, or an employee of the legislature."

³ Section 305.0063 of the Government Code allows a registrant to elect to file annual reports if he intends to make expenditures of \$1,000 or less during a calendar year. Otherwise, the registrant must file monthly reports as required by section 305.007. The registrant indicates the expenditures for these parties will cost more than \$1,000 each year. Therefore, since the registrant apparently intends to expend more than \$1,000 each year, he should file monthly activity reports.