

## POLICY ALERT

### LOBBYING DISCLOSURE ACT FILING SCHEDULE

Registered lobbying entities are required to disclose their lobbying expenses quarterly on the LD-2 report. Reports are due 20 days after the reporting period closes, unless the 20<sup>th</sup> falls on a weekend or holiday, in which case the report will be due on the next business day. The chart below outlines reporting requirements for the remainder of 2008.

#### LD-2 (Quarterly Expense Reports)

Report	Submit Info to Akin Gump Team	Report Period	Filing Deadline
October Quarterly	10/13/2008	07/01/2008 – 09/30/2008	10/20/2008
Year-End	01/13/2009	10/01/2008 – 12/31/2008	01/2-/2009

In addition, organizations and individuals registered under the Lobbying Disclosure Act (LDA) are required to report all political contributions that exceed \$200 during the calendar year to federal candidates or officeholders, leadership PACs, political party committees, presidential library foundations, presidential inaugural committees and other certain contributions and expenses on a semiannual basis on the LD-203 report.

#### LD-203 (Semiannual Contribution Reports)

Report	Submit Info to Akin Gump Team	Report Period	Filing Deadline
Year-End	01/21/2009	07/01/2008 – 12/31/2008	01/30/2009

## **ROAD TO THE WHITE HOUSE – CONTRIBUTIONS TO PRESIDENTIAL INAUGURAL COMMITTEES**

The November 4<sup>th</sup> general election is just around the corner. On January 20, 2009, the 44<sup>th</sup> President of the United States of America will be inaugurated into office. The Presidential Inaugural Committee is established to oversee and plan the opening ceremonies, parade, galas, balls and other events surrounding the presidential inaugural held for the newly elected President.

Corporations and individuals are permitted to make donations in any amount, however, foreign nationals are prohibited from doing so. Donations to an inaugural committee include any donation of money or anything of value made to the committee and includes the entire amount paid for any ticket for an inaugural event, whether paid to the inaugural committee or to a vendor hired by the committee.

All registered lobbying entities and registered lobbyists that contribute to the inaugural committee in excess of \$200 must report the contribution on the LD-203 report. In addition, donations to the inaugural committee will be reported to the FEC.

### **LD-203 SEMIANNUAL CONTRIBUTION REPORT REVIEW**

The Secretary of the U.S. Senate and Clerk of the U.S. House of Representatives issued new guidance regarding the LD-203 in mid-July. The guidance significantly narrowed the range of contributions and other payments required to be reported on the LD-203 semiannual contribution report and remains in effect for the year-end report.

The information required in the report is broken down into four contribution categories described in detail below. For each contribution, the filer must provide the date the contribution was made, the amount, payee name and honoree name. The bullet points highlight some of the guidance and clarify how to determine which expenses are reportable. If you have further questions about disclosure, please contact the Akin Gump team.

#### **1. *Federal Election Campaign Act***

This category covers political contributions regulated by the Federal Election Campaign Act (FECA) and includes funds contributed to any federal candidate or officeholder, leadership political action committee (PAC) or political party committee that equal or exceed, in the aggregate, \$200.

- Lobbyist's contributions to his or her company's PAC do not have to be disclosed on his or her report.
- Lobbyists who, either by vote or by service, are the PAC treasurer or a member of a PAC board that controls contributions made by the PAC must disclose that PAC's contributions on their LD-203. This does not include board positions of your company's PAC.
- If a lobbyist sits on the board of his or her company's PAC, then the lobbyist must disclose on his or her LD-203 that he or she is a PAC board member.

#### **2. *Honorary Expenses***

This category includes funds paid for the following type of events:

- a. funds paid for an event to honor or recognize a covered legislative branch or executive branch official

- b. funds paid to an entity or person that is named for a covered legislative branch official, or to an entity or person in recognition of such official
- c. funds paid to an entity established, financed, maintained or controlled by a covered legislative branch or executive branch official, or to an entity designated by such official
- d. funds paid to presidential inaugural committees.

The guidance has established certain criteria for determining which types of honorary expenses are covered.

- Events where a covered official is being honored or recognized with an award or plaque should be included. This means that if a covered official is merely an honorary co-host of an event or is listed on the invitation as an attendee, speaker or invited guest, the event does not necessarily need to be disclosed. However, additional facts, such as an award, plaque or some other special honor or recognition could trigger disclosure obligations.
- The purchase of tickets or a table at an event where a covered official is being honored may be disclosed, but merely purchasing a ticket or a table at such an event does not automatically trigger disclosure. Underwriting the costs of an event or purchasing a significant portion of tickets or tables at an event would be considered reportable expenses.
- Contributions made to an entity established, financed, maintained and controlled by a covered official must be disclosed if the covered official is on the board of the entity or if the covered official directs a payment to a charity in lieu of an honorarium.

### 3. *Meeting Expenses*

This category includes funds paid for a meeting, conference, retreat or other similar event held by, or in the name of, one or more covered legislative branch or executive branch officials.

- Payments made by a corporation to pay for events or appearances by candidates and covered officials before its restricted class.
- Payments for bagels, coffee or other refreshments offered at meetings.
- According to the Secretary of the Senate, “honoring” should be read expansively such that anytime there is an invitation issued for a covered official to attend, even if informally, the meeting should be treated as “honoring” that official for purposes of reporting.

4. *Presidential Library Expenses*

Included in this category are any funds paid to an entity or person that is intended to cover presidential library expenses.

**CONTACT INFORMATION**

If you have questions about this alert, please contact:

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