

PART III. LOBBYING DISCLOSURE

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CHAPTER 51. GENERAL PROVISIONS

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§ 51.1. Definitions.

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

Act—65 Pa.C.S. Chapter 13A (relating to lobbying disclosure).

Administrative action—The term includes one or more of the following:

- (i) An agency’s proposal, consideration, promulgation or rescission of a regulation; development or modification of a guideline or a statement of policy; approval or rejection of a regulation; or procurement of supplies, services and construction under 62 Pa.C.S. (relating to procurement).

- (ii) The review, revision, approval or disapproval of a regulation under the Regulatory Review Act.
- (iii) The Governor's approval or veto of legislation.
- (iv) The nomination or appointment of an individual as an officer or employee of the Commonwealth.
- (v) The proposal, consideration, promulgation or rescission of an executive order.

Affiliated political action committee—

- (i) Includes a "political action committee" as defined in section 1621(l) of the Election Code (25 P. S. § 3241(l)), which has an officer who:
 - (A) Is a chairperson or treasurer.
 - (B) Is one or more of the following:
 - (I) A principal.
 - (II) An officer or employee of a principal.
 - (III) A lobbyist.
 - (IV) An employee of a lobbyist.

(ii) The term does not include a Federal political action committee registered only with the Federal Election Commission, which is not required to register as a political committee in this Commonwealth under section 1624(a) of the Election Code (25 P. S. § 3244(a)).

(iii) If an employee of a registrant serves as the officer of a political action committee in what is clearly a personal capacity, and the goals and mission of that political action committee clearly have no relationship to the goals and mission of the registrant, the political action committee will not be considered an affiliated political action committee.

*Agency—*The term includes the following:

- (i) A department of the Executive Department of the Commonwealth, as described in Article IV, Section 1 of the Pennsylvania Constitution.
- (ii) Any Commonwealth:
 - (A) Agency, as defined at 42 Pa.C.S. § 102 (relating to definitions), to include any executive agency or independent agency.
 - (B) Board.
 - (C) Commission.
 - (D) Authority.

*Amendment—*The term means a change in any filing including:

- (i) Any change in the information required for the registration statement under section 13A04(b) and (c) of the act (relating to registration) including any changes in the relationships between principals, lobbying firms and lobbyists such as:
 - (A) In the case of a principal, when engaging a new lobbyist or lobbying firm or when ceasing to engage a lobbyist or lobbying firm.
 - (B) In the case of a lobbying firm, when the lobbying firm is engaged by a new principal, when the lobbying firm engages a new lobbyist, when

the lobbying firm ceases to be engaged by a principal or when the lobbying firm ceases to engage a lobbyist.

(C) In the case of a lobbyist, when the lobbyist is engaged by a new principal or new lobbying firm or when the lobbyist ceases to be engaged by a principal or lobbying firm.

(ii) Any change in the information required in the quarterly expense reports under section 13A05(b) of the act (relating to reporting).

(iii) Any change in the information required for a statement of limited knowledge under section 13A05(b)(6) of the act.

(iv) Any change in the information required for a notice of termination under section 13A04(e) of the act. See also § 53.6(d) (relating to termination) on amending a notice of termination.

Anything of value—

(i) For the limited purpose of reporting gifts, transportation, lodging or hospitality under section 13A04 or 13A05 of the act, these terms include any tangible or intangible item of worth. See § 55.1(g)(6) (relating to quarterly expense reports).

(ii) The term includes any of the following:

- (A) Gifts.
- (B) Hospitality.
- (C) Transportation.
- (D) Lodging.
- (E) Services.
- (F) Loans or the forgiveness of a loan.
- (G) Money.

Association—

(i) An “association” as defined in the Association Code in 15 Pa.C.S. § 102 (relating to definitions).

(ii) The term includes two or more persons associated in a common enterprise or undertaking and a corporation, a partnership, a limited liability company or a business trust.

(iii) The term does not include a testamentary trust or an inter vivos trust as defined in 20 Pa.C.S. § 711(3) (relating to mandatory exercise of jurisdiction through orphans’ court division in general).

*Attorney at law—*An individual admitted to practice law by a court of record of the Commonwealth.

*Audit period—*A time span of the previous calendar year.

*Bidder—*As defined in 62 Pa.C.S. § 103 (relating to definitions).

*Board—*The Disciplinary Board of the Supreme Court of Pennsylvania.

*Candidate—*Any candidate for State office, as defined in section 1621(a) of the Election Code.

*Candidate political committee—*A “candidate’s political committee” as defined in section 1621(m) of the Election Code, and a candidate’s political

action committee (PAC) which includes any political committee formed by or on behalf of a specified candidate or authorized by the candidate.

Child—The term includes adopted and biological children.

Commonwealth business day—The time from midnight to the next midnight on a day when the Commonwealth offices are open.

Commission—The State Ethics Commission of the Commonwealth.

Compensation—Anything of value, including benefits, received or to be received from a principal by one acting as a lobbyist.

Complaint—A complaint on a form prescribed by the Commission, or the equivalent of the form, which is signed and sworn under penalty of perjury and which otherwise meets, to the extent applicable, the criteria for complaints as defined under §§ 11.1 and 21.1 (relating to definitions; and complaints).

Conflict of interest—When, during a given session of the General Assembly one of the following occurs:

(i) The representation of one principal by a registrant is directly adverse to another principal.

(ii) The representation of one or more principals is materially limited by the lobbying firm's or lobbyist's responsibilities to another principal, a previous principal or a third person or by a personal interest of the lobbyist.

Contractor—As defined in 62 Pa.C.S. § 103.

Department—The Department of State of the Commonwealth.

Direct communication—An effort, whether written, oral or by another medium, made by a lobbyist, lobbying firm or principal, directed to a State official or employee, the purpose or foreseeable effect of which is to influence legislative action or administrative action. The term may include personnel expenses and office expenses.

Docket—The term includes the official listing of entries to the record of a matter before the Commission, and the initial, official assignment of a file number to a matter before the Commission; or the entry of an item on the record of a matter before the Commission.

Economic consideration—

(i) The term includes anything of value offered or received.

(ii) The term includes compensation and reimbursement for expenses.

Effort to influence legislative action or administrative action—Any attempt to initiate, support, promote, modify, oppose, delay or advance a legislative action or administrative action on behalf of a principal for economic consideration.

(i) The term includes engaging a lobbyist.

(ii) Monitoring of legislation, monitoring of legislative action or monitoring of administrative action is not lobbying. However, for an individual or entity that is not exempt, the costs of monitoring are subject to the reporting requirements of the act when the monitoring occurs in connection with activity that constitutes lobbying.

Election Code—The Election Code (25 P. S. §§ 2600—3591).

Employee—An individual from whose wages an employer is required under the Internal Revenue Code (26 U.S.C.A.) to withhold Federal Income Tax. For the limited purpose of determining exemption under section 13A06(2) of the act (relating to exemption from registration and reporting), the term “employee” includes an “independent contractor” under the Internal Revenue Code, when the employee engages in the activity of gathering, commenting on and disseminating the news.

Engaging a lobbyist—Contracting in any form with a lobbyist or lobbying firm for lobbying on behalf of a principal for economic consideration.

Engaging in lobbying—Any act by a lobbyist, lobbying firm or principal that constitutes an effort to influence legislative action or administrative action in this Commonwealth, as defined in the definition of “lobbying” in section 13A03 of the act (relating to definitions).

Entity—

(i) Something that has a separate and distinct existence, from its members, if any.

(ii) The term includes, but is not limited to, a governmental unit.

Ethics Act—65 Pa.C.S. §§ 1101—1113 (relating to Public Official and Employee Ethics Act).

Filed—Registration statements, reports and other official statements or papers under the act are filed on the date they are received at the Department office whether filed electronically or delivered by United States mail, express carrier or hand-delivery. Documents filed with the Commission under the act are deemed filed on the date they are received at the Commission office whether filed electronically or delivered by United States mail, express carrier or hand-delivery or by fax.

Fund—The Lobbying Disclosure Fund established in section 13A10(b) of the act (relating to registration fees; fund established; system; regulations).

Gift—

(i) Anything that is received without consideration of equal or greater value.

(ii) The term does not include any of the following:

(A) A political contribution otherwise reportable as required by law.

(B) A commercially reasonable loan made in the ordinary course of business.

(C) Hospitality, transportation or lodging.

Hospitality—

(i) The term includes the following:

(A) Meals.

(B) Beverages.

(C) Recreation and entertainment.

(ii) The term does not include:

- (A) Gifts.
- (B) Transportation or lodging.

Immediate family—An individual's spouse, child, parent, brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law and daughter-in-law.

Indirect communication—

- (i) An effort, whether written, oral or by another medium, to encourage others, including the general public, to take action, the purpose or foreseeable effect of which is to directly influence legislative action or administrative action.
- (ii) The term includes letter-writing campaigns, mailings, telephone banks, print and electronic media advertising, billboards, publications and educational campaigns on public issues.
- (iii) The term does not include regularly published periodic newsletters primarily designed for and distributed to members of a bona fide association or charitable or fraternal nonprofit corporation.
- (iv) The term may include personnel expenses and office expenses.

Intentional—The term has the meaning set forth in 18 Pa.C.S. § 302(b) (relating to general requirements of culpability).

Legislation—Bills, resolutions, amendments and nominations pending or proposed in either the Senate or the House of Representatives. The term includes any other matter which may become the subject of legislative action by either chamber of the General Assembly. Any other matter includes:

- (i) Draft legislation.
- (ii) Any bills, resolutions, amendments and nominations pending or proposed by any State official or employee.

Legislative action—An action taken by a State official or employee involving the preparation, research, drafting, introduction, consideration, modification, amendment, approval, passage, enactment, tabling, postponement, defeat or rejection of any of the following:

- (i) Legislation.
- (ii) Legislative motions.
- (iii) A veto by the Governor.
- (iv) Confirmation of appointments by the Governor or of appointments to public boards or commissions by a member of the General Assembly.

Lobbying—

- (i) An effort to influence legislative action or administrative action in this Commonwealth.
- (ii) The term includes the following:
 - (A) Direct or indirect communications.
 - (B) Office expenses.

(C) Providing any gift, hospitality, transportation or lodging to a State official or employee for the purpose of advancing the interest of the lobbyist, lobbying firm or principal.

Lobbying firm—An entity that engages in lobbying for economic consideration on behalf of a principal other than the entity itself.

Lobbyist—An individual, association, corporation, partnership, business trust or other entity that engages in lobbying on behalf of a principal for economic consideration. The term includes an attorney at law while engaged in lobbying. Membership in an association alone is not sufficient to make an association member a lobbyist.

Marketplace transaction—Includes the costs for:

(i) *Goods*. The usual and normal charge for goods purchased in an arms-length transaction in the market in which they ordinarily would have been purchased.

(ii) *Services*. The hourly or piecemeal charge for the services at a commercially reasonable rate prevailing at the time the services were rendered.

Materially correct—Being free from material misstatements, as it is used in section 13A08(f)(3) (relating to administration) of the act and in § 61.2(a) (relating to scope of compliance audits).

Negligence—The absence of ordinary care that a reasonably prudent person would exercise in the same or similar circumstances.

Offeror—As defined in 62 Pa.C.S. § 103.

Office expense—An expenditure for an office, equipment or supplies utilized for lobbying.

Person—Includes a corporation, partnership, limited liability company, business trust, other association, government entity, estate, trust, foundation or natural person.

Personnel expense—An expenditure for salaries or other forms of compensation, benefits, vehicle allowances, bonuses and reimbursable expenses paid to lobbyists, lobbying staff, research and monitoring staff, consultants, lawyers, publications and public relations staff, technical staff, clerical and administrative support staff and includes individuals who engage in lobbying but are exempt from reporting under section 13A06 of the act. For an individual for whom lobbying is incidental to regular employment, the term means a good faith prorated estimate based on the value of the time devoted to lobbying.

Political subdivision—The term as defined in section 1102 of the Ethics Act (relating to definitions).

Principal—

(i) An individual, association, corporation, partnership, business trust or other entity, including a Commonwealth agency or political subdivision on whose behalf a lobbying firm or lobbyist engages in lobbying, or that engages in lobbying on the principal's own behalf.

(ii) Membership in an association alone is not sufficient to make an association member a principal.

Reception—

(i) An event attended by invited State officials or State employees that is hosted by a registered lobbyist, lobbying firm or principal in which items such as appetizers, beverages or light fare are served for afternoon or evening events and items such as coffee, juice, pastries or bagels are served for morning events. A related hospitality event will not be considered or included as part of a reception.

(ii) The cost per individual shall be based on the invoiced amount for prospective attendees, irrespective of the actual number of attendees, and may not be greater than \$75 unless the reception takes place in a high-cost locality as classified by the Internal Revenue Service in Publication 1542, in which case the cost per individual may not exceed \$125. On a biennial basis, beginning April 11, 2009, the Department will have the authority to review these amounts, and subject to the concurrence of the Commission, to increase them if it is deemed appropriate. For purposes of determining the cost per individual herein, the guidelines found in § 55.1(k)(6) (relating to quarterly expense reports) are not applicable.

(iii) The term does not include an event subject to the reporting requirements under Article XVI of the Election Code (25 P. S. §§ 3241—3260(b)).

(iv) This definition will not be interpreted as eliminating the obligation of the principal, lobbying firm or lobbyist to maintain records for purposes of disclosing total hospitality expenses in quarterly expense reports.

*Registrant—*A registered lobbyist, registered lobbying firm or a registered principal.

*Regulation—*Any rule, regulation or order in the nature of a rule or regulation, including formal and informal opinions of the Attorney General, of general application and future effect, promulgated by an agency under statutory authority in the administration of a statute administered by or relating to the agency, or prescribing the practice or procedure before the agency.

*Regulatory Review Act—*71 P. S. §§ 745.1—745.12.

*Reporting period—*Any of the following periods:

- (i) January 1 through March 31.
- (ii) April 1 through June 30.
- (iii) July 1 through September 30.
- (iv) October 1 through December 31.

*Respondent—*The subject of a complaint, notice of alleged noncompliance, investigation or formal proceeding before the Commission.

*Service (of official papers)—*Official papers are deemed served by the Commission, or by a division thereof, on the date of mailing if delivered by United States mail; the pickup date if delivered by express carrier; or the date received from the Commission if hand-delivered.

State budget process—The consideration and passage of acts relating to expenditures of funds and the generation of revenues by the General Assembly.

Statement of policy—The term includes a guideline, as defined in 1 Pa. Code § 1.4 (relating to definitions).

State official or employee—An individual elected or appointed to a position in State government or employed by State government, whether compensated or uncompensated, who is involved in legislative action or administrative action.

Sua sponte—Being done on one's own volition.

Termination—That point in time when the registration of a lobbyist, lobbying firm or principal ends in this Commonwealth, as provided at section 13A04(e) of the act.

Total resources—

- (i) Includes all receipts by the principal during the reporting period.
- (ii) The term includes dues and grants received by the principal.

Transportation and lodging or hospitality received in connection with public office or employment—Transportation, lodging or hospitality received in the course of, or incident to, the performance of official duties or responsibilities, or received on the basis of the status of the recipient as a public official or employee or State official or employee as those terms are defined under the Ethics Act or the act, respectively.

Vendor—

- (i) An offeror, bidder or contractor that, for economic consideration, sells or provides a service or supply or engages in construction.
- (ii) The term does not include an attorney at law, a lobbyist or a lobbying firm.

Cross References

This section cited in 51 Pa. Code § 63.2 (relating to Commission proceedings regarding prohibited activities under section 13A07 of the act).

§ 51.2. Filing deadlines to fall on Commonwealth business days.

When the deadline for filing a registration statement, report, answer, brief or other official paper, under the act, with either the Department or Commission, falls on a weekend or holiday, or on another day that the office of the filing location is closed or closes early, the deadline for the filing will be extended to the following Commonwealth business day.

§ 51.3. Registration periods and reporting periods.

(a) Registration under section 13A04 of the act (relating to registration) shall be biennial. The first registration period which commenced January 1, 2007, continues through December 31, 2008. Subsequent registrations shall commence on January 1 of each odd numbered year.

(b) Reporting under section 13A05 of the act (relating to reporting) shall be quarterly within each calendar year: for January through March; April through June; July through September; and October through December. Quarterly expense reports shall be filed on or before the 30th day after the quarterly reporting period ends.

§ 51.4. Delinquency.

(a) A registration statement or report required to be filed under section 13A04 or 13A05 of the act (relating to registration; and reporting) is delinquent if not received by the Department on the date due as follows:

(1) Hard copy filings must be received by 5 p.m. in the office. For quarterly expense reports, from 5 p.m. until 12 a.m. midnight, a hard copy filing may be filed with the Department's designee. The filing location and the Department's designee will be on the Department's web site.

(2) Electronic filings may be filed until 12 a.m. midnight.

(b) A failure to timely file a registration statement, a quarterly expense report, a separate expense report, a notice of termination or an amendment to one of these filings constitutes a failure to register or report as required by the act; delinquency continues until the filing is received by the Department in proper form.

(c) A registration statement will not be considered delinquent if the Department receives a registration statement electronically by the due date and the required photograph (in the case of a lobbyist's registration statement) and the filing fee, if due, are received by the Department within 5 calendar days of the Department's receipt of the original electronic filing, in accordance with § 51.10(b) (relating to electronic filing). If the 5 days end on a weekend or holiday, or on another day that the office of the filing location is closed or closes early, the deadline for the filing will be extended to the following Commonwealth business day.

Cross References

This section cited in 51 Pa. Code § 53.1 (relating to biennial filing fee); 51 Pa. Code § 53.2 (relating to principal registration); 51 Pa. Code § 53.3 (relating to firm registration); and 51 Pa. Code § 53.4 (relating to lobbyist registration).

§ 51.5. Deficiency.

(a) A registration statement, expense report or notice of termination required to be filed under section 13A04 or 13A05 of the act (relating to registration; and reporting) is deficient if one or more of the following exist:

(1) It does not fully and accurately include and disclose all that is required by the act and this part.

(2) It includes a false statement.

(3) It is illegible.

- (4) The filer fails to use the appropriate form prescribed by the Department.
- (5) The filer fails to date the registration statement, expense report or notice of termination.
- (6) The filer fails to sign the expense report under oath or affirmation as set forth in § 51.9 (relating to signing and designation of certain filings).
- (b) The filing of a deficient registration statement constitutes a failure to register as required by the act.
- (c) The filing of a deficient expense report constitutes a failure to report as required by the act.
- (d) The filing of a deficient notice of termination shall be ineffective.
- (e) A deficient registration statement, expense report or notice of termination continues to be deficient until it is amended to fully and accurately disclose all of the information that is required to be disclosed by the act and this part.

§ 51.6. Biennial review of exemption threshold, reporting threshold and filing fees.

- (a) On a biennial basis commencing in January 2009, the Department will review the threshold under section 13A06 of the act (relating to exemption from registration and reporting) for registration under section 13A04 of the act (relating to registration) and the threshold for reporting under section 13A05(d) of the act (relating to reporting), and, if appropriate, will increase these amounts prospectively to rates deemed reasonable for assuring appropriate disclosure.
- (b) On a biennial basis commencing in January 2009, the Department will review the filing fee established under section 13A10 of the act (relating to registration fees; fund established; system; regulations) and may by regulation under section 13A08(j) of the act (relating to administration), adjust this amount if the Department determines that a higher fee is needed to cover the costs of carrying out the provisions of the act.
- (c) Changes to the thresholds made under this section will become effective prospectively as determined by the Department. Changes to the thresholds will not be effective until the beginning of a calendar quarter.
- (d) The Department will publish adjusted threshold amounts in the *Pennsylvania Bulletin* by June 1, 2009, and by June 1 every 2 years thereafter, as necessary.

§ 51.7. Forms, records and Department publications.

- (a) Blank forms for filing or amending registration statements, quarterly expense reports, separate quarterly expense reports, lobbyists' statements of limitations of knowledge, or notices of termination under the act may be obtained by contacting the Department at: Bureau of Commissions, Elections and Legislation, 210 North Office Building, Harrisburg, Pennsylvania 17120, (717) 787-5280; or

by visiting the Department's office during business hours on Commonwealth business days. Forms are also available at the Department's web address: www.dos.state.pa.us.

(b) Paper filers may attach additional forms prescribed by the Department if more space is required.

(c) Completed registration statements, quarterly expense reports, separate quarterly expense reports, lobbyists' statements of limitations of knowledge, and notices of termination filed with the Department will remain on file for 4 years and will be available for public inspection at the office of the Department in Harrisburg, Pennsylvania during business hours on Commonwealth business days. The Department will provide copies of these documents for the cost of the copying. Documents that are maintained and reproducible in an electronic format are available in that format upon request, at cost. All registrations and reports will also be available on the Department's web site at www.dos.state.pa.us.

(d) Payments to the Commonwealth for charges under subsection (c) shall be deposited into the Fund established by section 13A10(b) of the act (relating to registration fees; fund established; system; regulations).

(e) Under section 13A08(d) of the act (relating to administration), the Department will prepare and publish the following in a searchable electronic format:

(1) An annual report of lobbying activities in this Commonwealth.

(2) An annual listing of principals, which will identify affiliated political action committees, lobbying firms and lobbyists that are registered to lobby for the principals.

(3) An annual listing of lobbying firms and lobbyists not associated with lobbying firms, which will identify affiliated political action committees and the principals for whom the lobbying firm or lobbyist is registered to lobby.

(4) An annual listing of registered lobbyists for each lobbying firm, which will identify affiliated political action committees and principals.

(5) A biennial directory of all registered lobbyists, which will include photographs, as well as registered lobbying firms.

(i) The directory will be produced and distributed on or before May 1 of each odd-numbered year.

(ii) Revenue received by the Commonwealth from sales of this directory will be deposited into the Fund established by section 13A10(b) of the act.

(6) Paper copies of the directory and annual reports will be made available to the public at a price not to exceed the actual cost of production.

(7) Any of the items in paragraphs (1)—(4) may, at the discretion of the Department, be supplemented or be combined in a single publication.

Cross References

This section cited in 51 Pa. Code § 53.3 (relating to lobbying firm registration); and 51 Pa. Code § 53.6 (relating to termination).

§ 51.8. Amended filings.

- (a) Filings under the act may be amended.
- (b) When there is a change in information required for the registration statement under section 13A04(b)(3) of the act (relating to registration), an amended registration statement will be filed with the Department within 14 days of the end of the year in which the change occurs.
- (c) When amending registration statements or quarterly expense reports, principals, lobbyists and lobbying firms need only complete those portions of their registration statements or quarterly expense reports requiring amendment, in addition to the identification of the principal, lobbyist or the lobbying firm filing the amendment.
- (d) Amended registration statements must conform to the additional requirements detailed in § 53.5 (relating to amended registration statements).
- (e) Amended filings will not affect the Commission's authority to conduct investigations, hearings or other proceedings under the act.

§ 51.9. Signing and designation of certain filings.

- (a) *Signing of certain filings.*
 - (1) Quarterly expense reports, separate quarterly expense reports, lobbyists' statements of limitations of knowledge and amendments to these forms filed with the Department must be signed originals bearing the signature of the filer. See § 51.10 (relating to electronic filing) for requirements when filing electronically.
 - (i) A document will be deemed to be a signed original if it is filed electronically under § 51.10 or if it bears an original manual signature in ink.
 - (ii) Except as noted in subsection (b)(2), principals, lobbying firms or lobbyists that are individuals shall sign their own filings.
 - (iii) Filings by a principal that is a firm, association, corporation, partnership, business trust or business entity shall be signed by a named officer or other individual who has the authority to sign documents on its behalf.
 - (iv) Filings by a lobbyist that is a firm, association, corporation, partnership, business trust or business entity shall be signed by a named officer or other individual who has the authority to sign documents on its behalf.
 - (v) The signature must appear on the line indicated on the form as prescribed by the Department.
 - (2) Registration statements are not required to be signed.
 - (3) Registration statements, quarterly expense reports, separate expense reports, notices of termination and amendments to these filed under the act must include an affirmation subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) that the information provided therein is true and correct to the best of the filer's knowledge, information and belief.

(4) A lobbyist who signs a principal's quarterly expense report or amendment, shall do so under an affirmation subject to 18 Pa.C.S. § 4904 that the information provided therein is true and correct to the best of the lobbyist's knowledge, information and belief.

(5) A lobbyist attaching a statement to a principal's quarterly expense report or an amendment, describing the limits of the lobbyist's knowledge concerning the expenditures contained therein, shall do so under an affirmation subject to 18 Pa.C.S. § 4904 that the information provided in the statement is true and correct to the best of the lobbyist's knowledge, information and belief.

(b) *Designation of certain filings.* A principal, lobbying firm or lobbyist may designate another individual or firm to complete any of its filings on the following conditions:

(1) The principal, lobbying firm or lobbyist designating another individual or firm to complete any of its filings is still responsible for the timely filing and accuracy of the information in the filing.

(2) When a principal, lobbying firm or lobbyist designates another individual or firm to complete a form on its behalf, the principal, lobbying firm or lobbyist shall make that designation on the registrant's registration statement.

(3) A signature of an individual not included on a registrant's registration statement filed with the Department is not a valid signature as to the registrant.

(4) Signing a principal's quarterly expense report on behalf of the principal does not satisfy the requirements of section 13A05(b)(4) of the act (relating to reporting), pertaining to attestation of principal expense reports by lobbying firms and lobbyists not associated with lobbying firms.

Cross References

This section cited in 51 Pa. Code § 51.5 (relating to deficiency); 51 Pa. Code § 51.10 (relating to electronic filing); 51 Pa. Code § 53.5 (relating to amended registration statements); and 51 Pa. Code § 55.1 (relating to expense reports).

§ 51.10. Electronic filing.

(a) Forms that are required to be filed under the act may be filed electronically. The use of an electronic signature shall have the same force and effect as a manual signature.

(1) Lobbyists, lobbying firms and principals shall be deemed to comply with section 13A10(c) of the act (relating to registration; fees; fund established; system; regulations) for the remainder of the calendar year if they submit a registration statement, an amended registration statement or an expense report electronically using the Department's online filing on its web site.

(2) In submitting a registration statement, an amended registration statement or an expense report electronically using the Department's online filing on its web site, the applicant will be deemed to agree to all of the following:

(i) For any registration statement, amended registration statement or notice of termination that the applicant files with the Department electronically, the typing of the applicant's name in the electronic submission constitutes the applicant's affirmation as set forth in § 51.9(a)(3) (relating to signing and designation of certain filings).

(ii) For any quarterly expense report, separate quarterly expense report or amended quarterly expense report that the applicant files with the Department electronically, the electronic signature constitutes the applicant's signature under oath or affirmation as set forth in § 51.9(a)(3).

(iii) The use of the electronic signature to "sign" a quarterly expense report, or amendment filed by another constitutes the applicant's affirmation as set forth in § 51.9(b).

(iv) The use of the electronic signature to attach a statement to a quarterly expense report, or an amendment to the quarterly expense report filed by another constitutes the applicant's affirmation as set forth in § 51.9(b).

(b) A registration statement or an amended registration statement that is submitted to the Department electronically is filed on the date the Department receives the document electronically if the Department receives the required photograph (in the case of a lobbyist's registration statement) and the biennial filing fee, if due, within 5 calendar days.

(1) If the Department does not receive the required photograph (in the case of a lobbyist's registration statement) and the biennial filing fee, if due, within 5 calendar days from the date of receiving the document electronically, the registration statement or amended registration statement is filed on the date the Department receives all the required items.

(2) The failure to submit a photograph or to pay a biennial filing fee as required by the act and this part constitutes a failure to register as required by the act.

Cross References

This section cited in 51 Pa. Code § 51.4 (relating to delinquency); and 51 Pa. Code § 51.9 (relating to signing and designation of certain filings).

§ 51.11. Parent corporations and subsidiaries.

(a) Subject to the requirements of subsection (b), a parent corporation and its subsidiaries may register and report under the act on a consolidated basis if they meet the eligibility standards of the Internal Revenue Service, in 26 U.S.C.A. § 1501, for filing a consolidated corporate tax return.

(b) When registration and reporting is on a consolidated basis, the registration statements, quarterly expense reports, separate quarterly expense reports, and notices of termination must disclose with particularity all of the required information as to the parent corporation and the subsidiaries.

(c) If a parent corporation and its subsidiaries file separately, each shall pay the registration fee and file all subsequent quarterly expense reports separately until the filing of a notice of termination.

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