

## CHAPTER 53. REGISTRATION AND TERMINATION

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### Cross References

This section is cited at 51 Pa. Code § 61.5 (relating to confidentiality).

### § 53.1. Biennial filing fee.

(a) Under section 13A10(a) of the act (relating to registration fees; fund established; system; regulations), a principal, lobbying firm or lobbyist required to be registered under the act shall pay a biennial filing fee of \$100 to the Department, made payable to the “Commonwealth of Pennsylvania.” As of January 1, 2011, the biennial filing fee will be \$200. As of January 1, 2015, the biennial filing fee will be \$300.

(1) The biennial filing fee shall be tendered to the Department with the filing of the principal’s, lobbying firm’s or lobbyist’s first registration statement in each registration period. However, if the Department receives the filing fee within 5 calendar days of the filing of a registration statement, the registration will not be considered delinquent, in compliance with § 51.4 (relating to delinquency).

(2) The biennial filing fee will be a flat fee for the registration period in which paid. A registrant will not be required to pay more than one biennial filing fee in any given biennial registration period, unless a registrant terminates and attempts to reregister during the same biennial registration period.

(3) A separate biennial filing fee shall be paid for each principal, lobbying firm or lobbyist required to be registered, even if employed by a firm, association, corporation, partnership, business trust or business entity that is also required to register and that has paid or will pay the fee.

(4) The biennial filing fee is nonrefundable and nontransferable.

(5) Filing fees expire at the end of each registration period, regardless of when paid.

(b) The failure to pay a biennial filing fee as required by the act and this section will constitute a failure to register as required by the act.

(c) Money received from biennial filing fees will be deposited in the Fund.

### Authority

The provisions of this § 53.1 amended under 65 Pa.C.S. § 13A08(j).

### Source

The provisions of this § 53.1 amended July 9, 2010, effective July 10, 2010, 40 Pa.B. 3825; amended December 12, 2014, effective December 13, 2014, the increased fees will be implemented for the 2015-2016 biennial registration period, 44 Pa.B. 7671. Immediately preceding text appears at serial page (350851).

### § 53.2. Principal registration.

(a) Unless exempt under section 13A06 of the act (relating to exemption from registration and reporting), a principal shall register with the Department within 10 days of the earlier of the following:

- (1) Contracting in any form with an individual or entity for lobbying.
- (2) Engaging in lobbying.
- (b) Lobbying by a principal on the principal's own behalf constitutes acting in the capacity of a principal.
  - (1) A principal that is required to register and that engages in lobbying solely on its own behalf need only register as a principal. However, a principal that engages in lobbying on behalf of others also would be required to register as a lobbyist or lobbying firm.
  - (2) Unless exempt under section 13A06 of the act, members or employees of a principal who engage in lobbying on behalf of the principal shall register as lobbyists under § 53.4 (relating to lobbyist registration).
  - (c) A principal shall register by filing a registration statement with the Department, on a form prescribed by the Department as required under § 51.7(a) (relating to forms, records and Department publications), which discloses at least the following information:
    - (1) The name, permanent address, daytime telephone number, email address, if available, and name and nature of the business of the principal.
    - (2) The name, registration number and acronyms of all "affiliated political action committees" as defined in section 13A03 of the act (relating to definitions).
    - (3) The name and permanent business address of each individual, registered or unregistered, who will for economic consideration engage in lobbying on the principal's behalf. The principal need not list individuals exempt under section 13A06 of the act.
    - (4) If the principal is an organization or association, the number of its dues-paying members in the past calendar year.
    - (5) The name, permanent business address, daytime telephone number, fax number and email address of every lobbying firm which represents the principal.
    - (6) The registration number of the principal when available.
  - (d) For each address that is to be disclosed on a registration statement, the filer shall include the permanent business address. If the filer has more than one permanent business address, indicate the primary business address of the filer.
  - (e) The registration statement must include the principal's consent to receive service of notices, other official mailings or process at addresses listed in the registration statement on file with the Department.
  - (f) The registration statement must include a statement that the principal has received, read and understands the requirements and prohibitions of the act.
  - (g) The registration statement must also include a statement that the information on the principal's statement is true, correct and complete to the best of the registrant's knowledge, information and belief, and the affirmation is being made subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(h) A principal will not be considered registered until the completed registration statement and the biennial filing fee, in proper form as required by the act and this section, are received by the Department. However, if the Department receives the filing fee within 5 calendar days of the filing of a registration statement, the registration will not be considered delinquent, in compliance with § 51.4 (relating to delinquency).

(i) Unless terminated, a registration statement filed under the act is effective from the date of filing through the final day of the registration period then in effect. The principal shall file a new registration statement after that date, to the extent the principal is required to be registered under the act and this section.

(j) A person who is a principal as defined in section 13A03 of the act (relating to definitions) consents to receive service of process, even if that person is located out-of-State under 42 Pa.C.S. § 5322 (relating to the bases of personal jurisdiction over persons outside this Commonwealth).

### **§ 53.3. Lobbying firm registration.**

(a) Unless exempt under section 13A06 of the act (relating to exemption from registration and reporting), a lobbying firm shall register with the Department within 10 days of the earlier of one of the following:

- (1) Contracting in any form to engage in lobbying.
- (2) Engaging in lobbying.

(b) Lobbying by a lobbying firm on a principal's behalf constitutes acting in the capacity of a lobbying firm.

(1) A lobbying firm that is required to register and that engages in lobbying on its own behalf shall also register with the Department as a principal.

(2) Unless exempt under section 13A06 of the act, members or employees of a lobbying firm who engage in lobbying on behalf of the lobbying firm shall register as lobbyists with the Department under § 53.4 (relating to lobbyist registration).

(c) A lobbying firm shall register by filing a registration statement with the Department, on a form prescribed by the Department as required under § 51.7(a) (relating to forms, records and Department publications), which discloses at least the following information:

(1) The name, permanent address, daytime telephone number, email address if available, and name and nature of business of the lobbying firm.

(2) The name, registration number and acronyms of all "affiliated political action committees" as defined in section 13A03 of the act (relating to definitions).

(3) The name and permanent business address of each individual, registered or unregistered, who will for economic consideration engage in lobbying on the principal's behalf. The lobbying firm need not list individuals exempt under section 13A06 of the act.

- (4) The name, permanent business address, daytime telephone number and registration number when available of every principal that the lobbying firm represents.
- (5) The registration number of the lobbying firm when available.
- (d) For each address that is to be disclosed on a registration statement, the filer shall include the permanent business address. If the filer has more than one permanent business address, indicate the primary business address of the filer.
- (e) The registration statement must include the lobbying firm's consent to receive service of notices, other official mailings or process at addresses listed in the registration statement on file with the Department.
- (f) The registration statement must include a statement that the lobbying firm, through its authorized representative, has received, read and understands the requirements and prohibitions of the act.
- (g) The registration statement must also include a statement that the information on the lobbying firm's statement is true, correct and complete to the best of the registrant's knowledge, information and belief, and the affirmation is being made subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).
- (h) A lobbying firm will not be considered registered until the completed registration statement and the biennial filing fee, in proper form as required by the act and this section, are received by the Department. However, if the Department receives the filing fee within 5 calendar days of the filing of a registration statement, the registration will not be considered delinquent, in compliance with § 51.4 (relating to delinquency).
- (i) Unless terminated, a registration statement filed under the act is effective from the date of filing through the final day of the registration period then in effect. The lobbying firm shall file a new registration statement after that date, to the extent the lobbying firm is required to be registered under the act and this section.
- (j) A person who is a lobbying firm as defined in section 13A03 of the act consents to receive service of process, even if that person is located out-of-State under 42 Pa.C.S. § 5322 (related to bases of personal jurisdiction over persons outside this Commonwealth).

**§ 53.4. Lobbyist registration.**

- (a) Unless exempt under section 13A06 of the act (relating to exemption from registration and reporting), a lobbyist shall register with the Department within 10 days of the earlier of one of the following:
- (1) Contracting in any form to engage in lobbying.
  - (2) Engaging in lobbying.
- (b) When a firm, association, corporation, partnership, business trust or business entity is engaged as a lobbyist or lobbying firm, it and each of its members

or employees that engage in lobbying on behalf of the principal shall register with the Department, unless exempt under section 13A06 of the act.

(c) When a lobbyist engages in lobbying on the lobbyist's own behalf, the lobbyist shall also register as a principal.

(d) A lobbyist shall register by filing a registration statement with the Department on a form prescribed by the Department, as required under § 51.7(a) (relating to forms, records and Department publications), which includes and discloses at least the following information:

(1) The name, permanent business address, email address, if available, and daytime telephone number of the lobbyist. The filer shall also indicate if the lobbyist is a licensed attorney, and, if so, whether the attorney is licensed in this Commonwealth.

(2) A recent passport-sized (approximately 2 inches x 2 inches) photograph of the lobbyist, the specifications of which will be determined by the Department and published on its web site.

(3) The name, permanent business address, daytime telephone number and registration number when available of each principal the lobbyist represents.

(4) The name, registration number and acronyms of all "affiliated political action committees," as defined in section 13A03 of the act (relating to definitions).

(5) The name and registration number when available of every lobbying firm with which the lobbyist has a relationship involving economic consideration.

(6) The name, registration number and acronym of any non-Federal candidate's political committee of which the lobbyist is an officer who must be included in a registration statement under section 1624(b)(2) and (3) of the Election Code (25 P. S. § 3244(b)(2) and (3)), regarding registration.

(7) The registration number of the lobbyist when available.

(e) For each address that is to be disclosed on a registration statement, the filer shall include the permanent business address. If the filer has more than one permanent business address, indicate the primary business address of the filer.

(f) The registration statement must include the lobbyist's consent to receive service of notices, other official mailings or process at addresses listed in the registration statement on file with the Department.

(g) The registration statement must include a statement that the lobbyist has received, read and understands the requirements and prohibitions of the act.

(h) The registration statement must also include a statement that the information on the lobbyist's statement is true, correct and complete to the best of the registrant's knowledge, information and belief, and the affirmation is being made subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(i) A lobbyist registering on behalf of an association will not be required to register on behalf of each member of that association. However, if a lobbyist rep-

resents a member in a separate capacity, both the lobbyist and the member shall file the appropriate registrations.

(j) A lobbyist will not be considered registered until the completed registration statement, the biennial filing fee and a photograph of the lobbyist, in proper form as required by the act and this section, are received by the Department. However, if the Department receives the filing fee and a photograph of the lobbyist within 5 calendar days of the filing of a registration statement, the registration will not be considered delinquent, in compliance with § 51.4 (relating to delinquency). 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.

(k) Unless terminated, a registration statement filed under the act is effective from the date of filing through the final day of the registration period then in effect. The lobbyist shall file a new registration statement after that date, to the extent the lobbyist is required to be registered under the act and this section.

(l) A person who is a lobbyist as defined in section 13A03 of the act (relating to definitions) consents to receive service of process, even if that person is located out-of-State under 42 Pa.C.S. § 5322 (related to bases of personal jurisdiction over persons outside this Commonwealth).

#### **Cross References**

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

### **§ 53.5. Amended registration statements.**

(a) A principal required to be registered under the act shall file an amended registration statement whenever there is a change in the information required to be disclosed on the principal's registration statement. The amended registration statement shall be filed with the Department within 14 days after the change occurs, except that if the change is solely as to the number of dues-paying members in the past calendar year, the amended registration statement shall be filed with the Department within 14 days of the end of the year in which the change occurs.

(b) A lobbyist or lobbying firm required to be registered under the act shall file an amended registration statement whenever there is a change of or in the information required to be disclosed on the lobbyist's or the lobbying firm's registration statement. The amended registration statement shall be filed within 14 days after the change occurs.

(c) Principals, lobbyists and lobbying firms shall amend only those portions of their registration statements that need to be amended, in addition to the identification of the principal, lobbyist and the lobbying firm, as provided in § 51.8 (relating to amended filings).

#### **Cross References**

This section cited in 51 Pa. Code § 51.8 (relating to amended filings).

**§ 53.6. Termination.**

(a) A lobbyist, lobbying firm or a principal may terminate its registration by filing with the Department a completed notice of termination on a form prescribed by the Department as required under § 51.7(a) (relating to forms, records and Department publications).

(b) A separate notice of termination is required for each registration statement.

(c) A notice of termination must identify the registration number of the principal, lobbying firm or lobbyist terminating registration.

(d) A notice of termination may be amended, but cannot be withdrawn.

(e) A registration statement cannot be revived or otherwise made effective after a notice of termination as to the registration statement has been filed.

(f) Lobbying may not occur after the filing of a notice of termination unless the lobbying is under a separate registration statement which has already been filed with the Department and which, at the time of the lobbying, has not been terminated.

(g) After a review of the notice of termination, the Department will issue to the lobbyist, lobbying firm or principal who filed the notice of termination a letter stating that the registrant has terminated registration. The letter will be issued within 15 days after the Department's receipt of the notice of termination.

(h) The filing of a notice of termination or a termination report, or the issuance of a Department letter stating that the registrant has terminated registration, does not affect the Department's authority to conduct audits, or the Commission's, the Attorney General's or the Board's authority to conduct investigations, hearings or other proceedings under the act and this part.

(i) Nothing in this subsection shall be construed to exempt a lobbyist, lobbying firm or principal from any of the requirements in section 13A05 of the act (relating to reporting).

**§ 53.7. Public inspection and copying.**

(a) The Department will make completed registration statements and notices of termination, which have been filed with the Department, available for public inspection and provide copies of these documents at a price not in excess of the actual cost of copying.

(b) The Department will make all registrations and notices available on a publicly accessible Internet web site. Documents maintained and reproducible in an electronic format will be provided in that format upon request.

(c) The Department will make electronically submitted documents available either on paper or electronically. The Department will make documents submitted on paper available both on paper and electronically.

**Cross References**

This section cited in 51 Pa. Code § 53.6 (relating to termination).

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