Opinion

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# City lobbying law is vague and excessive

By Adam C. Bonin

Last week, Philadelphia launched a registration and disclosure system for those lobbying the city government. While the new system has superficial benefits, I fear it will cause more trouble than it's worth, yielding more confusion than enlightenment.

Lobbying has a bad reputation because of the culture of influence that pervades Washington. But there is nothing inherently bad about petitioning the government for a redress of grievances. Just as people and companies hire lawyers who have the expertise to represent them in court, many hire experts in the legislative process to communicate more effectively in that arena. And in the end, lobbyists have only as much sway as elected officials give them; it's the officials' job to exercise their independent judgment as to what's best for the city.

To be sure, there are good reasons to have a lobbying disclosure system. As a lawyer who advises businesses and nonprofits that engage in lobbying, I know my clients understand that when they are engaged in significant efforts to influence City Council or the mayor, it's fair to ask them to declare their lobbying and identify their lobbyists. It also makes sense to ask lobbyists to disclose any gifts or meals they provide to city officials. In these areas, sunlight can provide useful information and deter conduct that could corrupt the city's decision-making processes.

But the city's new lobbying law goes beyond that, creating an extraordinarily sweeping regime that will burden businesses and nonprofits and could chill free expression protected by the First Amendment. The law overreaches in at least four ways.

First, it's so broad as to encompass not just discussions of active legislation and policy issues, but also "any other matter that may become the subject of action by Council." This almost limitless construction brings every possible conversation with a city official or employee within the scope of the law, even if there is no business interest immediately at stake. This is all the more troubling given the law's required disclosure of "indirect communications," which means outreach to community groups and civic associations is also regulated.

Second, it's still not entirely clear who the law covers. Because of a lawsuit, the regulations now exempt professionals and consultants working with city officials on zoning and other specific issues when doing so "is in the normal course for such matters." But which professionals qualify for the exception? Does it include public relations firms, or social workers seeking services for indigent clients?

Third, the law's quarterly expense-reporting requirements are intrusive and unnecessary. Of what possible value is it to citizens to know how much a lobbyist spends on office supplies and support staff? Requiring lobbyists to compile relevant information about their contributions to local campaigns would be more to the point.

Finally, the law makes it illegal to "engage in conduct that brings the practice of lobbying or the legislative or executive branches of city government into disrepute." Such broad language provides no real notice as to what conduct is prohibited, raising serious due process concerns.

Given the vagueness of some of these requirements, the city ethics board should refrain from imposing fines for any violations this year absent willful, egregious misconduct. Let's have a grace period for everyone to become

comfortable with the law.

A more limited law focused on the regulation and disclosure of campaign contributions, gifts, and hospitality provided by lobbyists to city officials would be easier to understand and enforce, while providing the public with valuable information. Under the current law, however, the city stands to generate a great deal of paperwork, confusion, and difficulty for its businesses and nonprofits.

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