



## FAIR POLITICAL PRACTICES COMMISSION

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June 23, 1999

Michael Lojek  
Assistant General Counsel  
National Rifle Association of America  
11250 Waples Mill Road  
Fairfax, VA 22030

**Re: Termination of Lobbyist Registration  
Our File No. I-99-178**

Dear Mr. Lojek:

Your letter dated May 4, 1999, to Caren Daniels-Meade, Chief of the Secretary of State's Political Reform Division, has been referred to this agency for response. The Commission is the agency authorized to interpret and enforce the provisions of the Political Reform Act (the Act).<sup>1</sup>

### QUESTION

May you, as Assistant General Counsel to the National Rifle Association, sign the lobbyist Notice of Termination (Form 606) on behalf of three individuals formerly employed as lobbyists by the National Rifle Association's Institute for Legislative Action?

### CONCLUSION

No. The notice of termination must be signed by the individual lobbyists in order to terminate their registration.

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<sup>1</sup> Government Code sections 81000 - 91014. Commission regulations appear at title 2, sections 18109 - 18995, of the California Code of Regulations.

## FACTS

You are the Assistant General Counsel to the National Rifle Association. In February 1999, you submitted a separate Notice of Termination (Form 606) for three individual lobbyists who are no longer working for the Association. The notices had been signed by you on behalf of each lobbyist. The Secretary of State notified you that the Form 606 must be signed by each of the individual lobbyists. You have stated that the lobbyists are no longer available to sign the documents, and that you do not believe their signatures are required under the Act.

## ANALYSIS

Section 86107(b) provides:

"If any change occurs in any of the information contained in a lobbyist certification or if the lobbyist terminates all activity which required the certification, *the lobbyist* shall submit an amended certification or notice of termination to his or her lobbying firm or lobbyist employer for filing with the Secretary of State...."

(Emphasis added.)

In your letter, you assert that Section 81004 allows an attorney or responsible officer of the Association to sign the Form 606 on behalf of the lobbyist. This is incorrect. Although the lobbyist employer provides the completed form to the Secretary of State for filing, it is as an *attachment* to the lobbyist employer's registration. The lobbyist employer is the filer of the amended registration statement. The lobbyist is the filer of all documents related to his or her individual registration and disclosure reports. Section 81004 only allows an attorney or responsible officer to sign on behalf of an entity, not on behalf of an individual.

You also have misquoted the instructions contained on the cover page to the Form 606. The instructions clearly state that a lobbyist must sign the Form 606 to terminate his or her registration, and that the "responsible officer" signature is applicable to lobbying firms and lobbyist employers.

"The 'Notice of Termination' must be signed by the lobbyist, or in the case of a lobbying firm, by the person who is designated on the firm's registration statement as the responsible officer of the firm. In the case of a lobbyist employer which is an entity or organization ... a responsible officer of the entity or organization

must sign the notice, or an attorney or a certified public accountant acting as the entity or organization's agent may sign."

(Form 606 Signature Requirements.)

It should also be noted that the Form 606 requires a terminating lobbyist to certify under penalty of perjury that he or she understands the \$10 gift limit contained in Section 86203 remains in effect for six months following termination.

Please obtain signatures of the individual lobbyists on the enclosed termination forms and submit them to the Secretary of State within 20 days of the date of this letter. If you cannot obtain the signatures, please provide the Secretary of State with a detailed explanation. It is not sufficient to say that they are "not available" as stated in your May 4, 1999, letter. If the lobbyists refuse to sign the forms, please provide that information and the matter will be referred to the Commission's Enforcement Division.

If you have any questions concerning this letter, please contact me at (916) 322-5660.

Sincerely,

Steven G. Churchwell  
General Counsel



By: Carla Wardlow  
Division Chief  
Technical Assistance Division

Enclosures

cc: Caren Daniels-Meade