

Political Law Quarterly – Q3 2026

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Political activities sit at the intersection of law, policy, and reputation. Companies operating in highly regulated industries cannot avoid political law issues, and it is frequently more complex than expected.

This quarterly newsletter highlights a few practical issues we are seeing with clients and a handful of developments worth keeping on the radar.

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WHAT IS LOBBYING, ANYWAY?

"Does this mean I'll have to register as a lobbyist?" It's a common question for anyone whose work involves interacting with government. Unfortunately, the answer isn't always straightforward because thresholds vary by jurisdiction. We're here to help.

- **Start with the definition of "lobbying" itself.** This explains what types of activities are considered lobbying in that jurisdiction. It may include direct communication with legislators, contact with executive branch or agency officials, procurement influence, and sometimes "grassroots" solicitation of others to communicate.
- **Consider registration and reporting thresholds.** Lobbying laws generally consider similar factors to determine if lobbying registration or reporting is required:
 - **A compensation test.** Are you paid to do this? Many jurisdictions regulate paid advocacy, and some set a dollar floor for compensation before registration is required.
 - **An expenditure test.** Some regimes trigger registration based on how much you spend on lobbying (staff time, overhead, payments to outside firms), rather than what you are paid.
 - **A time test.** Some jurisdictions ask how much of your time, often expressed as a percentage or number of hours, is devoted to lobbying.
 - **A contacts test.** Some jurisdictions count the number of lobbying communications you make (for example, "more than one contact").
- **See if an exemption applies.** Nearly every jurisdiction carves out speaking on your own behalf, officials acting in their official capacity, media communications, invited testimony, and de minimis activity. Harder cases, such as attorneys, public comment testimony, or political parties, vary state to state.
- **Determine who needs to register.** Once you've worked through those variables and determined that registration is required, one question remains: who has to register? Most regimes regulate two separate players, the individual lobbyist and the employer, principal, or client that pays for the lobbying, often with different thresholds for each.

Although the structure of lobbying compliance is remarkably consistent — register when you cross or anticipate

crossing a threshold, then report — the threshold itself is one of the most jurisdiction-specific numbers in the regulatory landscape. When in doubt, and especially if you operate in more than one jurisdiction, check the governing statute and its current-year, inflation-adjusted figures before you make that next call.

COMPLIANCE REMINDERS FOR NEXT QUARTER

With that framework in mind, and as the 2026 midterms approach and the year draws to a close, consider the following compliance reminders.

Confirm your reporting schedules and calendar deadlines now. Election-year reporting schedules often differ from the usual cadence. For example, FEC-registered committees may have to file a Pre-General Report (due October 22) and a Post-General Report (due December 3), depending on their filing frequency and activity. Many state and local jurisdictions also have election-driven and last-minute contribution reporting deadlines. Check each of your reporting schedules and set internal reminders.

Prepare for 2027 PAC and lobbying registrations. Some jurisdictions require annual or biennial registration or renewal, and others do not. Confirm now what each jurisdiction requires so your registrations don't lapse.

Start gathering information for annual reports. Requirements vary by jurisdiction. Some require an annual report in place of periodic filings, and others require an annual report with additional information. Don't wait until the holidays. Some information dates back to early 2026, and pulling it together may take input from finance, accounting, and internal and external lobbyists. Start collecting:

- Contributions received;
- Expenditures made;
- In-kind contributions;
- Vendor payments; and
- Lobbyist time and expense logs.

DEVELOPMENTS TO WATCH: INFLUENCER DISCLOSURES

In a notable development, California enacted AB 1130, which requires social media influencers and other content creators to disclose paid content supporting or opposing a candidate or ballot measure. Those posts must state that the content is paid and identify who paid for it. Failure to disclose may expose both the creator and the paying committee to liability.

The bill reflects growing scrutiny of influencers' role in political advertising. Undisclosed paid content makes it difficult for viewers to distinguish genuine opinion from paid messaging, undercutting the purpose of campaign finance transparency laws. Texas has adopted similar disclosure requirements, and we expect other states to follow. Committees that work with online creators should review their contracts and ensure that disclosure obligations are clearly assigned.

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