



# LOBBYING IN TEXAS

Do's and Don'ts Under Texas Ethics Commission Rules

*Continuing Legal Education*

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## WHAT WE'LL COVER

# Roadmap



### **Do's**

Seven practices that keep registration, reporting, and hosting compliant.



### **Don'ts**

Seven bright lines — cash gifts, contingent fees, floor access, and more.



### **Penalties**

What TEC and the criminal code do when the rules are broken.



### **Sources**

Where every figure and citation in this deck comes from, for your own verification.

## THE HEADLINE

# TEC just lowered the registration thresholds

Effective June 7, 2026 — and no longer adjusted for inflation.

### COMPENSATION / REIMBURSEMENT THRESHOLD

# \$1,200

*per calendar quarter*

was ~~\$1,990~~

### EXPENDITURE THRESHOLD

# \$650

*per calendar quarter*

was ~~\$990~~



# THE DO'S

Seven practices that keep you compliant



## Register within 5 days of triggering the duty

Once you cross the compensation threshold (\$1,200/quarter) or expenditure threshold (\$650/quarter), you must register within five days of the communication that first triggered it. Don't wait for month-end.



## File Lobby Activity Reports on schedule

Monthly filers report by the 10th of each month. Lower-volume registrants who qualify as annual filers report by January 10 of the following year. Missing a deadline carries a minimum penalty — covered in the Don'ts.



## Itemize and categorize every expenditure

Break spending into transportation/lodging, food/beverage, entertainment, gifts, awards/mementos, and expenditures made for legislative or executive attendance at political fundraisers or charity events. **Add itemized detail** (who, when, how much) once you cross the per-category disclosure threshold.

**VERIFY:** the ~\$132.60/day (food-travel-lodging) and \$110 (gifts) itemization figures against TEC's current guide before filing.



## Be physically present when you host

If you're buying food, drinks, or entertainment for a legislator or staffer, you (or your firm's registered lobbyist) generally need to be there. There's a narrow exception for small mailed food/beverage gifts valued at \$110 or less.



## Keep contemporaneous records

Save receipts, calendars, and correspondence as you go. Every report requires you to certify compliance, and the Texas Ethics Commission can audit your filings after the fact.



## Flag registration exposure for your clients too

This isn't just about you. A client who directly entertains or compensates people to lobby on their behalf may trigger its own separate registration and reporting duty under the same thresholds.



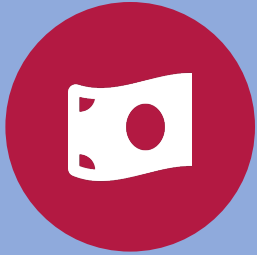
## Document fee arrangements clearly

Put engagement terms in writing so they cannot be read as contingent on a bill's passage, defeat, or a gubernatorial veto or signature. Ambiguity here is exactly what the next section's felony provision punishes.



# THE DON'TS

Seven bright lines you should never cross



## Never give cash or a negotiable instrument

No cash gifts and no loans to a state officer, employee, or their immediate family — full stop. The only exception is a registrant who is a financial institution acting in its ordinary lending business.



## Never take a contingent fee

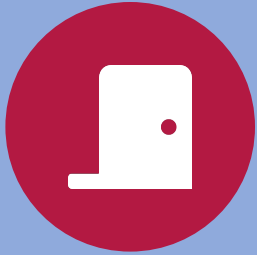
Compensation that's wholly or partly contingent on a bill passing or dying, or on a governor's veto or signature, is a third-degree felony. Narrow exceptions exist for certain legal representation and standard employee bonuses.



## Don't blow through the annual caps

Roughly \$500 aggregate per person per year for gifts, and \$500 aggregate for entertainment (you must be present). Awards/mementos are capped at \$500 per item but have no annual aggregate limit.

**Note:** these \$500 cap figures — they adjust on a separate cycle from the registration thresholds that just changed in June 2026.



## Don't walk onto the House or Senate floor uninvited

Registered lobbyists may not enter the legislative floor while either chamber is in session unless specifically invited. This applies even to lobbyists with longstanding relationships with members.



## Don't accept pay to lobby for a foreign adversary

A more recent addition to the code bars compensation to lobby on behalf of a designated foreign adversary government, its instrumentality, or an affiliated political party. Confirm scope and effective date if this could touch a client's structure.



## Don't mix your campaign account with your lobbying

Registered lobbyists may not make political contributions or direct campaign expenditures from their own campaign funds. Making such a contribution also triggers a two-year bar from lobbying activity.



## Don't let registration or reports lapse

Late filings carry a minimum \$500 penalty. Knowing or intentional violations of the lobby law can be a Class A misdemeanor, and TEC can impose civil penalties up to \$5,000 or triple the amount at issue, whichever is greater.



# Quick Reference

Key Ethics Advisory Opinions for Texas Lobbyists

## Registration Triggers: — who, when, and how the threshold is measured

EAO No. 39 (1992) — Register within five days of the first direct communication that crosses a registration threshold. The clock runs from that triggering communication, not from the end of a month or reporting period, so you cannot wait for an accounting cycle to catch up. Build the five-day deadline into your intake process when you take on a new client or issue. (Gov't Code § 305.005)

EAO No. 103 (1992) — Compensation and reimbursement are added together when testing whether you have crossed the registration threshold. Someone who is under the line on fees alone can still be pushed over once reimbursed expenses are counted, so track both streams from the start of each quarter. (Gov't Code § 305.003)

EAO No. 3 (1992) — A person who makes no expenditures other than his own travel and lodging need not register on the expenditure basis. This is a useful safe harbor for occasional, self-funded contact — but it disappears from the moment you spend on the official (a meal, a ticket) or cross the compensation threshold.

EAO No. 115 (1993), with No. 162 (1993) — If a firm or association registers, an individual lobbyist within it must still register in his own name when he independently meets a threshold; the entity registration does not cover him. No. 162 applies the same logic to a person labeled a lobbyist's "assistant." Do not assume a colleague is covered by the firm's filing.

## What counts as lobbying, and which expenditures are allowed?

EAO No. 4 (1992) — Communications made to generate or maintain “goodwill” for the purpose of influencing future legislation or administrative action are themselves lobby communications. This sweeps in relationship-building contact that has no specific bill attached yet, which is broader than many expect — if the goodwill is aimed at future influence, it counts. (Gov’t Code § 305.006)

EAO No. 93 (1992) — Transportation, lodging, and meals may be provided where the officeholder renders services that are “more than merely perfunctory” — for example, genuinely speaking at or participating in a conference rather than just attending. This is the key opinion defining the conference and fact-finding travel exception, so document the substantive role the official actually played. (Gov’t Code § 305.025)

EAO No. 46 (1992) — If an expenditure must be reported under the lobby law, it is, by definition, not a political contribution, so the same dollars are not reported twice under two different regimes. This resolves the double-characterization problem that otherwise arises when an expense could plausibly look like either.

## Gifts — valuation and the agency-versus-individual line

EAO No. 67 (1992) — Value a gift or a specially created item at the greater of its fair market value or its actual cost and remember that gifts above the annual limit are prohibited outright, not merely reportable. Using cost alone can understate the figure when an item's market value is higher. (Gov't Code § 305.024)

EAO No. 130 (1993), with No. 31 (1992) — A gift to a state agency becomes state property and cannot be diverted to an individual officer's or employee's personal use. This marks the line between a permissible gift to the institution and an impermissible personal benefit, so direct genuinely institutional gifts to the agency, not to a person.

## Recent developments — lobbying opinions issued since 2024

EAO No. 624 (June 12, 2025) — A political party’s communications to legislators about its rules, platform, and priorities are not “legislative advertising” requiring a disclosure statement; hearing testimony and personal letters or emails to individual members lack the published or broadcast mass-media element the requirement targets. (Gov’t Code § 305.027)

### **MISC. 2025 legislation — 89th Legislature**

HB 119 (signed June 20, 2025; effective Sept. 1, 2025) — New Government Code § 305.030 requires a person who lobbies on behalf of a federally designated foreign adversary to register and bars them from accepting compensation for that work, with a civil penalty up to \$10,000 per violation enforceable by the Attorney General.

SB 19 — did not pass. Would have barred political subdivisions from using public funds to hire lobbyists (the “taxpayer-funded lobbying ban”). It passed the Senate but died in the House, and special-session versions (e.g., SB 12) also failed. Included because the proposal recurs and is likely to return.

ADDITIONAL FLAG: Omitted here is EAO No. 16 (1992), which used an old “5% of compensated time” test; that standard was replaced by the 40-hours-per-quarter rule (1 Tex. Admin. Code § 34.43(b)) and now reads as outdated.

## Recent developments — lobbying opinions issued since 2024

EAO No. 610 (Sept. 24, 2024) — Report a Master Limited Partnership as a non-corporate entity on the lobby registration form, because it is structured as a partnership. Whether its ownership units are publicly traded, matters only when the entity is a corporation. (Gov't Code § 305.005(h))

EAO No. 616 (Dec. 3, 2024) — A tribal nation qualifies as a “person” under Chapter 305, so someone compensated above the threshold to lobby on a tribe’s behalf must register and disclose the tribe as a client, like any other client.

EAO No. 620 (Mar. 11, 2025) “Airplane Rule” - Providing corporate aircraft to legislators for a trip tied to projects with open funding requests is a lobby expenditure, which triggers registration and reporting for the person who provides it — unless that person makes no direct communications to legislators on legislative matters. (Gov't Code § 305.006)

EAO No. 622 (Mar. 11, 2025) — A part-time legislative staffer may not simultaneously work for a registered lobbyist; the dual role implicates independence of judgment, confidentiality, and Penal Code bribery concerns. This one directly limits whom a lobbyist may employ.

## SOURCES & Notes

# Sources

- TEC — Lobbying in Texas: A Guide to the Texas Law ([ethics.state.tx.us](https://ethics.state.tx.us))
- TEC — Lobby Registration for Calendar Year 2026 (instructions)
- TEC — Starting and Ending Lobbying ([ethics.state.tx.us](https://ethics.state.tx.us))
- Alliance for Justice — “Everything’s Bigger in Texas — Except the Lobbying Thresholds”
- State and Federal Communications — “Texas Ethics Commission Adopts Lobbying Rule Amendments”
- Texas Ethics Commission, Cumulative Digest of Ethics Advisory Opinions, Part I (1992–1994) —
- TEC Advisory Opinions Nos. 610, 616, 620, 622, 624 & 630 (Part VII)
- Tex. Gov’t Code ch. 305
- 89th Leg. (2025): HB 119 (enacted) & SB 19 (did not pass) Prepared July 2026 as an orientation reference; not legal advice for any specific matter. Older opinion numbers and years were cross-checked against the TEC digest and lobby guide; the 2024–2025 opinions were verified individually against TEC opinion pages (sweep confirmed complete through No. 637, Dec. 10, 2025). Summaries are paraphrased — read the full opinion text before relying on any of them.

**Note:** the per-item disclosure thresholds (\$132.60 / \$110) and the \$500 annual gift/entertainment caps. These adjust on a separate schedule from the registration thresholds, so always check with TEC's current guide before you use in a filing.



# Questions