THE JOINT COMMISSION ON PUBLIC ETHICS IS SOLICITING INFORMAL COMMENTS ON PROPOSED GUIDANCE RELATED TO SCOPE OF THE LOBBYING ACT (LEGISLATIVE LAW ARTICLE 1-A).

The Joint Commission on Public Ethics (the "Commission") is soliciting informal comments on proposed guidance regarding the scope of the definition of lobbying in the Lobbying Act (Legislative Law Article 1-A). The proposed guidance will be formalized as part of a future advisory opinion or regulation.

If you have comments, questions, or suggestions, please contact Martin Levine, Director of Lobbying and FDS Compliance and Senior Counsel at martin.levine@jcope.ny.gov, no later than July 10, 2015.

Direct Lobbying

An *individual* who has *direct interaction* with a public official in connection with an activity covered under Section 1-c(c) of the Lobbying Act - and not otherwise exempted by the Act - is engaging in "lobbying" as defined in the Lobbying Act.

Direct interaction includes, but is not limited to (i) verbal or written communications, including communications made for the purpose of facilitating access to a public official; (ii) attendance at a meeting with a public official; and (iii) presence on a phone call with a public official.

An *individual* includes, but is not limited to, an external party retained by, or on behalf of, the Client as well as employee or other internal representative of the Client.

Grassroots Lobbying

An individual or entity that *controls* the content and delivery of a message or communication that solicits the public at large, or a segment or portion of the public at large, to engage in activity covered by Section 1-c(c) of the Lobbying Act with a public official is engaged in lobbying.

Controls, with respect to the content of the communication, includes participation in the formation of the communication or some influence over reviewing or editing the communication.