

NEW YORK STATE JOINT COMMISSION ON PUBLIC ETHICS

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2017-2018 Biennial Registration Period

****REVISED COURTESY REMINDER****

Registration deadlines for the 2017-2018 biennial period:

FOR SERVICES BEGINNING JANUARY 1, 2017 OR LATER	FILING DEADLINE
<p>AUTHORIZATION DATED: December 15, 2016 or earlier</p> <p>AUTHORIZATION DATED: December 16, 2016 or later</p>	<p>January 3, 2017</p> <p>Within 15 days of the start date, but no later than 10 days after actually exceeding \$5,000 in compensation and expenses</p>
<p>FOR SERVICES BEGINNING DECEMBER 31, 2016 OR EARLIER**</p> <p><i>**If your lobbying activities commenced December 31, 2016 or earlier, please ensure you have registered for all corresponding biennial registration periods.</i></p>	<p>January 3, 2017</p>

Statements of Registration

The Lobbying Act requires every lobbyist who has been retained, employed, or designated to lobby **ON OR BEFORE December 15**, and reasonably anticipates incurring, expending, or receiving **more than \$5,000** in combined reportable compensation and expenses for lobbying activity on a state and/or local level, in **any** year during the biennial period, submit a biennial Statement of Registration **BY JANUARY 1** of the first year of the biennial period.

If the lobbyist has been retained, employed, or designated to lobby on a date **AFTER December 15**, and reasonably anticipates combined reportable compensation and expenses in excess of \$5,000 for lobbying activities, a Statement of Registration must be submitted **within fifteen (15) days of the start date**, regardless of when the threshold is actually reached during the biennial period.

If a lobbyist actually expends, incurs or receives **more than \$5,000** of combined reportable compensation and expenses, a Statement of Registration must be submitted **within ten (10) days of such date**.

Each Lobbyist Statement of Registration must be accompanied by a copy of a signed written lobbying agreement or authorization to lobby from the client. Such agreement or authorization must specify the period of the year or biennial period covered (i.e., authorization is valid for 2017-2018 biennial registration period), and must disclose the terms and amount of compensation to be paid for lobbying services. If the lobbyist is retained by the organization, the actual compensation must be reported. If the retainer is based on a daily or hourly rate, the fee *per day* or *per hour* must be reported. If the lobbyist is a salaried employee of the organization, the lobbyist's prorated salary for lobbying activity must be reported.

The agreement or authorization start date is the first date the agreement or authorization is in effect. The end date is the last date the agreement or authorization is in effect. These dates do not have to coincide with the beginning or end of a calendar year, or a biennial registration period. For open-ended agreements, you must show the beginning and end of the biennial period for which you are registering.

A \$200 non-refundable registration filing fee (payable in U.S. dollars) is required to be submitted with each Lobbyist Statement of Registration filed for the biennial period that a lobbyist reasonably anticipates exceeding \$5,000 in compensation and expenses for any year in the biennial period. No registration fee is required to be submitted with a biennial registration statement if the lobbyist will not exceed \$5,000 in compensation and expenses for that client. Any biennial Lobbyist Statement of Registration submitted after January 1 of the second year of the biennial period shall be accompanied by a prorated registration fee of \$100.

Any filing fees paid by check must be paid separately from other filings; *i.e.*, one check *per* filing, made payable to the New York State Joint Commission on Public Ethics. The Commission will return any check that includes filing fees for more than one report. To facilitate processing and approval time, the registration confirmation number must be written on the check. Filing fees may be paid online with Visa, MasterCard or American Express, provided you file electronically.

**AN AMENDED REGISTRATION MUST BE FILED WITHIN 10 DAYS OF ANY CHANGE TO THE
REQUIRED INFORMATION DISCLOSED IN THE ORIGINAL REGISTRATION**

Amended Statement of Registration

Pursuant to Lobbying Act 1-e(d), **if any of the information filed by the lobbyist in the original statement of registration changes during the biennial registration period, including the written agreement or written authorization from the client (and any terms therein), an amended Statement of Registration form must be completed and filed within 10 days of the change.** In general, **no** fee is required for an Amended Lobbyist Statement of Registration, provided an original is on file for that year.

Please be aware if your original lobbying agreement/authorization expires at any time before December 31, 2018, and it is anticipated that the agreement/authorization will be extended, a Statement of Registration Amendment must be filed, accompanied by a copy of a signed written lobbying agreement or authorization to lobby from the client, **within ten (10) days**. If such agreement/authorization is oral, a statement of the substance must be submitted (Lobbying Act 1-e(c)(3)).

However, if your agreement/authorization expires and/or is terminated at any time before December 31, 2018, and it is **not** anticipated the lobbying agreement/authorization will be extended, a termination must be filed. A Lobbyist Statement of Registration does not automatically terminate at the end of the agreement.

Uploading Agreements/Authorization Letters

Signed agreements or authorization letters should be uploaded to a Registration or Registration Amendment when completing the online filing. Filings submitted **WITHOUT** the signed agreement or authorization letter will be processed in the order in which they are received. Please follow the instructions below to upload documents prior to submission. JCOPE staff is available to assist with this process by calling the Help Desk at (518) 474-3973.

Uploading Agreements/Authorizations:

- 1) Log in & select “Add New Registration”
- 2) Select the “Year of Registration” (biennial period). (If submitting an amendment to an existing registration, select that client name; then select “Add New Registration Amendment”)
- 3) On the “Contract/Authorizations” tab, complete the “contract start” and “end date” fields in the boxes provided. (If submitting an amendment, select the “check box” next to the statement *Check this box if contract terms have changed*)
- 4) Select “Upload Attachment”
- 5) Select “Browse” and choose the document saved on your computer (i.e. desktop, c-drive, etc.)
- 6) You must provide a description for the document (example: XYZclient2015).
NOTE: Do **NOT** use any special characters (such as dashes or periods) in the document name or file description field; you may only use letters and numbers. Also, please ensure each document name and description is named/uploaded different from any previous documents.
- 7) Select “Upload”
- 8) You may close the “Upload Attachment” page. The screen should default back to the Registration form.
- 9) Select the red and gray arrows (refresh)
- 10) The documents you uploaded should now appear. You must select the “check box” next to the relevant uploaded document
- 11) Select the “Declaration” tab
- 12) Select the “Fees” tab to complete the Filing
- 13) “Submit” the Filing

**A REGISTRATION TERMINATION MUST BE FILED WITHIN 30 DAYS
AFTER THE LOBBYIST CEASES LOBBYING ACTIVITY**

Registration Termination

Section 1-g of the Lobbying Act requires written notification* of the terms of the termination from both the lobbyist and the client **within thirty (30) days after the lobbyist ceases lobbying activity**. In addition, both parties must still file all required reports by their statutory due dates, reporting all lobbying activity up to the effective date of termination. If the termination of retainer, employment, or designation takes effect at the end of the biennial registration period, written notification* of termination is not required.

A written or emailed [termination withdrawal request](#) may be sent to the Commission to request withdrawal of a termination (pending or approved). Such request must be signed/submitted by the responsible person, designated person, or registered lobbyist. Once the termination is ‘withdrawn’ (rejected), a Lobbyist Statement of Registration Amendment form must be completed and filed within 10 days of the change, in addition to the ‘new’ written agreement or written authorization.

* JCOPE considers notice of terminations filed electronically as ‘written notice’.

**BI-MONTHLY FILINGS MUST BE FILED BY THE 15TH DAY OF THE MONTH
FOLLOWING THE END OF THE RELEVANT REPORTING PERIOD**

Bi-monthly Reports

Lobbyist and Public Corporation Bi-monthly Reports are required to be submitted on a bi-monthly basis, first due **on the 15th day of the month** following the end of the reporting period in which the lobbyist was first required to file a Statement of Registration during the biennial period. **Please note:** There is NO minimum threshold requirement for filing any bi-monthly report. Consequently, ***all*** bi-monthly reports are required to be filed for a registration period, unless the registration has been terminated. If, in fact, the agreement or authorization has terminated, you must comply with the bi-monthly reporting requirements up to the date of termination.

**DISBURSEMENT OF PUBLIC MONIES FILINGS MUST BE FILED BY THE 15TH DAY OF THE MONTH
FOLLOWING THE END OF THE RELEVANT REPORTING PERIOD**

Disbursement of Public Monies Reports

Per Section 1-1 of the Lobbying Act, a **NYS Lobbyist Disbursement of Public Monies Report** must be completed by a lobbyist when:

- The lobbyist is required to file a Statement of Registration with the Commission and reasonably anticipates that during the year they will expend, incur, or receive combined reportable compensation and expenses in an amount in excess of \$5,000 in connection with:
 - any attempts to influence a determination by a public official, or by a person or entity working in cooperation with a public official with respect to the solicitation, award or administration of a grant, loan, or agreement involving the disbursement of public monies in excess of \$15,000, other than a governmental procurement as defined in Section 1-c.
- The threshold relates only to compensation and expenses attributable to the activities described above, and is in addition to and separate from the similar threshold for lobbyist registration.
- The reports are to be filed only by registered lobbyists, including public corporations.
- These separate reports are required to be filed in accordance with the same schedule applicable to the filing of bi-monthly reports.
- Unlike Lobbyist and Public Corporation Bi-monthly Reports required by Sections 1-h and 1-i, the **NYS Lobbyist Disbursement of Public Monies Reports** are required to be filed only for bi-monthly reporting periods during which the lobbyist has made any attempts to influence a public official with respect to disbursement of public monies, or receives compensation or reimbursement of expenses for such activities. These **separate** reports are required to be filed in accordance with the **same schedule applicable to the filing of bi-monthly reports.**

SOURCE OF FUNDING DISCLOSURES MUST BE FILED ON THE CLIENT SEMI-ANNUAL REPORT BY THE 15TH DAY OF THE MONTH FOLLOWING THE END OF THE RELEVANT REPORTING PERIOD

Source of Funding Disclosure

Reporting for Source of Funding disclosures is available to all online filers.

Section 1-j(c)(4) of the Lobbying Act requires that Clients, and Lobbyists who lobby on their own behalf, disclose sources of funding on the Client Semi-Annual Report. The reporting threshold for total lobbying expenditures is \$15,000, and the minimum contribution amount for disclosing a source is \$2,500. The dollar amount of funds received for membership dues, fees, and assessments is excluded from disclosure; however, you are required to identify the donor as a source.

The Client Semi-Annual Report is due by the **15th day of the month** following the end of the relevant reporting period. The two reporting periods are (i) January through June (due July 15); and (ii) July through December (due January 15).

Client Semi-Annual Report – ‘Source of Funding’ section:

- Select applicable option:
 - Information Not Available at this time;
 - Reporting not required – 501(c)(3) or gov’t organization;
 - Reporting is not required – no applicable contributions;
 - Reporting is not required – under spending threshold;
 - Exemption pending or previously approved;
 - Reporting is required and filed on paper;
 - Reporting is required and will be uploaded.

- **For Paper Filers:** If you choose to file a Client Semi-Annual Report [paper form](#), you are required to complete the Source of Funding Disclosure section, selecting the applicable option.

- **For Online Filers:** JCOPE recommends you complete the [SoF Excel Spreadsheet](#) *prior* to filling out your Client Semi-Annual Report.

The pre-formatted [Excel Spreadsheet](#) and [instructions](#) are located on JCOPE’s [website](#) (paper filers may disregard the section on uploading). Only this pre-formatted Excel Spreadsheet will be accepted. If a different form is used, the system will automatically reject the submission.

Source of Funding overview can be found [here](#). 2016 Source of Funding Amendment FAQs can be found [here](#).

**REPORTABLE BUSINESS RELATIONSHIP DISCLOSURES MUST BE FILED
WITH THE REGISTRATIONS AND CLIENT SEMI-ANNUAL REPORTS**

**AMENDED REPORTABLE BUSINESS RELATIONSHIP DISCLOSURES MUST BE FILED
WITHIN 10 DAYS OF A MATERIAL CHANGE**

Reportable Business Relationship Disclosure

Reportable Business Relationship disclosures cannot be completed via the online filing system.

Sections 1-e(c)(8)(i)-(iii) and 1-j(b)(6)(i)-(iii) of the Lobbying Act requires Lobbyists and Clients to publicly disclose information about business relationships with certain state employees and officials as "Reportable Business Relationships" ("RBRs") on the Biennial Statement(s) of Registration and Client Semi-Annual Report(s). *NOTE:* Even if a Client is also required to file a biennial registration statement (as a Lobbyist), the Client is not relieved of its obligation to disclose RBRs in its Client Semi-Annual Reports.

All Reportable Business Relationship ("RBR") disclosures must be completed on a separate PDF/paper copy. Please see the [RBR Instructions](#).

- **For BOTH Paper and Online Filers:** You must fill out the [RBR PDF form](#) and mail to JCOPE.

Lobbyists have a duty to amend their filing(s) within 10 days of an event that necessitates a material change in any of the required information set forth in Legislative Law §1-e(d). For example, if, after having filed a Biennial Statement of Registration, a RBR arises, or a Lobbyist learns of a RBR that was not previously disclosed, a Lobbyist shall file an amendment to update and correct the RBR pursuant to Legislative Law §1-e(d). Failure to timely amend RBR information could subject a lobbyist to a late fee and/or a civil penalty as set forth, respectively, in Legislative Law §1-e(e)(iii) and §1-o.

Similarly, Clients also have a duty to ensure that the information provided is accurate, current and complete. For example, if, after having filed a Client Semi-Annual Report, a RBR arises, or a Client learns of a RBR that was not previously disclosed, a Client shall file an amendment to update and correct the RBR.

Please see the Commission's [website](#) for additional information.

Notes

All lobbyists filing online should carefully review their submissions to ensure all information is accurate prior to submitting their reports.

Timely reports are those that are received in the Commission's office on or before the due date. The Commission does not consider the postmarked date or declaration signature date as the date of receipt. Paper reports (PDFs) must be submitted with original signatures; photocopies and faxes will not be accepted.

All Commission reporting forms and instructions are available on the Commission's website. Always check our website for the most up-to-date information and latest forms at www.jcope.ny.gov.

If you have any questions regarding reporting requirements, or the online filing system, you may contact Commission staff at (518) 408-3976.