

NEW YORK STATE JOINT COMMISSION ON PUBLIC ETHICS

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2017-2018 Biennial Registration Period

****2018 COURTESY REMINDER****

Registration deadlines for the 2017-2018 biennial period

ALL STATEMENTS OF REGISTRATION ARE FILED ON A BIENNIAL BASIS	FILING DEADLINE
<p>The date on which the Lobbyist has agreed to – or been authorized to – begin Lobbying Activity</p> <p style="text-align: center;">IF</p> <p>the Lobbyist reasonably anticipates combined Reportable Compensation and Expenses in excess of \$5,000 for Lobbying Activities to be undertaken in the calendar year</p>	<p style="text-align: center;">Within 15 days of the date, but no later than 10 days after actually exceeding \$5,000 in compensation and expenses</p>
<p>If a Lobbyist is providing services under an agreement that is in effect both before December 15th of the year preceding the first year of a biennial registration period and after January 1 of the first year of a biennial registration period;</p> <p style="text-align: center;">AND</p> <p>the Lobbyist reasonably anticipates combined Reportable Compensation and Expenses in excess of \$5,000 for Lobbying Activities to be undertaken in the calendar year</p>	<p style="text-align: center;">On or before January 1st of the first year of the biennial period</p>

Statements of Registration

The Lobbying Act requires every Lobbyist that incurs, expends, or receives or 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 calendar year during the biennial period, to file a biennial Statement of Registration with the Commission.

For purposes of determining whether the thresholds have been met, the amounts incurred, expended or received shall be computed cumulatively for all Lobbying Activities.

Once a Lobbyist meets or anticipates meeting the cumulative \$5,000 threshold, a Lobbyist must file a Statement of Registration for every Client for whom the Lobbyist lobbies, regardless of Compensation or Expenses paid by each Client individually.

Lobbyists providing services under an agreement that is in effect both before December 15th of the year preceding the first year of a biennial registration period and after January 1 of the first year of a biennial registration period, and who

reasonably anticipates combined Reportable Compensation and Expenses in excess of \$5,000 for Lobbying Activities to be undertaken in the coming year, are required to submit a biennial Statement of Registration **BY JANUARY 1** of the first year of the biennial period. The Lobbyist must also ensure they have registered for all corresponding biennial registration periods.

Lobbyists retained, employed, or designated to Lobby after December 15th of the year preceding the first year of the biennial period, for activity in either year of the biennial period, are required to submit a biennial Statement of Registration **within fifteen (15) days of the date on which the Lobbyist has agreed to – or been authorized to – begin Lobbying Activity.**

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 **no later than ten (10) days after exceeding the threshold.**

Each Lobbyist Statement of Registration must be accompanied by a copy of an executed Lobbying Agreement form or 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 Lobbyist has agreed to or been authorized to lobby. The end date (or termination date) is the last date the Lobbyist has agreed to or been authorized to lobby. 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; however, a fee is required if the Lobbyist later exceeds the \$5,000 threshold. 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. Statement of Registrations that are filed late and cover either the entire biennial period or a portion of both years within the biennial period shall not be prorated. No filing fee is required of any Public Corporations required to file a biennial Public Corporation Registration Statement.

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 the original Statement of Registration filing fee has already been paid for the applicable biennial period.

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)).

In the alternative, 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.

After the termination of the Agreement, any decision by a Lobbyist to waive, write-down, or otherwise reduce the prior Compensation and Expenses owed to the Lobbyist by the Client does not require an Amended Statement of Registration.

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 the client name; then select “*Add New Registration Amendment*”).
- 2) On the “*Contract/Authorizations*” tab, select the “*check box*” next to the statement *Check this box if contract terms have changed*, and complete the “*contract start*” and “*end date*” fields in the boxes provided.
- 3) Select “*Upload Attachment*”.
- 4) Select “*Browse*” and choose the document saved on your computer (i.e. desktop, c-drive, etc.).
- 5) 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.
- 6) Select “*Upload*”
- 7) You may close the “*Upload Attachment*” page. The screen should default back to the Registration Amendment form.
- 8) Select the red and gray arrows (refresh).
- 9) The documents you uploaded should now appear. You must select the “*check box*” next to the relevant uploaded document.
- 10) Select the “*Declaration*” tab.
- 11) If applicable, select the “*Fees*” tab to complete the Filing*.
- 12) If no *Fee* is required, “*Submit*” the Filing.

* In general, **no** fee is required for an Amended Lobbyist Statement of Registration, provided the original Statement of Registration filing fee has already been paid for the applicable biennial period.

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

- the Lobbyist is otherwise 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 \$5,000 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.

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 Clients and Lobbyists who lobby on their own behalf (“Client Filers”) to disclose sources of funding on the Client Semi-Annual Report. The reporting threshold requiring source of funding disclosure consists of the following: Client Filers must have spent over \$15,000 in reportable compensation and expenses on lobbying in New York State and that amount must constitute at least 3% of the Client Filer’s total expenditures. If a Client Filer meets the reporting threshold, then it must disclose any source who contributes over \$2,500. The dollar *amount* of funds received for membership dues, fees, and assessments is excluded from disclosure; however, such amount *is* counted toward the \$2,500 minimum disclosure amount when determining whether a source must be disclosed. In such case, you are still required to identify the donor as a source but would exclude any dollar amounts attributable to membership dues, fees and assessments.

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:
 - 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:** Certain entities file both Lobbyist Statements of Registration and Client Semi-Annual Reports as they are considered both a Lobbyist and Client. These entities shall only be required to file the Lobbyist Reportable Business Relationship Form to comply with the filing requirement.

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

If you file [online](#), you should carefully review your Profile to ensure all information is accurate prior to submitting filings. If the responsible person has changed, you must complete a Profile Update which will generate an Electronic Filing Authorization Form. This form must be printed, signed, notarized and mailed to the Commission to avoid any delay in the submission of your electronic filings.

If you have an Amendment pending and require expedited approval, you may send an email to program@jcope.ny.gov and provide the following information: *Lobbyist/Client Name, Form Confirmation number, and date of form submission.*

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, please contact Commission staff at (518) 408-3976.