

NEW YORK STATE JOINT COMMISSION ON PUBLIC ETHICS

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Client Semi-Annual Reports

****COURTESY REMINDER****

2017 January/June Client Semi-Annual Reports are due July 17, 2017, including "Source of Funding" and "Reportable Business Relationship" disclosure requirements

NOTE: Guidance related to the Source of Funding Expenditure Threshold can be found in the Source of Funding Section below

CLIENT SEMI-ANNUAL REPORTS MUST BE SUBMITTED BY THE 15TH DAY OF THE MONTH FOLLOWING THE END OF THE RELEVANT REPORTING PERIOD (OR THE FIRST BUSINESS DAY AFTER A WEEKEND OR HOLIDAY)

Client Semi-Annual Reports:

A Client Semi-Annual Report must be filed by any client who has retained, employed, or designated a lobbyist or lobbyists, if it is reasonably anticipated that during the year an amount in excess of \$5,000 of combined reportable compensation and expenses for lobbying will be expended or incurred. Those clients who are also registered as lobbyists are still required to file Client Semi-Annual Reports.

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). In the event that July 15 or January 15 falls on a weekend or holiday, the due date will be the following business day.

If the \$5,000 threshold is exceeded during the January through June reporting period, **both** the January/June *and* July/December Client Semi-Annual Report are required to be filed even if there are no further lobbying expenditures during the second reporting period. However, if the lobbyist and client relationship terminates on or before June 30th of the calendar year, the client is **not** required to file the July/December Client Semi-Annual Report.

If a January/June Client Semi-Annual Report is filed, but by the end of the calendar year, the \$5,000 threshold has still not been exceeded, a July/December Client Semi-Annual Report is not required to be filed.

A \$50 non-refundable Client Semi-Annual Report filing fee (payable in U.S. dollars) is required to be submitted with each Report. No additional filing fee is required for amended Client Semi-Annual Reports, provided an original is on file for that period.

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 online confirmation number must be written on the check. A fee will be charged for a returned check. Filing fees may be paid online with Visa, MasterCard or American Express, provided you file electronically.

Please be aware – If you inadvertently submit a Client Semi-Annual Report indicating an incorrect reporting period, you may contact Commission staff to correct the reporting period error. **DO NOT** submit another report to replace the inaccurate report.

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

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 submit all required filings 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 or designated person.

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

**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. Effective September 23, 2016, the requirements in the Lobbying Act governing the obligation for certain lobbyists and clients to disclose their “Sources of Funding” were amended. The amendments lowered the reporting threshold for total lobbying expenditures to \$15,000 from \$50,000, and the minimum contribution amount for disclosing a source to \$2,500 from \$5,000. 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).

Which Expenditure Threshold should a Client Filer use for the 2017 January/June Client Semi-Annual Report due on July 17, 2017: the “\$50,000 – 3%” or the “\$15,000 – 3%”?

A Client Filer will have met the Expenditure Threshold requiring disclosure of Sources of Funding if ***any*** of the following occurs:

1. The Client Filer has spent more than \$50,000 in Reportable Compensation and/or Expenses for lobbying in NYS from July 1, 2016 through June 30, 2017; or
2. The Client Filer has spent more than \$15,000 in Reportable Compensation and/or Expenses for lobbying in NYS from September 23, 2016 through June 30, 2017; or
3. The Client Filer has spent more than \$15,000 in Reportable Compensation and/or Expenses for lobbying in NYS from January 1 through June 30, 2017; and
4. The Client Filer’s Reportable Compensation and/or Expenses for lobbying in NYS constitute at least 3% of the Client filer’s total expenditures during the Expenditure Threshold Period.

Additionally, please note that beginning September 23, 2016, when reporting a contribution received for membership fees, dues, or assessments, you must disclose the identity of the source of the funds, but may report the amount as zero (\$0).

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

- Select applicable option:
 - Reporting is required – [SoF Excel Spreadsheet](#) completed;
 - Exemption pending or previously approved;
 - Reporting is not required – under spending threshold;
 - Reporting is not required – no applicable contributions;
 - Reporting not required – 501(c)(3) or gov’t organization.
- **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.

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.

Clients 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, an RBR arises, or a Client learns of an 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

Clients who retain or employ multiple lobbyists should ensure their lobbyists register using the same exact client name. Registering with variations of the same client name may cause the Commission to send out delinquent

report notices and may subject you to an assessment of a civil penalty. If your "client name" varies between your lobbyists, a separate Client Semi-Annual Report is required to be filed for each lobbyist, including the accompanying \$50 non-refundable filing fee.

All Clients filing online should carefully review their submissions to ensure all information is accurate prior to submitting their reports. 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. **Please be aware, the system will not allow you to submit your Client Semi-Annual Report until JCOPE receives the Electronic Filing Authorization Form and processes the Profile Update.**

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.