



Lobbying Disclosure

How to File in New York State

JCOPE Education Resource Group

Training Overview

THIS TRAINING WILL INCLUDE:

- Definitions and Types of Lobbying
- Reporting Requirements for Lobbyists and Clients
- Reportable Business Relationships
- Source of Funding
- Procurement Lobbying
- Disbursement of Public Monies



The Lobbying Act

TO WHOM DOES THE ACT APPLY?

Legislative Law Article 1-A, known as the “Lobbying Act,” applies to Lobbyists, Public Corporations, and Clients who in any year during the biennial period either reasonably anticipate expending, incurring, or receiving, or actually expend, incur, or receive, more than \$5,000 in combined reportable compensation and expenses for lobbying activities on the state and/or local level.

The Lobbying Act Applies to Lobbyists and their Clients

A “**Lobbyist**” is...

- Any person or organization retained, employed or designated by any Client to engage in lobbying.

A “**Client**” is...

- Any person or organization who retains, employs or designates any person or organization to carry on lobbying activities on behalf of such Client.





Lobbying Disclosure: How to File in New York State

What is Lobbying?

What is Lobbying?

“LOBBYING” OR “LOBBYING ACTIVITIES” INCLUDES ATTEMPTS TO INFLUENCE:



- Passage or defeat of any legislation or resolution by either house of the state legislature including but not limited to the introduction or intended introduction of such legislation or resolution or approval or disapproval of any legislation by the governor
- Adoption, issuance, rescission, modification or terms of a gubernatorial executive order
- Adoption or rejection of any rule or regulation having the force and effect of law by a state agency
- Outcome of any rate making proceeding by a state agency

What is Lobbying?

“LOBBYING” OR “LOBBYING ACTIVITIES” INCLUDES ATTEMPTS TO INFLUENCE:

- any determination: (A) by a public official, or by a person or entity working in cooperation with a public official related to a governmental procurement, or (B) by an officer or employee of the unified court system, or by a person or entity working in cooperation with an officer or employee of the unified court system related to a governmental procurement.
- the approval, disapproval, implementation or administration of tribal-state compacts, memoranda of understanding, or any other tribal-state agreements and any other state actions related to Class III gaming as provided in 25 U.S.C. § 2701, except to the extent designation of such activities as "lobbying" is barred by the federal Indian Gaming Regulatory Act, by a public official or by a person or entity working in cooperation with a public official in relation to such approval, disapproval, implementation or administration.

The Lobbying Act Applies to Local Lobbying

“LOBBYING” ALSO INCLUDES ATTEMPTS TO INFLUENCE:

- the passage or defeat of any local law, ordinance, resolution, or regulation by any municipality or subdivision thereof
- the adoption, issuance, rescission, modification or terms of an executive order issued by the chief executive officer of a municipality
- the adoption or rejection of any rule, regulation, or resolution having the force and effect of a local law, ordinance, resolution, or regulation
- or the outcome of any rate making proceeding by any municipality or subdivision thereof



Lobbying Disclosure: How to File in New York State

Types of Lobbying

Types of Lobbying

State Lobbying

- Attempting to influence decisions by Public Officials and the passage or defeat of Legislation

Local Lobbying

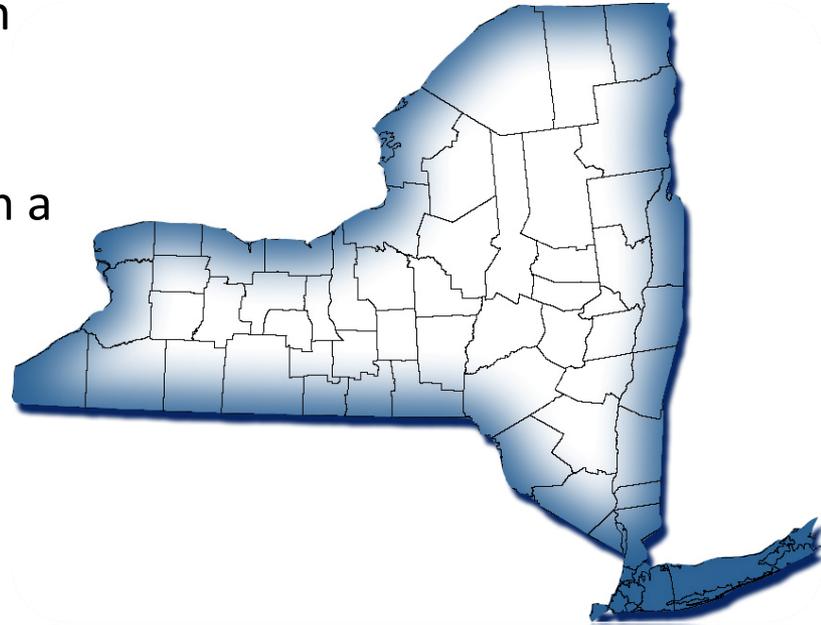
- Lobbying before a local municipality with a population over 50,000

Procurement Lobbying

- Bidding on State Contracts

Disbursement of Public Monies

- Attempting to influence determinations affecting disbursements of public funds that exceed \$15,000





Lobbying Disclosure: How to File in New York State

Lobbyist and Client Reporting

Lobbyist Reporting

LOBBYIST BIENNIAL STATEMENT OF REGISTRATION

- A Registration Statement is required for all Lobbyists who reasonably anticipate incurring, expending, or receiving, or actually expend, incur or receive more than \$5,000 in combined reportable compensation and expenses for lobbying activity on the state and/or local level, in any year during the biennial period.
- A Registration Statement requires a \$200 registration fee (prorated to \$100 for the second year of the two-year period)
- A Registration Statement must include a signed written lobbying agreement/authorization for each Client.
- A Registration Amendment is required if any of the information filed in the original Statement of Registration changes during the biennial period.
- A Registration Termination is required if the Lobbyist ceases lobbying activity or the agreement/authorization ends prior to the end of the biennial period. If the agreement ends at the end of the biennial period, termination is not required.

Lobbyist Reporting

AGREEMENT/AUTHORIZATION

Each Registration Statement must include a signed written lobbying agreement/authorization which contains:

1. Period of the year or biennial period covered

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.

2. Anticipated or actual 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.

Lobbyist Reporting

REGISTRATION AMENDMENT

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, a Registration Amendment form must be completed and filed **within 10 days** of the change.

This Registration Amendment must include the name of the Lobbyist and Client, and the new or changed information. See, Lobbying Act §1-e(c).

Lobbyist Reporting

REGISTRATION/AMENDMENT DUE DATES

- Every Lobbyist that reasonably anticipates incurring, expending, or receiving **more than \$5,000** in combined reportable compensation and expenses for lobbying activity on the state and/or local level, in **any** year during the biennial period, is required to file a biennial Registration Statement **within fifteen (15) days of such date**, regardless of when the threshold is actually reached during the biennial period.
- Registration Statements are due within 15 days from the authorization/agreement 'start date' contained in the lobbying agreement or authorization.
- If a Lobbyist actually expends, incurs or receives **more than \$5,000** of combined reportable compensation and expenses, a Registration Statement must be submitted **within ten (10) days of such date**.

Lobbyist Reporting

REGISTRATION/AMENDMENT DUE DATES

- If the Lobbyist has been retained, employed, or designated to lobby **ON** or **BEFORE December 15**, and the Lobbyist reasonably anticipates combined reportable compensation and expenses in excess of \$5,000 for lobbying activities, the Registration Statement must be filed 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**, the Registration Statement must be filed **within 15 days of such date**.
- Registration Amendments are due **within 10 days** of the date that an event occurs which necessitates a change in any of the required information set forth in Lobbying Act 1-e(c).

Lobbyist Reporting

BI-MONTHLY REPORTS

Any Lobbyist required to file a Registration Statement must also file a Bi-monthly Report for each Client:

- There is NO minimum requirement for filing a Bi-monthly Report
- Bi-monthly Reports are required to be filed throughout the biennial registration period, unless and until a Registration Termination has been filed
- Expenses over \$75 dollars must be itemized

Need to know:

In Bi-monthly periods when there is no compensation or expenses to report, the Lobbyist must enter "0" in the compensation and expenses field.

Lobbyist Reporting

BI-MONTHLY REPORTING DUE DATES

Report	Due Date
January/February	March 15 th
March/April	May 15 th
May/June	July 15 th
July/August	September 15 th
September/October	November 15 th
November/December	January 15 th

Need to know:

Timely reports are those that are received by JCOPE's office on or before the due date. If a report is due on a weekend or a State holiday, the report must be received in JCOPE's office on the first business day following the weekend or State holiday. JCOPE does not consider the postmarked date as the date of receipt for lobbying filings.

Reportable Compensation & Expenses

REPORTABLE COMPENSATION

Any salary, fee, gift, payment, benefit, loan, advance or any other thing of value paid, owed, given or promised to the Lobbyist by the Client for lobbying but shall not include contributions reportable pursuant to Article 14 of the Election Law.



REPORTABLE EXPENSES

Any expenditures incurred by or reimbursed to the Lobbyist for lobbying excluding contributions reportable pursuant to Article 14 of the Election Law.

Reportable Compensation & Expenses

REPORTABLE EXPENSES MAY INCLUDE:



- Advertising, telephone, electronic advocacy, food, beverages, tickets, entertainment, parties, receptions or similar events, advocacy rallies, consultant services, expenses for non-lobbying support staff, and courier services when said expenses are part of a lobbying effort.

Reportable Compensation & Expenses

EXPENSES NOT REQUIRED TO BE REPORTED:

- Payments or expenses incurred by the Lobbyist for their own sustenance, lodging and travel;
- Expenses directly incurred for the printing, reproduction, and mailing of letters, memoranda, or other written communications, which do not exceed \$500 in any calendar year. Once the \$500 threshold is met, however, the entire cost must be reported;
- Contributions reportable pursuant to Article 14 of the Election Law; and
- Ordinary membership dues paid to an organization that is registered to lobby to the extent said dues are not directed by the payor to be expended as part of the payor's lobbying effort.
- General office rent and utility expense of the Lobbyist.

Client Reporting

All Clients of Registered Lobbyists are required to file **two Client Semi-Annual Reports** per year.

Client REPORTING DUE DATES

Client Semi-Annual Report	Due Date
January/June	July 15 th
July/December	January 15 th

Need to know:

Timely reports are those that are received by JCOPE's office on or before the due date. If a report is due on a weekend or a State holiday, the report must be received in JCOPE's office on the first business day following the weekend or State holiday. JCOPE does not consider the postmarked date as the date of receipt for lobbying filings.

Client Reporting

CLIENT SEMI-ANNUAL REPORTS

- Client Semi-Annual Reports are required to be filed by any Client retaining, employing or designating 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.
- A Client and a Lobbyist may be the same entity. A Client who is also a Registered Lobbyist is required to file Client Semi-Annual Reports as well as the Lobbyist Registration Statement and Bi-monthly Reports.
- A \$50 filing fee must accompany each Client Semi-Annual Report.

Need to know:

If the \$5,000 threshold is exceeded during the January/June period, the July/December report is required to be filed even if there were no lobbying expenditures during the second period. If the threshold was not exceeded during the January/June period, the July/December report need not be filed.

Terminations

TERMINATION OF LOBBYING ACTIVITY

A Registration Statement does not automatically terminate at the end of the agreement/authorization (contract). Section 1-g of the Lobbying Act requires both the Lobbyist and the Client to provide written notice to JCOPE of the effective date of termination within thirty (30) days after the Lobbyist ceases lobbying activity.

In addition, both the Lobbyist and Client remain obligated to file all required reports by their statutory due dates up to the effective date of termination.

If the termination of agreement/authorization (retainer, employment, or designation) takes effect at the end of the biennial registration cycle, written notification of termination is not required.

Terminations

WITHDRAWAL OF TERMINATION

A Lobbyist may request withdrawal of an approved termination if lobbying will resume during the biennial registration period. Such request may be written or emailed to JCOPE, and **must be signed/submitted by the responsible person, designated person, or registered Lobbyist.**

Once the termination is “withdrawn,” a Registration Amendment form must be completed and filed **within 10 days** of the change, in addition to the “new” written agreement or written authorization from the Client.

IMPORTANT:

In this circumstance, **no** filing fee is required for a Registration Amendment provided the original Registration Statement filing fee has already been paid for by this Client for this biennial period.

How to File

ONLINE FILING

Registration Statements, Bi-monthly Reports, Client Semi-Annual Reports and all amendments to such filings, may be submitted electronically. Filers must request a User ID & Password from JCOPE's online filing system by selecting "Submit a Filing." You will be directed to a link that states "New Users Click Here."

Benefits of Online Filing

- 24 hour access to reports and filings
- Auto fill for commonly requested information
- Pay registration and filing fees securely online with a credit card
- Start and finish reports at your convenience with the "Save" function
- Eliminate time-consuming entries. Copy and paste bill numbers, subjects lobbied, and person(s) lobbied.

How to File

HARD COPY FILING

- Registration Statements, Bi-monthly Reports, Client Semi-Annual Reports and all amendments to such filings, may be filed in paper form. PDF forms are available on JCOPE's website by clicking on "Filings"  "Lobbying Forms and Instructions", and at the JCOPE offices in Albany.



Lobbying Disclosure: How to File in New York State

Gifts

Lobbyists and Clients are Prohibited from Giving Gifts to Public Officials

Lobbying Act §1-m provides that no individual or entity required to be listed on a Registration Statement (Lobbyist or Client) shall offer or give a gift to any public official unless under the circumstances it is not reasonable to infer that the gift was intended to influence the public official.

If after an investigation, JCOPE finds that a Lobbyist or Client "knowingly and willfully" violated the gift prohibition, the individual or entity shall be subject to a civil penalty in an amount not to exceed the greater of \$25,000 or 3 times the value of the gift. **See Lobbying Act §1-o.**

Lobbyists and Clients are Prohibited from Giving Gifts to Public Officials

A PUBLIC OFFICIAL IS:

- The Governor, Lieutenant Governor, Comptroller or Attorney General
- Members of the New York State Legislature
- State officers and employees
- Municipal officers and employees

Gift Prohibition & Family Members

LOBBYISTS AND CLIENTS SHOULD BE MINDFUL THAT THE GIFT PROHIBITION APPLIES TO FAMILY MEMBERS IN THE FOLLOWING MANNER:

- No individual or entity required to be listed on a statement of registration pursuant to the Lobbying Act shall offer or give a gift to the spouse or unemancipated child of any public official as defined within this article under circumstances where it is reasonable to infer that the gift was intended to influence such public official.
- No spouse or unemancipated child of an individual required to be listed on a statement of registration pursuant to the Lobbying Act shall offer or give a gift to a public official under circumstances where it is reasonable to infer that the gift was intended to influence such public official. **See Lobbying Act §1-m.**

PENALTY:

Anyone who knowing and willfully violates Section §1-m of the Lobbying Act shall be guilty of a Class A Misdemeanor and shall be subject to a civil penalty in an amount not to exceed the greater of \$25,000 or three times the amount person unlawfully contributed, expended, gave or received. **See Lobbying Act §1-o.**

Gift Exclusions

THE FOLLOWING ARE EXCLUDED FROM THE DEFINITION OF “GIFT”:

- Food or beverage valued at \$15 or less.
- Complimentary attendance, including food and beverage, at a *bona fide* charitable event or *bona fide* political event.
- Awards, plaques, and other ceremonial items that are publicly presented, or intended to be publicly presented, in recognition of public service, provided that the item or items are of the type customarily bestowed at such or similar ceremonies and are otherwise reasonable under the circumstances.
- An honorary degree bestowed upon a public official by a public or private college or university.
- Promotional items having no substantial resale value such as pens, mugs, calendars, hats, and t-shirts that bear an organization’s name, logo, or message in a manner that promotes the organization’s cause.

Gift Exclusions

- Goods and services, or discounts for goods and services, offered to the general public or a segment of the general public defined on a basis other than status as a public official and offered on the same terms and conditions as the goods and services are offered to the general public or segment thereof.
- Gifts from a family member, member of the same household, or person with a personal relationship with the public official, including, without limitation, an invitation to attend a personal or family social event, when in light of all the circumstances, it would be reasonable to infer that the gift was primarily motivated by the family, household, or personal relationship.
- Contributions related to campaign receipts and expenditures reportable under Election Law Article 14, including contributions made in violation thereof.

Gift Exclusions

- Travel reimbursement or payment for transportation, meals, and accommodations for an attendee, panelist, or speaker at an informational event when such reimbursement or payment is made by a governmental entity or by an in-state accredited public or private institution of higher education that hosts the event on its campus.
- Provision of local transportation to inspect or tour facilities, operations, or property located in New York State; provided, however, that such inspection or tour is related to the individual's official duties or responsibilities. The payment or reimbursement for expenses for lodging or travel expenses to and from the locality where such facilities, operations, or property are located are considered to be impermissible gifts, unless otherwise permitted.
- Receipt of meals or refreshments when participating in a professional or educational program and the meals or refreshments.

Gift Exclusions

- Complimentary attendance, including food and beverage, offered by the sponsor of a “**widely attended event**”

The “**widely attended event**” exception to applies to an event offered by the sponsor at which at least 25 individuals who are not from the governmental entity in which the public official serves attend or were, in good faith, invited to attend, and is related to the public official’s duties or responsibilities or allows the public official to perform a ceremonial function appropriate to his or her position.

For the purposes of the “widely attended event” exception, a public official’s duties or responsibilities shall include, but not be limited to, either:

- 1) attending an event or a meeting at which a speaker or attendee addresses an issue of public interest or concern as a significant activity at such event or meeting; or
- 2) for elected public officials, or their staff attending with or on behalf of such elected officials, attending an event or a meeting at which more than one-half of the attendees, or persons invited in good faith to attend, are residents of the county, district or jurisdiction from which the elected public official was elected.



Lobbying Disclosure: How to File in New York State

Procurement Lobbying

Procurement Lobbying

WHAT IS PROCUREMENT LOBBYING?

Any attempt to influence any determination by a public official, or a person or entity working with a public official, related to a governmental procurement.

Procurement Lobbying

“GOVERNMENTAL PROCUREMENT”

- Preparation or terms of specifications, bid documents, request for proposals (RFPs), or evaluation criteria for a procurement contract
- Solicitation for a procurement contract
- Evaluation of a procurement contract
- Award/approval/denial/disapproval of a procurement contract
- Approval/denial of an assignment, amendment, renewal or extension of a procurement contract
- Any other material change in the procurement contract resulting in a financial benefit to the offerer

Procurement Lobbying

“Article of Procurement” shall include the following, when subject of a governmental procurement:

- Commodities
- Services
- Technology
- Public Works
- Construction
- Revenue Contracts
- Real Property



Procurement Lobbying

“Procurement Contract” means any contract or agreement for an Article of Procurement involving an estimated annualized expenditure in excess of \$15,000, except:

- Grants
- Article XI-B state finance law contracts
- Intergovernmental agreements
- Railroad and utility force accounts, and utility relocation project agreements
- Orders and eminent domain transactions

Procurement Lobbying

PROCUREMENT RESTRICTIONS

These provisions limit the communications that a Lobbyist or Client can have with a governmental entity to the “designated contact” during the “restricted period.”

These provisions exclude complaints during the procurement process about the designated staff person, and other specified formal contacts in the lobbying process.



Procurement Lobbying

RESTRICTED PERIOD

- Starts with the earliest attempt to solicit a response with regard to a written procurement contract.
- This may include, but is not necessarily limited to, written notices, advertisements, request for proposal, invitations for bids, solicitations of proposals, or any other method for soliciting a response with regard to a procurement contract.



Procurement Lobbying

RESTRICTED PERIOD

- Ends with the final contract award
- Final contract award means that all parties that must approve the contract have granted the approval
- For instance, some contracts may require only agency approval, whereas others may require the additional approval of the state comptroller or a legislative body



How to File

Procurement Lobbying is reported on the Registration Statement, Lobbyist Bi-monthly Report and Client Semi-Annual Report by selecting “Procurement” from “Type of Lobbying” in Section I Reporting Information, and completing the procurement-related sections on each filing.

I Reporting Information			
Biennial Period:			
Fill in circle if amendment <input type="radio"/>			
Type of Lobbying:	<input type="radio"/> Nonprocurement	<input type="radio"/> Procurement	<input type="radio"/> Both
Level of Gov't :	<input type="radio"/> State Lobbying	<input type="radio"/> Local Lobbying	<input type="radio"/> Both
Registration Filing Fee Check Number:			



Lobbying Disclosure: How to File in New York State

Reportable Business Relationships

Reportable Business Relationships

LEGISLATIVE LAW ARTICLE 1-A DEFINES A “REPORTABLE BUSINESS RELATIONSHIP” (“RBR”) AS:

A relationship in which compensation is paid by a Lobbyist or by a Client of a Lobbyist, in exchange for any goods, services or anything of value, the total value of which is in excess of \$1,000 annually, to be performed or provided by or intended to be performed or provided by:

- i. any statewide elected official, state officer, state employee, member of the legislature or legislative employee, or
- ii. any entity in which the Lobbyist or the Client of a **Lobbyist knows or has reason to know** the statewide elected official, state officer, state employee, member of the legislature or legislative employee is a proprietor, partner, director, officer or manager, or owns or controls ten percent or more of the stock of such entity. *This threshold is reduced to one percent in the case of a corporation whose stock is regularly traded on an established securities exchange.*

Reportable Business Relationships

WHO THIS APPLIES TO:

A “State Person” is a...

- Statewide elected official
- State Officer or Employee who receives compensation other than on a per diem basis
- Member of the Legislature
- Legislative Employee



Note: A State Person does not include those persons who are not compensated or who are compensated on a per diem basis

REFERENCE: Reportable Business Relationship Guidelines: Lobbyists pg. 1

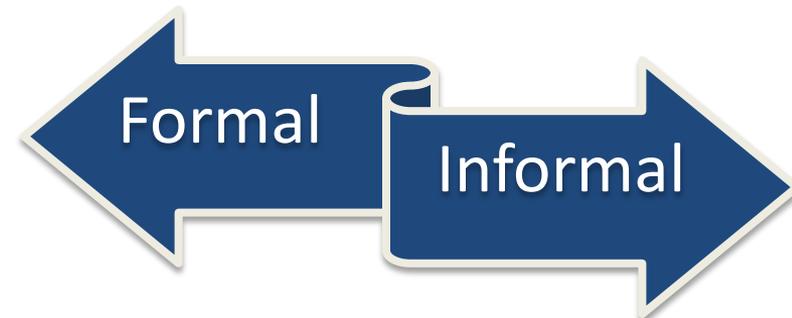
Reportable Business Relationships

WHAT DETERMINES A RELATIONSHIP?

- Lobbyist or Client pays, gives, or promises compensation to a:
 - State Person
 - Non-governmental entity in which a State Person has the Requisite Involvement, or
 - Third party as directed by a State Person or entity, in which a State Person has the Requisite Involvement
- and**
- Such compensation is in exchange for goods, services or anything of value either performed or provided or intended to be performed or provided

Need to know:

The agreement or understanding does not need to be in writing or enforceable under contract law to be considered a Relationship



Reportable Business Relationships

EXEMPTIONS TO THE DEFINITION OF RELATIONSHIP

- Treatments for medical, dental, and mental health services
- Legal services with respect to:
 - Investigation or prosecution by law enforcement
 - Bankruptcy
 - Domestic relations

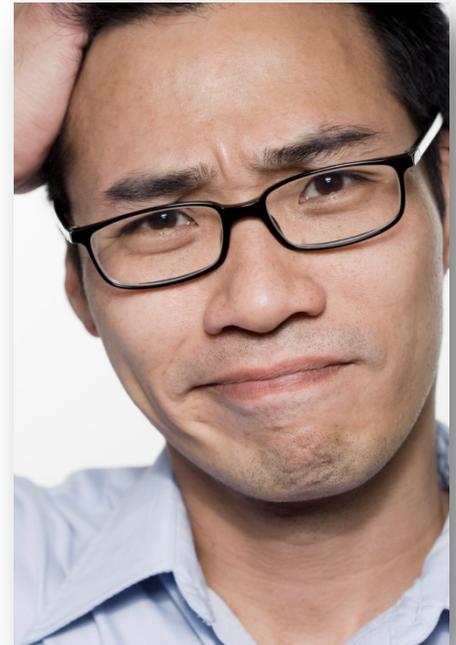


Reportable Business Relationships

REASON TO KNOW STANDARD

Whether a Lobbyist has “reason to know” that (i) an individual is a State Person, or (ii) a State Person has the Requisite Involvement with an entity, is based on an examination of the totality of the facts and circumstances.

If a reasonable person, looking at all the facts and circumstances, would conclude that a Lobbyist should know that an individual is a State Person or that a State Person has the Requisite Involvement with the relevant entity, then the “reason to know” standard has been satisfied.



Reportable Business Relationships

Factors that may be considered in determining if the “reason to know” standard has been met are:

- Origins of the relationship;
- Length of the relationship;
- The type and actual value of the goods, services or items provided;
- Whether the fact that the individual is a State Person or the Requisite Involvement of the State Person with the entity at issue is generally known to the public.

If a filer willfully ignores information that would lead a reasonable person to conclude that the individual was a State Person, or that a State Person had the Requisite Involvement, the filer could be deemed to have had “reason to know.”

Reporting Requirements

WHAT IS PUBLICLY DISCLOSED

- Name and public office address of any State Person.
- The description of the general subjects or transactions between a Lobbyist and a State Person.
- Compensation, actual or anticipated, including expenses, to be paid and paid by virtue of the business relationship.

REFERENCES: Clients: Legislative Law Article 1-A §1-j(b)(6)(i)-(iii)
Lobbyists: Legislative Law Article 1-A §1-e(c)(8)(i)-(iii)

“\$1,000 Rule”

Relationships with a State Person less than one year are reportable when:

- Value of compensation (goods, services, anything of value) is greater than a \$1,000.

Relationships with a State Person for more than one year are reportable when:

- Compensation exceeds \$1,000 during **any** consecutive 12 months.
- Value of goods, services, or anything of value performed or provided exceeds \$1,000.
- Outstanding compensation for goods, services or anything of value already performed or provided exceeds \$1,000.
- Value of the goods, services or anything of value to be performed or provided in exchange for compensation already received exceeds \$1,000.

Reporting Period

TIMEFRAME:

- If the Relationship is in existence any time during the filing period

REPORTABLE BUSINESS RELATIONSHIP EXISTS WHEN:

- Compensation is paid or to be paid
- Goods, services or anything of value are performed or provided
- Relationship is in existence even if compensation has not yet been paid and goods, services and anything of value have not yet been performed or provided



Reportable Business Relationship Filing

HOW TO REPORT A REPORTABLE BUSINESS RELATIONSHIP

- A Reportable Business Relationships is disclosed by filing a PDF RBR form.
- PDF forms for both Lobbyists and Clients are available on the JCOPE's website by clicking on "Filings"  "Lobbying Forms and Instructions"
- At this time, online filing of the RBR form is not available. The form fields can be filled-in electronically, but must be hand-signed and mailed to JCOPE.

Need to know:

Should a Client also be required to file a Biennial Registration Statement, such requirement does not relieve the Client from its obligation to disclose Reportable Business Relationships in its Semi-Annual Reports.

Reportable Business Relationships Amendments

LOBBYIST'S DUTY TO AMEND THE STATEMENT OF REGISTRATION:

Within 10 days of a material change from the required information reported in the Registration Statement, an amended Reportable Business Relationship form must be completed

- Actual or anticipated amount of compensation in connection with Reportable Business Relationship materially varies from the anticipated amount previously reported
- Entering into a new Reportable Business Relationship

CLIENT'S DUTY TO MAINTAIN ACCURATE, CURRENT AND COMPLETE INFORMATION:

Update and correct a Semi-Annual Report if a new Reportable Business Relationship arises

- Disclosure of Reportable Business Relationships not previously disclosed
- Actual or anticipated amount of compensation in connection with an Reportable Business Relationship materially varies from the anticipated amount previously reported

Failure may result in possible late fees and/or civil penalty



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Source of Funding

Source of Funding

WHAT IS SOURCE OF FUNDING?

Effective June 1, 2012, the source of funding amendments require Lobbyists who lobby on their own behalf and Clients, who devote substantial resources to lobbying activity in New York State, to make publicly available each source of funding over \$5,000 for such lobbying. The legislation and regulations set forth in Title 19 NYCRR Part 938 intend for these new disclosures to provide the public with more information regarding the actual entities and individuals that support lobbying campaigns in New York State.

Source of Funding

WHO IS REQUIRED TO REPORT SOURCE OF FUNDING?

Client Filers.

WHO ARE CLIENT FILERS?

Clients and Lobbyists who lobby on their own behalf, who meet the Expenditure Threshold.



When is Disclosure Required?

\$50,000 – 3% Expenditure Threshold

Client Filers must first determine if they have met the Expenditure Threshold. If the Expenditure Threshold has not been met, the Source of Funding sections in the Client Semi-Annual Report need not be filed.

TWO REQUIREMENTS TO MEET THE \$50,000 – 3% THRESHOLD:

- Client Filer spent in excess of \$50,000 in Reportable Compensation and/or Expenses for lobbying during the Expenditure Threshold Period
- and**
- Client Filer expenditures on lobbying in New York constituted at least 3% of the Client Filer's Total Expenditures during the Expenditure Threshold Period

When the \$50,000 - 3% Expenditure Threshold is met, all Contributions over \$5,000 from a Source must be reported in the appropriate Client Semi-Annual Report.

Need to know:

Total Expenditure is not limited to NYS and can be multi-state/multi-national

Reportable Compensation and Expenses

COMPENSATION:

- Any salary, fee, gift, payment, loan, advance or any other thing of value paid, owed, given or promised to a retained or employed Lobbyist for the purpose of lobbying

EXPENSES :

CLIENT FILERS WHO ARE LOBBYISTS THAT LOBBY ON THEIR OWN BEHALF:

- Any expenditures incurred by or reimbursed to the Lobbyist (employed or designated) for lobbying

CLIENT FILERS WHO ARE SOLELY CLIENTS:

- Any expenditure paid or reimbursed to the retained Lobbyist for lobbying

Need to know:

Contributions and Expenses reportable under Article Fourteen of the Election Law are exempt from source of funding disclosure requirements.

What to Report

CONTRIBUTIONS FROM A SOURCE IN EXCESS OF \$5,000

CONTRIBUTION

- Any payment to, or for the benefit of, the Client Filer and which is intended to fund, in whole or in part, the Client Filer's activities or operations.

SOURCE

- Any person, corporation, partnership, organization or entity that makes a Contribution.

Affiliate Relationships that Constitute one Source:

- Two or more persons whom the Client Filer knows live in the same household
- Two or more corporations, partnerships, organizations or entities that the Client Filer knows or has reason to know have any of the following relationships: parent/subsidiary; subsidiaries with the same corporate parent; national or regional organization and their local chapter(s); local chapters of the same national or regional organization.
- A sole proprietorship and its sole proprietor if the Client Filer knows or has reason to know of the relationship

Need to Know: All Contributions from a Source are to be aggregated

Information to be Reported

- Name of the Source
- Name and address of principal place of business, if any
- Date the Client Filer received the Contribution(s)
- Amount of the Contribution(s)

REFERENCE: Source of Funding Regulations: 19 NYCRR Part 938.3

Exemptions

Client Filers that have IRC 501(c)(4) status may apply to JCOPE for an exemption from disclosing Sources that have contributed more than \$5,000

Client Filers have to show by clear and convincing evidence that disclosure of the Source will cause a reasonable probability of harm, threats, harassment or reprisals to the Source or individuals or property affiliated with the Source.

FACTORS THAT JCOPE CONSIDERS IN GRANTING AN EXEMPTION ARE:

- Specific evidence of present threats, harms or reprisals
- Severity, number of incidents and duration of past and present harm
- Pattern of threats
- Evidence of harm, threats or harassment against similar organizations or views
- The impact of disclosure on the ability of the Source(s) or Client Filer to maintain ordinary business operations and the extent of the resulting economic harm

Need to Know:

Governmental entities and organizations with IRC 501(c)(3) status are automatically exempt from the Source of Funding disclosures

Source of Funding Filing

HOW TO REPORT SOURCE OF FUNDING

- Complete and file with JCOPE the PDF version of the Client Semi - Annual Report. Source of Funding information is contained in Section V of the form.
- The PDF form is available on JCOPE'S website by clicking on "Filings"  "Lobbying Forms and Instructions."
- At this time, online filing of the Source of Funding form is not available. The form can be filled-in electronically, but must be hand-signed and mailed to JCOPE.



Lobbying Disclosure: How to File in New York State

Disbursement of Public Monies

Disbursement of Public Monies

Beginning January 1, 2008, any Lobbyist required to file a Registration Statement with JCOPE who in any lobbying year 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 Lobbying Act §1-c, will be required to file a NYS Lobbyist Disbursement of Public Monies Report.
See Lobbying Act §1-l

Who is Required to File?

The reports are to be filed only by **registered** Lobbyists, including public corporations. 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.

What are “public monies”?

JCOPE’s Guidelines state that “public monies” are funds that have been appropriated as part of a passed budget, which are designated for programs or grants or are discretionary funds, but have not been allocated to specific recipients.

When do I file?

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-l of the Lobbying Act, 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.

Reports are required regardless of whether the grant, loan or agreement payment is received.

No corresponding Client reports are required to be filed.

When do I file?

LOBBYIST DISBURSEMENT OF PUBLIC MONIES REPORTS

Report	Due Date
January/February	March 15 th
March/April	May 15 th
May/June	July 15 th
July/August	September 15 th
September/October	November 15 th
November/December	January 15 th

Disbursement of Public Monies Filing

HOW TO REPORT DISBURSEMENT OF PUBLIC MONIES

- Disbursement of Public Monies is disclosed by filing the PDF Disbursement of Public Monies Form.
- The PDF form is available on the Commission's website by clicking on "Filings"  "Lobbying Forms and Instructions."
- At this time, online filing of the Disbursement of Public Monies form is not available. The form is writable but must be signed mailed to the Commission.

THIS FORM CAN BE FILED USING THE ONLINE FILING SYSTEM.

Contact Information

**FOR LEGAL QUESTIONS, PLEASE CONTACT COUNSEL'S
OFFICE AT JCOPE :**

legal@jcope.ny.gov

518-408-3976

**FOR FILING QUESTIONS, PLEASE CONTACT JCOPE'S
STATUTORY FILINGS UNIT AT:**

program@jcope.ny.gov

518-408-3976