

New York State Joint Commission on Public Ethics

Reform F

This proposal would amend subdivisions 1-h and 1-j of article 1-a of the Legislative Law by adding new paragraphs to provide for greater transparency for source of funding that is disclosed to the Commission in bi-monthly reports for certain lobbyists and semi-annual reports of clients. It also provides for additional penalties in subdivision 1-o for concealing sources of funding which includes a civil penalty for each violation, in an amount not to exceed the greater of twenty-five thousand dollars or three times the amount the person unlawfully contributed, enabled, facilitated, or received.

Section 1. Subdivision (c) of section 1-h of article 1-a of the legislative law is amended by adding a new paragraph (5) to read as follows:

- (5) **(i) No filer subject to the reporting requirements of this section shall knowingly receive report a contribution in any name other than that of the true name of the person or persons by whom it is made.**
(ii) No person shall knowingly make, cause to be made, enable, authorize, or facilitate the making of a contribution to a filer subject to the requirements of this section, except in the true name of the contributor, including making contributions on behalf of another or acting as an intermediary or agent of another.

Section 2. Subdivision (c) of section 1-j of article 1-a of the legislative law is amended by adding a new paragraph (5) to read as follows:

- (5) **(i) No filer subject to the reporting requirements of this section shall knowingly receive report a contribution in any name other than that of the true name of the person or persons by whom it is made.**
(ii) No person shall knowingly make, cause to be made, enable, or facilitate a contribution to a filer subject to the requirements of this section, except in the true name of the contributor.

Section 3. Subdivision (b) of section 1-o of article 1-a of the legislative law is amended by adding a new paragraph (iii) and subsequent renumbering paragraphs (iv)-(vii) to read as follows:

- (b) (i) A lobbyist, public corporation, or client who knowingly and wilfully fails to file a statement or report within the time required for the filing of such report or knowingly and wilfully violates section one-m of this article shall be subject to a civil penalty for each such failure or violation, in an amount not to exceed the greater of twenty-five thousand dollars or three times the amount the person failed to report properly or unlawfully contributed, expended, gave or received, to be assessed by the commission.
- (ii) A lobbyist, public corporation, or client who knowingly and wilfully files a false statement or report shall be subject to a civil penalty, in an amount not to exceed the greater of fifty thousand dollars or five times the amount the person failed to report properly, to be assessed by the commission.**
- (iii) Any person who knowingly and wilfully violates section 1-j(c)(5) or section 1-h(c)(5) of this article-chapter shall be subject to a civil penalty for each such violation, in an amount not**

to exceed the greater of twenty-five thousand dollars or three times the amount the person unlawfully contributed, enabled, facilitated, or received.

(iv) (A) A lobbyist or client who knowingly and wilfully violates the provisions of subdivision one of section one-n of this article shall be subject to a civil penalty not to exceed ten thousand dollars for an initial violation.

(B) If, after a lobbyist or client has been found to have violated subdivision one of section one-n of this article, a lobbyist or client knowingly and wilfully violates the provisions of subdivision one of section one-n of this article within four years of such finding, the lobbyist or client shall be subject to a civil penalty not to exceed twenty-five thousand dollars.

(v) Any lobbyist or client that knowingly and wilfully fails to file a statement or report within the time required for the filing of such report, knowingly and wilfully files a false statement or report, or knowingly and wilfully violates section one-m of this article, after having been found by the commission to have knowing and wilfully committed such conduct or violation in the preceding five years, may be subject to a determination that the lobbyist or client is prohibited from engaging in lobbying activities, as that term is defined in paragraph (v) of subdivision (c) of section one-c of this article, for a period of one year.

(vi) Any lobbyist or client that knowingly and wilfully engages in lobbying activities, as that term is defined in paragraph (v) of subdivision (c) of section one-c of this article, during the period in which they are prohibited from engaging in lobbying activities, as that term is defined in paragraph (v) of subdivision (c) of section one-c of this article pursuant to this subdivision, may be subject to a determination that the lobbyist or client is prohibited from engaging in lobbying activities, as that term is defined in paragraph (v) of subdivision (c) of section one-c of this article, for a period of up to four years, and shall be subject to a civil penalty not to exceed fifty thousand dollars, plus a civil penalty in an amount equal to five times the value of any gift, compensation or benefit received as a result of the violation.

(vii) A lobbyist, public corporation, or client who knowingly and wilfully fails to retain their records pursuant to paragraph three of subdivision (c) of section one-e of this article, subparagraph (v) of paragraph five of subdivision (b) of section one-h of this article, or paragraph five of subdivision (b) of section one-j of this article shall be subject to a civil penalty in an amount of two thousand dollars per violation to be assessed by the commission.