

**NEW YORK
TEMPORARY STATE COMMISSION
ON LOBBYING**

OPINION NO. 53 (03-4)

INTRO

This opinion is rendered in response to a request whereby the requestor inquires whether expenditures by the Andrew Cuomo for Governor, Inc. constitute compensation or expenses under the Act.

FACTS

Andrew Cuomo for Governor, Inc. donated \$50,000 to the Hip Hop Education and Research Fund to be used for public education purposes. At this time, it is not known if said funds were actually used by the Hip Hop Education and Research Fund for such stated purposes. In addition, Andrew Cuomo for Governor, Inc. also donated \$10,000 to the Drug Policy Alliance to be used to purchase airtime for radio commercials, which are considered lobbying under the Act. Both donations were reported by Andrew Cuomo for Governor, Inc. under Article 14 of the Election Law.

ISSUE

Do the donations reported under Article 14 of the Election Law, constitute compensation or expenses under the Lobbying Act?

OPINION

§1-c (g) and § 1-c (h) of the Lobbying Act specifically exempt contributions reportable under Article 14 of the Election Law. To the extent that the donations set forth above are contributions reportable pursuant to Article 14 of the Election Law, they do not constitute compensation or expenses under the Lobbying Act.

APPROVED BY COMMISSION: OCTOBER 28, 2003

CONCURRING: STEWART C. WAGNER, CHAIR, RONALD J. AIELLO, VICE CHAIR; ALBERT S. CALLAN, MEMBER; BARTLEY F. LIVOLSI, MEMBER; JOSEPH A. DUNN, MEMBER; PATRICK J. BULGARO, MEMBER.

/S/

STEWART C. WAGNER
Chairman