Chapter 2: Statutory Filings Overview

Forms required to be filed and who is responsible for filing them:

Name of Form	Filed By	Filing Fee
Lobbyist Statement of Registration	Lobbyists (**see Lobbyist Filing Requirements – Chapter 4**)	If the $5,000 threshold is expected to be exceeded for a Client - $200 Registration fee per Client or $100 prorated for registering in the second half of a biennial period. If the $5,000 threshold is not expected to be exceeded for the Client, no fee is required.
Lobbyist Bi-monthly Report	Lobbyists who are required to file a Lobbyist Statement of Registration, and whose contract is in effect at any point during the Bi-monthly reporting period. (**see Lobbyist Filing Requirements – Chapter 4**)	**No fee required.**
Client Semi-Annual Report	Clients (**see Client Filing Requirements – Chapter 5**)	**$50**
Lobbyist Reportable Business Relationship Form	Lobbyists and Public Corporations (**see Chapter 6 for more information**).	None. The Lobbyist Reportable Business Relationship Form is considered a part of the Lobbyist's Statement of Registration.
Client Reportable Business Relationship Form	Clients (**see Chapter 6 for more information**).	None. The Client Reportable Business Relationship Form is considered a part of the Client's Semi-Annual Report.
Disbursement of Public Monies	***Registered*** Lobbyists, including Public Corporations, who meet certain additional filing requirements (**see Chapter 8 for more information**).	**No fee required.**
Public Corporation Statement of Registration	Public Corporations (**see reference in Lobbyist Filing Requirements – Chapter 4**)	**No fee required.**

Public Corporation Bi-monthly Report	Public Corporations who are required to file a Lobbyist Statement of Registration, and whose contract is in effect during the Bi-monthly reporting period. (**see Lobbyist Filing Requirements – Chapter 4**)	**No fee required.**

How do I obtain forms to register and report?

Electronic Filing: The Commission encourages all Filers to register and report using its Online Filing System. Electronic filing has several advantages not available to paper Filers, as described below.

Advantages to using the Online Filing System:

- 24-hour access.
- Information will prepopulate to certain sections of your Filings for you.
- Registration and Client Semi-Annual filing fees can be securely paid by credit card.
- Filing deadlines extended until midnight, saving a rushed trip to the JCOPE office.
- Start and finish your Filings at your convenience with the "save" function.
- Eliminates time-consuming entry of bill numbers by copying/pasting into your Filing.
- Automatically reviews Filings for missing information before you submit.
- Access to all your Filings and their processing statuses.

The Commission also offers the following option for registering and reporting:

Paper/PDF Filing: If you are unable to file electronically, but have access to the Internet, you can download and print a paper/PDF version of any required forms from the Commission's website.

Paper/PDF forms are also available by calling the Commission's office at (518) 408-3976 from 8:30 a.m. to 4:30 p.m. on regular state business days. The Commission requires that forms with original signatures be submitted; photocopies and faxes will not be accepted. Consequently, it is important that you allow sufficient time to obtain and submit original forms prior to the Filing due dates.

Mail paper/PDF forms to:
Joint Commission on Public Ethics
540 Broadway
Albany, New York 12207

- **PLEASE NOTE**: it takes considerably more time to process a paper/PDF form - often 4 to 6 weeks.

How do I use JCOPE's Online Lobbying Filing System?

If you will be filing online for the first time, you must enroll in the Online Filing System. This is a one-time process per Type of Filer (Lobbyist, Client, Public Corporation), and there is no fee to enroll. As part of the enrollment, a Responsible Person is required to agree to a "terms of use agreement" and submit a notarized affidavit.

Please be aware, if you have previously filed with the Commission using paper/PDF forms, a Profile already exists in the Online Filing System. To avoid creating a duplicate Profile and to keep all your Filings in one location where you can access them, when enrolling in the Online Filing System, select your name from the drop-down menu, make any necessary changes to the information, and provide your email address in the field provided. This action will generate the Affidavit to be signed and notarized. Once the Commission receives this original, signed affidavit, a User ID and password will be generated and sent to the email provided. You will then be able to utilize JCOPE's Online Lobbying Filing System.

Other Statutory Filing Information

How can I pay the filing fee?

If you are required to pay a filing fee, the following options are available:

Online Filers – 2 options:

1. **Remit payment via Online Filing System** with Visa, MasterCard or American Express. Payment must be made **at the time of submission.***
2. **Check Payment**. Filer may indicate payment will be made by submitting a check. You must provide your check or money order number in the appropriate field of the online form.

- **NOTE:** For security purposes, the Online Filing System will only permit two attempts to pay your filing fee by credit card. After the second failed attempt, you will be required to pay by check.

Paper/PDF Filers – 1 option:

1. **Check Payment**. Filers are required to remit payment via check with paper/PDF forms.

Any filing fees paid by check must be paid separately from other Filings; ***i.e.***, one check per Filing, and made payable to the "New York State Joint Commission on Public Ethics". Any check that includes payments for more than one type of Filing will be returned to you by the Commission. This is necessary to facilitate the Online Filing System's functions.

- Any Filing will be **deemed incomplete and considered not received** unless and until the required filing fee is received.

- A Filer will be **charged a return check fee** for any check returned to the Commission due to insufficient funds.

What if a Filing cannot be submitted by the statutory due date?

Requests for extensions of filing time can be made in writing and must be received in the Commission's office no later than two business days prior to the Filing due date. A request must contain good cause and may be granted at the discretion of the Executive Director of the Commission.

If a Filing is due on a weekend or a State holiday, when should it be submitted?

The Filing must be received in the Commission's office on the first business day following the weekend or State holiday.

Can a Filing be withdrawn after submission?

Yes. A withdrawal request can be submitted for a Filing under the following conditions, as applicable:

1. a signed lobbying agreement/authorization does not exist for the period of time the Filing corresponds to; and/or
2. a Bi-monthly, Disbursement of Public Monies, or Client Semi-Annual Report shows:
    - $0 in Compensation/Expenses;
    - no Lobbying Activity;
    - and the lobbying agreement/authorization has 'expired' or been terminated prior to the start of the reporting period.

However, if a signed lobbying agreement/authorization exists, or a Report shows Compensation/Expenses and/or Lobbying Activity, a request for withdrawal can be submitted if there is evidence:

- no Lobbying Activities nor compensation was received, paid or owed for the specified period;
- the parties canceled either the entire agreement or lobbying portion ***prior*** to the start of the specified period.

Withdrawal requests must be signed by responsible parties and may be submitted via mail or email.

Determination of a withdrawal request is made at the discretion of the Commission.

- **NOTE**: If a Filing is inadvertently submitted for an incorrect reporting year/period:
    - **Statement of Registration** – If a Registration already exists for the Client in the reporting period, **do not file another Report**. Please contact Commission staff

- **Bi-Monthly or Disbursement of Public Monies Report** – Please contact Commission staff to request withdrawal of the Report. The Bi-monthly Report will need to be re-filed for the correct reporting year/period.
- **Client Semi-Annual Report** – If a Client Semi-Annual Report already exists in the reporting period, **do not file another Report**. Please contact Commission staff to have the reporting year corrected. Filing fees are non-refundable.
- **If an additional Report is submitted, it will need to be withdrawn.**

Who is responsible for signing and submitting Filings?

For Lobbyist Filings – If the Principal Lobbyist is an individual, he or she is responsible for signing and filing all their statements and reports. If the Principal Lobbyist is an Organization, the Chief Administrative Officer (CAO) is responsible for signing and filing all Lobbyist statements and reports.

For Client Filings – The Chief Administrative Officer of the Client is responsible for signing and filing all Client reports.

However, the Chief Administrative Officer may designate, in writing, another individual to make and sign statement(s) and/or report(s). The designated individual **must** make a written acceptance of such designation and the designation **MUST** specify which statement(s) and/or report(s) are covered, as well as the specific year or biennial period.

The following is a sample format that may be used for a designation:

I, ____,

(name of Chief Administrative Officer)

____

(title)

of ____, hereby designate

(name of organization)

____ to make and file the

(name of designee)

____ for

(name of statement(s) and/or report(s))

____________________________.

(year or biennial period)

____

(Signature of Chief Administrative Officer)

Accepted by:

____

(Signature and Title of Designee)

- **PLEASE NOTE -** The Chief Administrative Officer may designate another to sign and submit the reports, but this designation does not relieve the Chief Administrative Officer of liability due to a failure to file, late filing or false filing of any report(s).

I am missing a required element of my Filing. Can I submit my Filing and send the missing element(s) later?

Yes. You should submit your Filing as early as possible, and then email or mail-in the missing element(s).

Please be aware Filings are deemed incomplete and considered not received unless and until all the required elements of the Filing are received. The Commission will, however, take into consideration the submission date when determining if a Filer will be subject to late fees and/or civil penalties for a failure to timely file a complete and accurate Filing.

For Registration purposes, a Lobbyist should **not** engage in Lobbying Activity or receive Compensation prior to submitting an executed Lobbying Agreement form, or a copy of a signed, written Lobbying agreement or written authorization.

What Expenses are not required to be reported?

- State or local lobbying filing fees;
- Expenses directly incurred for printing, mailing, and reproduction of letters, memoranda, or other written communications are not reportable until such expenses exceed $500 in the aggregate in any calendar year; however, once this amount has been exceeded, the entire cost is reportable.
- Travel, lodging, or meals for a Lobbyist;
- Any expense that is incurred in the ordinary course of business, regardless of the nature of business - for example, rent, utilities, telephones, computers; and
- Any amount reportable as a contribution under article fourteen of the election law.

Can certain Expenses be estimated?

Yes. In cases where it is not possible to determine exact dollar amounts (such as photocopying, phone bills, in-house printing and reproduction expenses), good faith estimates of such costs, based on generally accepted accounting procedures, may be used.

If a Lobbying Expense is valued at more than $75, must it be itemized?

Yes. An Expense valued at more than $75 must be fully identified and include the name of the person or entity to whom it was paid, as well as the purpose for which it was paid on Bi-monthly and Client Semi-Annual Reports.

Clients must identify whether the Expense involved non-Procurement or Procurement Lobbying.

If the Expense is paid to an entity, an Expense Detail is required if any portion of the Expense is attributable to an individual or individuals. Each individual's identity must be disclosed. The Expense Detail may note numerous individuals per Itemized Expense.

All Expenses of $75 or less may be reported as a single aggregate total.

What type of documentation of Expenses must be kept?

All expenditures of $50 or more related to Lobbying Activity must be paid by check or supported by receipt, and must be maintained for three years from the date the expense was required to be reported. It is important to note that the Commission conducts random audits of Filings pursuant to the Lobbying Act. These audits may require Filers to produce books, records, papers or memoranda, and material relevant to the preparation of the selected Filing. Failure to retain records as required may subject a Filer to a civil penalty of up to $2,000.

How are bill numbers and information relative to the introduction or intended introduction of legislation or a resolution reported on Filings?

Registrations: Report only those bills, rules, regulations, or rate numbers, if available, which you anticipate you will lobby on during the registration period.

Bi-monthlies and Client Semi-Annual Reports: Report only those bills, rules, regulations, or rate numbers, if available, on which Lobbying actually occurred.

All Filings: This includes the title and identifying numbers of Procurement Contracts/documents; the number or subject matter of an Executive Order of the Governor or Municipality; and the subject matter of and tribes involved in tribal-state compacts.

In the event Legislation or a resolution has not yet been introduced (no number to disclose) and Lobbying is conducted in order to influence the introduction, intended introduction, or issuance of State legislation or a State resolution, a brief description of such activity must be reported.

Are Lobbying Forms publicly available?

Yes. *Client Semi-Annual and Bi-monthly Reports (including Disbursement of Public Monies)* are available for a period of three years. *Biennial Statements of Registration* are available for a period of six years. The public may access these Filings in one of three ways:

1. Direct access through jcope.ny.gov (select **"Public Data"** from the **"About"** or **"Lobbying"** main navigation menus); or

2. Submitting a written request for copies of records by submitting the online **"Records Request"** form from the JCOPE website (Select **"Records Access Requests"** from the **"Media Center"** main navigation drop down menu) or by mailing, faxing or emailing the Records Access Officer; or

3. By making an appointment with the Records Access Officer to inspect and copy documents at the Commission's offices. With a prior appointment, inspection may occur on days that the Commission is regularly open for business from 8:30 a.m. to 4:30 p.m.

The Commission may charge copying fees in accordance with its Regulations for Access to Publicly Available Records.

Retention Requirements for Filings

All Lobbying Act reports and supporting documents should be retained by Lobbyists and Clients for a period of three years.

Late Fees and Penalties

Late Filings

First-time Filers may be charged a late filing fee of no more than $10 per day for each day the required Filing is late. All others may be charged a late filing fee of up to $25 per day for each day the required Filing is late.

Penalties for Non-Filers

Failure to timely file a complete and accurate Statement or Report may subject the Filer to a civil penalty fine not to exceed the greater of $25,000 or three times the amount the person failed to report properly. In addition, a Filer may be guilty of a Class A misdemeanor for a first-time failure and a Class E felony for subsequent failures within five years of the first.