



GUIDE TO LOBBYING REPORTING

FOR LOBBYISTS, CLIENTS, AND PUBLIC CORPORATIONS

A comprehensive guide to the reporting obligations outlined in Legislative Law Article 1-A also known as the Lobbying Act. Detailed information is provided for Filers and subject matter areas that may require additional disclosures under the Lobbying Act.

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Chapter 1: Lobbying Overview and Definitions

Lobbying is any attempt to influence government decision-making. Every year, Lobbyists and Clients spend millions of dollars trying to influence State and local governments. Money, time, and other resources devoted to lobbying efforts must be calculated to determine whether the \$5,000 annual lobbying threshold has been met or is reasonably anticipated to be exceeded in any calendar year during the biennial period.

Legislative Law Article 1-A, also known as the **“Lobbying Act”**, requires the registration and reporting of individuals and organizations that either spend more or anticipate spending more than the lobbying threshold on efforts to influence the passage or defeat of any legislation or resolution and other government activities. Lobbyists and Clients are required to publicly disclose their identities, activities and expenditures by filing reports at regular intervals with the Joint Commission on Public Ethics (“JCOPE”).

In addition, Lobbyists and Clients are subject to certain ethics provisions in the Lobbying Act and must comply with random audits conducted by JCOPE. These audits are conducted year-round by the Commission, and allow the Commission to verify the accuracy of Filings drawn by random statistical selection.

Finally, every individual identified as a Lobbyist must complete regular ethics training at least once in any three-year period during which they are registered as a Lobbyist.

Who is subject to the Lobbying Act?

The Lobbying Act applies to Lobbyists, Public Corporations, and Clients, including the individuals employed by them, who in any calendar year during a biennial period either reasonably anticipate incurring, expending, or receiving, or actually incur, expend, or receive more than \$5,000 in combined reportable compensation and expenses for Lobbying Activities on a state and/or local level.

Are there requirements under the Lobbying Act other than filing Reports?

In addition to the registration and reporting requirements, Filers are also required to:

- Retain documents to substantiate the finances listed in the reports for three years;
- Refrain from giving/receiving Compensation on a contingent basis as these are prohibited by the law;
- Adhere to the gift rules in the Lobbying Act and Part 934 of JCOPE’s regulations; and
- All Lobbyists are required to complete a mandatory online ethics training (See Chapter 1. Lobbying Overview and Definitions “Mandatory Ethics Training” section for more information).

Lobbying Definitions

Lobbyist

A person or organization who engages in Lobbying Activity and includes Retained, Employed, and Designated Lobbyists. While Lobbyist includes officers, directors, trustees, employees, counsels, or agents of colleges, as defined by section two of the Education Law, the term does not include any other officer, director, trustee, employee, counsel or agent of the State, or any Municipality or subdivision thereof when discharging their official duties.

Retained Lobbyist

A person or organization engaged to lobby for the benefit of an unaffiliated Client.

Employed Lobbyist

A person who lobbies on behalf of the organization by which they are employed.

Designated Lobbyist

A person who lobbies on behalf of a Client as a board member or officer, whether compensated or uncompensated, but does not offer services to other Clients as a Retained Lobbyist. Designated Lobbyist may also include an elected official who Lobbies on behalf of a Public Corporation.

Public Official

1. The governor, lieutenant governor, comptroller, or attorney general;
2. Members of the State legislature;
3. Officers and employees of the legislature;
4. State officers and employees; and
5. Municipal officers and employees.

No individual shall be deemed a Public Official solely based on service on an Advisory Board.

Client

A person or organization on whose behalf Lobbying Activity is conducted. A Client can retain, employ, or designate any person or organization to carry on Lobbying Activity on behalf of itself or another.

Public Corporation

A municipal corporation, including counties, cities, towns, villages and school districts, a district corporation, and a public benefit corporation as defined in section sixty-six of the General Construction law.

Responsible Party

The Lobbyist or Client's Chief Administrative Officer, or a designee, who is responsible for filing the Statements or Reports required under the Lobbying Act.

State agency

A department, board, bureau, commission, division, office, council, committee or officer of the State, whether permanent or temporary, a public benefit corporation or public authority at least one of whose members is appointed by the governor, authorized by law to make rules or to make final decisions in adjudicatory proceedings.

A State agency does not include the judicial branch or agencies created by interstate compact or international agreement.

State Officers and Employees

- 1) Heads of State departments and their deputies and assistants, other than members of the board of regents of the university of the State of New York who receive no compensation or are compensated on a per diem basis;
- 2) Officers and employees of statewide elected officials;
- 3) Officers and employees of State departments, boards, bureaus, divisions, commissions, councils, or other State agencies; and
- 4) Members or directors of public authorities (other than multi-state authorities), public benefit corporations and commissions at least one of whose members is appointed by the governor, and employees of such authorities, corporations, and commissions.

No individual shall be deemed a State Officer and Employee solely based on service on an Advisory Board.

Lobbying Organization

Any company, firm, entity, or other organization that utilizes Employed or Designated Lobbyists to Lobby on its behalf, or incurs Lobbying Expenses on its own behalf.

Municipality

Any jurisdictional subdivision of the state, including but not limited to:

- counties, cities, towns, villages, improvement districts and special districts with a population of more than 5,000;

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- industrial development agencies in jurisdictional subdivisions with a population of more than 5,000;
- public authorities;
- public corporations, except for those types of entities referenced in paragraphs (1) and (2) of this section with a population of 5,000 or less; and
- school districts of any size.

Reportable Business Relationship

A relationship in which a Lobbyist or Client of a Lobbyist pays, has paid or promises Compensation, and is or was in exchange for goods, services or anything of value, the total value of which exceeds \$1,000 annually (within 12 consecutive months), to be performed or provided by, or intended to be performed or provided by:

- any Statewide elected official, State officer, State employee, member of the legislature or legislative employee, or
- any entity in which the Lobbyist or the Client 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 of a non-governmental entity, or owns or controls 10% or more of the stock of a non-governmental entity. This threshold is reduced to 1% in the case of a corporation whose stock is regularly traded on an established securities exchange.

See Chapter 6 - Reportable Business Relationships for more information.

Lobbying Activity

Lobbying Activities include both Direct Lobbying and Grassroots Lobbying. Reporting requirements under the Lobbying Act are not necessarily triggered by engaging in Lobbying Activity alone, but rather when the following criteria have both been satisfied:

An attempt to influence an activity described below, and

The cumulative Compensation and Expenses received, expended or incurred, or reasonably anticipated to be received, expended or incurred, for any such activities must exceed \$5,000 in any calendar year during a biennial period.

The term "**Lobbying**" or "**Lobbying Activity**" shall mean and include any attempt to influence:

- (i) the 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;

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- (ii) the adoption, issuance, rescission, modification or terms of a gubernatorial executive order;
- (iii) the adoption or rejection of any rule or regulation having the force and effect of law by a state agency;
- (iv) the outcome of any rate making proceeding by a state agency;
- (v) 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;
- (vi) 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;
- (vii) the passage or defeat of any local law, ordinance, resolution, or regulation by any Municipality or subdivision thereof;
- (viii) the adoption, issuance, rescission, modification or terms of an executive order issued by the chief executive officer of a Municipality;
- (ix) the adoption or rejection of any rule, regulation, or resolution having the force and effect of a local law ordinance, resolution, or regulation; or
- (x) the outcome of any rate making proceeding by any Municipality or subdivision thereof.

Lobby Day

Select days used by organizations, often annual, when lay members of an organization meet with Public Officials at various levels to advocate on issues relevant to the organization.

Reportable Compensation and Reportable Expenses

All Compensation and Expenses associated with Lobbying Activity should be accounted for using accrual basis accounting, *i.e.*, costs are reported in the period in which they are incurred.

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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, or employer, in exchange for Lobbying or services that are otherwise in furtherance of Lobbying Activity, including year-end or other bonuses, but not fringe benefits.

Reportable Expenses

Any cost of Lobbying Activity that is incurred by or reimbursed in connection with a Lobbying Activity that is not Lobbyist Compensation.

Types:

- 1) **Non-lobbying staff salaries** – Compensation paid to those professional and clerical employees who do not engage in Lobbying Activity must be reported as an Expense.
 - (a) Salaries of non-lobbying staff should be reported in the aggregate.
 - (b) Filers should have a good faith methodology that demonstrates how the allocation of non-lobbying staff time was reached.
- 2) **Aggregated** – Expenses of \$75 or less may be reported as a single aggregate total.
- 3) **Itemized** – Expenses valued at more than \$75 must be itemized – reporting the payee, the nature of the expense, and the value.
- 4) **Reimbursed** – Lobbyist should report the aggregate value of all Expenses (regardless of value of the individual Expenses) that were reimbursed by the Client.

Reportable Expenses may include items which, in and of themselves, do not constitute lobbying, but when used as part of a lobbying effort become reportable expenses. Examples reviewed under the definition are non-inclusive and practitioners are encouraged to request Commission clarification prior to completing their reports.

Reportable expenses may include, but are not limited to, the following:

- 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.

Statutory Exceptions to Lobbying Activities

The following activities are not Lobbying Activities

Non-lobbying legal services

Services by persons engaged in drafting, advising clients on or rendering opinions on proposed legislation, rules, regulations or rates, municipal ordinances and resolutions, executive orders, Procurement Contracts, or tribal-state compacts, memoranda of understanding, or any other tribal-state agreements or other written materials related to Class III gaming as provided in 25 U.S.C. § 2701, when such professional services are not otherwise connected with state or municipal legislative or executive action on such legislation, rules, regulations or rates, municipal ordinances and resolutions, executive orders, Procurement Contracts, or tribal-state compacts, memoranda of understanding, or any other tribal-state agreements or other written materials related to Class III gaming as provided in 25 U.S.C. § 2701.

If an organization or firm provides both Lobbying and non-lobbying legal services to a Client, the Statement of Registration should only identify as Individual Lobbyists those persons who performed Lobbying services, however, all services related to the Lobbying Activity provided by the organization or firm are reportable expenses.

News gathering and publication

Newspapers and other periodicals and radio and television stations, and owners and employees thereof, provided that their activities in connection with proposed legislation, rules, regulations or rates, municipal ordinances and resolutions, executive orders, tribal-state compacts, memoranda of understanding or other tribal-state agreements related to Class III gaming as provided in 25 U.S.C. §2701, or Procurement Contracts by a State Agency, Municipal Agency, Local Legislative Body, the State legislature, or the Unified Court System, are limited to the publication or broadcast of news items, editorials or other comments, or paid advertisements.

Contacts with the media

Communications with a professional journalist or newscaster, including an editorial board or editorial writer of a newspaper, magazine, news agency, press association or wire service, relating to news, as these terms are defined in section seventy-nine-h of the civil rights law, and communications relating to confidential and non-confidential news as described in subdivisions (b) and (c) of section seventy-nine-h of the civil rights law respectively and communications made pursuant to community outreach efforts for broadcast stations required by federal law.

Local lobbying by IRC Section 6033(a) religious organizations

Any attempt by a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a federal income tax return under paragraph 2(A)(i) of section 6033(a) of Title 26 of the United States Code or a religious order that is exempt from filing a federal income tax return under paragraph (2)(A)(iii) of such section 6033(2) to influence passage or defeat of a local law, ordinance, resolution or regulation or any rule or regulation having the force and effect of a local law, ordinance or regulation.

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Licenses and Permitting

Applications for licenses, certificates, and permits authorized by statutes or local laws or ordinances. This exception includes applications for special permits, variances, and revocable consents.

Participation at certain public proceedings

Persons who participate as witnesses, attorneys or other representatives in public proceedings of a State or Municipal Agency with respect to all participation by such persons which is part of the public record thereof and all preparation by such persons for such participation.

Adjudicatory Proceedings

Persons who attempt to influence a Public Official in an adjudicatory proceeding, as defined by section one hundred two of the state administrative procedure act.

Response to requests for information/comments

Persons who prepare or submit a response to a request for information or comments by the State legislature, the governor, or a State Agency or a committee or officer of the legislature or a State Agency, or by the Unified Court System, or by a legislative or executive body or officer of a Municipality or a commission, committee or officer of a municipal legislative or executive body.

This exception applies only if the person did not urge the requesting party to make the request.

Prohibitions in the Lobbying Act

- Pursuant to section 1-k, which prohibits contingent retainers, no Client may pay and no Lobbyist may receive Compensation in which the amount or rate is contingent on the outcome or terms of any Attempt to Influence a Lobbying Activity. "Compensation" includes any fee, bonus, stock option, equity inducement or other form of remuneration. Violations may result in civil penalties of up to \$10,000 and a Class A misdemeanor.
- It is presumptively impermissible for a Lobbyist or Client to offer or give a Gift to any Public Official. (Definitions of "gift" can be found in the Lobbying Act.) Any Lobbyist, Public Corporation, or Client who violates this prohibition may be subject to civil penalties of up to \$25,000 or three times the value of the gift and/or a class A misdemeanor for a first violation, and a class E felony for a second violation within five years of the first. Any Lobbyist convicted of or pleading guilty to such a felony may be barred from acting as a Lobbyist for a period of one year from the date of the conviction.
- A person or organization required to file a Statement or Report pursuant to the Lobbying Act is prohibited from engaging in Lobbying Activities concerning a governmental procurement during the restricted period as defined in section 1-c(m) of the Act by contacting:

- (i) A person within the procuring entity who has not been designated pursuant to section 139-j of the State Finance Law to receive communications relative to the Governmental Procurement; or
- (ii) A person in a State Agency other than the State Agency conducting the Governmental Procurement.

A first-time violation of this provision may subject the person or organization to a civil penalty of up to \$10,000. Subsequent violations of this provision within four years of the initial violation may subject the person or organization to a civil penalty fine of up to \$25,000.

Mandatory Ethics Training for Registered Lobbyists and Individual (Additional) Lobbyists

The Lobbying Act requires all registered Lobbyists to complete a mandatory online ethics training. This applies to both the principal and additional Lobbyists who are registered with JCOPE. The “**Ethics for Lobbyists**” course takes approximately 30 minutes to complete and can be accessed from any personal computer with an Internet connection.

Such training must be completed by a registered Lobbyist once every three years, as follows:

- (i) Complete the training within 60 days of initial registration;
- (ii) Complete the training again within three years of the date the Lobbyist first or subsequently completed the training, if such Lobbyist is still registered to lobby at such time; and/or
- (iii) If there is a lapse in a Lobbyist’s registration, complete the training again within 60 days of re-registration to lobby or three years from the date such Lobbyist last completed such training, whichever is later.

Ethics for Lobbyists covers information provided in the Lobbying Act, the Public Officers Law, JCOPE regulations and advisory opinions, and the Election Law. The training also includes best practices for meeting the various statutory requirements. More information is available at the Ethics for Lobbyists Training page located from the “**Education**” main navigation menu on the JCOPE website.



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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.

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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

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- ★ **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.

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- ★ 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
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

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- **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)

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- ★ **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.

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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

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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.



Chapter 3: Local Lobbying Overview

The reporting requirements set forth in the Lobbying Act also apply to Individuals and Organizations who lobby Municipalities. Thus, if a Lobbyist incurs, expends or receives, or anticipates incurring, expending or receiving in excess of \$5,000 annually in Compensation and Expenses for Lobbying Activities (cumulatively across all Clients whether it be before the State and/or a Municipality), the Lobbyist and the Client of the Lobbyist are generally required to file disclosure reports with JCOPE, which in turn makes these Filings publicly available on its website.

- ★ **NOTE:** Municipalities may have their own reporting requirements, separate and apart from State reporting requirements.

Municipality

A Municipality is defined as any jurisdictional subdivision of the State, including but not limited to:

- 1) any county, city, village, town, improvement district, or special district with a population of more than 5,000;
- 2) any industrial development agency (“IDA”) in a jurisdictional subdivision with a population of more than 5,000;
- 3) local public authorities;
- 4) local public corporations, except for those types of entities referenced in paragraphs (1) and (2) above with a population of 5,000 or less; and
- 5) school districts of any size.

Who is considered a “Public Official” on the local level?

Municipal Officers and Employees, including an officer or employee of a Municipality, whether paid or unpaid, including members of any administrative board (other than an Advisory Board), commission or other agency of a Municipality, and in the case of a county, an officer or employee paid from county funds.

No individual shall be deemed a Municipal Officer and Employee solely based on service on an Advisory Board.

No person shall be deemed to be a Municipal Officer or Employee solely by reason of being a volunteer fireman or civil defense volunteer, except a fire chief or assistant fire chief.

CHAPTER 3: LOCAL LOBBYING OVERVIEW

The term "Lobbying" or "Lobbying Activities" on the local level shall mean and include any Attempt to Influence the:

- passage or defeat of any local law, ordinance, resolution, or regulation by any Municipality or subdivision thereof;
- adoption, issuance, rescission, modification or terms of an Executive Order issued by the Chief Executive Officer of a Municipality;
- adoption or rejection of any rule, regulation, or resolution having the force and effect of a local law, ordinance, resolution, or regulation;
- outcome of any ratemaking proceeding by any Municipality or subdivision thereof; or
- determination of a local Public Official related to a government procurement.

Please see **Addendum A for a List of Municipalities** subject to reporting requirements under the Lobbying Act.



Chapter 4: Lobbyist Filing Requirements

★ **NOTE:** All references to Lobbyists and Clients include Public Corporations.

Statement of Registration

Is registration required in New York State?

Yes. The Lobbying Act requires public disclosure of the identities, activities, and expenditures of Lobbyists. Every Lobbyist that reasonably anticipates incurring, expending, or receiving more than \$5,000 in combined Reportable Compensation and Expenses for Lobbying Activity on a **State and/or local** level, in any calendar year during the biennial period is required to register and report with the Commission, regardless of when the threshold is reached during the biennial period.

For purposes of determining whether the \$5,000 threshold has been or will be met, a Lobbyist must calculate the reportable Compensation and Expenses for Lobbying Activities, across all Clients whether it be before the State and/or a Municipality, in any calendar year during a biennial period (i.e., computed cumulatively).

Once a Lobbyist meets or anticipates meeting the cumulative \$5,000 threshold, a Lobbyist must file a Statement of Registration for every Client for whom the Lobbyist lobbies, regardless of Compensation or Expenses paid by each Client individually.

If I register with NYC or another Municipality, do I also need to register with JCOPE?

Individuals and Organizations who lobby a Municipality and meet the reporting requirements in the Lobbying Act must register with JCOPE, regardless of whether the Municipality has its own registration and reporting requirements.

★ **Note:** Municipalities may use a different definition of “lobbying activities” – all JCOPE reporting requirements are based on the definitions and provisions of the Lobbying Act.

See Chapter 3 – Local Lobbying for more information.

When is a Lobbyist required to register?

BY JANUARY 1 of the first year of the biennial period if the Lobbyist is providing services under an agreement that is in effect both before December 15th of the year immediately preceding the first year of a biennial registration period and after January 1st of the first year of a biennial registration period, and the Lobbyist reasonably anticipates combined Reportable Compensation and Expenses in excess of \$5,000 for Lobbying Activities to be undertaken in the coming year. The Lobbyist must also ensure they have registered for all corresponding biennial registration periods.

CHAPTER 4: LOBBYIST FILING REQUIREMENTS

Lobbyists retained, employed, or designated to Lobby after December 15th of the year preceding the first year of the biennial period, for activity in either year of the biennial period, are required to submit a biennial Statement of Registration **within fifteen (15) days of the date on which the Lobbyist has agreed to – or been authorized to – begin Lobbying Activity.**

If a Lobbyist actually expends, incurs or receives **more than \$5,000** of combined reportable compensation and expenses, a Statement of Registration must be submitted **no later than ten (10) days after exceeding the threshold.**

Is there a Registration filing fee?

Yes. A **\$200 non-refundable registration fee** is required to be submitted with each biennial Lobbyist Statement of Registration for each Client for whom the Lobbyist reasonably anticipates exceeding \$5,000 in combined Reportable Compensation and Expenses in any calendar year within the biennial period.

A prorated **\$100 non-refundable registration fee** is required with each biennial Lobbyist Statement of Registration submitted after January 1 of the second calendar year of the biennial period that the Lobbyist reasonably anticipates exceeding \$5,000 in combined reportable compensation and expense for that calendar year within the biennial period.

- ★ **PLEASE NOTE:** The prorated \$100 registration fee does not apply to any biennial Lobbyist Registrations that are filed late and cover the entire biennial period, or a portion of both calendar years within the biennial period. In these instances, the \$200 registration fee would be due at time of submission.

No registration fee is required to be submitted with:

- A Biennial Public Corporation Statement of Registration.
- A Biennial Lobbyist Statement of Registration if the Lobbyist **will not exceed \$5,000** in compensation and expenses **for that Client.**
- An **amended** biennial Statement of Registration, provided a registration fee has already been submitted for that same biennial period. Please be aware, if you submitted a Statement of Registration and did not pay the registration fee, and you later determine the \$5,000 threshold has been exceeded, you will be required to submit an Amended Statement of Registration accompanied by a \$200 registration fee (or a \$100 fee in the case where a prorated fee is applicable). The Amended Statement of Registration is due within 10 days of exceeding the threshold.

Can more than one person be listed as an additional Lobbyist on a Statement of Registration?

Yes. All individuals authorized to lobby by a Principal Lobbyist or an Organization for a Client must be listed as additional Lobbyists on the Registration.

CHAPTER 4: LOBBYIST FILING REQUIREMENTS

A Retained Lobbyist/Organization should list only those persons who are employed by such retained Organization, and engaged to lobby on behalf of a Client, as an additional Lobbyist on the Registration.

- ★ **NOTE:** All Lobbyists who register on behalf of the same Client **MUST** each register using the same exact Client name. Registering with variations of the same Client name may result in delinquent report notices and potential fines.

What information is required to be included in the Registration?

Every Statement of Registration must include the following:

- (1) An executed Lobbying Agreement form, or a copy of a signed, written Lobbying agreement or written authorization.
 - (i) Copies of Lobbying agreements or written authorizations must contain the following:
 - (a) A start date, which is the first date the Lobbyist has agreed to or been authorized to Lobby;
 - (b) Signatures of the Responsible Party for the Client and Lobbyist, or another person with the authority to enter the Lobbyist into a binding contract;
 - (c) The date(s) of execution;
 - (d) A statement indicating that other services will be provided in addition to Lobbying, if applicable;
 - (e) A termination (end) date, which is the last date the Lobbyist has agreed to or been authorized to Lobby;
 - 1) in the case of a month-to-month agreement, the termination (end) date shall be presumed to be the end of the current biennial period, unless otherwise specified; and
 - (f) The Compensation to be paid specifically for Lobbying services, including pay frequency and/or rate of pay.
 - 1) If the Lobbyist is retained for Lobbying, the actual Compensation must be reported.
 - 2) If the retainer is based on a monthly, daily or hourly rate, the fee per month, day or per hour must be reported.
 - 3) If multiple parties with multiple hourly rates will be covered by the retainer, all rates shall be disclosed.
 - 4) If the Lobbyist is a salaried employee, the Lobbyist's prorated salary for Lobbying Activity must be reported.
 - (ii) If the Lobbyist is retained under terms of an oral agreement, a written summary of such terms may be submitted with a Statement of Registration, and must be signed by Responsible Party.
- (2) The name of the Principal Lobbyist.

CHAPTER 4: LOBBYIST FILING REQUIREMENTS

- (i) If an individual Lobbyist is an employee or partner of an organization or firm, the organization or firm should always be identified as the Principal Lobbyist unless the individual has been retained in his individual capacity.
 - (ii) The Principal Lobbyist should only be listed as an individual if the Lobbyist conducts business in his own name.
 - (iii) A Public Corporation that lobbies on its own behalf is the Principal Lobbyist.
- (3) The name of all Individual Lobbyists to perform lobbying services on behalf of the Client (unless ALL lobbying activity will be carried out as grassroots communication under the banner of the Principal Lobbyist or Organization name).
- (i) in the case of a Lobbying Organization that incurs no Compensation for Individual Lobbyists and only Expenses, no Individual Lobbyists need be identified on the Statement of Registration.
- (4) The subject matter on which the Lobbyist expects to Lobby;
- (5) The target(s) of the expected Lobbying, including the person, organization, entity, or legislative body before which the Lobbyist intends to Lobby;
- (6) The government activity on which the Lobbying is expected to occur, which shall include the following, as known at the time of filing:
- (i) bill, rule, regulation, rate number or brief description relative to the introduction or intended introduction of legislation or a resolution;
 - (ii) the title and identifying numbers of Procurement Contracts/documents or a general description of the Procurement;
 - (iii) the number or subject matter of an Executive Order of the Governor or Municipality; and
 - (iv) the subject matter of and tribes involved in tribal-state compacts;
- (7) Client information for all Clients, which shall include the Clients' names, business addresses, phone, the nature of business, and the Chief Administrative Officers' names and titles;
- (8) The level of government expected to be lobbied which shall indicate whether the expected Lobbying will be State lobbying, local Lobbying, or both;
- (9) Any Reportable Business Relationships.
- ★ **NOTE:** You must report the full legal name of the Lobbyist and Client. Do not use abbreviations or acronyms. Names beginning with "New York" or "New York State" should be listed with (New York or NY) or (New York State or NYS), respectively, at the end of the name title.

What if I do not have a written lobbying agreement?

If you do not have a written lobbying agreement, a written authorization may be substituted, signed by the chief administrative officer or Responsible Party of the client or employer, and must be submitted together with a written summary of the terms and amounts of your compensation or salary.

How is a Reportable Business Relationship reported on a Registration?

Section 1-e(c)(8) of the Lobbying Act requires a Business Relationship to be reported, regardless of when the relationship commenced, if at any time during a biennial cycle covered by the Lobbyist's Statement of Registration, the criteria outlined in **Chapter 6** are met.

If you are subject to the requirements of this Section, a separate hard-copy Reportable Business Relationship form must be submitted for all biennial periods in which the RBR is in existence. In the near future, this information will be reportable using the Online Filing System, and the information submitted will appear on each Registration (and/or Amendment) after the initial submission.

Registration Amendment

Can a Registration be amended after being submitted?

Yes. Any change – permanent or temporary – to the terms of an agreement or authorization for Lobbying requires an amended Lobbyist Statement of Registration form, which must be completed and filed with the Commission **within 10 days of such change**. No filing fee is required for a Registration Amendment, provided the original Statement of Registration filing fee has already been paid for the applicable biennial period.

Such amendment must include:

- The name of the Lobbyist and Client;
- The new or changed information; and
- The signature of the Responsible Party or designee, if applicable.

A Lobbyist must, within 10 days of the change, amend a Statement of Registration and submit an amended agreement/authorization to reflect any changes to the:

- Individual Lobbyists authorized to Lobby for the Client
- level of Lobbying (State vs. local)
- terms of Compensation
- engagement start and termination (end) dates
- Client CAO Name and Title*

Failure to make such amendments are subject to the imposition of late fees.

A Lobbyist is not required to amend a Statement of Registration to reflect any changes to:

- the subject matter, targets, or type of Lobbying (Procurement vs. non-procurement).
- any decision by a Lobbyist to waive, write-down, or otherwise reduce the prior Compensation and Expenses owed to the Lobbyist by the Client **after the termination of the Agreement**.

★ **NOTE:** While the Lobbyist is required to amend a Statement of Registration to reflect a change to the Client's CAO information, the Lobbyist is not required to submit an amended agreement/authorization. The fact that the CAO has changed does not invalidate the agreement.

Lobbyist Termination

What is required if a lobbying agreement terminates before the end of the biennial registration period?

Section 1-g of the Lobbying Act generally requires written notification of the terms of the termination from **both the Lobbyist and the Client** within 30 days of the termination date.

However, if the contract terms expire at the end of the biennial registration period, written notification of a termination is not required.

In addition, both parties must still file all required reports by their statutory due dates, reporting all Lobbying Activity up to the effective date of termination.

Can an Approved Termination be withdrawn after submission?

Yes. A Lobbyist may request withdrawal of a Termination if Lobbying Activities will resume during the biennial registration cycle.

Once the Termination is 'withdrawn' (rejected), an Amended Lobbyist Statement of Registration form must be completed and filed within 10 days of the change, and include a 'new' written agreement or written authorization from the Client.

Withdrawal requests must be signed and/or submitted via email by the responsible person, designated person, or registered Lobbyist. Determination of a withdrawal request is made at the discretion of the Commission.

★ **NOTE:** No filing fee is required for a Registration Amendment provided the original Statement of Registration filing fee has already been paid for the applicable biennial period for this Client.

What if an additional Lobbyist terminates their relationship with the Lobbyist?

If an additional Lobbyist will no longer be a part of the lobbying effort, then a Termination for the additional Lobbyist must be completed for **each** Registration in which the additional Lobbyist's name

CHAPTER 4: LOBBYIST FILING REQUIREMENTS

appears. The terminated additional Lobbyist's name will **immediately** be removed from the applicable Registration upon submission in the Online Filing System. However, the terminated additional Lobbyist's name will continue to appear on any previously submitted Filings which their name had been listed on.

Please be aware **if** the terminated additional Lobbyist is required to be listed on the next Bi-monthly Report, **do not** submit the Termination until **after** the Bi-monthly Report has been submitted so the additional Lobbyist's name will appear on the Report.

The terminated additional Lobbyist's name will also continue to appear on the list of additional Lobbyists in the Profile, **unless** a Profile Update is submitted to remove the additional Lobbyist's name. Once the additional Lobbyist name is removed from the Profile, the Lobbyist's name will not be available for selection on any future Filings.

However, if the additional Lobbyist's name remains on the list of additional Lobbyists in the Profile, their name will be available for selection on future Registrations. The additional Lobbyist's name will **not** be available for selection on future Bi-monthlies unless a Registration Amendment is submitted and processed.

A terminated additional Lobbyist may be re-added as an additional Lobbyist at any time by submitting a Profile Update **and** a Registration Amendment (or Registration Amendments) to add the Lobbyist's name again. However, if the additional Lobbyist's name was not previously removed from the Profile, only a Registration Amendment needs to be submitted to re-add the Lobbyist's name. Please be aware the additional Lobbyist's name will not populate to a future Bi-monthly Report until the Registration Amendment is processed.

RECAP – TO REMOVE ADDITIONAL LOBBYIST:

- 1) Submit a Termination for each Registration in which the additional Lobbyist's name appears (making sure to **only** submit the Termination after submission of any Bi-monthly Report in which the additional Lobbyist must be listed).
- 2) Submit a Profile Update to remove the additional Lobbyist's name.

RECAP – TO ADD BACK AN ADDITIONAL LOBBYIST:

- 1) Submit a Profile Update to add the additional Lobbyist's name (if it had been previously removed from the Profile).
- 2) Submit a Registration Amendment (or Amendments) to add the additional Lobbyist's name.

★ **NOTE:** This may also require submission of an amended agreement/authorization.

Bi-monthly Report

Who must file Bi-monthly Reports?

Any Lobbyist required to file a Statement of Registration for any Client in a biennial period must also file Bi-monthly Reports, regardless of Compensation, Expenses, or Lobbying Activity.

These reports are due by the 15th day of the month following the end of the Bi-monthly reporting period in which the Lobbyist was first required to register. Subsequent Bi-monthly reports must be filed by the 15th day of the month following the end of each subsequent Bi-monthly period thereafter.

What are the Bi-monthly reporting periods and when are Reports due?

The first Bi-monthly Report is due by the 15th day of the month following the end of the relevant reporting period.

There are twelve reporting periods in every two-year registration cycle:

FILING	FILING DEADLINE
January/February Bi-monthly Reports (January 1 – last day of February)	March 15
March/April Bi-monthly Reports (March 1 – April 30)	May 15
May/June Bi-monthly Reports (May 1 – June 30)	July 15
July/August Bi-monthly Reports (July 1 – August 31)	September 15
September/October Bi-monthly Reports (September 1 – October 31)	November 15
November/December Bi-monthly Reports (November 1 – December 31)	January 15

- ★ **PLEASE NOTE:** Timely reports are those that are received by the Commission'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 the Commission's office on the first business day following the weekend or State holiday. The Commission does not consider the postmarked date as the date of receipt for Filings.

Is a Bi-monthly Report still required to be filed if a registered Lobbyist does not have any reportable Compensation or Expenses for the reporting period?

Yes. The Lobbying Act requires that a Bi-monthly Report be filed by a registered Lobbyist for each reporting period, even if no Compensation or Expenses have been paid or incurred. Expense and Compensation fields should be completed with zeros for such periods.

- ★ **NOTE:** There is NO minimum activity or expenditure threshold requirement for filing any Bi-monthly Report. Consequently, **a Bi-monthly Report is required to be filed regardless of Compensation, Expenses, or Lobbying Activity.** If the relationship between the Lobbyist and Client has terminated, both parties are required to file all required reports by their statutory due dates, reporting all Lobbying Activity up to the effective date of termination.

What information is required to be included in the Bi-monthly Report?

Every Bi-monthly must include the following:

- (1) The name, address, and telephone number of the Principal Lobbyist;
- (2) The names of all Individual Lobbyists who personally engaged in Lobbying Activity during the filing period;
- (3) The name, address, e-mail address, and contact information of all Clients;
- (4) The identities of any other parties to the Lobbying;
- (5) The subject matter(s) on which Lobbying occurred; and
- (6) The governmental action that the Lobbyist Attempted to Influence which shall include the following, as applicable:
 - (i) The bill, rule, regulation, or rate number, if available, on which Lobbying occurred;
 - (ii) The title and identifying numbers of Procurement Contracts/documents on which Lobbying occurred;
 - (iii) The number or subject matter of an Executive Order of the Governor or Municipality on which Lobbying occurred;
 - (iv) The subject matter of and tribes involved in tribal-state compacts on which Lobbying occurred; and /or

CHAPTER 4: LOBBYIST FILING REQUIREMENTS

- (v) In the event 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.
- (7) The name of the person, organization, or legislative body before which the Lobbyist has lobbied.
- (8) All reportable Lobbying Compensation and Expenses (as defined) paid or owed by the Client for the current period only. (See Chapter 1: Lobbying Overview and Definitions for Definitions of Reportable Compensation and Reportable Expenses and Chapter 2: Statutory Filings Overview “Other Statutory Filing Information”).
 - (i) Any reportable Compensation and Expenses incurred by an employee (“in-house”) Lobbyist must be included in the Bi-Monthly Report, regardless of whether the organization also files a Client Semi-Annual Report.

Can more than one person be listed as an additional Lobbyist on a Bi-monthly?

Yes. The names of all Individual Lobbyists who personally engaged in Lobbying Activity during the filing period must be listed as additional Lobbyists on the Bi-monthly.

If I have been retained or employed to lobby on both a state and local level, how should Expenses and Compensation be reported?

Filer’s should add local and State level lobbying Compensation and Expenses together and report the total amount in their Bi-monthly Reports. At this time, the Commission does not require that local Compensation or Expenses be reported separately from State Compensation and Expenses.

How should my Expenses be reported?

All Expenses, including Expenses that are or will be reimbursed, must be disclosed during the period in which they are incurred or expended. In addition, if the Lobbyist receives the reimbursement for these Expenses during the reporting period, they must also disclose this amount under Reimbursed Expenses.

Am I required to report Lobbying Expenses Reimbursed by the Client?

Yes. Lobbyist should report the aggregate value of all Expenses (regardless of value of the individual Expenses) that were reimbursed by the Client.

Is the January/February Bi-monthly Report always the first Bi-monthly Report required to be submitted?

No. The first Bi-monthly Report required for submission is determined by either:

CHAPTER 4: LOBBYIST FILING REQUIREMENTS

1. The date on which the Lobbyist has agreed to – or been authorized to – begin Lobbying Activity if the Lobbyist reasonably anticipates combined Reportable Compensation and Expenses in excess of \$5,000 for Lobbying Activities to be undertaken in the calendar year. The start date can dictate which Bi-monthly Report is required to be filed first.
 - 1.1. *Example.* If the start date is January 1, the January/February Bi-monthly Report is the first Report required to be filed.

OR

2. The date on which the Lobbyist incurs, expends, or receives more than \$5,000 in combined Reportable Compensation and Expenses for Lobbying Activity on a State and/or local level. Exceeding the threshold can also dictate which Bi-monthly Report is required to be filed first.
 - 2.1. *Example.* If you began lobbying January 1, and did not anticipate exceeding the threshold, but then did exceed in the month of May, the *first* Bi-Monthly Report filed is the Report covering the May - June time period (due July 15). This Bi-monthly Report must disclose all Lobbying Activities engaged in, Compensation received, and Expenditures incurred from January (when actual Lobbying Activity began) through June (after the threshold was exceeded). Thereafter, each Bi-Monthly Report will only disclose Lobbying Activities, Compensation and Expenditures engaged, received or incurred within the applicable 2-month time period.

In summary, if the first required Bi-monthly Report filed by a Lobbyist for a calendar year is not the Report covering the January – February period (due March 15), the Report should disclose all Lobbying Activities engaged in, Compensation received, and Expenditures incurred during the year up to and including the period covered by the Report.

Bi-monthly Amendment

Can a Bi-monthly Report be amended after being submitted?

Yes. A Lobbyist has a duty to amend a Bi-monthly Report if any change – permanent or temporary – occurs relating to the information previously reported on a Bi-monthly. This may include, for example, a previously reported payment that is subsequently waived, written-down, or otherwise modified for bookkeeping purposes, unless the relationship has already been Terminated.



Chapter 5: Client Filing Requirements

★ **NOTE:** All references to Lobbyists and Clients include Public Corporations.

Client Semi-Annual Report

Who is required to submit a Client Semi-Annual Report?

Any Client retaining, employing or designating a Lobbyist or Lobbyists - whether or not any such Lobbyist was required to file a Statement of Registration or Bi-Monthly Report - who reasonably anticipates that during the year an amount in excess of \$5,000 in combined Reportable Compensation and Expenses for Lobbying will be expended or incurred, is required to submit a Client Semi-Annual Report.

The amounts of Reportable Compensation and Expenses expended, incurred, or received for Lobbying Activities must be computed cumulatively for all Lobbying Activities when determining whether the threshold has been met.

What are the Client Semi-Annual reporting periods and when are they due?

The first Client Semi-Annual Report is due by the 15th day of the month following the end of the relevant reporting period.

Generally, there are two reporting periods per calendar year:

FILING	FILING DEADLINE
January/June Client Semi-Annual Reports (January 1 – June 30)	July 15
July/December Client Semi-Annual Reports (July 1 – December 31)	January 15

★ **PLEASE NOTE:** Timely reports are those that are received by the Commission'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 the Commission's office on the first business day following the weekend or State holiday. The Commission does not consider the postmarked date as the date of receipt for Filings.

Is a Client Semi-Annual Report still required to be filed if a Client does not meet the reporting threshold?

No. If the reporting threshold will not be met, or you do not reasonably anticipate that during the year the threshold will be met, the Client is not required to submit a Client Semi-Annual Report.

If the \$5,000 reporting threshold is exceeded in the January/June period, then a July/December Client Semi-Annual Report must be filed even if no further monies are expended, unless the written agreement or authorization with the Client's Lobbyist is terminated on or before June 30th.

If a January/June Client Semi-Annual Report is filed and the \$5,000 reporting threshold has not been met for the year, then a July/December Client Semi-Annual Report is not required.

- ★ **NOTE:** A Public Corporation that is required to file a Statement of Registration under section 1-e of the Lobbying Act is required to file Bi-monthly Reports that disclose information on any Retained Lobbyists; as a result, the Public Corporation is not required to file a Client Semi-Annual Report.

Is there a Client Semi-Annual filing fee?

Yes. A **\$50 non-refundable filing fee** is required to be submitted with each Client Semi-Annual Report.

See Chapter 2: Statutory Filings Overview "How can I pay the filing fee" for more information.

- ★ **NOTE:** "Public Corporations" required to file Client Semi-Annual Reports are required to pay the \$50 Client Semi-Annual Report filing fee.

What information is required to be submitted with the Client Semi-Annual Report?

Every Client Semi-Annual must include the following:

1. The type of Lobbying which shall indicate whether the Lobbying involved non-procurement Lobbying, Procurement Lobbying or both;
2. The Client Information which shall include the Client's name, address, and business and fax numbers;
3. The Lobbyist Information which shall include the type of Lobbyist (retained, employed, or designated), level of government lobbying (State and/or local), and Lobbyist name and address;
4. All reportable Expenses (as defined) expended, received or incurred for Lobbying for the current period only;
5. All reportable Lobbying Compensation (as defined) paid or owed to Lobbyists, including Retained, Employed, and Designated Lobbyists, for the current period only;

CHAPTER 5: CLIENT FILING REQUIREMENTS

See **Chapter 1: Lobbying Overview and Definitions** for Definitions of **Reportable Compensation** and **Reportable Expenses** and **Chapter 2: Statutory Filings Overview** (“Other Statutory Filing Information”).

- (i) Any reportable Compensation and Expenses incurred by an employee (“in house”) Lobbyist must be included in the Client Semi-Annual Report, regardless of whether the organization also files Bi-Monthly Reports.
 6. The identities of all parties to the Lobbying;
 7. The subject matter(s) on which Lobbying occurred;
 8. The governmental action that the Client or the Client’s Lobbyist Attempted to Influence which shall include the following, as applicable:
 - (i) The bill, rule, regulation, or rate number, if available, on which Lobbying occurred;
 - (ii) The title and identifying numbers of Procurement Contracts/documents on which Lobbying occurred;
 - (iii) The number or subject matter of an Executive Order of the Governor or Municipality on which Lobbying occurred;
 - (iv) The subject matter of and tribes involved in tribal-state compacts on which Lobbying occurred; and/or
 - (v) In the event 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.
 9. The name of the person, organization, or legislative body before which the Client or Client’s Lobbyist has lobbied.
 10. Any Reportable Business Relationships, provided, however, Clients who Lobby on their own behalf need only report such relationships in their Lobbyist Statement of Registration.
 11. Any Source of Funding, if applicable. (**See Chapter 7: Source of Funding (SoF) Overview** for more information)
- ★ **NOTE:** All Lobbyists who register on behalf of a Client MUST each register using the same exact Client name. Registering with variations of the same Client name may result in delinquent report notices and potential fines.

If I file Client reports with NYC or another Municipality, do I also need to submit a Client Semi-Annual Report to JCOPE?

Yes. Individuals and Organizations who retain, employ, or designate Lobbyists to lobby a Municipality may be required to report such activities to JCOPE, if the reporting requirements set forth in the Lobbying Act are met.

The Municipality may have its own reporting requirements; but this does not relieve a Client from their requirement of disclosing their Lobbying Activities to JCOPE.

- ★ **NOTE:** Municipalities may use a different definition of “lobbying activities” – all JCOPE reporting requirements are based on the definitions and provisions of the Lobbying Act.

See Chapter 3 – Local Lobbying for more information.

If I have retained and/or employed Lobbyists who lobby on both a state and local level, how should Expenses and Compensation be reported?

Filer’s should add Compensation and Expenses for local and State level lobbying together and report the total amount for each Lobbyist in their Client Semi-Annual Reports. At this time, the Commission does not require that local Compensation or Expenses be reported separately from State Compensation and Expenses.

How should my Expenses be reported?

All Expenses, including Expenses that are or will be reimbursed, must be disclosed during the period in which they are incurred or expended.

How is a Reportable Business Relationship reported on the Client Semi-Annual Report?

Section 1-j(b)(6) requires a Business Relationship to be reported, regardless of when the relationship commenced, if at any time during a semi-annual reporting period covered by the filing, the criteria outlined in Chapter 6 are met.

If you are subject to the requirements of this Section, a Reportable Business Relationship form must be submitted with each applicable Client Semi-Annual Report. In the near future, this information will be reportable using the Online Filing System, and the information submitted will appear on each Client Semi-Annual (and/or Amendment) after the initial submission.

What if my Organization registers to lobby using employee Lobbyists? Am I required to submit Client Semi-Annual Reports?

Yes. At this time, a Client who utilizes employee Lobbyists must file **both** Lobbyist and Client Reports.

What if my organization uses both retained Lobbyists *and* employee Lobbyists, but does not itself register to lobby. Am I required to list the employee Lobbyists on my Client Semi-Annual Reports?

Yes. Client Semi-Annual Reports must disclose *all* Lobbyists, whether or not the Lobbyist registers – or is required to register – with JCOPE.

Client Semi-Annual Amendment

Can a Client Semi-Annual Report be amended after being submitted?

Yes. A Client has a duty to amend a Client Semi-Annual Report if any change – permanent or temporary – occurs relating to the information previously reported on a Client Semi-Annual Report. This may include, for example, a previously reported payment that is subsequently waived, written-down, or otherwise modified for bookkeeping purposes, unless the relationship has already been Terminated.

Client Termination

What is required if a lobbying agreement terminates before the end of the biennial registration period?

Section 1-g of the Lobbying Act generally requires written notification of the terms of the termination from **both the Lobbyist and the Client** within 30 days of the termination date.

However, if the contract terms expire at the end of the biennial registration cycle, written notification of a termination is not required.

In addition, both parties must still file all required reports by their statutory due dates, reporting all lobbying activity up to the effective date of termination.

What is required if a termination has been filed, but lobbying resumes during the biennial registration cycle?

Your Lobbyist may submit a written or emailed request to the Commission requesting withdrawal of an approved termination. Once the termination is 'withdrawn' (rejected), your Lobbyist will submit an Amended Lobbyist Statement of Registration form, and include a 'new' written agreement or written authorization from the Client.

You may be required to submit Client Semi-Annual Reports. **See Chapter 5: Client Filing Requirements**
“Who is required to submit a Client Semi-Annual Report?”



Chapter 6: Reportable Business Relationships (RBR)

What is a Reportable Business Relationship?

A relationship, regardless of when the relationship commenced, in which a formal or informal agreement or understanding exists in which a Lobbyist or Client of a Lobbyist pays, has paid or promises Compensation to:

- (a) an individual whom the Lobbyist or Client knows or has reason to know is a State Person;
- (b) a non-governmental entity for which the Lobbyist or Client knows or has reason to know that the State Person is a proprietor, partner, director, officer or manager of a non-governmental entity, or owns or controls 10% or more of the stock of such entity (or 1% in the case of a corporation whose stock is regularly traded on an established securities exchange) (These roles and positions are referred to as the “Requisite Involvement.”); or,
- (c) a third-party as directed by the State Person or as directed by the entity in which the State Person has the Requisite Involvement;

and

- (d) the payment or promise of Compensation is or was in exchange for goods, services or anything of value, the total value of which exceeds \$1,000 annually, either performed or provided or intended to be performed or provided by the State Person or an entity in which the State Person has the Requisite Involvement.

The agreement or understanding need not be express or in writing and need not be enforceable under contract law to be considered a Reportable Business Relationship.

- ★ **NOTE:** An agreement is only considered a Reportable Business Relationship when Compensation is provided to the State Person, not when a State Person provides Compensation to the Lobbyist or Client.

RBR Definitions

Lobbyist

The lobbying firm or organization (the Principal Lobbyist for filing purposes) and every person identified on a Statement of Registration, as well as any equity partners, officers, or directors of the organization who operate out of the same geographic office as any person identified on a Statement of Registration.

Client

Every person or organization that retains, employs or designates any person or organization to carry on Lobbying Activities on behalf of such Client. With respect to an organization, the term Client also includes High-Level Individuals of the organization.

High Level Individuals

A proprietor, partner, director, trustee or person within the executive management of a Client organization.

When a college, as defined under Section 2 of the Education Law, is a Client organization, the members of the college's governing board, the president or chief executive, and the provost or chief academic officer are High-Level Individuals.

\$1,000 Threshold

A Relationship whose total aggregated value of Compensation paid to the State Person or an entity in which the State Person has the Requisite Involvement exceeds \$1,000 annually (within 12 consecutive months). Such threshold is met once more than \$1,000 in Compensation is paid or owed to such State Person or entity for services Performed or Provided or Intended to be Performed or Provided.

Aggregation

If a Lobbyist **or** Client has multiple Relationships with the same State Person, the same entity or entities in which a State Person has the Requisite Involvement, then the value of the Compensation paid for goods, services or anything of value relating to such Relationships must be aggregated. If the aggregated value of such Compensation is more than \$1,000 annually (within 12 consecutive months), then **each** relationship is a Reportable Business Relationship (assuming all other criteria are satisfied).

Compensation

Any salary, fee, gift, payment, benefit, loan, advance or any other thing of value.

It does **not** include:

- commercially available consumer and business loans or lines of credit as available to the general public;
- goods and services and discounts available to the general public;
- dividends or payments related to stock purchases; or
- contributions reportable under Article 14 of the New York State Election Law.

Intended to be performed or provided

The goods, services or anything of value have not yet been performed or provided, but the Lobbyist **or**

Client, as applicable, reasonably anticipates such goods, services, or value to be performed or provided in the future.

Performed or provided

A State Person or an entity in which the State Person has the Requisite Involvement either (i) actually performed or provided the goods, services or anything of value, or (ii) had a significant, but not necessarily exclusive or primary role, in performing or providing the goods, services or anything of value.

Reason to know

Whether a Lobbyist or Client 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 or Client 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.

Some, but not all, factors that *may* be considered in this analysis are:

- Origins of the relationship between the parties;
- Length of such relationship;
- The type and actual value of the goods, services or items provided; and/or
- 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.

A Lobbyist or Client will be deemed to have had reason to know if his lack of knowledge results from willfully ignoring information that would lead a reasonable person to:

- (i) conclude that the individual was a State Person, or that a State Person had the Requisite Involvement, or,
- (ii) undertake further research to determine whether either fact exists.

Requisite Involvement in an entity

When a State Person is a proprietor, partner, director, officer, or manager of a non-governmental entity, or owns or controls 10% or more of the stock of a non-governmental entity (or 1% in the case of a corporation whose stock is regularly traded on an established securities exchange).

State Person

- (i) statewide elected officials;
- (ii) members of the legislature or legislative employees;
- (iii) heads of State departments and their deputies and assistants, other than members of the board of regents of the university of the State of New York who receive no compensation or are compensated on a per diem basis;
- (iv) officers and employees of statewide elected officials;
- (v) officers and employees of State departments, boards, bureaus, divisions, commissions, councils, or other State agencies; and
- (vi) employees of public authorities (other than multi-state authorities), public benefit corporations and commissions at least one of whose members is appointed by the governor, and members or directors of such authorities, corporations, and commissions who are compensated other than on a per diem basis.

RBR Filing Information

Who must report a Reportable Business Relationship?

Lobbyists and Clients are required to publicly disclose information about business relationships with State Persons, regardless of when the relationship commenced, if the criteria for an RBR exist.

For a Client Organization, whose Reportable Business Relationships must be reported?

For organizations that constitute a Client of a Lobbyist, each Reportable Business Relationship of all its High-Level Individuals must be reported by the Client organization if:

- (i) The High-Level Individual entered in to the Reportable Business Relationship in his or her personal capacity; or
- (ii) Another entity entered in to the Reportable Business Relationship at the direction or request of the High-Level Individual.

For example: As a Client Organization's High-Level Individuals have significant influence over decisions made by the Organization, any Reportable Business Relationships under the personal control or direction of such High-Level Individuals should also be disclosed.

Reportable Business Questionnaire

A Lobbyist or Client organization may use, and rely upon in good faith, responses to a questionnaire provided by the Commission to send to its equity partners, officers, directors or High Level Individuals, as

CHAPTER 6: REPORTABLE BUSINESS RELATIONSHIPS

applicable, to determine whether such persons have business relationships that must be reported. (Questionnaire provided below.)

When am I required to report a Reportable Business Relationship?

Once a Reportable Business Relationship exists a Lobbyist or Client must complete a Reportable Business Relationship Form and submit it to the Commission within 10 days of the RBR's existence. For ongoing Reportable Business Relationships, Lobbyists and Clients must disclose such relationships on their Reportable Business Relationship Form filed with their Statements of Registration and/or Client Semi-Annual Reports covering periods in which the Reportable Business Relationship is in existence.

When does a Reportable Business Relationship exist?

A Reportable Business Relationship exists during the reporting period if all of the following criteria are met:

- 1) A formal or informal agreement or understanding exists in which a Lobbyist or Client of a Lobbyist pays, has paid or promises Compensation to:
 - (a) An individual whom the Lobbyist or Client knows or has Reason to Know is a State Person;
 - (b) A non-governmental entity for which the Lobbyist or Client knows or has Reason to Know that the State Person has the Requisite Involvement; or
 - (c) A third-party as directed by the State Person or as directed by the entity.
- 2) The payment or promise of Compensation is or was in exchange for goods, services, or anything of value either Performed or Provided or Intended to be Performed or Provided by the State Person or an entity in which the State Person has the Requisite Involvement; and
- 3) The total value of the Compensation paid to the State Person or an entity in which the State Person has the Requisite Involvement, which must be aggregated if applicable, exceeds \$1,000 annually (in any 12 consecutive months). Such threshold is met once more than \$1,000 in Compensation is paid or owed to such State Person or entity for services Performed or Provided or Intended to be Performed or Provided.

How do I report a Reportable Business Relationship?

A Lobbyist or Client must complete a separate Reportable Business Relationship Form. The Form shall be considered a part of the Lobbyist's Statement of Registration or the Client's Semi-Annual Report, as applicable.

- ★ **NOTE:** Certain entities file both Lobbyist Statements of Registration and Client Semi-Annual Reports as they are considered both a Lobbyist and Client. These entities shall only be required to file the Lobbyist Reportable Business Relationship Form to comply with the filing requirement.

CHAPTER 6: REPORTABLE BUSINESS RELATIONSHIPS

When completing the form, please note the following:

- Be as specific as possible when describing the business relationship, including the role each party plays in the arrangement.
- If there is no known date for the end of the relationship, leave the *End Date* field blank.
- If the RBR is with an individual who is listed as an additional Lobbyist in the Statement of Registration, a Filer should identify the “Principal Lobbyist”, and then identify the appropriate individual where the form indicates “Last Name” and “First Name.”

List each RBR separately, reporting additional RBRs with different individuals or entities.

What information is required to be submitted within a Reportable Business Relationship Form?

For each Reportable Business Relationship, a Lobbyist or Client must provide the following information within the Reportable Business Relationship Form:

- The name and public office address of the State Person or entity with which the State Person has the Requisite Involvement;
- A description of the general subject or subjects of the transactions between the Lobbyist or Client and the State Person (or the entity with which the State Person has the Requisite Involvement); and
- The actual or anticipated amount of Compensation, including reimbursable Expenses, to be paid and paid to the State Person (or entity with which the State Person has the Requisite Involvement) by virtue of the business relationship.

What happens if I have multiple Relationships with the same State Person or entity?

When multiple Relationships exist with the same State Person, the same entity or entities in which a State Person has the Requisite Involvement, then the value of the Compensation paid for goods, services, or anything of value relating to such relationships must be aggregated. If the aggregated value of such Compensation is more than \$1,000 annually (within 12 consecutive months), then **each** relationship is an RBR (assuming all other criteria are satisfied).

If I have previously reported an RBR, must I disclose it again?

Yes. As long as the Relationship continues to exist, the RBR must be reported.

RBR Amendment

Can an RBR be amended after being submitted?

Yes. A Filer has a duty to amend an RBR if any material change – permanent or temporary – occurs relating to the information previously reported on an RBR, which must be completed and submitted to the Commission **within 10 days of such change.**

A material change may include, for example, changes in the actual or anticipated amount of Compensation paid.

You are required to submit an amended RBR form if you subsequently form a new RBR with a different State Person.

RBR Exclusions

Are there any types of Relationships that are excluded from the reporting requirements?

Yes. Even if all the criteria for an RBR are met, a Relationship in which a Lobbyist or Client provides Compensation to a State Person or an entity in which the State Person has Requisite Involvement that relate to the following are excluded from reporting requirements:

- Medical, dental and mental health services and treatment; and
- Legal services with respect to:
 - investigation or prosecution by law enforcement authorities;
 - bankruptcy; and
 - domestic relations matters.

Penalties

Failure to report a Reportable Business Relationship in a timely manner subjects the Lobbyist or Client to civil penalties as prescribed by section 1-o(b)(i) of the Lobbying Act and/or late fees as prescribed by sections 1-e(e)(iii) and 1-j(c)(iii) of the Lobbying Act.

In addition, the submission of false Filings subjects the Lobbyist or Client to a civil penalty as prescribed by section 1-o(b)(ii) of the Lobbying Act.

RBR Examples

1. **A trade association is a Client of a registered Lobbyist. Does the trade association need to disclose the RBRs of its directors and executive managers?**

Yes. In the Reportable Business Relationship Guidelines ("Guidelines"), the definition of Client includes the directors and executive management of the organization. As a result, all RBRs between a director or executive manager with a State Person must be disclosed.

2. **A trade association is a Client of a registered Lobbyist. The president of the association, who is a salaried employee of the association, has recently been appointed to serve on a State commission in an uncompensated position. Must the trade association now disclose its relationship with its employee, and the employee's salary, as an RBR?**

No. Because the association president was appointed to an uncompensated position, he/she is not a State Person for the purposes of RBR disclosure.

3. **A trade association has 100 members on its board of directors. Does it need to disclose RBRs for all board members?**

Yes. Every board member's RBR with a State Person, as that term is defined, that involves Compensation more than \$1,000 within 12 consecutive months must be reported.

4. **A member of a Client trade association's board of directors is a State Person and is paid by the association for his work on the board. Is this an RBR?**

Yes. The salary paid to the board member by the trade association would be considered Compensation, as that term is defined, and must be reported.

5. **Does an RBR exist when a trade association's board member buys a product or service at market rates from a company owned by a State Person?**

Yes. Even though the product or service was purchased at market rates, this is an RBR. The "commercially available/market rate" exception to Compensation covers only a limited range of products, i.e., consumer and business loans and lines of credit.

6. **Does an RBR exist when a trade association's board member employs a law firm in which a State legislator is a partner, but the retainer is not with the legislator?**

Yes. If the Lobbyist or Client has reason to know that the State legislator has a Requisite Involvement in the law firm, an RBR has been created.

7. **To what extent is the board member of a trade association required to investigate the business relationships it has with outside firms?**

The test is whether a reasonable person looking at all the facts and circumstances would conclude that the board member should know that an individual is a State Person or has a Requisite

CHAPTER 6: REPORTABLE BUSINESS RELATIONSHIPS

Involvement with the relevant entity. There is no absolute requirement to investigate in order for the “reason to know” standard to be satisfied.

8. **A known State Person owns an apartment building and advertises the availability of units in a local newspaper. The State Person rents an apartment to a Client on the same lease terms as any other tenant, including the amount of rent and the term of the lease. Is this an RBR?**

Yes. Even though the lease is made commercially available and the rent is at market rates, this is an RBR. The “commercially available/market rate” exception to Compensation covers only a limited range of products: consumer and business loans and lines of credit.

9. **If a Lobbyist or Client compensates a State Person as a speaker on the same terms as it would a member of the general public, has an RBR been created?**

Yes. Even though the speaker was paid at “market rates,” this is an RBR. The “commercially available/market rate” exception to Compensation covers only a limited range of products: consumer and business loans and lines of credit.

10. **Do business relationships with state or local judges or with county legislators need to be disclosed?**

No. Only Reportable Business Relationships with a State Person must be disclosed. State Person, as defined in both the Lobbying Act and the Guidelines, include: Statewide elected officials, State officers, State employees, Members of the Legislature, and legislative employees.

11. **Is a gift by a Lobbyist or Client to a State Person that is not in exchange for goods, services, or anything of value considered to be an RBR?**

No. In order for an RBR to be created, the goods, services, or anything of value provided by the Lobbyist or Client must be in exchange for goods, services, or anything of value either performed or provided, or intended to be performed or provided, by the State Person or an entity in which the State Person has the Requisite Involvement. See Part 934 of the Commission’s Regulations for rules relating to gifts given by Lobbyists or Clients to Public Officials.

12. **Does a 501(c)(3) organization that is a Lobbyist or a Client need to report on the RBRs for all employees, including those who do not perform any Lobbying Activities?**

Yes. There is no exemption for 501(c)(3) organizations from the RBR disclosure requirements. Therefore, all RBRs involving the organization’s directors or executive management must be disclosed.

13. **On the Lobbyist Registration Statement, there is one Principal Lobbyist listed and four additional Lobbyists. Who is required to disclose RBRs?**

All individuals (including additional Lobbyists) identified on the Registration Form are required to disclose RBRs. In addition, if the Lobbyist is a firm and the firm itself has a business relationship with a State Person or an entity in which the State Person has the Requisite Involvement, then that RBR must also be disclosed.

RBR Sample Questionnaire

This sample questionnaire may be used, or appropriately modified, by a Lobbyist or Client Organization to send to its equity partners, officers, directors or High Level Individuals, as applicable, to determine whether such persons have Reportable Business Relationships that must be disclosed.

The purpose of this sample form is not to elicit all the information that is required under the RBR reporting requirements. Instead, it is to aid in determining whether further efforts must be conducted to determine if a Reportable Business Relationship exists.

A questionnaire like this one is not submitted to JCOPE. It is strictly for the benefit of the Filer.

Name: _____

Title: _____

Address of Primary Work Location(s): _____

1. Do you currently have any business relationships in which you purchased or will purchase goods or services valued at more than \$1,000 annually from a person or entity located within the State of New York?

Yes: ____

No: ____

If **“Yes,”** go to Question #2.

If **“No,”** sign and date the form.

NOTE: Reportable Business Relationships include formal and informal relationships that may or may not be based on written contracts.

The value of any outstanding Compensation owed as well the value of goods or services to be performed must be considered when determining if the \$1,000 threshold is met.

2. Do the services you are purchasing fall into one or more of the following categories:

- Treatments for medical, dental, and mental health services;
- Legal services with respect to: investigation or prosecution by law enforcement; bankruptcy; domestic relations.

Yes: ____

No: ____

If **“Yes,”** go to Question #3.

If **“No,”** sign and date the form.

CHAPTER 6: REPORTABLE BUSINESS RELATIONSHIPS

3. (a) If the business relationship is with a person, is that individual a New York State employee or a New York State elected official?

Yes: _____

No: _____

Not that I am aware of: _____

- ★ **NOTE:** The answer “Not that I am aware of” is only appropriate when, based on the totality of the circumstances, the person signing this form does not have a “reason to know” that the business relationship is with a New York State employee or a New York State elected official.

3. (b) If the business relationship is with an entity, is a New York State employee or a New York State elected official a proprietor, partner, director, officer, or manager of the entity?

Yes: _____

No: _____

Not that I am aware of: _____

- ★ **NOTE:** The answer “Not that I am aware of” is only appropriate when, based on the totality of the circumstances, the person signing this form does not have a “reason to know” that the business relationship is with an entity in which a New York State employee or a New York State elected official is the proprietor, partner, director, officer, or manager.

3. (c) If the business relationship is with an entity, does a New York State employee or a New York State elected official own or control 10% or more of the stock of the entity (or 1% in the case of a corporation whose stock is regularly traded on an established securities exchange)?

Yes: _____

No: _____

Not that I am aware of: _____

- ★ **NOTE:** The answer “Not that I am aware of” is only appropriate when, based on the totality of the circumstances, the person signing this form does not have a “reason to know” that the business relationship is with an entity in which a New York State employee or a New York State elected official owns or controls 10% or more of the stock of the entity (or 1% in the case of a corporation whose stock is regularly traded on an established securities exchange).

I attest and affirm that the foregoing information is, to the best of my knowledge, true and accurate.

Name

Date



Chapter 7: Source of Funding (SoF) Overview

What is “Source of Funding”?

Lobbyists who lobby on their own behalf, and Clients, who devote substantial resources to Lobbying Activity in NYS, are required to make publicly available each Source of Funding (“SoF”) when the Expenditure Threshold has been met.

SoF Definitions

Client Filer

Any Lobbyist registered pursuant to Legislative Law §1-e whose lobbying activity is performed on its own behalf and not pursuant to retention by a Client. (Such a Lobbyist is considered its own Client for reporting purposes.); or

Clients who retain Lobbyists and who meet the Expenditure Threshold.

Source

Any person, corporation, partnership, organization, or entity that makes aggregate Contributions in excess of the threshold. A Source includes any persons, corporations, partnerships, organizations, or entities with an Affiliate Relationship.

There are three types of Sources – single, multiple, and affiliated.

A **single Source** is a Source where a person, corporation, partnership, organization, or entity makes at least one Contribution during the reporting period.

A **multiple Source** is a Source where more than one person, corporation, partnership, organization, or entity comprises the Source and each person, corporation, partnership, organization, or entity makes at least one Contribution during the reporting period. (See section on “Affiliate Relationship” below.)

For example, a multiple Source could be:

- Two or more persons whom the Client Filer knows live in the same household and each makes a Contribution during the reporting period;
- Two or more corporations, partnerships, organizations, or entities that the Client Filer knows or has reason to know are related and each makes a Contribution during the reporting period; and
- A sole proprietorship and its sole proprietor if the Client Filer knows or has reason to know of the relationship and each makes a Contribution during the reporting period.

CHAPTER 7: SOURCE OF FUNDING OVERVIEW

An **affiliated Source** is a Source in which a relationship exists between the Client Filer and a Source and such Source meets the following criteria:

- The Client Filer makes decisions or establishes policy for the corporation, partnership, organization, or entity;
- The corporation, partnership, organization, or entity makes decisions or establishes policy for the Client Filer;
- The Client Filer has the authority to hire, appoint, discipline, discharge, demote, remove, or otherwise influence other persons who make decisions or establish policies for the corporation, partnership, organization, or entity;
- The corporation, partnership, organization, or entity has the authority to hire, appoint, discipline, discharge, demote, remove, or otherwise influence other persons who make decisions or establish policies for the Client Filer; or
- The Client Filer and the corporation, partnership, organization, or entity, share a majority of directors on their governing boards, or share a majority of executive management, or maintain banks accounts with shared signatories.

For example:

An affiliated Source is a Source which meets the above criteria and gives a Contribution to the Client Filer. The Client Filer must report this Contribution as well as any Contributions received by the affiliated Source.

★ **NOTE:** When reporting an affiliated Source, you must also report either:

- the name, address and principal place of business of at least one natural person (such as an officer, director, partner or proprietor) who shares or exercises discretion or control over the activities of the corporation, partnership, organization, or entity; or
- the sources of the funds contributed by the corporation, partnership, organization, or entity to the Client Filer. See 19 NYCRR Part 938.3(e)(3).

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. Contribution shall include equity investments in limited liability companies, general partnerships, and corporations.

Contribution shall **not** include publicly traded stocks or shares. Contribution shall not mean: a payment in exchange for goods or services rendered or delivered directly to the individual or entity making the

payment.

Affiliate Relationship (See Source-type “multiple” for reporting purposes)

- 1) Two or more persons whom the Client Filer has actual knowledge live in the same household.
- 2) Two or more corporations, partnerships, organizations, or other entities that the Client Filer has actual knowledge or 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.
- 3) A sole proprietorship and its sole proprietor if the Client Filer knows or has reason to know of the relationship.
- 4) Whether a Client Filer has “reason to know” of the relationships listed in paragraphs (2) and (3) of this definition is based on an examination of the totality of the facts and circumstances. If a reasonable person, looking at the all the facts and circumstances, would conclude that a Client Filer should know of the existence of one or more these relationships, then the “reason to know” standard has been satisfied.

Total Expenditures

The sum of any and all payments of cash or cash equivalents made in the ordinary course of business, or a charge against available funds in settlement of an obligation made in the ordinary course of business. Total expenditures also include a promise to pay, or a promise of a payment or a transfer of anything of value made in the ordinary course of business for goods and services that have been provided or performed.

Expenditure Threshold

Consists of the following two requirements:

- 1) The Client Filer has spent in excess of \$15,000 in Reportable Compensation and/or Expenses for lobbying in New York State during the Expenditure Threshold Period; and
- 2) The Client Filer’s Reportable Compensation and Expenses constitute at least 3% of the Client Filer’s Total Expenditures during the Expenditure Threshold Period.

A Client Filer who is a member of a Coalition must include all amounts it has contributed to the Coalition when determining whether such Client Filer has exceeded the Expenditure Threshold.

Expenditure Threshold Period

Is determined according to the following:

- **Twelve-Month Calculation:** the 12-month period preceding and including the last day of the applicable Client Semi-Annual reporting period.
- **Calendar-Year Calculation:** January 1st to the last day of the applicable Client Semi-Annual reporting period.

Any Client Filer that does not meet the Expenditure Threshold using the Twelve-Month Calculation must then determine whether it has met the Expenditure Threshold using the Calendar-Year Calculation, and if it has, then the Client Filer is deemed to have met the statutory Expenditure Threshold.

An example for the 2018 Client Semi-Annual Reports:

Client Semi-Annual Filing Date	Twelve-Month Calculation Dates	Calendar Year Calculation Dates
January 15, 2018 (covering July 1, 2017 – December 31, 2017)	January 1, 2017 – December 31, 2017	January 1, 2017 – December 31, 2017
July 15, 2018 (covering January 1, 2018 – June 30, 2018)	July 1, 2017 – June 30, 2018	January 1, 2018 – June 30, 2018

Reportable Amount of Contribution(s)

For each Contribution not specifically designated for lobbying in New York, the product of:

- 1) the dollar amount of the Contribution; and
- 2) Reportable Compensation and Expenses divided by Total Expenditures.

The Reportable Amount of Contribution shall also include, in addition to the amount yielded by this formula, any Contribution specifically designated for lobbying in New York.

The Reportable Amount of Contribution shall **not** include any amounts contributed for membership dues, fees, or assessments; however, they are included for purposes of determining whether the source has exceeded the aggregate \$2,500 threshold.

Reportable Compensation and Expenses

“**Compensation**” and “**Expenses**” devoted to lobbying in New York, as those terms are defined below:

- 1) **Compensation:** shall have the same meaning as is in Legislative Law §1-c(h), i.e. any salary, fee, gift, payment, benefit, loan, advance or any other thing of value paid, owed, given or promised to the lobbyist (retained or employed) by the Client Filer for lobbying but shall not include Contributions reportable pursuant to article fourteen of the Election Law.
- 2) **Expenses:**
 - (i) For any Client Filer who lobbies on its own behalf, the term “Expenses” means any expenditures incurred by or reimbursed to the employed or designated Lobbyist for lobbying, but shall **not** include Contributions reportable pursuant to article fourteen of the election law.
 - (ii) For all other Client Filers, the term “Expenses” shall mean any expenditure reimbursed to the Lobbyist for lobbying, but shall **not** include Contributions reportable pursuant to article fourteen of the Election Law.

SoF Filing Information

Who must disclose their Sources of Funding?

A Client Filer (which may be a Lobbyist who lobbies on its own behalf and/or a Client who retains a Lobbyist) who:

1. has spent in excess of \$15,000 in Reportable Compensation and/or Expenses for lobbying in New York State during the Expenditure Threshold Period; and
2. has Reportable Compensation and Expenses that constitute at least 3% of the Client Filer’s Total Expenditures during the Expenditure Threshold Period.

A Client Filer who is a member of a Coalition must include all amounts it has contributed to the Coalition when determining whether such Client Filer has exceeded the Expenditure Threshold.

When am I required to report SoF information?

To determine if reporting is required, a Client Filer shall aggregate the Contributions from each person, corporation, partnership, organization, or entity with an Affiliate Relationship.

When a Client Filer has met the Expenditure Threshold during the first Client Semi-Annual reporting period of the calendar year (January 1st - June 30th), the Client Filer shall aggregate all such Contributions, regardless of the amount, received from each Source. If the sum of such Contributions is more than \$2,500, then a Client Filer is required to disclose SoF information for each Contribution. If the sum of the Contributions received from each Source is \$2,500 or less, then a Client Filer is **not** required to disclose

CHAPTER 7: SOURCE OF FUNDING OVERVIEW

any Contribution(s) from the Source in the Client Semi-Annual Report that covers the first reporting period of the Calendar Year.

When a Client Filer has met the Expenditure Threshold during the second Client Semi-Annual reporting period of a calendar year (July 1st - December 31st), the Client Filer uses the following to determine whether any Contribution(s) received from a Source shall be disclosed in the Client Semi-Annual Report covering the second reporting period of the calendar year:

- 1) if during the previous reporting period (January 1st - June 30th), the Client Filer did not meet the Expenditure Threshold, then no Contribution(s) received from any Source during that first reporting period are to be added to Contribution(s) received from any Source during the second reporting period.
- 2) if during the previous reporting period (January 1st - June 30th), the Client Filer did not receive any Contribution(s) from the Source, a Client Filer shall add all Contributions, regardless of the amount, received from the Source during the second reporting period of the calendar year. If the sum of such Contributions is more than \$2,500, then a Client Filer is required to disclose SoF information for each Contribution. If the sum of the Contributions received from a Source is \$2,500 or less, then a Client Filer is **not** required to disclose any Contribution(s) from the Source in the Client Semi-Annual Report that covers the second reporting period of the calendar year;
- 3) if during the previous reporting period (January 1st - June 30th), the Client Filer met the Expenditure Threshold and received Contributions(s) from a Source in excess of \$2,500, then the Client Filer shall disclose all Contributions, regardless of the amount, received from the Source during the second client semi-annual reporting period of the calendar year;
- 4) if during the previous reporting period (January 1st - June 30th), the Client Filer met the Expenditure Threshold and received Contributions(s) from a Source in an amount totaling \$2,500 or less, then the Client Filer shall add all Contributions, regardless of the amount, received from a Source over the calendar year. If the sum of such Contributions is more than \$2,500, then a Client Filer is required to disclose SoF information for each Contribution received during the calendar year. If the sum of the Contributions received from each Source is \$2,500 or less, then a Client Filer is not required to disclose any Contribution(s) from the Source.

Do I need to disclose Contributions of less than \$2,500?

There is no minimum amount for a Contribution to be reportable when a Source has exceeded the aggregate \$2,500 threshold. While membership dues, fees, and assessments are not included in the Reportable Amount of the Contribution, they **are** included for purposes of determining whether the identity of the Source must be disclosed. Contributions made up entirely of membership dues, fees, or assessments may be reported with an amount of \$0.

- ★ **NOTE:** See **SoF Examples** and “*When am I required to report SoF information?*” for additional rules on the reporting of specific Contributions.

Are Contributions from persons or entities with an Affiliate Relationship aggregated?

Yes. A Client Filer shall aggregate the Contributions from each person, corporation, partnership, organization, or entity with the Affiliate Relationship, and report each Contribution if required (as discussed in “When am I required to report SoF information?” above).

How do I report SoF Information?

If you are required to file a Client Semi-Annual, each required Contribution must be disclosed on the form provided by the Commission.

What SoF information is required to be disclosed?

1) Each Contribution required to be disclosed in any Client Semi-Annual Report shall contain the following information:

(i) The name of the Source;

(a) A disclosure that identifies an intermediary or any other entity that obscures the name of the person, corporation, partnership, organization, or entity actually making the Contribution, does **not** qualify as the Source;

(ii) Name and address of principal place of business, if any;

(iii) Date the Client Filer received the Contribution(s); and

(iv) Reportable Amount of the Contribution(s).

★ **NOTE:** If a Contribution includes only membership dues, fees, or assessments, the Client Filer should disclose the contribution as \$0. If membership dues, fees, or assessments make up a portion of a contribution, the “Reportable Amount of the Contribution” is calculated (see SoF Definitions and Examples above).

2) When a Source is comprised of more than one person, corporation, partnership, organization, or entity with an Affiliate Relationship, the required information must be supplied for each such person, corporation, partnership, organization, or entity.

3) When a corporation, partnership, organization, or entity is a Source whose Contribution is required to be disclosed, and meets any one of the requirements in paragraph (4) of this subdivision, the Client Filer must disclose, in addition to the information in paragraph (1) of this subdivision, the following:

(i) name, address and principal place of business of at least one natural person (such as an officer, director, partner or proprietors) who shares or exercises discretion or control over the activities of the corporation, partnership, organization, or entity; or

CHAPTER 7: SOURCE OF FUNDING OVERVIEW

- (ii) the sources of the funds contributed by the corporation, partnership, organization, or entity to the Client Filer.

Conditions for Additional Required Disclosure

- (i) The Client Filer makes decisions or establishes policy for the corporation, partnership, organization, or entity;
- (ii) The corporation, partnership, organization, or entity makes decisions or establishes policy for the Client Filer;
- (iii) The Client Filer has the authority to hire, appoint, discipline, discharge, demote, remove, or otherwise influence other persons who make decisions or establish policies for the corporation, partnership, organization, or entity;
- (iv) The corporation, partnership, organization, or entity has the authority to hire, appoint, discipline, discharge, demote, remove, or otherwise influence other persons who make decisions or establish policies for the Client Filer; or
- (v) The Client Filer and the corporation, partnership, organization, or entity, share a majority of directors on their governing boards, or share a majority of executive management, or maintain bank accounts with shared signatories.

What if I do not meet the SoF reporting requirements?

When completing your Client Semi-Annual, you must select one of the following options:

- Reporting is not required – 501(c)(3) or gov't organization;
- Reporting is not required – no applicable Contributions;
- Reporting is not required – under spending threshold;
- Exemption pending or previously approved;
- Reporting is required and filed on paper;
- Reporting is required and will be uploaded.

Submitting the SoF Excel Spreadsheet

If you are required to disclose SoF information, the following options are available:

Online Filers – 2 options:

3. **Upload the Excel Spreadsheet** with your Client Semi-Annual Report Filing via Online Filing System.
4. **Mail or Email** (Helpdesk@jcope.ny.gov) paper Excel Spreadsheet to JCOPE.

Paper/PDF Filers – 1 option:

2. **Mail paper Excel Spreadsheet** with paper/PDF Client Semi-Annual Report.

SoF Amendment

Can SoF information be amended after being submitted?

Yes. A Client Filer has a duty to amend SoF information if any change – permanent or temporary – occurs relating to the information previously disclosed, which must be completed and filed with the Commission **within 10 days of the discovery of such.**

SoF Exclusions

This disclosure shall not apply to:

- a. any corporation registered pursuant to article seven-A of the executive law has exempt status under §501(c)(3), provided, however, that this disclosure shall apply to any in-kind donations of staff, staff time, personnel, offices, office supplies, financial support of any kind or any other resources to any corporation or entity that is qualified as an exempt organization by the United States Department of the Treasury under I.R.C. § 501(c)(4) when such in-kind donations are over two thousand five hundred dollars and from any corporation or entity that is qualified as an exempt organization by the United States Department of the Treasury under I.R.C. § 501(c)(3). In such case the entity receiving such in-kind donations shall disclose the fair market value and identify the I.R.C. § 501(c)(3) entity providing such in-kind donations and give notice within a reasonable time to the § 501(c)(3) entity that it shall be required to file a report with the department of law pursuant to section one hundred seventy-two-e of the executive law; and
- b. any governmental entity.

Exemption from Disclosing Sources

JCOPE Regulations provide Client Filers with the opportunity to apply for an exemption from disclosing some or all of their sources. See 19 NYCRR Part 938 for additional information.

Penalties

Failure to report SoF Information in a timely manner or submission of a false Filing may subject the Client Filer to civil penalties as prescribed by section 1-o of the Lobbying Act and/or late fees as prescribed by section 1-j(c)(3) of the Lobbying Act.



Instructions for Completing the Excel Spreadsheet to Disclose SoF Information

Users must use the pre-formatted Microsoft Excel spreadsheet to enter all data related to Source of Funding (“So F”) disclosures. If a different form is used, the system will automatically reject the submission.

The SoF Excel spreadsheet contains 13 columns:

- Source ID
- Type of Source
- Source Name (Entity)
- Source Last Name (Person)
- Source First Name (Person)
- Address
- City
- State
- Zip Code
- Phone
- Date of Contribution
- Amount of Contribution
- In-kind Contribution

Entering Sources

All required information must be completed for each Contribution in each row.

Source ID Column

Each Contribution from a Source of Funding must have the same “ID” number.

	A	B
2	Source ID	Type of Source
3	1	Single
4	2	Single
5	3	Multiple
6	3	Multiple
7	3	Multiple

Type of Source Column

Only those Contributions that exceed \$2,500 in the aggregate within the Expenditure Threshold need to be reported.

- When disclosing a **single Source**, identify the entity or individual with its Source ID number.

	A	B
2	Source ID	Type of Source
3		1 Single
4		2 Single
5		3 Multiple
6		3 Multiple
7		3 Multiple

- When disclosing **multiple or affiliated Sources**, identify all entities or individuals that are part of the Source with the same Source ID number.

	A	B
2	Source ID	Type of Source
3		1 Single
4		2 Single
5		3 Multiple
6		3 Multiple
7		3 Multiple

Source Name (Entity) Column – Skip this column if the Source is an individual

If the Source is an **entity** (not an individual), include the full corporate name of the entity, spelling-out terms such as “corporation” or “association” where the term is part of the entity’s name. If there are multiple Sources, identify the relationship between the entities (such as affiliate, parent, or subsidiary) in this column.

B	C
Type of Source	Source Name (Entity)
Single	ABC CORPORATION
Single	CITIZENS FOR THINGS, LLC
Multiple	XYZ CENTER FOR EXCELLENCE
Multiple	XYZ CENTER FOR EXCELLENCE
Multiple	XYZ CENTER FOR EXCELLENCE

CHAPTER 7: SOURCE OF FUNDING OVERVIEW

Source Last Name (Person) Column – Skip the column if the Source is an entity

If the Source is a **person**, identify their last name in this column.

	C	D	E
2	Source Name (Entity) ▾	Source Last Name (Person) ▾	Source First Name (Person) ▾
3		Jones	Bob
4		Smith	John
5	XYZ CENTER FOR EXCELLENCE		
6	XYZ CENTER FOR EXCELLENCE		
7	XYZ CENTER FOR EXCELLENCE		

Source First Name (Person) Column – Skip the column if the Source is an entity

If the Source is a **person**, enter their first name in this column.

	C	D	E
2	Source Name (Entity) ▾	Source Last Name (Person) ▾	Source First Name (Person) ▾
3		Jones	Bob
4		Smith	John
5	XYZ CENTER FOR EXCELLENCE		
6	XYZ CENTER FOR EXCELLENCE		
7	XYZ CENTER FOR EXCELLENCE		

Address Column

Insert the street address of the Source. Where the contributor has a non-U.S. address and/or phone number, enter the entire address and phone number here and enter “N/A” in the City, State, ZIP Code, and Phone Columns.

City Column

Insert the city where the Source is located.

State Column

Insert the official United States Postal Service two letter abbreviation of the state where the source is located.

ZIP Code Column

Insert the five-digit ZIP Code where the Source is located.

Phone Column

Insert the 10-digit telephone number for the Source. Do not include dashes or other punctuation.

Date of Contribution Column

Insert the date of each contribution from each Source. The correct format is XX/XX/XXXX.

Reminder: each Contribution from the same Source should be listed separately.

Amount of Contribution Column

Insert the dollar amount of each Contribution from each Source, in U.S. dollars. Use numerals only, without any currency symbols.

In-Kind Contribution Column

Until otherwise notified, nothing is required to be reported in this column.

Saving the Spreadsheet

When you have completed entry of all data related to Source of Funding disclosures; save the file as either an Excel Workbook (.xlsx) or a Comma Separated Values (.csv) file.

The image shows two examples of file save dialog boxes. The first dialog box has a 'File name' field containing 'source of funding.xlsx' and a 'Save as type' dropdown menu set to 'Excel Workbook (*.xlsx)'. The second dialog box has a 'File name' field containing 'source of funding.csv' and a 'Save as type' dropdown menu set to 'CSV (Comma delimited) (*.csv)'.

SoF Examples

Single Source

A **Single Source** may make more than one Contribution during the reporting period; list each such Contribution separately using the same Source ID.

Example: If ExampleCorp is a **Single Source** with a Source ID of “1”, and contributes \$3,000 on February 1, 2017 and another \$3,000 on May 1, 2017, two Contributions would be reported on the form, both with a Source ID of “1”.

CHAPTER 7: SOURCE OF FUNDING OVERVIEW

Multiple Source

When disclosing a **Multiple Source**, identify each entity or individual that is part of the **Multiple Source** with a Source ID number followed by a letter, e.g., “2A,” “2B,” “2C” in the Source ID Column. Thus, a **Multiple Source** comprised of a parent company and a subsidiary company would be listed as “1A” and “1B.”

Example: If ParentCorp contributes \$7,000 on February 1, 2017, this Source’s Contribution would be listed as “2A”; if SubsidiaryCorp contributes \$7,000 on May 1, 2017, this Source’s Contribution would be listed as “2B.” Every Contribution from the parent or subsidiary would have a Source ID of “2A” or “2B”, respectively.

Affiliated Source

Similar to reporting a **Multiple Source**, when disclosing an **Affiliated Source**, identify the entity making the Contribution to the Client Filer with a number followed by a letter; e.g., “3A”. The accompanying person (who exercises the requisite control) or accompanying Sources of Funding to the original contributor would have a Source ID of “3B”, “3C”, and so forth.

Example: (Affiliated Source – controlling person identified): If ExampleCorp, LLC meets the definition of an **Affiliated Source**, and contributes \$7,000 to the Client Filer on February 1, 2017, all Contributions by ExampleCorp, LLC would have a Source ID of “3A”; if John Q. Public exercises control over ExampleCorp, LLC, his Source ID would be “3B”.

- ★ **NOTE:** When reporting a controlling person, the Contribution amount for this controlling person is zero (0).

Example (Affiliated Source – underlying Sources of Funding disclosed): If ExampleCorp, LLC meets the definition of an **Affiliated Source**, and contributes \$7,000 to the Client Filer on February 1, 2017, all Contributions by ExampleCorp, LLC would have a Source ID of “4A”; if not disclosing a person who exercises control over ExampleCorp, LLC (like John Q. Public in the example above), the entities that provide funding to ExampleCorp, LLC should be listed with a Source ID of “4B”, “4C”, “4D”, and so on.

- ★ **NOTE:** When reporting such underlying Sources, the Contribution amounts for these underlying Sources should be zero (0).

Contributions of less than \$2,500

Example 1: Jane Doe contributes \$1,000 on May 1, 2017 and \$5,000 on June 1, 2017 to Client Filer, all of which were for membership dues, fees, or assessments only.

For the purpose of filing the Client Semi-Annual Report due July 16, 2017 (covering the period January 1, 2017 through June 30, 2017), assuming the Client Filer met the Expenditure Threshold during the Threshold period, the Client Filer must disclose:

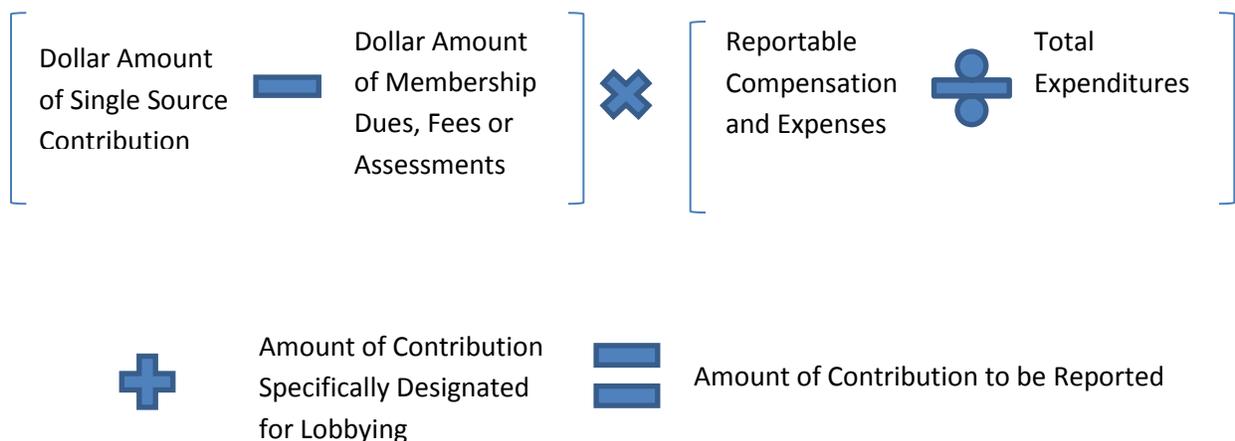
CHAPTER 7: SOURCE OF FUNDING OVERVIEW

- (i) the name of the Source;
- (ii) Name and address of principal place of business, if any;
- (iii) Date the Client Filer received the Contribution(s); and
- (iv) the Reportable Amount of Contribution received from Jane Doe as \$0 for each contribution received as described above.

Example 2: Jane Doe contributes \$3,000 on March 4, 2017 to Client Filer. Of this \$3,000, \$500 is for membership dues, fees, or assessments only. The Client Filer spent a total of \$1,000,000 in Total Expenditures during the Expenditure Threshold period to run the organization. The Client Filer spent \$100,000 Reportable Compensation and Expenses during the Expenditure Threshold period.

For the purpose of filing the Client Semi-Annual Report due July 16, 2017 (covering the period January 1, 2017 through June 30, 2017); the Client Filer met the Expenditure Threshold during the Expenditure Threshold Period, thus the Client Filer must determine the Reportable Amount of Contribution from Jane Doe by utilizing the following formula:

- 1) Subtract the membership dues and fees from the total Contribution amount;
- 2) For any Contribution not specifically designated for Lobbying in NYS, multiply the remaining dollar amount of the Contribution by the Reportable Compensation and Expenses and divide such figure by Total Expenditures; and
- 3) Add any Contribution amount specifically designated for Lobbying in NYS to the figure yielded by such formula.



CHAPTER 7: SOURCE OF FUNDING OVERVIEW

- In the example given, the Client Filer would first take the total \$3,000 contribution and subtract the \$500 in membership dues, fees, or assessments, leaving \$2,500 in Contribution(s) not specifically designated for Lobbying in NYS.
- The Client Filer would then apply the Amount of Contribution Formula, as described above, to the remaining \$2,500 Contribution.
- Utilizing the amounts outlined within the example, the Client Filer would first multiply the \$2,500 by the \$100,000 in Reportable Compensation and Expenses incurred during the Expenditure Threshold period totaling \$250,000,000. This amount is then divided by the Total Expenditures incurred during the Expenditure Threshold period, \$1,000,000, leaving a Reportable Amount of Contribution of \$250, plus any specified amount of contribution specifically designated for lobbying, \$0.

$$(\$3,000 - \$500) \times (\$100,000/\$1,000,000) + (\$0) = \$250$$

The Client Filer must disclose:

- (i) the name of the Source;
- (ii) Name and address of principal place of business, if any;
- (iii) Date the Client Filer received the Contribution(s); and
- (iv) the Reportable Amount of Contribution received from Jane Doe as **\$250** for the contribution received as described above.



Chapter 8: Lobbyist Disbursement of Public Monies Report

Per Section 1-l of the Lobbying Act, a **NYS Lobbyist Disbursement of Public Monies Report (DPM)** must be completed by a Lobbyist when:

- the Lobbyist is otherwise already required to file a Statement of Registration with the Commission; and
- reasonably anticipates that during the calendar 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 Section 1-c.

The \$5,000 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 set forth in Section 1-e of the Lobbying Act.

DPM Definitions

Public Monies

Funds that have been designated for programs, grants or discretionary funds, but which have not been allocated by law to specific recipients and are not part of a Governmental Procurement.

Public Official

See Chapter 1: Lobbying Overview and Definitions for Definition of **Public Official**.

Reportable Compensation and Reportable Expenses

See Chapter 1: Lobbying Overview and Definitions for Definitions of **Reportable Compensation** and **Reportable Expenses**.

DPM Filing Information

Who must file DPM Reports?

DPM Reports are to be filed only by Lobbyists, including Public Corporations, who are otherwise already

CHAPTER 8: LOBBYIST DISBURSEMENT OF PUBLIC MONIES REPORT

required to file a Statement of Registration and who in any calendar year reasonably anticipates that 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.

No corresponding Client Reports are required to be filed.

- ★ **NOTE:** DPM Reports are only required if Attempts to Influence the disbursement have occurred during the relevant filing period. If the relationship between the Lobbyist and Client has terminated, both parties are required to file all required reports by their statutory due dates, reporting all Lobbying Activity up to the effective date of termination.

What are the DPM reporting periods and when are they due?

These separate reports are required to be filed in accordance with the same schedule applicable to the filing of Bi-monthly Reports. The first DPM Bi-monthly is due by the 15th day of the month following the end of the relevant reporting period.

If a DPM Report is required, the schedule for filing is as follows:

FILING	FILING DEADLINE
January/February Bi-monthly Reports (January 1 – last day of February)	March 15
March/April Bi-monthly Reports (March 1 – April 30)	May 15
May/June Bi-monthly Reports (May 1 – June 30)	July 15
July/August Bi-monthly Reports (July 1 – August 31)	September 15
September/October Bi-monthly Reports (September 1 – October 31)	November 15
November/December Bi-monthly Reports (November 1 – December 31)	January 15

- ★ **PLEASE NOTE:** Timely reports are those that are received by the Commission'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 the Commission's office on the first business day following the weekend or State holiday. The Commission does not consider the postmarked date as the date of receipt for Filings.

Is a DPM Report still required to be filed if a registered Lobbyist does not have any DPM reportable Compensation or Expenses for the reporting period?

No. DPM Reports are only required to be filed for Bi-monthly reporting periods during which the Lobbyist has made any Attempts to Influence 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 Section 1-c, regardless of whether the grant, loan or agreement payment is received.

What information is required to be submitted with the DPM Bi-monthly Report?

Every DPM Bi-monthly Report must include the following:

1. The name, address, and telephone number of the Lobbyist and the individuals employed by the Lobbyist engaged in such Public Monies Lobbying Activities;
2. The name, address, and telephone number of the Client by whom or on whose behalf the Lobbyist is retained, employed or designated on whose behalf the Lobbyist has engaged in Public Monies Lobbying Activities;
3. The identities of any other parties to the Lobbying, including all Lobbyists and Clients;
4. A description of the grant, loan, or agreement involving the Disbursement of Public Monies on which the Lobbyist has lobbied;
5. The name of the person, organization, or legislative body before which the Lobbyist has engaged in Public Monies Lobbying Activities; and
6. All reportable Compensation paid or owed to the Lobbyist, and any Expenses expended, received or incurred by the Lobbyist, *related to Public Monies Lobbying Activities* (**See Chapter 1: Lobbying Overview and Definitions** for Definitions of **Reportable Compensation** and **Reportable Expenses**).

Can more than one person be listed as an additional Lobbyist on the DPM Bi-monthly Report?

Yes. The names of all Individual Lobbyists who engaged in Public Monies Lobbying Activities during the filing period must be listed as additional Lobbyists on the DPM Bi-monthly Report.

Please be aware, these individuals may not be authorized to engage in non-Public Monies Lobbying Activities* on behalf of this Client, and as such, will not be listed as additional Lobbyists on the Registration.

- ★ Individual Lobbyists listed on a Registration must be disclosed if they meet the definition of reportable Lobbying: (1) they attempt to influence an activity listed in §1-c(c) of the Lobbying Act, and (2) the cumulative Compensation and Expenses received, expended or incurred for any such activities exceed \$5,000 in any calendar year during a biennial period.

How should my Expenses be reported?

All Expenses *related to the Public Monies Lobbying Activities*, including Expenses that are or will be reimbursed, must be disclosed during the period in which they are incurred or expended. In addition, if the Lobbyist receives the reimbursement for these Expenses during the reporting period, they must also disclose this amount under Reimbursed Expenses.

If a lobbying Expense exceeds \$75, must it be itemized?

No. Unlike Lobbyist and Public Corporation Bi-monthly Reports required by Sections 1-h and 1-i, the **DPM Reports** do not require Expenses *related to the Public Monies Lobbying Activities* in excess of \$75 to be itemized.

However, all Expenses related to DPM Activities are required to be identified.

What type of documentation of Expenses related to the Public Monies Lobbying Activities must be kept?

All expenditures of \$50 or more *related to Public Monies 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.



ADDENDUM A MUNICIPALITIES SUBJECT TO THE LOBBYING ACT

Counties

Albany County	Oneida County
Allegany County	Onondaga County
Bronx County	Ontario County
Broome County	Orange County
Cattaraugus County	Orleans County
Cayuga County	Oswego County
Chautauqua County	Otsego County
Chemung County	Putnam County
Chenango County	Queens County
Clinton County	Rensselaer County
Columbia County	Richmond County
Cortland County	Rockland County
Delaware County	Saratoga County
Dutchess County	Schenectady County
Erie County	Schoharie County
Essex County	Schuyler County
Franklin County	Seneca County
Fulton County	St. Lawrence County
Genesee County	Steuben County
Greene County	Suffolk County
Herkimer County	Sullivan County
Jefferson County	Tioga County
Kings County	Tompkins County
Lewis County	Ulster County
Livingston County	Warren County
Madison County	Washington County
Monroe County	Wayne County
Montgomery County	Westchester County
Nassau County	Wyoming County
New York County	Yates County
Niagara County	

Cities

Albany	New Rochelle
Amsterdam	New York
Auburn	Newburgh
Batavia	Niagara Falls
Beacon	North Tonawanda
Binghamton	Norwich
Buffalo	Ogdensburg
Canandaigua	Olean
Cohoes	Oneida
Corning	Oneonta
Cortland	Oswego
Dunkirk	Peekskill
Elmira	Plattsburgh
Fulton	Port Jervis
Geneva	Poughkeepsie
Glen Cove	Rensselaer
Glens Falls	Rochester
Gloversville	Rome
Hornell	Rye
Hudson	Salamanca
Ithaca	Saratoga Springs
Jamestown	Schenectady
Johnstown	Syracuse
Kingston	Tonawanda
Lackawanna	Troy
Lockport	Utica
Long Beach	Watertown
Mechanicville	Watervliet
Middletown	White Plains
Mount Vernon	Yonkers

Towns

Adams	Cheektowaga	Eden	Harrietstown
Albion	Chenango	Elbridge	Harrison
Alden	Chester	Ellicott	Hastings
Alfred	Chili	Elma	Haverstraw
Allegany	Cicero	Elmira	Hempstead
Amherst	Clarence	Erwin	Henrietta
Amsterdam	Clarkson	Esopus	Herkimer
Arcadia	Clarkstown	Evans	Highlands
Attica	Claverack	Fallsburg	Homer
Aurora	Clay	Farmington	Hoosick
Avon	Clayton	Fenton	Horseheads
Babylon	Clifton Park	Fishkill	Huntington
Ballston	Cobleskill	Fort Ann	Hurley
Barton	Coeymans	Fort Edward	Hyde Park
Batavia	Colesville	Frankfort	Irondequoit
Bath	Collins	Gardiner	Islip
Bedford	Colonie	Gates	Ithaca
Beekman	Concord	Geddes	Johnstown
Beekmantown	Conklin	Geneseo	Kent
Bethlehem	Corinth	German Flatts	Kinderhook
Big Flats	Corning	Ghent	Kingsbury
Blooming Grove	Cornwall	Glenville	Kirkland
Boston	Cortlandt	Goshen	Kirkwood
Brighton	Cortlandville	Gouverneur	La Grange
Broadalbin	Coxsackie	Granby	Lancaster
Brookhaven	Crawford	Grand Island	Lansing
Brownville	De Witt	Granville	Le Ray
Brunswick	Deerpark	Greece	Le Roy
Busti	Delhi	Greenburgh	Lee
Cairo	Dickinson	Greene	Lenox
Cambria	Dover	Greenfield	Lewisboro
Camillus	Dryden	Groton	Lewiston
Canandaigua	Duanesburg	Guilderland	Liberty
Candor	East Fishkill	Halfmoon	Livonia
Canton	East Greenbush	Hamburg	Lloyd
Carmel	East Hampton	Hamilton	Lockport
Catskill	East Rochester	Hamlin	Lyons
Cazenovia	Eastchester	Hamptonburgh	Lysander
Champlain	Eaton	Hanover	Macedon

ADDENDUM A: MUNICIPALITIES SUBJECT TO THE LOBBYING ACT

Maine	North Greenbush	Ramapo	Thompson
Malone	North Hempstead	Red Hook	Ticonderoga
Malta	North Salem	Rhinebeck	Tonawanda
Mamakating	Northumberland	Richland	Tupper Lake
Mamaroneck	Ogden	Ridgeway	Ulster
Manchester	Oneonta	Riga	Union
Manlius	Onondaga	Riverhead	Van Buren
Marbletown	Ontario	Rochester	Vernon
Marcellus	Orangetown	Rosendale	Verona
Marcy	Orchard Park	Rotterdam	Vestal
Marilla	Ossining	Royalton	Victor
Marlborough	Oswego	Rye	Vienna
Massena	Owego	Salina	Volney
Mayfield	Oyster Bay	Sand Lake	Walkill
Mendon	Palmyra	Saratoga	Walton
Mexico	Parma	Saugerties	Walworth
Milo	Patterson	Scarsdale	Wappinger
Milton	Pawling	Schaghticoke	Warsaw
Monroe	Pelham	Schodack	Warwick
Montgomery	Pendleton	Schroepel	Waterford
Moreau	Penfield	Schuyler Falls	Waterloo
Mount Hope	Perinton	Scriba	Wawarsing
Mount Kisco	Peru	Seneca Falls	Wawayanda
Mount Pleasant	Phelps	Shawangunk	Webster
New Castle	Philipstown	Shelby	Wellsville
New Hartford	Pittsford	Sidney	West Seneca
New Paltz	Pittstown	Skaneateles	Westmoreland
New Scotland	Plattekill	Smithtown	Wheatfield
New Windsor	Plattsburgh	Sodus	Whitestown
Newburgh	Pleasant Valley	Somers	Williamson
Newfane	Pomfret	Southampton	Wilna
Newfield	Pompey	Southeast	Wilson
Newstead	Porter	Southold	Wilton
Niagara	Potsdam	Southport	Windsor
Niskayuna	Poughkeepsie	Stillwater	Woodbury
North Castle	Pound Ridge	Stony Point	Woodstock
North Dansville	Putnam Valley	Sullivan	Yorktow
North Elba	Queensbury	Sweden	

ADDENDUM A: MUNICIPALITIES SUBJECT TO THE LOBBYING ACT

Villages

Airmont	Hempstead	Ossining
Albion	Herkimer	Patchogue
Amityville	Hilton	Pelham
Babylon	Horseheads	Pelham Manor
Baldwinsville	Hudson Falls	Penn Yan
Ballston Spa	Ilion	Pleasantville
Bath	Irvington	Port Chester
Bayville	Johnson City	Port Jefferson
Briarcliff Manor	Kenmore	Potsdam
Brockport	Kings Point	Rockville Centre
Bronxville	Kiryas Joel	Rye Brook
Canton	Lake Grove	Saranac Lake
Cedarhurst	Lancaster	Scarsdale
Chestnut Ridge	Larchmont	Scotia
Chittenango	Lawrence	Seneca Falls
Colonie	Lindenhurst	Sleepy Hollow
Croton-on-Hudson	Lynbrook	Solvay
Depew	Malone	Spring Valley
Dobbs Ferry	Malverne	Suffern
East Aurora	Mamaroneck	Tarrytown
East Hills	Manorhaven	Tuckahoe
East Rochester	Massapequa Park	Valley Stream
East Rockaway	Massena	Walden
Endicott	Mastic Beach	Wappingers Falls
Fairport	Medina	Warwick
Farmingdale	Mineola	Washingtonville
Floral Park	Monroe	Waterloo
Fredonia	Monticello	Webster
Freeport	Mount Kisco	Wesley Hills
Garden City	New Hempstead	West Haverstraw
Geneseo	New Hyde Park	Westbury
Goshen	New Paltz	Williamsville
Great Neck	New Square	Williston Park
Great Neck Plaza	Newark	Woodbury
Hamburg	North Hills	
Harrison	North Syracuse	
Hastings-on-Hudson	Northport	
Haverstraw	Nyack	

Industrial Development Agencies

Albany City IDA	Glens Falls IDA	Peekskill IDA
Albany County IDA	Guilderland IDA	Port Chester IDA
Allegany County IDA	Hamburg IDA	Port Jervis IDA
Amherst IDA	Hempstead IDA	Poughkeepsie IDA
Amsterdam IDA	Herkimer IDA	Putnam County IDA
Auburn IDA	Hornell IDA	Rensselaer (City of) IDA
Babylon IDA	Hudson IDA	Rensselaer County IDA
Bethlehem IDA	Islip IDA	Riverhead IDA
Brookhaven IDA	Jefferson IDA	Rockland County IDA
Broome IDA	Lancaster IDA	Salamanca IDA
Cattaraugus IDA	Lewis County IDA	Saratoga County IDA
Cayuga IDA	Livingston County IDA	Schenectady (City of) IDA
Chautauqua IDA	Lockport (Town of) IDA	Schenectady County IDA
Chemung IDA	Madison County IDA	Schoharie County IDA
Chenango IDA	Malone (Town of) IDA	Schuyler County IDA
Clarence IDA	Mechanicville-Stillwater IDA	Seneca County IDA
Clifton Park IDA	Middletown IDA	St. Lawrence County IDA
Clinton County IDA	Monroe County IDA	Steuben County IDA
Cohoes IDA	Montgomery (Town of) IDA	Suffolk County IDA
Colonie IDA	Montgomery County IDA	Sullivan County IDA
Columbia IDA	Mount Pleasant IDA	Syracuse IDA
Concord IDA	Mount Vernon IDA	Tioga County IDA
Corinth IDA	Nassau County IDA	Tompkins County IDA
Cortland IDA	New Rochelle IDA	Troy IDA
Delaware County IDA	New York City IDA	Ulster County IDA
Dunkirk IDA	Newburgh IDA	Utica (City of) IDA
Dutchess County IDA	Niagara County IDA	Wallkill IDA
Erie County IDA	Niagara Town IDA	Warren & Washington Counties IDA
Erwin (Town of) IDA	North Greenbush IDA	Wayne County IDA
Essex County IDA	Oneida County IDA	Westchester County IDA
Fairport IDA	Onondaga County IDA	Wyoming County IDA
Franklin County IDA	Ontario County IDA	Yates County IDA
Fulton County IDA	Orange County IDA	Yonkers IDA
Genesee County IDA	Orleans County IDA	
Geneva IDA	Oswego County IDA	
Glen Cove IDA	Otsego county IDA	