

New York State Joint Commission on Public Ethics

Reform E (Amended)

This proposal would amend subdivision 1-c and add a new subdivision 1-u to Article 1-a of the Legislative Law for purposes of disclosing lobbyist filing of campaign contributions, solicitations of contributions, and political consulting reports.

Section 1. Subdivision 1-c of article 1-a of the legislative law is amended by adding new paragraphs (x) and (y) to read as follows:

(x) The term “political consulting activities” shall mean providing political advice by a lobbyist who is usually compensated for rendering such advice, to: (i) a representative of an election campaign of any candidate for governor, lieutenant governor, comptroller, attorney general, member of the legislature, or elected office in a municipality; or (ii) the governor, lieutenant governor, comptroller, attorney general, member of the legislature, or elected official in a municipality.

(y) The term “fundraising activities” shall mean solicitation or collection by a lobbyist of contributions for a candidate for nomination for election, or election, to the office of governor, lieutenant governor, comptroller, attorney general, member of the legislature, elected office in a municipality, or for the political committee for use in an election campaign of any such candidate.

Section 2. Article 1-a of the legislative law is amended by adding a new subdivision 1-u and subsequent renumbering 1-v and 1-w to read as follows:

§1-u. Fundraising and Political Consulting Reports.

(a) (i) For purposes of this section, the terms "contribution", "political committee", and "candidate" shall have the meanings set forth in section 14-100 of the election law.

(ii) For purposes of this section, the term "lobbyist" shall mean a lobbyist as defined in section 1-c of this article.

(b) Any lobbyist required to file a statement of registration pursuant to section 1-e of this article who in any calendar year to which the statement of registration relates, or in the six months preceding such calendar year, engages in fundraising or political consulting activities shall file with the joint commission on public ethics, on forms prescribed by the joint commission on public ethics, a fundraising and/or political consulting report. Such report shall be filed in accordance with the schedule applicable to the filing of bi-monthly reports under section 1-h of this article, provided that the first fundraising and/or political consulting report filed in any calendar year shall include information on fundraising and/or political consulting activities that occurred in any period beginning six months preceding the calendar year to which the statement of registration relates through the end of the reporting period for which the report is filed, to the extent such information has not been reported in a previously filed fundraising and/or political consulting report. Each subsequent fundraising and/or political consulting report filed in or with respect to the calendar year to which the statement of registration relates shall include information on all fundraising and/or political consulting activities that occurred in the reporting period for which the current report is filed.

(c) Such fundraising and/or political consulting report shall contain:

(1) the name, address and telephone number of the lobbyist and the individuals utilized by the lobbyist engaged in such fundraising and/or political consulting activities;

(2) the name, address and telephone number of the candidate, public servant, or elected official to whom or on whose behalf the lobbyist provided fundraising and/or political consulting services;

(3) (i) the compensation, if any, paid or owed to the lobbyist and any expenses incurred by the lobbyist for such fundraising and/or political consulting activities;

(ii) a list of all persons or entities with whom the lobbyist contracted for the purpose of

providing fundraising and/or political consulting services;

(4) in the case of fundraising activities, the total dollar amount raised for each candidate or committee for which such activities were performed, including contributions made by the lobbyist.

(d) All such fundraising and/or political consulting reports shall be subject to review by the joint commission on public ethics.

(e) Whenever there is a change in the information filed by a lobbyist in a report filed pursuant to this section, an amended report shall be submitted to the joint commission on public ethics on forms prescribed by the joint commission on public ethics, within 10 days of the change in the information occurring.

(f) Such fundraising and/or political consulting reports shall be kept in electronic form by the joint commission on public ethics and shall be available for public inspection pursuant to section 1-s of this article.

(g) A lobbyist who submits a Political Consultant Filing to the Department of State, pursuant to Executive Law section 109, satisfies the requirements of this section, provided the submission to the Department of State meets all the requirements of Executive Law section 109, in which circumstance the lobbyist may submit such Political Consultant Filing to the joint commission on public ethics.

§1-~~vii~~. Applicability of certain laws.

The provisions of this article including, but not limited to, any proceeding or hearing conducted pursuant hereto, shall be subject to the applicable provisions of the state administrative procedure act and section seventy-three of the civil rights law.

§1-~~viii~~. Separability clause.

If any part or provision of this article or the application thereof to any person or organization is adjudged by a court of competent jurisdiction to be unconstitutional, such judgment shall not affect or impair any other part or provision or the application thereof to any other person or organization, but shall be confined in its operation to the part, provision, person or organization directly involved in the controversy in which such judgment shall have been rendered.

