



Chapter 2: Statutory Filings Overview

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

Name of Form	Filed By	Filing Fee
Lobbyist Statement of Registration	Lobbyists (See Lobbyist Filing Requirements – Chapter 6)	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.
Public Corporation Statement of Registration	Public Corporations (See reference in Lobbyist Filing Requirements – Chapter 6)	No fee required.
Bi-monthly Report	Lobbyists (including Public Corporations) who are required to file a Statement of Registration, and whose contract is in effect at any point during the Bi-monthly Reporting period. (See reference in Lobbyist Filing Requirements – Chapter 6)	No fee required.
Client Semi-Annual Report	Contractual Clients (See Client Filing Requirements Chapter 7)	\$50
Source of Funding Form	Beneficial Clients who meet specific filing requirements (See Chapter 8 for more information).	No fee required. The Source of Funding Form is considered a part of the Client Semi-Annual Report.
Reportable Business Relationship Form	Lobbyists (including Public Corporations) and Clients (See Chapter 9 for more information).	No fee required. The Reportable Business Relationship Form is considered a part of the Statement of Registration and Client Semi-Annual Report, respectively.
Disbursement of Public Monies	Registered Lobbyists (including Public Corporations) who meet additional, specific filing requirements (See Chapter 10 for more information).	No fee required.

How are Lobbying forms obtained and submitted to JCOPE?

The Commission encourages all Filers to register and report using JCOPE's new Online Lobbying Application ("LA"). Electronic filing has several advantages not available to paper filers, as described below. However, if you are unable to file electronically, JCOPE can provide a paper/PDF version of any required form.

Electronic Filing

JCOPE launched the new LA to coincide with the 2019-2020 biennial registration period and new lobbying regulations (19 NYCRR Part 943), which took effect January 1, 2019. Anyone required to register and file lobbying Reports with JCOPE, whether existing or new Filers, will submit their 2019 online Reports in the new application. (**NOTE:** Lobbying Reports covering 2018 Lobbying Activity must be filed utilizing the pre-2019 online lobbying system).

Advantages to using the Online Lobbying Application ("LA"):

- 24-hour access.
- Information will prepopulate to certain sections of your Filings.
- Ability to link individual and organization names to NYS Department of Motor Vehicle (DMV) and New York Business Express (NYBE) to ensure your personal and business names are accurately reflected on your Filings.
 - Changes made with NYS DMV and NYBE will automatically update your Individual and Organization Profiles.
- Single sign-on for Lobbyists who lobby on behalf of themselves and are required to file as both a Lobbyist and a Client.
- Ability to designate a Preparer (or Preparers) to submit Filings on your behalf. Preparers have the ability to file on behalf of multiple Organizations with a single sign-on.
- 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.
- Filings are automatically saved every 60 seconds.
- Online Filers receive notifications via email, including all e-blasts.
- Lists of bill numbers can be copied/pasted into your Filing.
- Automatically reviews Filings for missing information before you submit.
- Ability to submit multiple Amendments to Filings that are pending JCOPE processing.
- Ability to respond to a JCOPE inquiry via the Online Lobbying Application.

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- Access to all your Filings, tickets, history, and their processing statuses.

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 JCOPE'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

How do I use JCOPE's Online Lobbying Application?

To access the new LA, Filers must have a NY.gov ID account. If you don't have one, you can create an account at <https://my.ny.gov>. Once a Filer has a NY.gov ID and has accessed the new LA, they must set up a *User Profile*. For more information, please see the "JCOPE Lobbying Application Information" webpage at <https://jcope.ny.gov/jcope-lobbying-application-information>.

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 Lobbying Application** with Visa, MasterCard or American Express. Payment must be made **at the time of submission.** *

NOTE: For security purposes, the new LA 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 or money order.

2. **Check/Money Order.** Filer may indicate payment will be made by submitting a check or money order. You must provide your check or money order number in the appropriate field of the online form.

Paper/PDF Filers – 1 option:

1. **Check/Money Order.** Filers are required to remit payment via check or money order 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 Lobbying Application’s functions.

- Any Filing will be **deemed incomplete and considered not received** unless and until the required filing fee is received.
- A Filer will be **charged a return check fee** for any check returned to JCOPE 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 or by email and must be received in JCOPE’s office no later than two business days prior to the Filing due date. A request must include an explanation demonstrating good cause and may be granted at the discretion of JCOPE’s Executive Director.

NOTE: Effective January 1, 2019, JCOPE will grant a 7-day grace period from a Filing’s statutory due date to submit a required Statement and/or Report(s). (See **Late Fees and Penalties** for more information).

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

The Filing must be received in JCOPE’s office on the first business day following the weekend or State holiday. JCOPE does not consider the postmarked date as the date of receipt for Filings.

NOTE: Effective January 1, 2019, JCOPE will grant a 7-day grace period from a Filing’s statutory due date to submit a required Statement and/or Report(s). (See **Late Fees and Penalties** for more information).

Can a Filing be withdrawn after submission?

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

1. For purposes of a **Statement of Registration or Registration Amendment**, a signed lobbying agreement/authorization does not exist for the time period the Filing corresponds to; or
2. For purposes of a **Bi-monthly, Disbursement of Public Monies, or Client Semi-Annual Report**, such 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.

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Even if any of the above-conditions do not apply, a request for withdrawal may be submitted if there is evidence that:

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

Withdrawal requests must be signed by a Responsible Party and may be submitted via mail or email. Determination of a withdrawal request is made at the discretion of JCOPE. Once JCOPE determines a filing is withdrawn, it is not available to the public.

Who is ultimately responsible for Filing submissions?

For Lobbyist Filings – If the Principal Lobbyist is an individual, he or she is considered the Responsible Party for all their Statements and Reports. If the Principal Lobbyist is an Organization, the Chief Administrative Officer (CAO) is considered the Responsible Party for all Lobbyist Statements and Reports.

For Client Filings – The Chief Administrative Officer (CAO) of the Client is considered the Responsible Party for all Client Reports.

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

For **Paper/PDF Filings**, the Chief Administrative Officer may designate, in writing, another individual to make and sign Statement(s) and/or Report(s). The designation **MUST:**

- ✓ specify which Statement(s) and/or Report(s) are covered, as well as the specific year or biennial period;
- ✓ be signed by the Responsible Party **and** Designee;
- ✓ be received by JCOPE prior to the due date of such Statement(s) and/or Report(s).

NOTE: Any designation made by a Chief Administrative Officer does not relieve the Chief Administrative Officer of liability due to a failure to file, late filing or false filing of any Report(s).

Sample 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)

Can I submit my Filing if a required element is missing?

All Filings submitted utilizing JCOPE’s new LA must be complete before the application will allow it to be submitted.

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 complete and accurate Statement(s) and/or Report(s).

Pursuant to the Lobbying Act, **no** Individual or Organization should engage in **Lobbying Activity** or incur, expend, or receive more than \$5,000 in combined **Reportable Compensation** and **Reportable Expenses** for **Lobbying Activities** on a State and/or Municipal level **prior** to submitting an executed Lobbying Agreement form, or a copy of a signed, written Lobbying agreement or written authorization.

NOTE: When a Lobbying Contract or Agreement exists, a Lobbyist may *either* submit a copy of such Contract/Agreement with a Statement of Registration **or** use the Lobbying Agreement form provided by the Commission. A Lobbyist may **only** submit a written Authorization to lobby **if** no Lobbying Contract or Agreement exists.

What Expenses are not considered Reportable Expenses?

- State or local lobbying filing fees;
- Printing or postage that does not exceed \$500 in the aggregate in a calendar year, including 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.

See **Chapter 1: Lobbying Overview and Definitions** for information related to Reportable Expenses and Expense Types.

Can certain Reportable 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.

Are Reportable Expenses valued at more than \$75 required to be itemized?

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

- Clients should indicate if the Expense was a reimbursement to the Lobbyist.
- Lobbyists should indicate whether the Expense was reimbursed by the Client.

NOTE: Any **Reportable Expense** paid to an entity requires the Filer to provide an 'Expense Detail' 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 Reportable Expense documentation must be retained by a Filer?

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.

Who is considered an *Individual Lobbyist* and when are they required to be identified on a Filing?

An Individual Lobbyist is a person who engages in **Lobbying Activity** on behalf the Individual or Organization identified as the Principal Lobbyist on the Filing. (See **Chapter 1: Lobbying Overview and Definitions** for Types of Lobbyists).

In the case of a Lobbying Organization that incurs **only Expenses** (no Compensation for Individual Lobbyists), no Individual Lobbyists need be identified on the Filing.

NOTE: Every Grassroots Lobbying Communication is attributable to a *Lobbyist*, which may be the Organization as a whole, but may not necessarily require the identification of any Individual Lobbyists. (See **19 NYCRR Part 943.7 subparagraphs (c)(2) and (d)(2)** of the Commission's Regulations).

What information is required to be disclosed relative to bills, rules, regulations, rate numbers, etc.?

Any government activity on which **Lobbying Activity** is expected to occur, or that the Lobbyist Attempted to Influence, must be reported as known at the time of Filing, which shall include the following:

- Focus Types (State, Municipal)
- Identifying number(s) of a bill, rule, regulation, rate number;
- The title and identifying numbers of Procurement Contracts/documents or a general description of the Procurement;
- 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 **Lobbying Activity** is conducted in an Attempt to Influence the introduction, intended introduction, or issuance of State legislation or a State resolution which has not yet been introduced (no number to disclose), a brief description of such activity must be disclosed.

What other information is required to be disclosed if a government activity is reported?

Any reported **Lobbying Activity** during the reporting period must include:

- Monitoring only, if applicable
- The Focus(es) of each **Lobbying Activity** (Party or Parties Lobbied, including Person(s), State Agencies, Municipalities, or Legislative Bodies)

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- The Type of Lobbying Communication: **Direct and/or Grassroots**
 - In the case of Direct Lobbying, the name of the Public Official or Public Official's office or the legislative committee, as applicable, with whom the Lobbyist engaged in Direct communication must be reported.
 - In the case of Grassroots Lobbying, the intended target of the **Lobbying Activity** (which may be a person, State Agency, Municipality or legislative body) must be reported.

NOTE: In the event a communication is made with or sent to an entire group, you will have the ability to select from the following options: Entire Senate, Entire Assembly, or Entire Legislature. However, this only applies to a mass communication (i.e., a memo sent to all Senators); any other lobbying contacts must be disclosed separately and in addition to this activity.

See **Chapter 1: Lobbying Overview and Definitions**; and **19 NYCRR Parts 943.6 and 943.7** of the Commission's Regulations for information related to Direct and Grassroots Lobbying.

Am I required to disclose all Lobbying relationships with JCOPE?

Yes. Some Lobbyist/Client relationships include multiple Lobbyists, multiple Clients, or multiple entities comprising a single Client, and all of these entities must be disclosed in Lobbying Reports filed with JCOPE. All Reports must disclose all Lobbyists performing services, whether on a single contract or through a subcontracting relationship.

Clients (Beneficial and Contractual)

All Reports requiring disclosure of the Client must include both the **Contractual** and **Beneficial Client(s)**.

Multiple Lobbyists (Prime Lobbyists, Sub-Lobbyists and Co-Lobbyists)

- A Prime Lobbyist and Sub-Lobbyist are **both** subject to the Reporting requirements of the Lobbying Act, but are only required to disclose the reportable Lobbying Activity and Compensation and Expenses related to the services they each provide, respectively.
- On any Bi-monthly Report or Statement of Registration, the **Prime Lobbyist** must identify itself, the Contractual and Beneficial Client(s), and all Sub-Lobbyists engaged to Lobby on behalf of the Contractual Client.
- On any Bi-monthly Report or Statement of Registration, the Sub-Lobbyist need only identify itself, the Prime Lobbyist (as the Contractual Client) and the Beneficial Client(s).
- All Lobbyists who are retained by a Contractual Client on the same single retainer agreement or contract are Co-Lobbyists, and must report individually with JCOPE.
- Co-Lobbyists must identify other Co-Lobbyists on their Filings, but need disclose only their own reportable Lobbying Activity and Compensation and Expenses.

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. Beginning with 2019 Filings, the public can more easily follow any amendments made to filings since the original filing and any amendments thereto will be individually posted and viewable within the new Lobbying Application. The public may access these Filings by:

1. Accessing [JCOPE's Website](#) (from the main navigation menu, select “**Lobbying**”, “**View a Filing**”, and then scroll down to “**View Lobbying Filings**” link); or
2. Submitting a request for copies of records by completing the online “**Records Request**” form provided on [JCOPE's Website](#) (from the main navigation menu, select “**Media Center**”, then “**Records Access Requests**”); or
3. Mail, fax or [email](#) JCOPE’s Records Access Officer; or
4. Making an appointment with JCOPE’s Records Access Officer to inspect and copy documents at the Commission's offices. With a prior appointment, inspection may occur during regular business hours from 8:30 a.m. to 4:30 p.m.

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

Retention Requirements for Information Disclosed in Filings

Per the Lobbying Act, Filers are required to retain all Lobbying Reports and supporting documents (including checks or receipts) for a period of three years.

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.

LATE FEES AND PENALTIES

Late Filings

Any Filing that is not timely submitted to JCOPE will be subject to the late fee schedule set forth below:

DAYS LATE	ACTION	
	<u>First-Time Filer</u>	<u>All Other Filers</u>
1– 7 days	Grace Period/No Late Fee	
8 – 14 days	\$75 flat late fee	\$150 flat late fee
15 – 30 days	\$150 flat late fee	\$300 flat late fee
31 – 90 days	\$300 flat late fee	\$500 flat late fee

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91 – 180 days	\$500 flat late fee	\$1,000 flat late fee
181 days and more	\$1,000 flat late fee	\$2,000 flat late fee

A Filer is considered a **First-Time Filer** only when a required Filing is submitted to JCOPE for the first time. **First-Time Filer** status applies to the first Filing received by the Commission from such a Filer and any other same type of Filing(s) received from such Filer on that same day.

NOTE: Effective January 1, 2019, JCOPE will grant a 7-day grace period from a Filing’s statutory due date to submit a required Statement and/or Report(s).

Penalties

Failure to timely file a complete and accurate Statement or Report may subject the Filer to a civil penalty 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.

If the Commission determines a Filer had access to information that was not reported, and knowingly and willfully failed to disclose the information, the Filer may be subject to a civil penalty not to exceed \$25,000 for a failure to timely file a complete and accurate Filing.