



Chapter 6: Lobbyist Filing Requirements

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

STATEMENT OF REGISTRATION

When is registration required in New York State?

The Lobbying Act requires public disclosure of the identities, activities, and expenditures of Lobbyists, Public Corporations, and Clients, including the individuals employed by them who either reasonably anticipate incurring, expending, or receiving, or actually incur, expend, or receive more than \$5,000 in combined **Reportable Compensation** and **Reportable Expenses** for Lobbying Activity on a **State and/or Municipal level**, in any calendar year during the biennial period.

Any Lobbyist who meets this requirement is obligated 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 total Compensation and Expenses for **Lobbying Activities** (computed cumulatively), across all Clients whether the **Lobbying Activities** are before the State and/or a Municipality, in any calendar year during a biennial period.

Once a Lobbyist meets or anticipates meeting the cumulative \$5,000 threshold, a Statement of Registration must be submitted 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?

Yes. The reporting requirements set forth in the Lobbying Act also apply to Individuals and Organizations who engage in **Lobbying Activities** on a Municipal level. (See **Chapter 5: Municipal (“Local”) Lobbying** for more information).

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

When is a Lobbyist required to register?

January 1st of the first year of the biennial period if (1) 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 (“overlapping” contracts); **and** (2) the Lobbyist reasonably anticipates combined **Reportable**

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Compensation and Reportable Expenses in excess of \$5,000 for **Lobbying Activities** to be undertaken in the coming year.

Within 15 days of the date on which the Lobbyist has agreed to – or been authorized to – begin **Lobbying Activity** if:

The Lobbyist has been retained, employed, or designated to Lobby after December 15th of the year preceding the first year of the biennial registration period, for activity in either year of the biennial period.

NOTE: This applies to contracts that do not overlap as described above.

No later than 10 days after the Lobbyist actually incurs or receives combined **Reportable Compensation** and **Reportable Expenses** in excess of \$5,000 before filing a Statement of Registration.

NOTE: JCOPE considers the “Contract Start Date” to be the start date provided in the executed Lobbying Agreement form, or copy of the signed, written Lobbying agreement or written authorization, indicating when “**Lobbying**” or “**Lobbying Activity**” is intended to commence (or has commenced); **not the date of execution.**

If the date provided in the “Contract Start Date” field on the Statement of Registration form is inconsistent with the start date indicated in the executed Lobbying Agreement form or Lobbying agreement or authorization, the Filer must submit an “Explanation Letter” (for a Registration) or a “Lapse letter” (for a Registration Amendment) to explain the discrepancy.

It is the responsibility of a Lobbyist to ensure they have registered for all corresponding biennial registration periods if 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.

Is there a Registration filing fee?

A **\$200 non-refundable registration fee** is required to be submitted with each Biennial Lobbyist Statement of Registration if, for the applicable Client, the Lobbyist reasonably anticipates exceeding \$5,000 in combined **Reportable Compensation** and **Expenses** in any year during a biennial registration period. A Statement of Registration submitted without such a filing fee shall be deemed incomplete.

A **prorated \$100 non-refundable registration fee** is required with each Biennial Lobbyist Statement of Registration submitted after January 1st for **Lobbying Activity** conducted only during the second year of 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 combined **Reportable Compensation and Expenses for the applicable Client**.
- An **amended** Biennial Statement of Registration, provided a registration fee has already been submitted for the applicable Client during the same biennial registration period.

Please be aware, if a Statement of Registration is submitted without a filing fee, and it is later determined 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.

NOTE: FILINGS FEES ARE NON-REFUNDABLE. See **Chapter 2: Statutory Filings Overview**, “How can I pay the filing fee” for more information.

Can more than one Individual Lobbyist be listed on a Statement of Registration?

Yes. All individuals who personally engage in Direct and/or Grassroots Lobbying must be identified as an Individual Lobbyist on the Principal Lobbyist’s (whether and Individual or an Organization) Statement of Registration. (See **Chapter 2: Statutory Filings Overview**, “Who is considered an Individual Lobbyist and when are they required to be identified on a Filing?”)

What information is required to be included in the Registration?

Every Statement of Registration must include the following:

1. An executed Lobbying Agreement form (as provided by the Commission), or a copy of a signed, written Lobbying Contract or Agreement, or written authorization*, which must contain the following information:
 - A start date, which is the first date the Lobbyist has agreed to or been authorized to Lobby;
 - Signatures of the Responsible Party for the Contractual Client and Lobbyist, or another person with the authority to enter the Lobbyist into a binding contract;
 - The date(s) of execution;
 - A statement indicating that other services will be provided in addition to Lobbying, if applicable;
 - A termination date, which is the last date the Lobbyist has agreed to or been authorized to Lobby;
 - in the case of a month-to-month agreement, the termination date shall be presumed

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to be the end of the current biennial period, unless otherwise specified; and

- The Compensation to be paid specifically for Lobbying services, including pay frequency and/or rate of pay.
 - If the Lobbyist is retained for Lobbying, the actual Compensation must be reported.
 - If the retainer is based on a daily or hourly rate, the fee per day or per hour must be reported.
 - If multiple parties with multiple hourly rates will be covered by the retainer, all rates shall be disclosed.
 - If the Lobbyist is an Employed Lobbyist, the Lobbyist's prorated salary for Lobbying Activity must be reported.

NOTE: 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.

*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 JCOPE. A Lobbyist may **only** submit a written Authorization to lobby **if** no Lobbying Agreement or Contract exists. Written authorizations need only be signed by the Contractual Client.

2. The name of the Principal Lobbyist.

- 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.
- An Individual should only be listed as the Principal Lobbyist if the Individual conducts business as a Lobbyist in his own name.
- 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.

- In the case of a Lobbying Organization that incurs only Expenses (no Compensation for Individual Lobbyists), no Individual Lobbyists need be identified on the Statement of Registration; and
- an Independent Contractor may only be identified as an Employed Lobbyist if the person meets the following criteria:
 - The Independent Contractor's only source of Lobbying Compensation is the Lobbying Organization;
 - The Independent Contractor's Lobbying Activities are supervised by the Lobbying Organization; and
 - The Independent Contractor is not otherwise identified as an Individual Lobbyist on

any other 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:
 - bill, rule, regulation, rate number or brief description relative to the introduction or intended introduction of legislation or a resolution;
 - 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.
7. Client information for all Contractual and Beneficial Clients, which shall include the Clients' names, business addresses, phone and email contacts, 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. The identities of other parties to the Lobbying, including:
 - all Lobbyists (Principal (Prime), Co-Lobbyists, Sub-Lobbyists)
 - all Clients (both Contractual and Beneficial)
 - Coalitions and Coalition members, as applicable.
10. Any Reportable Business Relationships. (See **Chapter 9: Reportable Business Relationships and 19 NYCRR Part 943.14** of the Commission's Regulations).

What if I do not have a written Lobbying Contract or Agreement?

If, and only if, a written Lobbying Agreement does not exist, a written Authorization may be submitted. The Authorization must be signed by the Chief Administrative Officer or Responsible Party of the Client (or employer).

NOTE: Written Authorization for Employed Lobbyists – Filers do not have to individually list each employees' compensation rate. This is supposed to be an estimated/anticipated figure. They should provide an estimated amount (based on all the individuals listed on a Statement of Registration salaries combined). For example, if three people are listed at the time of Registration and they each spend a

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certain percentage of their time on lobbying, the Filer can provide an amount based on percentages and salaries combined. If they list \$30,000 they can indicate “annually”; if it’s a monthly rate, they should specify that. (It is no longer acceptable, however, to simply indicate it will be over the \$5,000 threshold.)

If I have a written Lobbying Contract or Agreement, what can I submit?

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.

How is a Reportable Business Relationship disclosed on a Registration?

In accordance with sections 1-e and 1-j of the Lobbying Act, which requires Lobbyists and Clients to disclose Reportable Business Relationships (RBR) within their respective filings, an RBR Form shall be considered a part of the Lobbyist’s Statement of Registration or the Client’s Semi-Annual Report, as applicable. 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 RBR Form as a Lobbyist to comply with the filing requirement.

See **Chapter 9: Reportable Business Relationships** for more information.

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 submitted to 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 identities of all parties to the Lobbying, including:
 - ✓ all Lobbyists (Principal (Prime), Co-Lobbyists, Sub-Lobbyists)
 - ✓ all Clients (both Contractual and Beneficial)
 - ✓ Coalitions and Coalition members, as applicable;
- The new or changed information; and
- The signature of the Responsible Party or Designee (Preparer), if applicable.

Any changes to the following information also requires submission of **an amended** Lobbying Agreement form, or copy of a signed, written Lobbying agreement or written authorization:

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- Individual Lobbyists authorized to Lobby for the Client;
- Level of Lobbying (State vs. local);
- Terms of Compensation;
- **Lobbying** or **Lobbying Activity** start and termination dates, including when the parties wish to continue the lobbying arrangement beyond the termination date; and
- In the case of a Coalition, a list of the Coalition members exceeding \$5,000 in Lobbying Compensation and Expenses.

NOTE: 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 or targets of Lobbying.
- 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.

Each Amended Statement of Registration requires the Filer to provide a specific date the change(s) are (or will be) effective; known as an “**Effective Date of Change**”. Multiple changes can be made on an Amended Statement of Registration as long as all the changes being made on the Filing have the same **Effective Date of Change**. Otherwise, separate Amendments are required for each **Effective Date of Change**.

Can an Amended Statement of Registration be submitted if an Agreement/Authorization Termination has been submitted?

Yes. An Amended Registration can be submitted for a Registration that has been terminated as long as the Lobbying Agreement/Contract was active, and the Amendment’s **Effective Date of Change** is within the same biennial period as the Registration being amended.

Lobbyist Termination

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.

NOTE: JCOPE considers notice of terminations filed electronically as ‘written notice’.

What is required if a Lobbyist/Client relationship terminates before the Termination (End) Date specified in the Lobbying Agreement/Contract?

If the relationship between a Lobbyist and a Contractual Client is terminated at any time **before** the Termination Date specified in the Lobbying Agreement/Contract, both the Lobbyist and the Client must notify the Commission of the Contract Termination **Effective Date**. Notification is due **within 30 days**

after Lobbying Activity ceases.

NOTE: Lobbyists and Clients must continue to file all required Reports by their statutory due dates, reporting all Lobbying Activity up to the Termination **Effective Date**.

What is required if a Lobbyist/Client relationship terminates either on the Termination (End) date specified in the Lobbying Agreement/Contract, or on December 31st of the second year of a biennial registration period?

If the relationship between a Lobbyist and Contractual Client **ends pursuant to the Termination Date specified in the Lobbying Agreement/Contract**, neither the Lobbyist nor the Client are required to notify the Commission in writing of such termination.

Likewise, if the Lobbying Agreement/Contract **ends on December 31st of the second year** of a biennial registration period, written notification of a termination is not required.

Under both scenarios, a Notice of Termination will be automatically system-generated in the online LA 30 days after the Termination Effective Date.

NOTE: Lobbyists and Clients must continue to file all required Reports by their statutory due dates, reporting all Lobbying Activity **up to the Termination Effective Date**.

What if an Individual Lobbyist ceases Lobbying Activity?

An Individual Lobbyist Termination must be completed for any Individual Lobbyist who will no longer engage in **Lobbying Activity** during a biennial registration period.

A Filer can indicate if the Individual Lobbyist's Termination is effective for a specific Client (or Clients), or all active Registrations. If the Termination is effective for all active Registrations, the Individual Lobbyist's name will **not** be available for selection on any future Filings submitted during the biennial registration period.

Bi-monthly Report

Who must file Bi- monthly Reports?

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

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

Bi-monthly 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 Bi-monthly period thereafter.

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The new LA requires Bi-monthlies be submitted in chronological order based on the Lobbying Agreement Start Date.

The Lobbying Agreement Start Date (**not** the Registration Submission Date) determines whether or which Bi-monthly is required.

There are twelve Bi-monthly reporting periods in every biennial registration cycle:

FILING (period covered)	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 Filing is due on a weekend or a State holiday, the Report 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 **Chapter 2: Statutory Filings Overview, "Late Fees and Penalties"** for more information.

Is a Bi-monthly Report still required if a registered Lobbyist had no Reportable Compensation, Expenses, or Lobbying Activity during the reporting period?

Yes. The Lobbying Act requires a registered Lobbyist to submit a Bi-monthly Report for each reporting period their Agreement/Contract is active during a biennial period.

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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. Expense and Compensation fields should be completed with zeros (“0”) for such periods.

If the relationship between the Lobbyist and Client has terminated, both parties must continue to file all required Lobbying Reports by their statutory due dates, reporting all Lobbying Activity up to the Termination **Effective Date**.

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

Every Bi-monthly must include the following:

1. The name, business address, e-mail address, and business 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 Contractual and Beneficial Clients.
4. The identities of any other parties to the Lobbying, including:
 - all Lobbyists (Principal (Prime), Co-Lobbyists, Sub-Lobbyists)
 - all Clients (both Contractual and Beneficial)
 - Coalitions and Coalitions members, as applicable
5. The subject matter(s) on which Lobbying occurred.
6. The governmental action that the Lobbyist Attempted to Influence, which shall include the following, as applicable:
 - bill, rule, regulation, or rate number, if available, on which Lobbying occurred;
 - 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;
 - 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.

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7. The target(s) of the Lobbying, including the person, organization, entity, or legislative body before which the Lobbyist lobbied.
 - 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;
Examples:
 - If a Lobbyist lobbies a Senator on one occasion and also sends out memos in support of a bill to all members of a legislative committee of which the Senator is a part, such Lobbyist would disclose the Senator’s name and the name of the legislative committee.
 - If a Lobbyist sends a memo to the entire legislature and also meets with a particular Senator and meets with an Assembly committee, such Lobbyist would disclose the communication to the entire legislature (using a “check all” box on the Report form), disclose the Senator’s name and the name of the Assembly committee.
 - If a Lobbyist meets with the Commissioner of Taxation and Finance as well as a staff member of the Office of Real Property Tax Services, such Lobbyist would disclose the Commissioner’s name and the name of unit or department within the agency (the Office of Real Property Tax Services).
 - In the case of Grassroots Lobbying, the intended target of the Lobbying Activity, which may be a person, State Agency, Municipality or legislative body.
8. All **Reportable Compensation** and **Reportable Expenses** (as defined) paid or owed by the Client for the current period only.
 - Any Reportable Compensation and Expenses incurred by a Lobbying Organization must be included in the Bi-monthly Report, regardless of whether the Lobbying Organization also files a Client Semi-Annual Report.

See **Chapter 1: Lobbying Overview and Definitions** regarding Reportable Compensation and Reportable Expenses and **Chapter 2: Statutory Filings Overview, “Other Statutory Filing Information.”**

Can more than one Individual Lobbyist be listed on a Bi-monthly Report?

Yes. All individuals who personally engage in Direct and/or Grassroots Lobbying **must** be identified as an Individual Lobbyist on the Principal Lobbyist’s Bi-monthly Report. (See **Chapter 2: Statutory Filings Overview**, “Who is an Individual Lobbyist and when are they required to be identified on a Filing?” and **Chapter 3: Direct and Grassroots Lobbying** for more information about when employees and/or Designated Lobbyists must be listed as Individual Lobbyists on an Organization’s filing).

NOTE: In the case of a Lobbying Organization that incurs **only Expenses** (no Compensation for Individual Lobbyists), no Individual Lobbyists need be identified on the Bi-monthly Report.

How should Reportable Compensation and Expenses be reported for Lobbying Activities performed on both the State and Municipal level?

At this time, the Commission does not require that **Reportable Compensation** or **Expenses** attributed to lobbying at the local level be reported separately from **Reportable Compensation** or **Expenses** attributed to lobbying at the State level. Total amounts of each should be added together and reported on the respective Bi-monthly Report.

How should Expenses be disclosed?

All **Reportable Expenses**, including reimbursable Expenses, must be disclosed during the reporting period in which they are expended, received or incurred. Reimbursed Expenses must also be disclosed under *Reimbursed Expenses* on the Bi-monthly Report.

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

Am I required to disclose Lobbying Expenses that have been reimbursed by the Client?

Yes. A Lobbyist must 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 to be submitted may not be the January/February Bi-monthly Report.

The date on which the Lobbyist has agreed to – or been authorized to – begin Lobbying Activity (the “start date”) determines which Bi-monthly Report is required to be submitted first. This Bi-monthly Report should disclose and include all Lobbying Activity engaged in, Compensation received, and Expenses incurred during the year, up to and including the period covered by the Report.

Example:

If Lobbying Activities began January 1 and you did not reasonably anticipate exceeding the threshold, but then did exceed in the month of May, you would be required to register within 10 days of exceeding the threshold and the **first** required Bi-monthly Report would be the Report covering the May - June time period (due July 15). This Bi-monthly Report would include all Lobbying Activities engaged in, Compensation received, and Expenses incurred from January (when actual Lobbying Activity began) through June (after the threshold was exceeded). Thereafter, each Bi-monthly Report would only disclose Lobbying Activities, Compensation and Expenses expended, received or incurred within the applicable two- month time period.

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 during the specified period.

This may include information relating to, for example:

- Individual Lobbyists authorized to Lobby for the Client;
- Identities of any other parties to the Lobbying (Co-Lobbyists, Sub-Lobbyists, Beneficial Clients);
 - Including the List of Coalition members exceeding \$5,000 in **Reportable Compensation** and **Reportable Expenses**;
- Amounts and/or information relating to:
 - Compensation
 - Expenses
 - Reimbursed Expenses
- Lobbying Activities

A Lobbyist is not required to amend a Bi-monthly Report to reflect any changes to:

- 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.**

An **Effective Date of Change** is required for an Amendment to identify when the change(s) are effective, and a separate Amendment is required for each change that occurs with a different **Effective Date**.

Bi-monthly Amendments are not required to be submitted within a specific timeframe. However, the Commission requests Amendments be submitted **within 10 days of such change**.

Can a Bi-monthly Amendment be submitted after an Agreement/Authorization Termination has been submitted?

Yes. An Amended Bi-monthly can be submitted for a terminated Registration as long as the **Effective Date of Change** is within the same filing period as the Bi-monthly being amended.