



Mandatory Ethics Training

Political Party Chairs



PURPOSE OF ETHICS TRAINING

Executive Law § 94(10) requires Political Party Chairpersons* of State committees and certain county committees to complete training on the ethics laws and financial disclosures they are subject to under the Public Officers Law.

* As defined in Public Officers Law § 73(1)(k)

As a Political Party Chairperson, by attesting to your thorough review of the information included herein, you will satisfy this mandatory ethics training requirement.

DEFINITION OF POLITICAL PARTY CHAIRPERSON

Public Officers Law § 73(1)(k) defines a “Political Party Chairperson” as:

1. The chairman of the State committee of a party elected as provided in Election Law § 2-112 and his or her successor in office;
2. The chairman of a county committee who receives compensation or expenses of \$30,000 or more annually; or
3. Generally, the chairman of a county committee from a county having a population of 300,000 or more (see Public Officers Law § 73(1)(k)(iii) for a more complete definition).

ETHICS TRAINING DISCLAIMER

This Mandatory Ethics Training for Political Party Chairpersons is a general overview of the current provisions of the Public Officers Law that apply to Political Party Chairpersons. The information included in this training is for educational purposes only and not for the purpose of providing legal advice. You should contact your attorney or JCOPE's legal staff to obtain advice related to a particular issue or problem.

For your information, all applicable ethics laws, regulations, advisory opinions, policies, and guidance documents within JCOPE's jurisdiction are posted on the agency's website at www.jcope.ny.gov.

TABLE OF CONTENTS

- I. JCOPE Overview
- II. Annual Statement of Financial Disclosure
- III. Restrictions on Political Party Chairpersons in Public Officers Law § 73
- IV. Other Relevant Restrictions



JCOPE OVERVIEW

JCOPE OVERVIEW

Public Integrity Reform Act of 2011

The Public Integrity Reform Act of 2011 (**PIRA**) established the Joint Commission on Public Ethics (**JCOPE**) which expanded the existing functions and jurisdiction of the former Commission on Public Integrity.



THE COMMISSION

- 14 Commissioners meet at a minimum bi-monthly
- Staggered 5-year terms
- 6 appointed by the Governor and Lt. Governor
- 8 appointed by the Legislature
- Equal representation of major political parties
- Chair appointed by the Governor

JCOPE'S JURISDICTION

- **Political Party Chairpersons (as defined in Public Officers Law § 73(1)(k))**
- Executive Branch officers and employees, including officers and employees of SUNY and CUNY
- The four Statewide Elected Officials and candidates for those offices
- Members of the Legislature and candidates for those offices
- Legislative employees
- Lobbyists, Clients, and Public Corporations (as defined in Article 1-A of the Legislative Law (the “Lobbying Act”))

CORE FUNCTIONS OF JCOPE

- Ethics oversight through financial disclosure for Political Party Chairpersons and Executive and Legislative Branch Officers and Employees
- Lobbying oversight through Lobbyist and Client reporting
- Training and Education
- Advice and Guidance
- Investigating and/or prosecuting possible violations of:
 - the Public Officers Law by Political Party Chairpersons and Executive and Legislative Branch employees;
 - violations of Civil Service Law § 107 (“Little Hatch Act”) by Executive Branch employees; and
 - the Lobbying Act by Lobbyists and Clients

ADVICE AND GUIDANCE

JCOPE legal staff is available to address your questions and concerns about how ethics laws and regulations apply to your circumstances.

Need Ethics Advice or Guidance?

**Call: 1-800-87-ETHICS
(800-873-8442)**

Press “2” for Attorney of the Day

ADVISORY OPINIONS

Written advice and guidance is provided in two ways:

Informal Advisory Opinion

**Confidential
Letter**

**Issued by JCOPE
staff based on
precedent**

Formal Advisory Opinion

Public document

**Issued by JCOPE
Commissioners**

INVESTIGATION AND ENFORCEMENT

Procedures

- If JCOPE is considering beginning an investigation, the subject will receive notice and an opportunity to respond. The notice is a confidential document that contains information regarding the alleged violations of law.
- After evidence is gathered, a confidential hearing is conducted, presided over by an independent hearing officer. The hearing officer makes his/her findings and recommendations to the Commission for final determination.
- Failure to answer or appear will not prevent JCOPE from proceeding with an investigation or enforcement.
- All communications and records related to the investigation are confidential, unless and until JCOPE issues a Substantial Basis Investigation Report.

CIVIL PENALTY AMOUNTS

Public Officers Law §§ 73* and 73-a

Civil penalty up to \$40,000 and the value of any gift, compensation, or benefit received.

- ❖ For certain violations of Public Officers Law § 73, JCOPE may, in lieu of or in addition to the imposition of a civil penalty, refer the matter to the appropriate prosecutor; violations are punishable as Class A misdemeanor.

MANDATORY ETHICS TRAINING

All persons who are required to file an annual Statement of Financial Disclosure (FDS), including Political Party Chairpersons, are required to complete ethics training when they become subject to the FDS filing requirement – and retake the training every three years.



Executive Law § 94(10)

JCOPE TRAINING COMPLIANCE REPORT

Executive Law § 94(10)(e)

- On an annual basis, JCOPE is required to submit a Training Compliance Report to the Governor's Office with the relevant training statistics regarding all FDS filers, including Political Party Chairpersons.
- For this reason, you are required to affirm to JCOPE that you have met this requirement by completing an "Attestation of Completion" found within the JCOPE FDS Filing System, where you file your annual Financial Disclosure Statement (FDS). *(Instructions for completing this attestation are found at the end of this presentation.)*

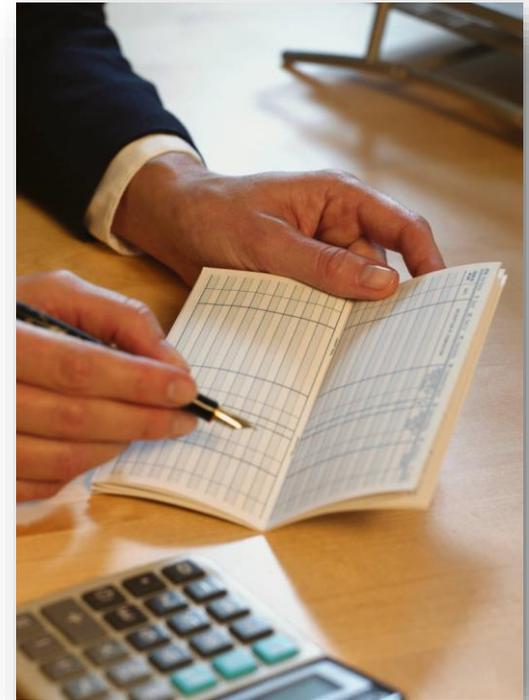


PUBLIC OFFICERS LAW §73-a

FINANCIAL DISCLOSURE

FINANCIAL DISCLOSURE OVERVIEW

- An annual Statement of Financial Disclosure (FDS) is a publicly available record containing financial and professional information about the FDS filer and their spouse.
- The purpose of the FDS is to provide transparency in the political process and prevent conflicts of interest between a person's public duties and his or her private financial interests and affiliations.
- The process of completing an FDS also assists an FDS filer in identifying and managing potential conflicts of interest.



WHO IS REQUIRED TO FILE

- Political Party Chairpersons;
- The four Statewide elected officials, Legislators, and candidates for those offices; and
- Officers, members, directors and employees of any State agency, public authority, public benefit corporation, commission, or legislative employees who are:
 - Designated as a Policymakers; or
 - Threshold Filers (those who have an annual salary in excess of the \$99,394 filing rate threshold as of April 1, 2019).



WHAT IS DISCLOSED

- Offices or any positions of authority held in a business entity or organization, political party, or political organization
- Ownership in, or professional affiliation with, any business entity
 - If the business entity renders services related to certain State work, such as procurement contracts, legislative lobbying, grants, or other matters before State agencies, then additional disclosures may be required.
- Ownership in, and income from, financial interests, investments, securities, real property, and other assets
- Debts, liens, mortgages, and other financial obligations
- Certain gifts, honoraria, and other payments

Refer to *“Instructions for Financial Disclosure Statement”* for question-by-question guidance on how to complete an FDS for a specific year

PUBLICLY AVAILABLE RECORDS

- Copies of FDSs for Political Party Chairs and most State officers and employees are made publicly available upon request.
- FDSs for the four Statewide Elected Officials and Legislators are posted on JCOPE's website.

**Rules governing access to FDSs and other publicly available records
are set forth in 19 NYCRR Part 937**

PRIVACY CONCERNS

What you should know

- JCOPE automatically redacts the name of any minor child from the copy of the FDS that is made publicly available.
- The FDS form asks for a business address only. Please ensure that you do not inadvertently provide the address of your primary residence.
- For other FDS questions related to real property, you may disclose the general location of your primary residence rather than the actual physical address.

REDACTION/EXEMPTION REQUESTS



An FDS filer can submit a request to:

- **Redact** answers to questions from the copy made publicly available. *Executive Law § 94(9)(h)*
- **Not answer** specific questions on the FDS regarding a spouse or minor child. *Executive Law § 94(9)(i)*

These requests are granted in limited circumstances

The procedures for appealing a denial of such request are set forth in 19 NYCRR Part 941.19

FILING DUE DATE

May 15th of every year

Individuals who qualify for filing after this date have 30 days to file.

Filing an extension

- You may request an extension of time to file an FDS on the basis of justifiable cause or undue hardship, provided you file the extension request by May 15th.
- Procedures for requesting an extension are set forth in 19 NYCRR Part 936.

WHAT IF I DON'T FILE ON TIME?

- If you fail to file your FDS, or if you file a deficient FDS (i.e., by either not answering a question or failing to answer a question with the required specificity), JCOPE will notify you.
- If you fail to comply, JCOPE will send you a Notice of Delinquency that advises you of potential fees and penalties.
- Notices of Delinquency are made publicly available on the Commission's website.
- If you still fail to file your FDS, you may be subject to a civil penalty of up to \$40,000 after a hearing.
- Instead of a civil penalty – or in addition to the penalty – JCOPE may refer a violation to the appropriate prosecutor for criminal prosecution as a misdemeanor offense.



PUBLIC OFFICERS LAW §73

RESTRICTIONS ON
POLITICAL PARTY
CHAIRPERSONS

PUBLIC OFFICERS LAW § 73

The following provisions in Public Officers Law § 73 apply to Political Party Chairpersons:

- Public Officers Law § 73(4)
- Public Officers Law § 73(7)(a), (b), (c), (f)
- Public Officers Law § 73(9)
- Public Officers Law § 73(10)
- Public Officers Law § 73(12)
- Public Officers Law § 73(13)

RESTRICTIONS ON POLITICAL PARTY CHAIRS

Public Officers Law § 73(4)

A Political Party Chairperson is not allowed to contract for or sell any goods or services having a value in excess of \$25 to any State agency, unless those goods or services are provided pursuant to an award or contract let **after public notice** and **competitive bidding**.

PUBLIC OFFICERS LAW § 73(7)(a) AND § 73(10)

Political Party Chairpersons are prohibited from rendering services for compensation before any State agency in relation to the following matters:

- The purchase, sale, rental or lease of real property, or goods or services;
- Any proceeding relating to rate making;
- The adoption or repeal of any rule or regulation having the force and effect of law;
- The obtaining of grants of money or loans;
- Licensing or permitting; or
- Any proceeding relating to a franchise provided for in the Public Service Law.

A firm affiliated with a Political Party Chairperson may render compensated services on these matters provided:

1. The Political Party Chairperson is screened from the matter, and
2. The Political Party Chairperson does not receive the net revenues from the screened matter.

RESTRICTIONS ON POLITICAL PARTY CHAIRS

Public Officers Law § 73(12)

All Political Party Chairpersons who are affiliated with a firm that is appearing or rendering services before a State or city agency on the aforementioned screened matters are prohibited from orally communicating, regardless of whether compensation is received by the Political Party Chairperson, on the merits of these matters with an officer or an employee of the involved agency.

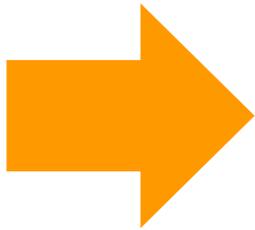
ACTIONS THAT ARE NOT PROHIBITED

- Notwithstanding Public Officers Law § 73(7)(a), a Political Party Chairperson is allowed to appear before a State agency in a representative capacity if that appearance is in connection with a ministerial matter. (*Public Officers Law § 73(7)(c)*) (Example: submitting a fishing license to DEC)
- Moreover, a Political Party Chairperson is allowed to participate in or advocate for any matter in an official capacity as the Political Party Chairperson. (*Public Officers Law § 73(7)(f)*) (Example: contacting the Department of State regarding ballot issues)
- A Political Party Chairperson shall not be deemed to have made a prohibited appearance solely by the submission to a State or city agency of any printed material or document bearing his or her name, but unsigned by him or her, such as submissions bearing the name or letterhead of a firm, indicating the Political Party Chairperson is a member, associate, retired member, of counsel to, or shareholder of that firm. (*Public Officers Law § 73(13)*) (Example: not an appearance merely for name appearing on your firm's letterhead)

RESTRICTIONS ON POLITICAL PARTY CHAIRS

Public Officers Law § 73(9)

Political Party Chairpersons and other “party officers” are ineligible to serve as a judge of any court of record, Attorney General or Deputy or Assistant Attorney General or Solicitor General, District Attorney or Assistant District Attorney.



For the purpose of § 73(9), the term “party officer” means a member of a national committee, an officer or member of a State committee or a county chairman of any political party.

RESTRICTIONS ON POLITICAL PARTY CHAIRS

Civil Penalty Amounts for Public Officers Law § 73

Violations of Public Officers Law § 73 provide for a civil penalty of up to \$40,000 and the value of any gift, compensation or benefit received.



OTHER RELEVANT RESTRICTIONS

OTHER RELEVANT RESTRICTIONS

Political Restrictions on State Policymakers:

- State Officers and employees designated as a Policymaker, including those in an unpaid or per diem position, are prohibited from serving as an officer of any political party or political organization. (19 NYCRR Part 932.2(a))
- State Officers and employees designated as a Policymaker, including those in an unpaid or per diem position, are prohibited from serving as a member of any political party committee. This prohibition covers, for example, serving as a political party district leader or a member of the national committee of a political party. (19 NYCRR Part 932.2(b))

OTHER RELEVANT RESTRICTIONS

Did you know?

There are regulations that prohibit candidates who are also State officials from appearing in public service announcements (PSAs) for 90 days before any election.

19 NYCRR PART 940



Public Service Announcements with Covered Officials: Restrictions

- The purpose of the PSA regulations is to promote Public Service Announcements, while discouraging their use as campaign tools for elective office. These regulations provide clear guidance about what constitutes a Public Service Announcement, who is covered by these regulations, and what requirements apply to these individuals in connection with their appearance in Public Service Announcements.
- The PSA regulations prohibit certain State officials from appearing in a Public Service Announcement within 90 days of any election (primary, general, special, etc.) in which they are a candidate.
- This prohibition only applies to what the regulations term “Covered Official”: Governor; Lieutenant Governor; Comptroller; Attorney General; any elected member of the New York State Legislature; or any head and/or executive director of a State Agency.

19 NYCRR PART 940



Public Service Announcements with Covered Officials: Restrictions

- Any Covered Official who knowingly and intentionally appears in a Public Service Announcement within 90 days of an election in which they are a Candidate will have violated Public Officers Law § 74(3)(d), the penalty for which can reach \$10,000 and the value of the benefit received.
- Public Service Announcements are carefully defined in the regulations and do not include communications like:
 - political advertisements; electioneering communications; news; editorials; columns; letters to the editor; blogs; social media postings (e.g., Twitter, Facebook); personal communications; State agency websites and websites of Members of the Legislature.



JCOPE

CONTACT INFORMATION

FOR GENERAL INQUIRIES, CALL:
(518) 408-3976

FOR LEGAL GUIDANCE E-MAIL
legal@jcope.ny.gov

FOR QUESTIONS ON TRAINING E-MAIL:
education@jcope.ny.gov

Instructions for completing this course
are found on next page.



CONGRATULATIONS!

YOU HAVE COMPLETED THIS COURSE!

IMPORTANT: TO GET CREDIT FOR COMPLETING THIS COURSE, FOLLOW LINK TO THE [JCOPE FDS ONLINE FILING SYSTEM](#)

CLICK THE BUTTON ON YOUR DASHBOARD THAT READS:

“COMPLETE PPC ETHICS COURSE”

THEN CLICK “COMPLETE CLASS” IN THE AFFIRMATION BOX

FOR A LINK TO PRINTABLE INSTRUCTIONS, CLICK THE “BACK” BUTTON ON YOUR BROWSER