



## NEW YORK STATE JOINT COMMISSION ON PUBLIC ETHICS

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### **\*\*COURTESY REMINDER\*\***

- **The following reports are due by July 15, 2020:**
  - **2020 January/June Client Semi-Annual Reports ('CSA')**
  - **2020 Source of Funding ('SoF') information**
  - **2020 Reportable Business Relationship ('RBR') disclosure requirements**

**NOTE: please follow the instructions below for hand delivery of filings**

- **Filers who only lobby on their own behalf (and do not use Retained Lobbyists) are not required to file a CSA. Instead, a CSA is auto-generated for the Filer when SoF information is disclosed.**
- **Every Beneficial Client is required to either (1) disclose Source(s) of Funding or (2) indicate SoF reporting is not required, whether the CSA was submitted by the Filer or auto-generated.**
- **Certain information from Bi-monthly Reports may be pre-populated into a corresponding CSA (see below for more details).**

### **LOBBYING APPLICATION -Functionality Changes**

The functionality of creating or claiming an Organization Profile (Lobbyist or Client Organization, Public Corporation, or Coalition) in the JCOPE Lobbying Application ("LA") has significantly changed to minimize the risk of a duplicate profile being created in LA. Please see ['Step 3 - How to Claim or Create an Organization Profile in LA'](#) for what you need to know and expect regarding the functionality of Profiles in LA.

### **2020 FILING REQUIREMENTS -Client Semi-Annual Reports**

The Lobbying Act requires that any Contractual 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 Reportable Expenses for Lobbying will be expended or incurred, is required to submit a Client Semi-Annual Report ('CSA').

The CSA is due by the 15<sup>th</sup> day of the month following the end of the relevant reporting period. The two reporting periods are (i) January through June (due July 15<sup>th</sup>); and (ii) July through December (due

January 15<sup>th</sup>). In the event that July 15<sup>th</sup> or January 15<sup>th</sup> falls on a weekend or holiday, the due date will be the following business day.

If the \$5,000 threshold is exceeded during the January through June reporting period, **both** the January/June **and** July/December CSAs are required to be filed even if there are no further lobbying expenditures during the second reporting period. However, if the Lobbyist and Client relationship terminates on or before June 30<sup>th</sup> of the calendar year, the Client is **not** required to file the July/December CSA.

If a January/June CSA is filed, but by the end of the calendar year, the \$5,000 threshold has still not been exceeded, a July/December CSA Report is not required to be filed.

**A \$50 non-refundable Client Semi-Annual Report filing fee (payable in U.S. dollars) is required to be submitted with each Report.** No additional filing fee is required for amended Client Semi-Annual Reports, provided an original is on file for that period.

Visitors are still not allowed into the JCOPE office at 540 Broadway, Albany. **We will accept hand-delivery of Lobbying filings.** Filings can be placed in the box just inside the Broadway office entrance that will be marked with the current date. **However, we are not accepting hand-delivery of checks.** Any checks that would typically be submitted in person for a Filing can be submitted by mail or by submitting your Filing through LA using a credit card to pay the submission fee. If neither option is available, please hold all checks for hand delivery until further notice.

Any filing fees paid by check must be paid separately from other filings; *i.e.*, one check *per* filing, made payable to the New York State Joint Commission on Public Ethics. The Commission will return any check that includes filing fees for more than one report. To facilitate processing and approval time, the online confirmation number must be written on the check. A fee may be charged for a returned check. Filing fees may be paid online with Visa, MasterCard or American Express, provided you file electronically.

## **Information for Contractual Clients who only lobby on their own behalf (you do **NOT** utilize the services of any Retained Lobbyists)**

**DO NOT** submit a 2020 January/June CSA if you **ONLY** lobby on your own behalf (you are the Principal Lobbyist, Contractual Client, and Beneficial Client) **and do not utilize the services of a Retained Lobbyist.** Pursuant to Commission Regulations, a Contractual Client who only lobbies on their own behalf is **NOT REQUIRED** to file a CSA. **The Lobbying Application (“LA”) will create a system-generated CSA for you.**

**Please be aware,** you (as a Beneficial Client) **are still required** to complete a Source of Funding (‘SoF’) summary statement. Every Contractual Client who lobbies on their own behalf and **any** Beneficial Client is required to either (1) disclose Source(s) of Funding or (2) indicate SoF reporting is not required.

If applicable, you must also report any Reportable Business Relationships that have commenced or continued during the January/June Reporting period

### **Information regarding the system-generated CSA:**

- The LA will create a system-generated CSA upon submission of your Source of Funding disclosure.

- Submission of an amended SoF disclosure will also update the corresponding system-generated CSA.
- The system-generated CSA is created by directly importing the data disclosed in your applicable Bi-monthly Reports submitted during the corresponding CSA Reporting Period.
  - EXAMPLE: For the January/June Client Semi-Annual reporting period, data disclosed in the: January/February, March/April and May/June Bi-monthly Reports (and amendments) will be imported (used) to populate the system-generated CSA.
- Submission of ‘new’ and/or amended Bi-monthly Reports will update the corresponding system-generated CSA so it will always contain the most up-to-date information. (SEE NOTE below.)
- RBR filing(s) previously submitted during the applicable Reporting Period will be appended to the system-generated CSA Report.
- No filing fee is required for system-generated CSA Reports.
- A system-generated CSA can only be amended to add Retained Lobbyist information. To change any other information (which is directly imported from your Bi-monthly Reports), you must amend your Bi-monthly Report(s). **NOTE:** Once a system-generated CSA is amended to add Retained Lobbyist information, LA will no longer update the CSA to reflect changes made to any of the corresponding Bi-monthly Reports. You will need to submit an Amended CSA to update amended/changed Bi-monthly information.
  - **NOTE:** If you are amending a system-generated CSA to add Retained Lobbyist Information, you will be required to pay the \$50 filing fee. (NOTE: CSAs are required by any Contractual Client who retains any Principal Lobbyist and meets the reporting threshold.)
- The following statement appears on every system-generated CSA:
 

*“THIS FILING WAS AUTOMATICALLY GENERATED USING INFORMATION REPORTED BY THE CONTRACTUAL CLIENT IN THEIR BI-MONTHLY REPORTS COVERING ACTIVITY ENGAGED IN DURING THE APPLICABLE CLIENT SEMI-ANNUAL PERIOD.”*

## Information for Contractual Clients who lobby on their own behalf **AND** utilize the services of any Retained Lobbyists

**You are required to submit a 2020 January/June CSA if** you are a Contractual Client who lobbies on your own behalf **AND** utilizes the services of any Retained Lobbyist(s), and you meet the reporting requirements set forth in the Lobbying Act.

- LA will automatically populate the CSA with certain information disclosed in applicable Filings submitted during the corresponding CSA Reporting Period:
  - The name(s) of each Retained Principal Lobbyist who has listed you as a Contractual Client on a Statement of Registration;
  - The name of any Beneficial Client(s) reported by your Principal Lobbyist(s) on their Registration(s);

- The Level of Government and Compensation Amount(s) paid to your *Employed Lobbyist(s)* reported in your Bi-monthly Reports;
  - The Itemized Expenses reported on your Employed Bi-monthly reports during the Reporting Period;
  - The Lobbying Activities reported on your Employed Bi-monthly reports will automatically populate, and the Focuses Reported by your Retained Lobbyist(s) will be available for selection;
  - SoF filing submitted by the Beneficial Client for this Reporting Period and,
  - RBR filing(s) previously submitted during the applicable Reporting Period.
- You are required to provide the following information:
    - For *each* Retained Lobbyist:
      - the Level of Government;
      - Compensation Amount(s); and
      - Reimbursed Expense amounts.
    - Any **new** Reportable Business Relationships which have commenced during the applicable reporting period (or indicate you have no Reportable Business Relationships to disclose).
- NOTE:** If you already submitted the RBR Form as a Lobbyist (part of a Statement of Registration), you are not required to disclose the RBR again on the CSA. (**SEE** Reportable Business Relationship Instructions.)
- Every Beneficial Client is required to either (1) disclose Source(s) of Funding; or (2) indicate that SoF disclosure is not required. The information will be appended to every CSA and Amended CSA submitted by the affiliated Contractual Client(s) during the specified Reporting Period. (**SEE** Source of Funding Instructions.)

**NOTE:** Contractual Clients and Beneficial Clients can be the same party/entity.

## Information for Contractual Clients who **ONLY** utilize Retained Lobbyists

**You are required to submit a 2020 January/June CSA if you are a Contractual Client who ONLY utilizes the services of any Retained Lobbyist(s), and you meet the reporting requirements set forth in the Lobbying Act.**

- LA will automatically populate the CSA with certain information disclosed in applicable Filings submitted during the corresponding CSA Reporting Period:
  - The name(s) of each Retained Principal Lobbyist who has listed you as a Contractual Client on a Statement of Registration;
  - The name of any Beneficial Client(s) reported by your Principal Lobbyist(s) on their Registration(s);
  - The Lobbying Activities Reported by your Retained Lobbyist(s) will be available for selection;
  - SoF filing submitted by the Beneficial Client for this Reporting Period and,
  - RBR filing(s) previously submitted during the applicable Reporting Period.

- You are required to provide the following information:
  - For *each* Retained Lobbyist:
    - the Level of Government;
    - Compensation Amount(s); and
    - Reimbursed Expense amounts.
  - Any **new** Reportable Business Relationships which have commenced during the applicable reporting period (or indicate you have no Reportable Business Relationships to disclose).
- Every Beneficial Client is required to either (1) disclose Source(s) of Funding; or (2) indicate that SoF disclosure is not required. The information will be appended to every CSA and Amended CSA submitted by the affiliated Contractual Client(s) during the specified Reporting Period. (**SEE** Source of Funding Instructions.)

**NOTE:** Contractual Clients and Beneficial Clients can be the same party/entity.

## Entering Itemized Expenses

Any **Reportable Expense** valued at more than \$75 must be fully identified on CSAs and must include the name of the person or entity to whom it was paid, the date of the Expense, as well as the purpose for which it was paid. **Itemized Expenses** must specify in the “Paid To” field either:

- “who” (the name of the Organization) the expense was actually paid to; or
- It can say “in-house expenses”
  - Generic descriptions such as “Organizations” or “Professionals” are not acceptable. These ‘descriptions’ may have been accepted in the past, but the new Regulations require a level of specificity that makes clear to the public exactly *what* and *who* is being lobbied, etc.

Please use one of the **Expense Purposes** available in the pre-populated drop-down list.

## Entering Lobbying Activities (Focuses and Parties Lobbied)

Reportable "**Lobbying**" or "**Lobbying Activity**" is defined as any *Attempt to Influence* activity included in Section 1-c(c) of the Lobbying Act and includes both Direct Lobbying and Grassroots Lobbying.

The **actual** Lobbying Activities that occurred during the specific reporting period **must** be disclosed by identifying the Focus Type, the Focus (including the specific Bill, Resolution, Executive Order, etc.), the Identifying Number, if known, or Description of the Focus, the Type of Lobbying Communication, and the names of the Party(ies) Lobbied on the specific Focus. Proper disclosure of these Lobbying Activities necessitates a level of specificity that makes clear to the public exactly *what* and *who* is being lobbied.

If **NO** Reportable "**Lobbying Activity**" was performed during the Reporting Period, you can select the checkbox to indicate such.

The new LA offers you the opportunity to populate your CSA Report with all of the Lobbying Activities reported by your Retained Principal Lobbyist(s) on their Bi-monthly Reports (**as of the submission date of the CSA**).

## NOTES:

- The LA will automatically populate the Lobbying Activity information reported by Employed Lobbyists on their Bi-monthly Reports. You CANNOT remove/edit these Lobbying Activities. You must submit an Amended Bi-monthly Report to change any Lobbying Activity information auto-populated from your Bi-monthly Report(s).
- Prior to disclosing Lobbying Activities utilizing Option 1 or Option 2, refer to the ***‘How to Properly Disclose Lobbying Activities’*** document for detailed instruction on how to disclose Lobbying Activities with the correct amount of specificity and formatting requirements.

## OPTIONS available to Filers:

- **Option 1 – Add Focuses reported by your Retained Lobbyists on their Bi-Monthly Reports (and applicable amendments) - JCOPE RECOMMENDED**

Lobbying Activities reported by your Retained Principal Lobbyist(s) on their Bi-Monthly Reports submitted during the applicable reporting period are available for you to add on the CSA.

- Select the “**Focuses Reported by Lobbyists**” sub tab on the Lobbying Activities tab, and select the check-box next to the Principal Lobbyist’s name. (You can select all checkboxes.)

This option allows you to seamlessly add all the Lobbying Activities [the Focus Type, the Focus (Identifying Number or Description), Type of Communication, and Party(ies) Lobbied] reported by your Lobbyist(s) without having to manually enter the information on your CSA.

- A specific Lobbying Activity populated to your CSA can be removed *after* it has been added. (NOTE: Removal of a Lobbying Activity on your CSA does not affect the information reported by your Principal Lobbyist’s on their Bi-monthly Report(s).)
- If your Retained Lobbyist submits a new and/or amends Lobbying Activity information **after it has been added to your CSA**, you are required to amend the associated CSA to reflect these changes since the Lobbying Activity information provided by the Lobbyist in their Bi-monthly Reports should match that disclosed in the CSA.

- **Option 2 – Add Focuses manually**

You must manually data-enter each Lobbying Activity by identifying the Focus Type, the Focus (including the specific Bill, Resolution, Executive Order, etc.), the Identifying Number, if known, or Description of the Focus, the Type of Lobbying Communication, and the names of the Party(ies) Lobbied on the specific Focus.

Refer to the ***‘How to Properly Disclose Lobbying Activities’*** document for detailed instruction on how to disclose Lobbying Activities with the correct amount of specificity and formatting requirements.

## Resources available to you:

1. Comprehensive written instructions on how to complete and file the Client Semi-Annual Report and Source of Funding Disclosure form (revised December 2019).
2. Instructions for Filers that utilize the pre-formatted Excel Spreadsheet to disclose Source of Funding Information.

3. Detailed step-by-step ‘click here’ instructions on how to file your Client Semi-Annual Report and Source of Funding Disclosure form in the new Lobbying Application. These instructions include screen shots and are written in plain language.
4. Information on how to properly disclose Lobbying Activities
5. PDF ‘paper’ forms for both the Client Semi-Annual Report and Source of Funding Disclosure Form.

## GENERAL FILING INFORMATION

We encourage 2020 filings to be submitted through the Lobbying Application (“LA”).

Timely reports are those that are received in the Commission's office on or before the due date. The Commission does not consider the postmarked date or declaration signature date as the date of receipt. Paper reports (PDFs) must be submitted with original signatures; photocopies and faxes will not be accepted.

All Commission reporting forms and instructions are available on the Commission’s website, [jcope.ny.gov](http://jcope.ny.gov). Always check there for the most up-to-date information and latest forms.

### Questions:

If you need assistance with creating your NY.gov ID account and claiming your *Client* Organization Profile, please contact the JCOPE Helpdesk at 518-408-3976 or by email at [helpdesk@jcope.ny.gov](mailto:helpdesk@jcope.ny.gov) and a Helpdesk representative will assist you.

As always, if you have any questions about navigating the LA, please contact our **Lobbying Helpdesk** at **(518) 408-3976** or by emailing [helpdesk@jcope.ny.gov](mailto:helpdesk@jcope.ny.gov). For any questions about what you need to include in your Filings, please contact our **Attorney of the Day** at **800-87-ETHICS (800-873-8442)**, and press ‘2’ when prompted.