

Pursuant to the authority vested in section 94 of the Executive Law, Part 943 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to be effective on January 1, 2021, after publication of a Notice of Adoption in the New York State Register, to read as follows:

Paragraph (3) of subdivision (d) of section 943.3 is repealed and paragraphs (4) and (5) are renumbered (3) and (4) to read as follows:

[3] Members of a Coalition, as defined in Section 943.9(h) of this Part and who exceeded \$5000 in cumulative annual Lobbying Compensation and expenses are Beneficial Clients.]

[4] (3) An individual or organization that lobbies on its own behalf is the Beneficial Client.

[5] (4) While a Contractual and Beneficial Client must be identified for every lobbying arrangement, the Contractual Client may also be the Beneficial Client.

Subdivision (e) of section 943.3 is amended to read as follows:

(e) *Client* means a person or organization that retains, employs or designates a person or organization to lobby; and includes both Contractual Clients and Beneficial Clients.

Subdivision (f) of section 943.3 is amended by adding new paragraphs (1) and (2) to read as follows:

(1) A Contractual Client is the individual or organization that signs and/or enters into a lobbying agreement with a Lobbyist;

(2) Compensation and Expenses are typically, but not necessarily, paid for or incurred by the Contractual Client.

Subdivision (g) and (i) of section 943.3 are amended to read as follows:

(g) *Designated Lobbyist* means a person who is selected, appointed, named or otherwise chosen to [lobbies] Lobby on behalf of a Client [as], and is not Retained or Employed as defined in this section. This includes:

(1) A person Lobbying on behalf of themselves; and

(2) [a] A board member, director or officer of a Client, whether compensated or uncompensated, selected, appointed, named or otherwise chosen to Lobby on such Client's behalf. [but does not offer services to other Clients as a Retained Lobbyist. Designated Lobbyist may also include an elected official who Lobbies on behalf of a Public Corporation.]

(i) *Individual Lobbyist* means a person who is an Employed, Retained or Designated Lobbyist. [one who personally engages in Direct or Grassroots Lobbying.]

Subdivision (j) is repealed and subdivisions (k) through (v) are re-lettered (j) through (u) and re-lettered subdivision (j) of section 943.3 is amended to read as follows:

[(j) Lobby Day means select days used by organizations, often annual, when members of an organization meet with Public Officials at various levels to advocate on issues relevant to the organization.]

[(k)] [(j) *Lobbying or Lobbying Activity* means an Attempt to Influence [includes both Direct and Grassroots Lobbying, and includes Attempts to Influence] activity set forth [included] in Section 1-c(c) of the Lobbying Act, and includes both Direct and Grassroots Lobbying.

New paragraph (1) of re-lettered subdivision (l) of section 943.3 is amended to read as follows:

(1) Lobbying Organization can include a corporate entity, e.g., a limited liability company, formed by an individual for advocacy purposes.

Paragraph (3) of re-lettered subdivision (p) of section 943.3 is amended to read as follows:

(3) In the case of a Designated Lobbyist, the individual who has designated themselves or the Lobbying Organization that has designated the Lobbyist.

Subdivision (w) is repealed and subdivisions (x) and (y) are relettered (v) and (w).

[(w) Social Media Campaign means an organized and/or coordinated series of Lobbying Activities carried out using one or more Social Media platforms]

A new paragraph (3) of subdivision (f) of section 943.4 is amended to read as follows:

(3) This exception applies to and includes, but is not limited to, participation in legislative hearings.

Existing paragraph (3) is renumbered to paragraph (4) and a new paragraph (3) is added to subdivision (a) of section 943.5 to read as follows:

(3) All Lobbying Activity is conducted by a Lobbyist that has been retained, employed, or designated by a Client. This includes the person or Lobbying Organization that designates themselves to lobby on their own behalf.

[3] (4) Reporting requirements under the Lobbying Act are not necessarily triggered by engaging in Lobbying Activity alone, but rather when the criteria established in subsection 943.9(a)(1) have been satisfied.

Paragraphs (1) and (2) of subdivision (b) section 943.5 are amended to read as follows:

(1) All [registered] Individual Lobbyists listed on a Statement of Registration must complete an online ethics training, as provided by the Commission;

(2) Such training must be completed by an Individual [a registered] Lobbyist once every three years, as follows:

* * *

Subparagraph (ii) of paragraph (1) of section 943.5(c) is repealed.

[(ii)With respect to Coalitions, the Beneficial Client includes individual members of a Coalition who exceed \$5,000 in Lobbying Compensation and Expenses, and, therefore, such members are subject to such Gift restrictions]

Subparagraph (ii) of paragraph (2) section 943.5(c) is repealed.

[(ii) With respect to Coalitions, the Beneficial Client includes individual members of a Coalition who exceed \$5,000 in total Lobbying Compensation and Expenses, and, therefore, no such member of a Coalition may enter into a contingent retainer with any Lobbyist.]

Paragraph (3) of subdivision (c) of section 943.5 is amended as follows:

(3) Stock or equity payments for Lobbying Activity are presumed impermissible when paid to Retained Lobbyists, and, absent a showing in (i), below, are *per se* a violation of the contingent retainer prohibition in Section 1-k of the Lobbying Act.

(i) Except as provided in (ii), below, this [This] presumption can [only] be overcome by a showing that the value of stock or equity is not directly dependent on the outcome of the [government] governmental action.

(ii) The presumption cannot be overcome if:

(a) the number of shares or the size of the equity interest offered depends on the outcome of the lobbying; or

(b) any aspect of the retained lobbyist's shareholder rights- including seniority, conversion and other options- depend on the outcome of the lobbying.

(iii) Application to the Commission is required to approve any such stock or equity payments for Lobbying Activity. The Commission shall respond to an application within 30 days or soon thereafter and, in rendering a decision, consider factors including:

(a) The diversity of product or business lines in the Beneficial Client's operations and the relative size or importance- to the Beneficial Client- of the product or business that will be impacted by the governmental action;

(b) The specific governmental action in Lobbying Act section 1-c(c) that the Lobbyist is attempting to influence;

(c) If the Lobbying Activity includes any attempt to influence a state or municipal Governmental Procurement:

(1) the value of the procurement relative to the total capitalization of the Beneficial Client;

(2) any history of being awarded similar procurements.

[(a)] (d) Whether stock is publicly traded or closely held;

[(b)] (e) Whether the Lobbying Activity addresses a Lobbying firm's entry or continued access to a geographic, demographic or product market;

(f) The impact of the governmental action on the Beneficial Client versus on similarly-situated competitors;

[(c) Whether the government action has broad impact across an industry or population, not simply impacting a small number of organizations;]

~~[(d)]~~ (g) Any significant trading activity ~~[and]~~ or changes in price, appraisal, or valuation over the preceding 12 months; and

~~[(e)]~~ (h) Other such factors as determined by the Commission.

(4) Stock or equity compensation to Employee or Designated Lobbyists is permissible, unless the number of shares, relative size of the equity interest offered, or any aspect of the lobbyist's shareholder rights – including seniority, conversion and other options – depend on the outcome of the lobbying.

The introductory sentence of section 943.6 is repealed and a new subdivision (a) is added and existing subdivision (a) through (c) are relettered to (b) through (d) and amended to read as follows:

[All definitions in section 943.3 are in effect unless otherwise noted below.]

(a) Principles.

(1) While Grassroots Lobbying attempts to influence a Public Official indirectly, or through another, Direct Lobbying attempts to influence a Public Official through Direct Contact.

(2) Direct Lobbying generally requires the identification of an Individual Lobbyist(s) on the filings of an organization or person.

[(a)] (b) Definitions. All definitions in section 943.3 are in effect unless otherwise noted below.

Subparagraph (iii) is amended and a new subparagraph (iv) is added to newly relettered subdivision (b) of section 943.6 to read as follows:

(iii) Direct Contact does not include any communication that is directed to a group of which a Public Official is incidentally a member, or is intended for the public. For example, the following generally will not constitute Direct Contact:

* * *

(d) Attendance at a speech or public meeting; or

(e) A speech to a group or at a public meeting [; or

(f) Any of the communications listed in subsection 943.6(c)(5)(ii)].

(iv) Mere attendance by a person at a lobby day does not constitute Direct Contact unless they speak to a Public Official or their staff on behalf of an organization or employer.

Paragraph (1) of newly relettered subdivision (c) of section 943.6 is amended to read as follows:

(c) [(b)] Direct Lobbying.

(1) A person is engaged in Direct Lobbying and must be listed as an Individual Lobbyist on a lobbying filing when the person:

* * *

Paragraphs (4), (5) and (6) of newly relettered subdivision (c) of section 943.6 is amended to read as follows:

(4) Direct Lobbying of [can include Direct Contact with] a Public Official can occur in a variety of settings, including but not limited to, face-to-face interaction, direct written communication, social media posts (subject to the limitations set forth in subdivision (d) of this section), and at a lobby day coordinated by an organization or person lobbying on their own behalf. [during an organization's Lobby Day.

(i) Individual Lobbyist – When to Include

(a) An employee of an organization coordinating a Lobby Day is engaged in Direct Lobbying via the Lobby Day and must be identified by such organization as an Individual Lobbyist only if:

(1) the employee makes Direct Contact with a Public Official and speaks on behalf of the organization at the Lobby Day.

(b) A Designated Lobbyist of an organization coordinating a Lobby Day is engaged in Direct Lobbying via the Lobby Day and must be identified by such organization as an Individual Lobbyist if:

(1) the Designated Lobbyist makes Direct Contact with a Public Official and speaks on behalf of the organization at the Lobby Day.

(c) An organization coordinating a Lobby Day is not required to list volunteers or members of such organization as Individual Lobbyists.]

(5) Any Individual Lobbyist who engages in Direct Lobbying must be listed on lobbying filings.

This would not include volunteers or mere members of a Lobbying Organization.

(6) [(ii)] Examples of Reportable Expenses of Lobbying Organizations or Individuals Lobbying on their Own Behalf [for Lobby Days]

(i) [(a)] A Lobbying Organization or individual [An organization coordinating a Lobby Day] must disclose reportable Expenses [expenses], as defined in subdivision (e) of section 943.9, related to Direct Lobbying, [attributable to a Lobby Day,] which may include, as applicable, but are not limited to:

(a) [(1)] time spent by employees [at the Lobby Day] engaging in Lobbying Activities (even if such employees are not required to be identified as Individual Lobbyists)
if such employees are compensated for their time;

(b) [(2)] staff time allocated to planning [the Lobby Day] Lobbying Activities;

(c) [(3)] expenses related to placards, signs, t-shirts or other advocacy paraphernalia; [and]

(d) expenses related to Social Media activities, as set forth in subdivision (d) of this section; and

(e) [(4)] expenses related to transportation [to and from the Lobby Day] of volunteers and other individuals not identified as Lobbyists, including, for example, transportation of volunteers to a lobby day.

Paragraphs (3), (4), (5) and (6) of newly relettered subdivision (d) of section 943.6 are amended to read as follows:

[(3) Individual Lobbyist – When to Include

(i) An employee of an organization engaged in Direct Lobbying via Social Media is required to be identified as an Individual Lobbyist of the organization if:

(a) the individual makes Direct Contact with a Public Official in the course of the individual's employment; and

(b) such Contact is not a part of a coordinated, mass Social Media Campaign engaged in by the organization.

For example, if an organization has drafted a post on its Facebook page and requires its employees to share the post and tag a Public Official as part of a Social Media Campaign conducted by the organization, such employees need not be identified as Individual Lobbyists of the organization.]

(3) When Direct Contact with a Public Official through a Social Media communication is undertaken by an organization, through the organization's Social Media account(s), such activity is reportable Lobbying Activity by the organization.

(i) An Individual Lobbyist, however, need not be listed based on this activity alone.

(4) When Direct Contact with a Public Official through a Social Media communication is undertaken by an individual, through their personal social media account(s), this activity is *not* reportable Lobbying Activity unless such individual is specifically retained by a Client for such Social Media activity.

(i) In this case, the individual should register as a Lobbyist on behalf of the paying Client, listing themselves as an Individual Lobbyist;

(ii) Any expenses incurred to create, promote, place or otherwise highlight an individual's personal Social Media activity that are reportable pursuant to paragraph (4) above, are reportable by the party incurring the expenses.

(5) [(4)] [Attribution of Social Media activities and expenses to organizations.] Reportable Expenses related to Direct Lobbying via Social Media.

(i) [For purposes of determining whether activities constitute reportable Lobbying Activity by an organization, the personal Social Media activities of an individual are attributable to that organization only when those activities are conducted in the course of such person's employment.

(ii) Reportable expenses attributable to a Principal Lobbyist's [an organization's] Social Media activities that constitute Direct Lobbying may include, but are not limited to: consulting services, staff time allocated to planning and posting, search engine optimization and sponsoring, and advertising.

[For example, using the same scenario described in paragraph (3) of subdivision (c) of this section, although the organization need not identify such employees as Individual Lobbyists of the organization, it must calculate the staff time spent drafting the language it plans to post and the time spent by its employees posting the Social Media message. Such calculations must be included in reportable lobbying expenses attributable to the organization.]

(ii) A reasonable methodology used by [an organization] a Principal Lobbyist in good faith to calculate lobbying expenses related to Direct Lobbying via Social Media is acceptable.

(6) [(5)] Examples

(i) Any of the following could be Direct Lobbying through Social Media:

(a) A direct message sent to a Public Official through Social Media (e.g., through Facebook Messenger, Twitter Direct Message);

(b) A post on a Public Official's Social Media page;

(c) A post on a person's own Social Media page that tags a Public Official [,when the post is done in the course of such person's employment] if such person has specifically been hired by a Client for their personal Social Media activity; or

(d) A tweet tagging a Public Official, using the organization's twitter handle. [when posted by a person in the course of such person's employment.

(ii) The following, standing alone, would not constitute Direct Lobbying through Social Media:

(a) A post that references, but does not tag, a Public Official, even if the Public Official is among the person's or organization's friends or followers;

(b) A post on a person's own Social Media page that takes a clear position on an action enumerated in section 1-c(c)(i)- (x) of the Lobbying Act that does not tag a Public Official, even if the Public Official is among the person's friends or followers; or

(c) A tweet that references, but does not tag, a Public Official, even if the Public Official is among the poster's followers.]

Paragraph (3) is amended and a new paragraph (4) is added to subdivision (a) of section 943.7 to read as follows:

(3) 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, as set forth in subparagraphs (e)(2) and (d)(2) of this section].

(4) Grassroots Lobbying does not require the identification of an Individual Lobbyist(s) on lobbying reports unless the individual engaged in Grassroots Lobbying is a Retained Lobbyist, as

set forth in subdivision (e) of this section, or is retained or compensated specifically for their social media activities, as set forth in subdivision (f)(2)(ii) of this section.

Paragraph (1) of subdivision (b) of section 943.7 is amended to read as follows:

(1) *Grassroots Lobbying* means an attempt to indirectly influence an action enumerated in section 1-c(c)(i)-(x) of the Lobbying Act through a Grassroots Lobbying Communication, which may be communicated via various forms, including, but not limited to, those listed in subsection 943.7(g)(e).

New subdivision (c) is added and existing subdivisions (c) through (d) are relettered (d) through (e) of section 943.7 and amended to read as follows:

(c) Grassroots Lobbying and the Individual

(1) A person who publishes a Grassroots Lobbying Communication is engaged in Grassroots Lobbying on their own behalf and acting as their own Designated Lobbyist.

(i) For example, a person who buys billboard space that includes a Grassroots Lobbying Communication is engaging in Grassroots Lobbying on their own behalf.

(2) A person who engages in Grassroots Lobbying on their own behalf acting as their own Designated Lobbyist is the Principal Lobbyist but is not required to list themselves as an Individual Lobbyist unless such person also engages in Direct Lobbying.

Paragraph (1) of relettered subdivision (d) of section 943.7 and amended to read as follows:

(d) [(c)] Grassroots Lobbying and the Lobbying Organization

- (1) An organization engages in Grassroots Lobbying on its own behalf when a Grassroots Lobbying Communication is issued by the organization, including when an employee or Designated Lobbyist of the organization delivers a Grassroots Lobbying Communication at the direction of the organization.

* * *

Paragraph (2) of relettered subdivision (d) is repealed and replaced and a new paragraph (3) is added to section 943.7 to read as follows

[(2) Individual Lobbyists – When to Include

- (i) An employee of a Lobbying Organization must be identified as an Individual Lobbyist by the organization when the employee:

- (a) delivers a Grassroots Lobbying Communication;

- (b) can be identified as the speaker; and:

- (c) participates in shaping the message expressed in the communication in the course of such employee's employment.

- (1) A person must perform more than a clerical function but need not have full or final decision-making authority over a communication to participate in shaping the message.

For example, the following employee should be identified as an Individual Lobbyist: An

employee who, in the course of his employment, speaks at a rally on behalf of his organization and calls for people to contact a Public Official to urge such Official to vote against a pending bill.

The following employee should not be identified as an Individual Lobbyist: An employee who handles media buys for the organization and transmits the content of a Grassroots Lobbying Communication for publication.]

(2) Employed and Designated Lobbyists are not required to be listed as Individual Lobbyists by organizations based on Grassroots Lobbying.

(3) Expenses incurred by an organization acting as its own Grassroots Lobbyist shall be attributable to such organization.

Relettered subdivision (e) of section 943.7 is amended to read as follows:

(e) [(d)] Grassroots Lobbying and the Retained Lobbyist.

(1) A Retained Lobbyist's [retained individual or organization's] activities on behalf of a Client constitute Grassroots Lobbying and an Individual Lobbyist must be listed on lobbying reports if the Retained Lobbyist [individual or organization] delivers a Grassroots Lobbying Communication and can be identified as speaking for, representing, or endorsing the position of the Client.

(i) A person is not required to be identified as an Individual Lobbyist solely by being included as a contact person on a Client's Grassroots Lobbying Communication on Client letterhead.

(ii) For example, the owner of a billboard is not speaking for, representing, or endorsing the position taken by the Client that has rented space on the billboard.

However, an individual who is paid to speak [at a conference] on behalf of a Client and delivers a Grassroots Lobbying Communication [would be interpreted as representing or speaking for the Client and] should be identified as an Individual Lobbyist.

Subdivision (f) of section 943.7 is amended to read as following:

(f) Grassroots Lobbying through Social Media.

(1) A Social Media communication constitutes a Grassroots Lobbying Communication when it satisfies the criteria set forth in subpart 943.7(b)(2).

(2) Attribution of Social Media activities and expenses to Principal Lobbyists.

[Lobbying Organizations and organizations using Retained Lobbyists.

(i) For purposes of determining whether activities constitute reportable Grassroots Lobbying by an organization, the personal Social Media activities of an individual are attributable to that organization only when those activities are conducted in the course of such person's employment.]

(i) When Grassroots Lobbying through a Social Media communication is undertaken by an organization, through the organization's Social Media account(s), this activity is reportable Lobbying Activity by the organization.

(a) No Individual Lobbyists are required to be listed on lobbying filings

based on this activity alone.

(ii) When Grassroots Lobbying through a Social Media communication is undertaken by an individual, through their personal social media account(s), this activity is **not** reportable Lobbying Activity unless such individual is specifically retained by a Client for such Social Media activity.

(a) In this case, the individual should register as a Lobbyist on behalf of the paying Client, listing themselves as an Individual Lobbyist.

(b) Any expenses incurred to create, promote, place or otherwise highlight an individual's personal Social Media activity that are reportable pursuant to subparagraph (ii) above, are reportable by the party incurring the expenses.

(iii)[(ii)] Reportable expenses attributable to an organization's or individual's Grassroots Lobbying via Social Media may include, but are not limited to: consulting services, sponsoring posts, staff time allocated to planning and posting, search engine optimization and sponsoring, and advertising.

(iv) [(iii)] A reasonable methodology used [by an organization] in good faith to calculate lobbying expenses related to Grassroots Lobbying via Social Media is acceptable.

Existing subdivision (e) is relettered subdivision (g) of section 943.7 and amended to read as follows:

(g) [(e)] General Grassroots Lobbying Examples.

(1) Any of the following could involve [be] Grassroots Lobbying, as defined herein, if the required elements of a Grassroots Lobbying Communication are otherwise present:

* * *

(viii) Personal requests by a Lobbyist for another person to contact a Public Official [public official].

[(2) The following functions or roles would require identifying a person as an Individual Lobbyist if all the required elements of Grassroots Lobbying are otherwise present:

(i) Serves as a spokesperson for the Lobbying Organization or Client or speaks to the public or a segment of the public;

(ii) Participates in a Social Media Campaign as defined in subsection 943.3(w);

(iii) Exhorts, encourages, or otherwise solicits a municipal Public Official to contact a State Public Official on a matter covered by section 1-c(c) of the Lobbying Act; or

(iv) Exhorts, encourages, or otherwise solicits a State Public Official to contact a municipal Public Official on a matter covered by section 1-c(c) of the Lobbying Act.]

(2) [(3)] The following functions or roles, standing alone, would not constitute Grassroots Lobbying:

* * *

Paragraph (1) of subdivision (b) of section 943.8 is amended to read as follows:

(1) Prohibited contacts

During the Restricted Period, no Lobbying Activity is permitted in relation to the governmental procurement except as authorized in paragraph (3) below. This prohibition includes [a person engaged in Procurement Lobbying shall not] contact with the following in connection with such lobbying:

* * *

Paragraph (2) of subdivision (b) of section 943.8 is repealed and current paragraphs (3) and (4) are renumbered (2) and (3) and amended to read as follows:

[(2) Paragraph (1) does not prohibit Lobbying during the Restricted Period, but it requires that such Lobbying be directed only to the person within the procuring entity designated to receive communications relative to the Governmental Procurement. Such Lobbying must be disclosed in accordance with these regulations.]

(2) [(3)] The prohibitions set forth in paragraph (1) apply to municipal agencies only when the municipal agency meets the definition in paragraph (a)(7)(ii) of this subdivision.

(3) [(4)] Nothing contained in this section shall be deemed to prohibit a person engaged in Procurement Lobbying from contacting a member of the State legislature concerning a Governmental Procurement [in] by a State Agency, the unified court system, or a Municipal Agency. Such Lobbying must be disclosed in accordance with these regulations.

Clause (e) of subparagraph (ii) of paragraph (2) of subdivision (c) of section 943.8 is amended to read as follows:

(e) The person is not otherwise required to file a statement or report [of registration] by virtue of engaging in lobbying activities set forth in section 1-c(c)(i)-(iv) and (vi)-(x) of the Lobbying Act [the person's Lobbying Activity].

Paragraph (3) is amended and (4) through (6) are added to subdivision (a) of section 943.9 to read as follows:

(3) Lobbying Activity that includes only Grassroots Lobbying does [may] not [necessarily] require the identification or disclosure of any Individual Lobbyists except as set forth in subdivisions (e) and (f) of section 943.7.

(4) Once a person or entity has triggered the requirement to register and file reports as a Lobbyist, both Direct and Grassroots Lobbying Activities are reportable, even if expenditures were only incurred for one type of lobbying.

(5) An organization lobbying on its own behalf has designated itself as its own Lobbyist and, if it meets the requirements in subsection (1), must register and file applicable lobbying reports.

(6) A person lobbying on their own behalf has designated themselves as their own Lobbyist and, if they meet the requirements in subsection (1), must register and file applicable lobbying reports.

A new subparagraph (iv) is added to paragraph (1) of subdivision (h) of section 943.9 to read as follows:

(iv) Contractual Clients and Beneficial Clients are each responsible for disclosing Reportable Business Relationships, as set forth in section 943.14 of this Part.

Paragraph (3) of subdivision (h) of section 943.9 is amended to read as follows:

(3) Coalitions.

(i) Policy. This paragraph sets forth the filing requirements for groups that qualify as a Coalition. Depending on the nature of a Coalition, as set forth in subparagraph (iii) below, a Coalition (that spends more than \$5,000 on lobbying) must file its own Lobbying reports or its members (who spend more than \$5,000 on lobbying) must disclose their Coalition Contributions in their own lobbying reports.

(ii) [(i)] Definition.

(a) Coalition means a group of otherwise-unaffiliated entities or members [who] that pool funds or resources for the primary purpose of engaging in Lobbying Activities on behalf of the members of the Coalition and have not incorporated or otherwise created a legal entity.

[(1) Coalition shall not include any organization qualified as exempt under sections 501(c)(5) or (c)(6) of the Internal Revenue Code.]

(1) Member of a Coalition includes any person or entity that makes a Contribution, as defined in subparagraph (d) of this subdivision, to the Coalition, including fiscal sponsor.

(b) *Affiliated* has the meaning described in section 943.3 of this Title.

(c) *Contribution to a Coalition* means the provision of funds or resources to the Coalition, including, but not limited to, the donation of services, and the incurrence of expenses on behalf of the Coalition.

(iii) (a) A Coalition that designates an individual to serve as its President, Treasurer, or in such capacity, is considered a Structured Coalition and must file its own lobbying reports, as set forth in subparagraph (iv) below. One such designated individual(s) shall serve as the Responsible Party for the Coalition's filings.

(b) A Coalition that has not designated such an individual to serve as its President, Treasurer, or in such capacity, is considered an Unstructured Coalition and shall not file its own lobbying reports; instead, its Members shall disclose their Contributions to the Coalition in their own lobbying reports as set forth in subparagraph (v) below.

(iv) A Structured Coalition shall comply with the following:

(a) The Structured Coalition shall file a Lobbying report with the Commission identifying itself as a Lobbyist and/or a Client and report all of the Structured Coalition's Lobbying Activity.

(b) The Structured Coalition must adhere to the reporting requirements set forth in this Part, including disclosing Compensation and Expenses related to the Structured Coalition.

(1) In addition to all Expenses incurred by the Structured Coalition on its own behalf, the Structured Coalition must disclose any

Expenses incurred by a Member on behalf of the Structured Coalition.

(c) Any associated filings involving the Structured Coalition (including filings by Lobbyists retained by the Structured Coalition and/or filings by the Structured Coalition itself) shall list the Structured Coalition as the Contractual Client and Beneficial Client.

(d) Members of a Structured Coalition are not required to be listed as Beneficial Clients.

(e) A Structured Coalition Member's Contribution(s) is not considered a Lobbying Expenditure for purposes of the Member determining whether it has met the \$5,000 threshold triggering reportable lobbying.

(f) Members of a Structured Coalition shall not report any Contributions to the Coalition on their own filings.

(v) A Member of an Unstructured Coalition shall disclose their Coalition Contribution(s) in their own Lobbying reports and comply with the following:

(a) A Member's Contribution(s) is considered a Lobbying Expenditure for purposes of the Member determining whether it has met the \$5,000 threshold triggering reportable lobbying.

(b) Each Member who meets the \$5,000 threshold (either through their Contribution(s) to such Unstructured Coalition(s) and/or other Lobbying Activity engaged in by the Member) and who is thereby required to file a

Lobbying report, must disclose in such report any Unstructured Coalition Contributions.

(c) If a Member currently files a Client Semi-Annual Report, it shall disclose its Unstructured Coalition Contributions in that report. If a Member does not currently file a Client Semi-Annual Report and its Contribution to such an Unstructured Coalition triggers reportable Lobbying, it must register as its own Lobbyist and file Bi-Monthly and Client Semi-Annual Reports that disclose the Member's Unstructured Coalition Contributions in accordance with this subparagraph, and identify itself as the Contractual Client and Beneficial Client.

(d) Members shall disclose the following in the Expense section of their Lobbying reports:

(1) the name of the Unstructured Coalition;

(2) all Contributions made by the Member to the Unstructured Coalition; and

(3) any Expenses incurred by the Member on behalf of the Unstructured Coalition, which can be from the Member's own direct Contributions and/or from the Unstructured Coalition's pool of funds. Members must include the following information related to such incurred Expense:

(i) the purpose of the incurred Expense; and

(ii) whether it was incurred using 100% of such Member's own funds (also considered a direct Contribution) or whether it was incurred using part of such Member's funds (such portion also considered a direct Contribution) and part of the Unstructured Coalition's pooled funds.

(e) Lobbyists retained by a Member of an Unstructured Coalition to lobby on behalf of a Coalition pursuant to this subparagraph shall disclose such Member as the Contractual Client and the Beneficial Client.

(f) Each Member's Contribution to an Unstructured Coalition is considered a Lobbying expenditure for purposes of determining whether the Member is subject to the Source of Funding disclosure requirements set forth in Part 938 of this Title.

[(ii) A Coalition that expends or incurs more than \$5,000 in annual Compensation and Expenses related to Lobbying Activity shall either:

(a) File a Lobbying report with the Commission identifying itself as a Lobbyist and/or a Client, provided the Coalition identifies a Responsible Party and it maintains an up-to-date written or electronic record with the Commission disclosing all Coalition members who exceed \$5,000 in cumulative annual Lobbying compensation and expenses; or

(b) If the Coalition does not file its own Lobbying report, then each member who is required to file a Lobbying report (either through the Coalition activity and/or other Lobbying Activity engaged in by the member)

must disclose in such report their own contribution to such Coalition, including the contribution amount and name of the Coalition to which it contributed.

(iii) If a Coalition files its own Lobbying report, as provided in subsection 943.9(h)(3)(ii)(a):

(a) A member's contribution to a Coalition is not considered a Lobbying expenditure for purposes of determining whether the member itself must register as a Lobbyist and/or file Bi-Monthly or Client Semi-Annual Reports; and

(b) The Coalition may use, and rely upon in good faith, the responses to a questionnaire provided by the Commission to send to each Coalition member to determine whether such member exceeds \$5,000 in cumulative annual Lobbying compensation and expenses and would thereby need to be listed as a Coalition member in the record provided to the Commission as required by 943.9(h)(3)(ii)(a).

(iv) If a Coalition does *not* file its own Lobbying Report, as provided in subsection 943.9(h)(3)(ii)(b), then a member's contribution to a Coalition is considered a Lobbying expenditure for purposes of determining whether the member itself must register as a Lobbyist and/or file Bi-Monthly or Client Semi-Annual Reports.

(a) With respect to members whose only Lobbying Activity involves the member's contribution to a Coalition and such contribution is over \$5,000,

such member must register as a Lobbyist on its own behalf, and identify the named Coalition.

For example, as provided above, if a Coalition elects not to file as a Lobbyist or Client, then a member's contribution counts as a lobbying expenditure of the member for purposes of determining whether the member itself must register as a Lobbyist and/or file Bi-Monthly or Client Semi-Annual Reports. For members who already file as either a Lobbyist or Client based on other Lobbying Activity or, by counting the contribution to the Coalition will now exceed the \$5,000 threshold, then the contribution should be listed as an expense to the named Coalition in whatever Lobbying report (Bi-Monthly or Client Semi-Annual) is appropriate for the member to file based on its other Lobbying Activity.

For those members who engage in no other Lobbying Activity aside from the contribution to the Coalition and such contribution exceeds the \$5,000 threshold, such members must register and file reports as a Lobbyist on its own behalf and identify the named Coalition.

(v) Regardless of which filing method a Coalition elects to utilize under Section 943.9(h)(3)(iv) or how a member reports its contribution if required under Section 943.9(h)(3)(ii), each Coalition member that expends more than \$5,000 in Lobbying Compensation and Expenses is considered a Beneficial Client and, therefore, a member's contribution to a Coalition impute back to the member for

purposes of determining whether the member is subject to the Source of Funding disclosure requirements set forth in Part 938 of this Title.]

New paragraph (1) is added to subdivision (d) of section 943.10 to read as follows:

(1) A Statement of Registration must be filed for each Lobbyist/Client relationship emanating from the same lobbying agreement or authorization to lobby for the same purpose.

Clauses (1) through (3) of subparagraph (i) of paragraph (2) of subdivision (e) of section 943.10 are relettered as follows:

(a) [(1)] Such Statement of Registration should be filed within 15 days of the date on which the Lobbyist has agreed to – or been authorized to – begin Lobbying Activity.

(b) [(2)] The Commission considers such date to be the start date provided in the Lobbying Agreement or authorization, not the date of execution.

(c) [(3)] No later than 10 days after exceeding the \$5,000 threshold, if the Lobbyist actually incurs or receives combined Compensation and Expenses in excess of \$5,000 before filing a Statement of Registration.

Subdivision (g) of section 943.10 is amended to read as follows:

(g) (1) Any submitted Statement of Registration that is not timely filed will be subject to the late fee schedule set forth below:

* * *

(2) Un-Executed Lobbying Agreement Form. A lobbyist who is prepared to register, but is awaiting the return of an executed lobbying agreement back from a Client may avoid the statutory late fees, provided the following criteria are met:

(i) A Statement of Registration or amendment is otherwise filed completely and timely with:

(a) a copy of the un-executed Agreement that was provided to the Client for signature; and

(b) a completed Un-Executed Lobbying Agreement form, as provided by the Commission;

(ii) No lobbying occurs and no compensation is received or billed until the executed Agreement is provided to the Commission;

(iii) The Agreement is executed within 30 days of the original submission of the Statement of Registration or amendment.

(a) An amended Statement of Registration that includes the executed Agreement must be submitted within 10 days of the execution date; and

(iv) The lobbyist has not previously received an extension from the Commission related to that particular Statement of Registration or amendment.

Subparagraph (i) is amended, a new subparagraph (ii) is added and existing subparagraph (ii) is relettered to (iii) of paragraph (3) of subdivision (j) section 943.10 is amended to read as follows:

(i) in the case of a Lobbying Organization that incurs no Compensation for Individual Lobbyists and only Expenses, no Individual Lobbyists need be identified on the Statement of Registration; [and]

(ii) in the case of a Statement of Registration by a Public Corporation, in addition to any Individual Lobbyists, list any officer or employee of such Public Corporation who engages in any Lobbying Activities.

(iii) [(ii)] an independent contractor may only be identified as an Employed Lobbyist if the person meets the criteria established in subsection 943.3(h);

A new subparagraph (i) of paragraph (7) of subdivision (j) of section 943.10 is added to read as follows:

(i) if the Registration relates to Lobbying on behalf of a Structured Coalition or a Member of an Unstructured Coalition, the Client information for Contractual and Beneficial Clients shall be governed by the rules set forth in Section 943.9(h)(3)(iv) and (v).

Paragraph (9) of subdivision (j) of section 943.10 is amended to read as follows:

(9) The identities of any Co-Lobbyists or Sub-Lobbyists, [other parties to the Lobbying,] as described in subsection 943.9(h), if applicable [including all Lobbyists, Clients, and Coalitions;

(i) In the case of a Coalition which elects to file a Lobbying report as provided in subsection 943.9(h)(3)(ii)(a), a list of all members of the Coalition who exceed \$5,000 in cumulative annual Lobbying compensation and expenses]; and

Subparagraph (iii) through (v) of paragraph (2) of section 943.10(k) is amended to read as follows:

(iii) Terms of Compensation; or [

(iv) List of Coalition members exceeding \$5,000 in Lobbying Compensation and Expenses; or]

[(v)] (iv) Engagement start and termination dates, including when the parties wish to continue the lobbying arrangement beyond the termination date.

Paragraph (2) of subdivision (l) of section 943.10 is repealed.

[(2) A Lobbyist may submit a request to the Commission in writing or by email requesting withdrawal of a termination if Lobbying will resume during the biennial registration period.

(i) Such request must be signed/submitted by the Responsible Party or designee;

(ii) An amended Statement of Registration must also be completed and filed with the Commission within 10 days of the change and include a new written agreement or authorization from the Client.]

Subparagraph (3) and (4) of subdivision (f) of section 943.11 is amended as follows:

(3) The name, address, e-mail address, and contact information of all Contractual and Beneficial Clients;

(i) If the Report relates to Lobbying on behalf of a Structured Coalition or a Member of an Unstructured Coalition, the Client information for Contractual and Beneficial Clients shall be governed by the rules set forth in Section 943.9(h)(3)(iv) and (v);

(4) The identities of any Co-Lobbyists or Sub-Lobbyists, [other parties to the Lobbying,] as described in subsection 943.9(h), if applicable [including all Lobbyists, Clients, and Coalitions];

Subparagraph (i) of paragraph (7) of subdivision (f) of section 943.11 is amended as follows:

(i) 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;

For example, 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 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] title and agency and disclose that they met with a staff member of the named [name of] unit or department within the agency (the Office of Real Property Tax Services).

A new subparagraph (i) is added to paragraph (2) of subdivision (f) of section 943.12 to read as follows:

(i) If the Report relates to Lobbying on behalf of a Structured Coalition or a Member of an Unstructured Coalition, the Client information for Contractual and Beneficial Clients shall be governed by the rules set forth in Section 943.9(h)(3)(iv) and (v);

Paragraph (6) of subdivision (f) of section 943.12 are amended to read as follows:

(6) The identities of any Co-Lobbyists or Sub-Lobbyists [all parties to the Lobbying,] as described in subsection 943.9(h), if applicable [including all Lobbyists, Clients, and Coalitions;

(i) For Coalitions that file as a Client of a Lobbyist and do not file a Statement of Registration, the Coalition must maintain an up-to-date written or electronic record with the Commission disclosing all Coalition members who exceed \$5,000 in cumulative annual Lobbying compensation and expenses;

(ii) Such Coalitions may use, and rely upon in good faith, responses to a questionnaire provided by the Commission to send to each Coalition member to determine whether such member exceeds \$5,000 in cumulative annual Lobbying compensation and expenses and

would thereby need to be listed as a Coalition member in the record provided to the Commission, as required by 943.12(f)(6)(i)];

Paragraph (2) and (3) of subdivision (f) of section 943.13 is amended to read as follows:

(2) the name, address, e-mail address, and telephone number of the Client by whom or on whose behalf the Lobbyist is retained, employed or designated on whose behalf the Lobbyist has engaged in Lobbying reportable under this subdivision;

(i) If the Report relates to Lobbying on behalf of a Structured Coalition or a Member of an Unstructured Coalition, the Client information for Contractual and Beneficial Clients shall be governed by the rules set forth in Section 943.9(h)(3)(iv) and (v);

(3) the identities of any Co-Lobbyists or Sub-Lobbyists [other parties to the Lobbying], as described in subsection 943.9(h), if applicable [including all Lobbyists, Clients and Coalitions];

Paragraph (1) of subdivision (b) of section 943.14 is amended to read as follows:

(1) *Client* includes every person or organization that retains, employs or designates any person or organization to carry on Lobbying Activities on behalf of such Client. With respect to an organization, the term Client also includes High-Level Individuals of the organization. Client includes Contractual Clients and Beneficial Clients.

