



New York State Joint Commission on Public Ethics

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What You Need to Know About Filing the 2021-2022 Biennial Statements of Registration

On Thursday, December 17, JCOPE opened the 2021-2022 Biennial Registration Reporting Period in the Lobbying Application (“LA”). What follows is general information regarding Profiles, Statements of Registration, and Reportable Business Relationships, as well as creating and filing related reports in LA.

New for 2021-2022

- Email verification and Recertification of Individual User and Organization Profiles are required before a Registration may be submitted.
- Revised Lobbying Agreement Forms for both Retained and Employed relationships are now available on the JCOPE website.
- The 2021-2022 Lobbyist/Public Corporation Statement of Registration PDF form is available for paper Filers on the JCOPE website.
- Beneficial Clients must also disclose any applicable Reportable Business Relationships.
- New rules regarding reporting of Coalition lobbying activity will be in effect for the 2021-22 Biennial.

Profile Enhancements

All Individual email addresses must be verified before Filers will be able to submit a Lobbyist Statement of Registration for the 2021-2022 Biennial Period. In addition, all Individual User Profiles and Organization Profiles must be recertified to ensure that they contain the most up-to-date and accurate information.

An Organization will **not** be able to submit filings until:

1. its Chief Administrative Officer (“CAO”) has verified his or her Email address; **and,**
2. its Chief Administrative Officer (“CAO”) has recertified his or her Individual Profile; **and,**
3. the Organization’s Profile has been recertified by either the Organization’s CAO or Delegated Administrator (“DA”).

Please reference the *What You Need to Know about Email Verification and Recertifying Individual User and Organization Profiles Eblast* and the *How to Complete Email Verification and Recertify an Individual User and Organization Profile* step-by-step instructions.



LA will NOT allow Filers to submit Filings on behalf of an Organization until the CAO listed on the Organization Profile verifies their Email address and recertifies the information listed in their User Profile.

Statement of Registration Filing Requirements

A biennial Lobbyist Statement of Registration (“Registration”) is a required filing under the Lobbying Act. It is generally a forward-looking document that captures the actual and anticipated Lobbying Activities, including public officials that you expect to lobby, for a two-year (biennial) period. Registrations must be filed by a Lobbyist who is retained, employed, or designated to lobby, and who meets or reasonably anticipates meeting the combined Reportable Compensation and Expenses of more than \$5,000 for Lobbying Activities on a State and/or Municipal Level in any calendar year. Lobbyists who have met or anticipate meeting that threshold must file a Statement of Registration for every Client on whose behalf the Lobbyist lobbies, regardless of the Compensation or Expenses paid by each Client individually.

For purposes of determining whether the thresholds have been met, the amounts incurred, expended, or received shall be **cumulative** for **all** Lobbying Activities. Lobbyists must report information for both the Contractual Client and Beneficial Client, as defined in the regulations; the Contractual and Beneficial Clients can be the same party or entity.

Statement of Registration Filing Due Dates

REGISTRATION DEADLINES FOR THE 2021-2022 BIENNIAL PERIOD	
ALL STATEMENTS OF REGISTRATION ARE FILED ON A BIENNIAL BASIS	FILING DEADLINE
<p>If a Lobbyist is providing services under an agreement that is in effect both before December 15th of the year preceding the first year of a Biennial Registration Period and after January 1st of the first year of a Biennial Registration Reporting Period</p> <p>AND</p> <p>the Lobbyist reasonably anticipates combined Reportable Compensation and Expenses in excess of \$5,000 for Lobbying Activities to be undertaken in the calendar year</p>	<p>The Registration is due on or before January 1st of the first year of the Biennial Registration Reporting Period</p>

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<p>For all other agreements, the relevant date is the date on which the Lobbyist has agreed to – or been authorized to – begin Lobbying Activity</p> <p style="text-align: center;">IF</p> <p>the Lobbyist reasonably anticipates combined Reportable Compensation and Expenses in excess of \$5,000 for Lobbying Activities to be undertaken in the calendar year</p>	<p>The Registration is due within 15 days of the date, <i>but no later than 10 days after actually exceeding \$5,000 in compensation and expenses</i></p>
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NOTE: There is a 7-day grace period from a Filing’s statutory due date to submit a required Statement and/or Report(s) before any potential late fees *may* be imposed.



Due to the breadth of the changes to the lobbying regulations (effective January 1, 2021) and the corresponding changes to the online filing system, any filing due in January 2021 will be considered timely if submitted by January 29, 2021. This includes 2021-2022 Statements of Registration due anytime in January 2021.

January 1 Filing Deadline

As described in the table above, Lobbyists providing services under an agreement that is in effect **before December 15** of the year before the start of a new Biennial Registration Reporting Period **AND after January 1** of that new biennial, and who reasonably anticipates spending a combined Reportable Compensation and Expenses in excess of \$5,000 for Lobbying Activities to be undertaken in the coming year, are required to submit a biennial Statement of Registration **by January 1 of the first year of the Biennial Registration Reporting Period**. The Lobbyist must also ensure it has registered for all corresponding Biennial Registration Reporting Periods.

15-Day Deadline

Lobbyists retained, employed, or designated to lobby **after December 15** of the year before the start of a new Biennial Registration Reporting Period, for activity in either year of that new biennial, are required to submit a biennial Statement of Registration **within 15 days** of the date on which the Lobbyist has agreed to – or been authorized to – begin lobbying activity.

Examples for both 'Deadlines' (referenced on previous page):

1. **Agreement/Authorization start date is 12/1/20, and the termination (end) date is 12/1/21.**
 - **2019-2020 Biennial Registration period:** If the Lobbyist has other Clients in 2020 that put them over the \$5,000 threshold (or this specific Client is paying them more than \$5,000 in December 2020), they would have to register for the **2019-2020 Biennial Registration period within 15 days of 12/1/20.**
 - **2021-2022 Biennial Registration period:** If the Lobbyist will be over the \$5,000 threshold in 2021, they would have to register for this Client for the **2021-2022 Biennial Registration period** as well, *on or before 1/1/21.*

2. **Agreement/Authorization start date is 1/1/21, and the termination (end) date is 12/31/22.**
 - **2021-2022 Biennial Registration period:** If the Lobbyist will exceed the \$5,000 threshold, they would have to register for the **2021-2022 Biennial Registration period within 15 days of 1/1/21.**

Within 10 Days of Exceeding the Threshold

If a Lobbyist actually expends, incurs, or receives more than \$5,000 in combined Reportable Compensation and Expenses, a Statement of Registration must be submitted **no later than 10 days** after exceeding the threshold.

Statement of Registration Contracts/Agreements/Authorizations

Each Statement of Registration must be accompanied by a copy of an executed contract or Lobbying Agreement form (if a contract exists), or a signed, written lobbying authorization to lobby from the Client (if a contract does not exist). **The Lobbying Agreement form, which can be submitted in lieu of a copy of a contract, has been revised for the 2021 Biennial Registration Period.**

Note: A written authorization may only be submitted if a contract does not exist.

Any contract, agreement form, or authorization must specify the start and termination dates, and must disclose the terms and amount of compensation to be paid for lobbying services. If the Lobbyist is retained by the organization, 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 the Lobbyist is a salaried employee of the organization, the Lobbyist's prorated salary for lobbying activity must be reported.

- The agreement or authorization start date is the first date the Lobbyist has agreed to or been authorized to lobby.
- The termination (end) date is the last date the Lobbyist has agreed to or been authorized to lobby.

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These dates do not have to coincide with the beginning or end of a calendar year or a Biennial Registration Reporting Period. For open-ended agreements, you must show the beginning and end of the Biennial Registration Reporting Period for which you are registering.

Overlapping Contract Considerations: If you have a lobbying agreement that began in the 2019-2020 Biennial Registration Reporting Period and continues to the 2021-2022 Biennial Registration Reporting Period, and the terms of the agreement **have not changed**, you will be required to upload/attach this agreement to your 2021-2022 Biennial Registration in the LA (online filers) or mail (paper filers only) the agreement to JCOPE. The agreement start and termination (end) dates must coincide with the dates provided in the “overlapping” agreement.

Statement of Registration Filing Fees

A \$200, non-refundable, filing fee is required with each Statement of Registration, payable in U.S. dollars. However, no registration fee is required to be submitted with a biennial Statement of Registration if the Lobbyist will not exceed \$5,000 in Reportable Compensation and Expenses for that particular Client, but the fee will be required if that threshold is exceeded later. No filing fee is required of any Public Corporation required to file a biennial Public Corporation Statement of Registration.

Coalitions

New rules regarding reporting of Coalition lobbying activity will be in effect for the 2021 Biennial. Coalitions that meet certain criteria will be required to file lobbying reports as a Coalition, but will no longer be required to disclose Coalition Members as Beneficial Clients on their Filings. Reporting related to Coalitions that do not meet certain criteria must be handled by Coalition Members. In addition to disclosing Coalition Name and Contribution amounts, Members will be required to disclose information related to expenses incurred on behalf of the Coalition.

For additional information on these changes please see the guidance document **‘2021-2022 Coalition Filing Requirements’** located on the Commission’s website to determine if you meet the criteria of either a ‘Structured’ or ‘Unstructured’ Coalition.

Reportable Business Relationships

A RBR is required to be disclosed in the Registration if a Lobbyist (or Public Corporation) has at least one active lobbying relationship in a calendar year and has a RBR at any time during that calendar year.

A Reportable Business Relationship (“RBR”) is a relationship in which a formal or informal agreement exists in which a Lobbyist or Client (which includes both Contractual and Beneficial Clients) pays, has paid, or promises Compensation over \$1,000 in a calendar year to a State person or an entity in which a State Person has Requisite Involvement. In addition to RBRs of the Lobbyist as an entity, RBRs of certain individuals of a Lobbyist organization and RBRs of High-Level Individuals of a Client organization must be disclosed by the Lobbyist or Client, as applicable. The disclosure of a RBR is

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considered to be part of a Statement of Registration, Client Semi-Annual Report, or an amendment of such form.

PLEASE NOTE: If a Filer is a Lobbyist **and** a Client, the RBR should be filed as part of the Statement of Registration. The RBR will auto-populate to the Client Semi-Annual Report (if the CSA is required).

Please use the *Reportable Business Relationship questionnaire* to help you determine if you have such a relationship to disclose. A Lobbyist organization may send this to every person listed on its Statement of Registration and any equity partners, officers, or directors of its lobbying firm or organization who operate out of the same geographic office as any person listed on such Statement of Registration. A Client organization may send this to its High-Level Individuals employed by the Client Organization.

Additional Information

Lobbyists can file Amended Statements of Registration at any time for changes to any of the information filed in the original Registration, including changes to terms in the written agreement or authorization with the Client. Amended Statements of Registration are due within 10 days of a change, including if an agreement/authorization ends during a biennial but is expected to be extended. That amendment must include a copy of a signed written lobbying agreement or Lobbying Agreement form (if a contract exists) or an authorization to lobby (if a contract does not exist).

Termination of a Registration must be reported to the Commission, in writing, by both the Lobbyist and Client **if** that termination occurs before the termination (end) date specified in the agreement or authorization.

PLEASE NOTE: Every Registration requires you to identify the name of the Principal Lobbyist, Contractual Client, Beneficial Client(s), and Co or Sub-Lobbyists (if applicable). If the Organization name you are attempting to select contains more than one Organization Profile in LA, stop immediately and contact the JCOPE Helpdesk at 800-87-ETHICS (873-8442) or at helpdesk@jcope.ny.gov.

Resources to Help You

The Commission will also be updating its website with new and helpful resources for filers, which include:

- **JCOPE Lobbying Agreement Form (updated December 2020)** – If a lobbying contract exists, Lobbyists may either submit a copy of the contract or an executed Lobbying Agreement form provided by JCOPE with its Statement of Registration. The form includes relevant information relating to lobbying activities in a user-friendly format and may be submitted instead of a copy of the contract.

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- **Sample Authorization Form (updated November 2020)** – If (and only if) a contract does not exist, a written authorization, signed by the Client authorizing the Lobbyist to lobby on its behalf, may be submitted.
- **2021-2022 Coalition Filing Requirements (NEW December 2020)** – reference document to assist Filers in determining how a Coalition should file – as an Organization, or through Member Filings.
- **Instructions for How to file the Statement of Registration** – detailed instructions on exactly what to report in a Statement of Registration.
- **Instructions for How to file a Reportable Business Relationship form** – detailed instructions on what to report on a Reportable Business Relationship form.
- **RBR Questionnaire** – allows Lobbyists (and Clients) to determine if they have a relationship with a State Person or an entity in which a State Person has Requisite Involvement.

Contact Us

If you have any questions about navigating the LA or for technical assistance, please contact the JCOPE Helpdesk at helpdesk@jcope.ny.gov or by phone at 518-474-3973.

For questions related to:

- the Lobbyist Statement of Registration – email us at registrations@jcope.ny.gov
- the Bi-monthly and Disbursement of Public Monies Reports – email us at bimonthlies@jcope.ny.gov
- the Client Semi-Annual Report and Source of Funding – email us at CSA@jcope.ny.gov
- the Reportable Business Relationship Report – email us at discrepancies@jcope.ny.gov

To speak to the JCOPE Attorney of the Day, email them at legal@jcope.ny.gov or call the JCOPE Hotline at phone at 1-800-87-ETHICS (873-8442) and press '2'.

PLEASE NOTE: we anticipate experiencing a larger than normal call volume due to enhancements in the Lobbying Application, in addition to the start of a new biennial. The preferred method of contact is via the email addresses listed above. Emails are responded to in the order they are received. We appreciate your patience during this busy filing period.