How to Properly Disclose Lobbying Activities on Bi-monthly and Client Semi-Annual Reports

The following provides guidance regarding how to properly disclose Lobbying Activities with the required specificity in your Lobbyist, Client, Public Corporation Reports, and Disbursement of Public Monies filings.

Please be aware the Registration reporting requirements for the Lobbying Activities section differ from the Bi-monthly reporting requirements in that a Registration is considered a forward-looking document which requires the Filer to disclose much broader information, if known. A Bi-monthly Report, however, requires the Filer to disclose with greater specificity the actual Lobbying Activities and monies spent. Proper disclosure of these Lobbying Activities necessitates a level of specificity that makes clear to the public exactly what and who was being lobbied during the specific Bi-monthly reporting period.

ENHANCEMENTS FOR DISCLOSING LOBBYING ACTIVITIES FOR 2021-2022 FILING PERIOD

JCOPE continues to improve the functionality of the Lobbying Application (“LA”) in order to promote transparency for the public and streamline the filing process for the regulated community. Below is a brief description of some key enhancements and changes:

- **Enhancements to the Lobbying Activities section** – Significant efforts continue to be made to enhance how Filers can enter information related to Parties Lobbied when disclosing Lobbying Activities. SEE detailed information contained in this document.

- **Lobbying Activities reported on your Registration** – Since the Registration is considered a forward-looking document, Lobbying Activities reported on your Registration NO LONGER populate to your Bi-monthly Report(s).

GENERAL RULES ON DISCLOSING LOBBYING ACTIVITIES

The actual Lobbying Activities that occurred during the specific reporting period must be disclosed by identifying the:

1. **Focus Type** (State and/or Municipal Bill, Rule, Regulation, Procurement Contract, Executive Order, etc.);

2. **Focus Identifying Number** (including the specific Bill, Resolution, Executive Order, etc.), if known; or
   a. Description of the Focus;

3. **Type of Lobbying Communication** (Monitoring Only, Direct Lobbying, Grassroots Lobbying, or Both [Direct and Grassroots]); and,

   Revised 10/21/2021
NOTE: If you have not actually Lobbied a specific Party, you may select ‘Monitoring Only’. You are not required to disclose the names of any ‘Party(ies) Lobbied’ for that specific Focus.

4. **Names of the Party(ies) Lobbied** on the specific Focus (which includes the Government Body, Party Name, and additional information). LA will automatically identify the Government Body associated to a Party Name. Filers may be required to identify additional information related to a selected Party Name (see detailed information below).

* Please contact JCOPE if a Legislator’s name, Senate or Assembly Committee, State Agency, NYC Council Member, or NYC Board/Division/Commission is missing from the Parties Lobbied Database.

**HOW TO DISCLOSE AN IDENTIFYING NUMBER OR DESCRIPTION OF A FOCUS**

How to disclose an *Identifying Number* (such as a State and/or Municipal Bill, Rule, Regulation, Procurement Contract, Executive Order number, etc.)

1. **Chapter Laws** are identified by providing the complete title.
   - **Correct**: Chapter 16 of the laws of 1971
   - **Incorrect**: Chapter 16; or Laws of 1971

2. **Procurement Contracts** are identified by providing the number.
   - **Correct**: OER01-C11006MWBE-1120000

Certain Lobbying Focuses require unique formatting specifications.

1. **Senate and Assembly Bills** must be inputted by entering a capital ‘S’ for a Senate Bill number, or a capital ‘A’ for an Assembly Bill number. *Do not add a space, hyphen, period, or other character between the capital letter and the bill number.*
   - **Correct**: A1234
   - **Incorrect**: a1234; or a 1234; or A 1234; or A_1234

2. **Amended Senate and Assembly Bills** must be inputted by denoting the corresponding letter suffix (A, B, C, D and so on). Amended State bills are altered to add a letter suffix each time the bill is amended. Please ensure the letter at the end of the amended Bill number includes a dash before it.
   - **Correct**: A1345-A
   - **Incorrect**: a1234A; or a 1234a; or A 1234a; or A_1234A

How to disclose a *Description of a Focus* (if an *Identifying Number* is not known, a Description of the Focus that clearly communicates the focus of the lobbying effort must be disclosed by entering the information in the “Enter Description” text box.)

- **Correct**: Corrections Funding
- **Incorrect**: Funding
HOW TO DISCLOSE STATE AND MUNICIPAL LEVEL FOCUSES

1. **State Level Focuses** are identified by providing a clear description of the focus of the lobbying effort (who and what is impacted).
   - **Correct**: Transportation Regulations that Impact Farmers Transporting Fresh Produce
   - **Incorrect**: Transportation; or Transportation Regulations

2. **Municipal Level Focuses** are identified by providing a clear description of the focus and the specific municipality the Lobbying Activity is intended to impact.
   - **Correct**: Municipal Bill regarding single stream recycling in the Town of Bethlehem, New York.
   - **Incorrect**: Single stream recycling

3. **Budget related Focuses** are identified by providing a clear description of what specifically within the budget is the target of the lobbying effort.
   - **Correct**: State Operations Budget Bill; or Health and Mental Hygiene Budget Bill; or REV Article VII Amendments Budget Bill; or NYC Operating Budget Resolution; or NYC Capital Budget Resolution.
   - **Incorrect**: Budget; or Budget Funding

THINGS TO KNOW WHEN DISCLOSING PARTY(IES) LOBBIED

The direct connection (one-to-one relationship) between the Focus and the target(s) (referred to as ‘Parties Lobbied’) of any reportable “Lobbying Activity” must be identified. In order to pair the Party or Parties Lobbied to a Focus or Focus Description, you should start typing the first few characters of the name in the ‘Party Name’ search field and then choose the correct Name from the drop-down list (as shown in this screen shot).

**Best Practices for Searching a ‘Party Name’ in the LA Database**

Every ‘Party’ listed in the LA Database contains two components:

1. the ‘Government body’ (displayed in light grey italicized lettering), and
2. the main ‘Party Name’ (indicated by the bold type letter).

**When typing a ‘Name’ in the ‘Party Name’ search field:**

- Always search by the main identifier of the ‘Party Name’.
  - **Example**: To search for the New York State Joint Commission on Public Ethics, type ‘Ethics’ and/or ‘Public Ethics’ in the ‘Party’ search text field to view a more defined list of search results.
- Avoid searching by commonly used identifiers such as NYS, Commission, Board, Division.
• Search by either the First or Last name of a Senator or Assemblyperson; do not search by typing ‘Senator’ as the first identifier.

• When searching Cities, Counties, Towns or Villages, type ‘Albany’ instead of ‘City of Albany’.

SEE EXAMPLES OF COMMON DISCLOSURES BELOW FOR MORE DETAILS

GUIDELINES ON DISCLOSING DIRECT LOBBYING ACTIVITIES

If you Attempted to Influence a Lobbying Activity through Direct or Preliminary Contact with a Public Official, or through communication or interaction directed to a Public Official, or the Public Official’s staff (Direct Lobbying), you must identify the Parties (targets) of the Direct Contact.

GUIDELINES ON DISCLOSING GRASSROOTS LOBBYING ACTIVITIES

If you Attempted to Influence a Public Official indirectly, or through another, with a Communication that takes a clear position and includes a Call to Action (Grassroots Lobbying), you must identify the ‘targets’ (which may be a person; state agency; municipality; or legislative body) of the Grassroots Lobbying effort.

NOTE: A Call to Action encourages a segment of the public or an individual to directly contact a Public Official; or encourages others to directly contact a Public Official.

GUIDELINES ON DISCLOSING BOTH DIRECT AND GRASSROOTS LOBBYING ACTIVITIES

If you performed BOTH Direct and Grassroots Lobbying, you must disclose the following information:

➢ For Direct Lobbying – identify the Parties (targets) of the Direct Contact (the name of a Public Official or Public Official’s Office; OR Legislative Committee, etc.).

➢ For Grassroots Lobbying – identify the intended ‘targets’ of the Grassroots Lobbying Activity, which may be a person; state agency; municipality; or legislative body.

HOW AND WHEN TO INCLUDE ADDITIONAL INFORMATION TO AN EXISTING ‘PARTY NAME’

The LA Database includes a list of Party Names that, if selected, do not require any additional information from the filer. This includes, but is not limited to, the names of every State Legislator and Legislative Committee (and ‘staff member’ of every such Legislator and Committee), the Governor, Lieutenant Governor, and Executive Chamber, and New York City Council Members.
Certain 'Party Names', when selected from the LA Database, require filers to include additional information. This most often occurs when you lobby a State or Municipal Agency. Additional information, when required, can be disclosed by data-entering the information in either of the two categories provided:

1. Unit/Division/Dept Lobbied or Social Media Platform *; OR
2. First Name and Last Name or Title of Person Lobbied

NOTE: You are NOT required to disclose information in BOTH categories; but you are also not prohibited from disclosing information in BOTH categories if known.

*SEE pages 11-12 for a reporting example relating to a Social Media Platform.

Quick rule of thumb: If the following 'box' appears on your screen after you select a 'Party Name', you must include additional information in either column (labeled 1 or 2) by clicking the green 'Add' button. For detailed step-by-step 'click here' instructions on reporting Lobbying Activities in LA, refer to the 'How to file in LA' technical instructions for the specific filing.

**HOW TO DISCLOSE PARTY(IES) LOBBIED – EXAMPLES OF COMMON DISCLOSURES**

If you sent a Communication regarding a specific Focus sent to an entire group (every member of the Senate, Assembly or County Legislature)

1. Type “A communication sent to” in the ‘Party Name’ search field
2. Select one of the following options:
   - A communication sent to entire Senate
   - A communication sent to entire Assembly
   - A communication sent to entire Legislature (includes all members of the Senate and Assembly)
   - A communication sent to all NYC Council Members
   - A communication sent to an entire specific county Legislature (Example: Albany County Legislature)

If you lobbied a State Legislator or staff member of a State Legislator

A directly lobbied Senator and/or Assembly person, or a staff member, must be identified using the drop-down list. Every State Legislator’s name is included in the ‘Party Name’ field for selection, including the ability to select the “staff member” of a State Legislator. Once you start typing the first few characters, the Legislator’s name and the ‘[Legislator’s name], staff member’ will appear in the drop-down list for your selection.

**IMPORTANT:** If you do not identify detailed information as specified in this document JCOPE will request you amend your Filing.

- If you lobbied Assemblyman Doug Smith, or a staff member of Assemblyman Doug Smith:
  1. Type "Smith" in the ‘Party Name’ search field
  2. Select the applicable choice from the drop-down list of search results: ‘Doug Smith’ OR ‘Doug Smith, staff member’

  *Please contact JCOPE if a Legislator’s name is missing from the list.*

If you lobbied a Legislative Committee

- If you lobbied every member of a Senate or Assembly Legislative Committee (the entire Committee):
  1. Type the first few characters of the Committee name in the ‘Party Name’ search field
  2. Select the applicable Senate or Assembly Committee name from the drop-down list of search results; *i.e.* Aging (Senate Committee) OR Aging (Assembly Committee).

  *Please contact JCOPE if a Committee’s name is missing from the list*
If you lobbied the Governor, Lieutenant Governor and/or a member of their staff

For your convenience, the Governor and Lt. Governor’s names are included in the ‘Party Name’ field for selection, including the ability to select “staff member”. (See below)

**EXAMPLE A:**

- **If you lobbied Governor Kathy Hochul:**
  1. Type “Governor” or “Hochul” in the ‘Party Name’ search field
  2. Select 'Governor Kathy Hochul' from the drop-down list of search results

**EXAMPLE B:**

- **If you lobbied Lieutenant Governor Brian Benjamin:**
  1. Type “Lt. Governor” or “Benjamin” in the ‘Party Name’ search field
  2. Select 'Lt. Governor Brian Benjamin' from the drop-down list of search results
EXAMPLE C:

- If you lobbied a staff member of the Governor and/or Lieutenant Governor:

  - **“Executive”**
    - Select 'Executive Chamber/Office of the Governor' if you lobbied immediate staff that assist the Governor in managing State government.

  - **“Benjamin” or “Lt. Governor”**
    - Select 'Lt. Governor Brian Benjamin, staff member' if you lobbied an individual who works for the Lt. Governor.
If you lobbied a Commissioner and/or staff member of a State Agency

EXAMPLE A:

➢ If you lobbied the Commissioner of Taxation and Finance:
  1. Type “Tax” in the ‘Party Name’ search field and select ‘Department of Taxation and Finance’ from the drop-down list of search results.
  2. Select the green ‘Add’ button and enter the Commissioner’s ‘First and Last Name’, or enter ‘Commissioner’ as the Title in the applicable category field. A combination is also acceptable, such as ‘Commissioner Jane Doe’.

EXAMPLE B:

➢ If you lobbied a staff member in a specific unit, division, or department of ‘Department of Taxation and Finance’, such as ‘Property tax and assessment administration’:
  1. Type ‘Tax’ in the ‘Party’ search field and select ‘Department of Taxation and Finance’ from the drop-down list of search results.
  2. Select the green ‘Add’ button and enter ‘Property tax and assessment administration’ in the applicable category field.

If you lobbied a Mayor, Town Supervisor, etc., and/or staff member of a Municipality:

EXAMPLE A:

➢ If you lobbied the Mayor of the City of Albany:
  1. Type ‘Albany’ in the ‘Party’ search field and select ‘Albany, City’ from the drop-down list of search results.
  2. Select the green ‘Add’ button, and enter the Mayor’s First and Last Name, or enter ‘Mayor’ as the Title in the applicable category field. A combination is also acceptable, such as ‘Mayor Kathy Sheehan’.
EXAMPLE B:

- If you lobbied a *staff member* of a specific unit/division/department within the City of Albany, such as the ‘Department of Planning and Development’:
  1. Type ‘*Albany*’ in the ‘*Party*’ search field and select ‘*Albany, City*’ from the drop-down list of search results.
  2. Select the green ‘*Add*’ button, and enter ‘*Department of Planning and Development*’ in the applicable category field.

EXAMPLE C:

- Disclosing *multiple rows of ‘additional information’* related to the SAME ‘*Party*’ for any State or Municipal level Party:
  1. **Example:** You met three different individuals of the City of Albany: (A) the Compliance Auditor, (B) a staff person named Jane Doe, and (C) the Audit Division.
  2. Select the green ‘*Add*’ button THREE times to allow you to display three different rows of information.
     - A. The *Title* ‘Compliance Auditor’ is disclosed.
     - B. The *Name* of the staff member is disclosed.
     - C. The name *Audit Division* is disclosed.

If you used a Social Media Platform to lobby a State Agency or Municipality *as a whole*, with no particular Unit/Division/Department as the target:

If you lobbied an entire State Agency or Municipality using a Social Media Platform:

1. Type the first few characters of the *Name* in the ‘*Party Name*’ search field and select the applicable name
from the drop-down list of search results.

2. Select the green ‘Add’ button and enter in the ‘Unit/Division/Dept Lobbied or Social Media Platform’ section the ‘Social Media - [platform used]’.

**EXAMPLE A:**

- If you *tweeted* the City of Albany:
  1. Type “*Albany*” in the ‘Party Name’ search field
  2. Select ‘*Albany, City*’ from the drop-down list of search results
  3. Select the green ‘*Add*’ button, and enter ‘*Twitter*’ in the applicable category field

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**Disclosing State and Municipal Level Parties Lobbied for the SAME Focus**

You do not need to list a Focus more than once to show that you lobbied multiple Parties (Municipal and/or State) for that specific Focus. A combination of State and Municipal Level parties may be included on any State or Municipal level Focus (Bill, Resolution, Procurement, etc.).

**Example:** If you performed Lobbying Activities on both the State and Municipal level for a Municipal Bill regarding single stream recycling in the Town of Bethlehem, New York, you would disclose the Focus ONCE, and disclose all the Parties lobbied for that Focus.

1. **Identify the Focus** *(the Identifying Number or Description)*

   The **Identifying Number** (such as a State and/or Municipal Bill, Rule, Regulation or Rate or Procurement Contract, Executive Order number, etc.) should be disclosed **ONCE**. Or, if an **Identifying Number** is **unknown**, a **Description** of the Focus should be disclosed **ONCE**. The description must clearly communicate the Focus of the lobbying effort.

   (a) **Focus Type** = Municipal Bill

   (b) **Description** = Single stream recycling in the Town of Bethlehem, New York
2. Identify **EACH Party** you lobbied for that specific Focus

(c) **Parties Lobbied**

1. Town of Bethlehem, Supervisor (see section above, *HOW AND WHEN TO INCLUDE ADDITIONAL INFORMATION TO AN EXISTING 'PARTY NAME'*)
2. Assemblyman Doug Smith
3. Senator Andrea Stewart-Cousins, staff member
4. City of Albany, Mayor

3. Select the check-box next to the Focus, and *EACH of the Party(ies)* so the information populates to the “PREVIEW” box
4. Select the green ‘Add’ button to add the information to the ‘My Selected Focuses’ section of your Filing.
How to Properly Disclose Lobbying Activities on Bi-monthly and Client Semi-Annual Reports (updated 10/21/21)

HOW TO AMEND/CHANGE LOBBYING ACTIVITIES

If you need to modify existing Lobbying Activity information, you can either:

1. Select the ‘red x’ to delete the entire entry and select the Focus/Party Names again.

   ![Image of Lobbying Focus and Parties Lobbied]

   **OR**

2. Re-select the specific Focus/Party Names in the corresponding sections and LA will overwrite (or replace) the information.

   ![Image of Lobbying Focus and Parties Lobbied]

OR

![Image of Lobbying Focus and Parties Lobbied]
QUESTIONS?

Contact the JCOPE Helpdesk at helpdesk@jcope.ny.gov or by phone at 518-474-3973 for technical assistance on how to either disclose a Lobbying Activity or amend your filing in the JCOPE Lobbying Application.

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 for guidance on whether a specific lobbying activity needs to be disclosed on a filing email them at legal@jcope.ny.gov or call the JCOPE Hotline at phone at 1-800-87-ETHICS (873-8442) and press ‘2’.