



Chapter 4: Lobbyist Filing Requirements

★ **NOTE:** All references to Lobbyists and Clients include Public Corporations.

Statement of Registration

Is registration required in New York State?

Yes. The Lobbying Act requires public disclosure of the identities, activities, and expenditures of Lobbyists. Every Lobbyist that reasonably anticipates incurring, expending, or receiving more than \$5,000 in combined Reportable Compensation and Expenses for Lobbying Activity on a **State and/or local** level, in any calendar year during the biennial period is required to register and report with the Commission, regardless of when the threshold is reached during the biennial period.

For purposes of determining whether the \$5,000 threshold has been or will be met, a Lobbyist must calculate the reportable Compensation and Expenses for Lobbying Activities, across all Clients whether it be before the State and/or a Municipality, in any calendar year during a biennial period (i.e., computed cumulatively).

Once a Lobbyist meets or anticipates meeting the cumulative \$5,000 threshold, a Lobbyist must file a Statement of Registration for every Client for whom the Lobbyist lobbies, regardless of Compensation or Expenses paid by each Client individually.

If I register with NYC or another Municipality, do I also need to register with JCOPE?

Individuals and Organizations who lobby a Municipality and meet the reporting requirements in the Lobbying Act must register with JCOPE, regardless of whether the Municipality has its own registration and reporting requirements.

★ **Note:** Municipalities may use a different definition of “lobbying activities” – all JCOPE reporting requirements are based on the definitions and provisions of the Lobbying Act.

See Chapter 3 – Local Lobbying for more information.

When is a Lobbyist required to register?

BY JANUARY 1 of the first year of the biennial period if the Lobbyist is providing services under an agreement that is in effect both before December 15th of the year immediately preceding the first year of a biennial registration period and after January 1st of the first year of a biennial registration period, and the Lobbyist reasonably anticipates combined Reportable Compensation and Expenses in excess of \$5,000 for Lobbying Activities to be undertaken in the coming year. The Lobbyist must also ensure they have registered for all corresponding biennial registration periods.

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Lobbyists retained, employed, or designated to Lobby after December 15th of the year preceding the first year of the biennial period, for activity in either year of the biennial period, are required to submit a biennial Statement of Registration within fifteen (15) days of the date on which the Lobbyist has agreed to – or been authorized to – begin Lobbying Activity.

If a Lobbyist actually expends, incurs or receives **more than \$5,000** of combined reportable compensation and expenses, a Statement of Registration must be submitted no later than ten (10) days after exceeding the threshold.

Is there a Registration filing fee?

Yes. A **\$200 non-refundable registration fee** is required to be submitted with each biennial Lobbyist Statement of Registration for each Client for whom the Lobbyist reasonably anticipates exceeding \$5,000 in combined Reportable Compensation and Expenses in any calendar year within the biennial period.

A prorated **\$100 non-refundable registration fee** is required with each biennial Lobbyist Statement of Registration submitted after January 1 of the second calendar year of the biennial period that the Lobbyist reasonably anticipates exceeding \$5,000 in combined reportable compensation and expense for that calendar year within the biennial period.

- ★ **PLEASE NOTE:** The prorated \$100 registration fee does not apply to any biennial Lobbyist Registrations that are filed late and cover the entire biennial period, or a portion of both calendar years within the biennial period. In these instances, the \$200 registration fee would be due at time of submission.

No registration fee is required to be submitted with:

- A Biennial Public Corporation Statement of Registration.
- A Biennial Lobbyist Statement of Registration if the Lobbyist **will not exceed \$5,000** in compensation and expenses **for that Client**.
- An **amended** biennial Statement of Registration, provided a registration fee has already been submitted for that same biennial period. Please be aware, if you submitted a Statement of Registration and did not pay the registration fee, and you later determine the \$5,000 threshold has been exceeded, you will be required to submit an Amended Statement of Registration accompanied by a \$200 registration fee (or a \$100 fee in the case where a prorated fee is applicable). The Amended Statement of Registration is due within 10 days of exceeding the threshold.

Can more than one person be listed as an additional Lobbyist on a Statement of Registration?

Yes. All individuals authorized to lobby by a Principal Lobbyist or an Organization for a Client must be listed as additional Lobbyists on the Registration.

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A Retained Lobbyist/Organization should list only those persons who are employed by such retained Organization, and engaged to lobby on behalf of a Client, as an additional Lobbyist on the Registration.

- * **NOTE:** All Lobbyists who register on behalf of the same Client MUST each register using the same exact Client name. Registering with variations of the same Client name may result in delinquent report notices and potential fines.

What information is required to be included in the Registration?

Every Statement of Registration must include the following:

- (1) An executed Lobbying Agreement form, or a copy of a signed, written Lobbying agreement or written authorization.
 - (i) Copies of Lobbying agreements or written authorizations must contain the following:
 - (a) A start date, which is the first date the Lobbyist has agreed to or been authorized to Lobby;
 - (b) Signatures of the Responsible Party for the Client and Lobbyist, or another person with the authority to enter the Lobbyist into a binding contract;
 - (c) The date(s) of execution;
 - (d) A statement indicating that other services will be provided in addition to Lobbying, if applicable;
 - (e) A termination (end) date, which is the last date the Lobbyist has agreed to or been authorized to Lobby;
 - 1) in the case of a month-to-month agreement, the termination (end) date shall be presumed to be the end of the current biennial period, unless otherwise specified; and
 - (f) The Compensation to be paid specifically for Lobbying services, including pay frequency and/or rate of pay.
 - 1) If the Lobbyist is retained for Lobbying, the actual Compensation must be reported.
 - 2) If the retainer is based on a monthly, daily or hourly rate, the fee per month, day or per hour must be reported.
 - 3) If multiple parties with multiple hourly rates will be covered by the retainer, all rates shall be disclosed.
 - 4) If the Lobbyist is a salaried employee, the Lobbyist's prorated salary for Lobbying Activity must be reported.
 - (ii) If the Lobbyist is retained under terms of an oral agreement, a written summary of such terms may be submitted with a Statement of Registration, and must be signed by Responsible Party.
- (2) The name of the Principal Lobbyist.

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- (i) If an individual Lobbyist is an employee or partner of an organization or firm, the organization or firm should always be identified as the Principal Lobbyist unless the individual has been retained in his individual capacity.
 - (ii) The Principal Lobbyist should only be listed as an individual if the Lobbyist conducts business in his own name.
 - (iii) A Public Corporation that lobbies on its own behalf is the Principal Lobbyist.
- (3) The name of all Individual Lobbyists to perform lobbying services on behalf of the Client (unless ALL lobbying activity will be carried out as grassroots communication under the banner of the Principal Lobbyist or Organization name).
- (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.
- (4) The subject matter on which the Lobbyist expects to Lobby;
- (5) The target(s) of the expected Lobbying, including the person, organization, entity, or legislative body before which the Lobbyist intends to Lobby;
- (6) The government activity on which the Lobbying is expected to occur, which shall include the following, as known at the time of filing:
- (i) bill, rule, regulation, rate number or brief description relative to the introduction or intended introduction of legislation or a resolution;
 - (ii) the title and identifying numbers of Procurement Contracts/documents or a general description of the Procurement;
 - (iii) the number or subject matter of an Executive Order of the Governor or Municipality; and
 - (iv) the subject matter of and tribes involved in tribal-state compacts;
- (7) Client information for all Clients, which shall include the Clients' names, business addresses, phone, the nature of business, and the Chief Administrative Officers' names and titles;
- (8) The level of government expected to be lobbied which shall indicate whether the expected Lobbying will be State lobbying, local Lobbying, or both;
- (9) Any Reportable Business Relationships.

* **NOTE:** You must report the full legal name of the Lobbyist and Client. Do not use abbreviations or acronyms. Names beginning with "New York" or "New York State" should be listed with (New York or NY) or (New York State or NYS), respectively, at the end of the name title.

What if I do not have a written lobbying agreement?

If you do not have a written lobbying agreement, a written authorization may be substituted, signed by the chief administrative officer or Responsible Party of the client or employer, and must be submitted together with a written summary of the terms and amounts of your compensation or salary.

How is a Reportable Business Relationship reported on a Registration?

Section 1-e(c)(8) of the Lobbying Act requires a Business Relationship to be reported, regardless of when the relationship commenced, if at any time during a biennial cycle covered by the Lobbyist's Statement of Registration, the criteria outlined in **Chapter 6** are met.

If you are subject to the requirements of this Section, a separate hard-copy Reportable Business Relationship form must be submitted for all biennial periods in which the RBR is in existence. In the near future, this information will be reportable using the Online Filing System, and the information submitted will appear on each Registration (and/or Amendment) after the initial submission.

Registration Amendment

Can a Registration be amended after being submitted?

Yes. Any change – permanent or temporary – to the terms of an agreement or authorization for Lobbying requires an amended Lobbyist Statement of Registration form, which must be completed and filed with the Commission **within 10 days of such change**. No filing fee is required for a Registration Amendment, provided the original Statement of Registration filing fee has already been paid for the applicable biennial period.

Such amendment must include:

- The name of the Lobbyist and Client;
- The new or changed information; and
- The signature of the Responsible Party or designee, if applicable.

A Lobbyist must, within 10 days of the change, amend a Statement of Registration and submit an amended agreement/authorization to reflect any changes to the:

- Individual Lobbyists authorized to Lobby for the Client
- level of Lobbying (State vs. local)
- terms of Compensation
- engagement start and termination (end) dates
- Client CAO Name and Title*

Failure to make such amendments are subject to the imposition of late fees.

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A Lobbyist is not required to amend a Statement of Registration to reflect any changes to:

- the subject matter, targets, or type of Lobbying (Procurement vs. non-procurement).
 - any decision by a Lobbyist to waive, write-down, or otherwise reduce the prior Compensation and Expenses owed to the Lobbyist by the Client **after the termination of the Agreement.**
- * **NOTE:** While the Lobbyist is required to amend a Statement of Registration to reflect a change to the Client's CAO information, the Lobbyist is not required to submit an amended agreement/authorization. The fact that the CAO has changed does not invalidate the agreement.

Lobbyist Termination

What is required if a lobbying agreement terminates before the end of the biennial registration period?

Section 1-g of the Lobbying Act generally requires written notification of the terms of the termination from **both the Lobbyist and the Client** within 30 days of the termination date.

However, if the contract terms expire at the end of the biennial registration period, written notification of a termination is not required.

In addition, both parties must still file all required reports by their statutory due dates, reporting all Lobbying Activity up to the effective date of termination.

Can an Approved Termination be withdrawn after submission?

Yes. A Lobbyist may request withdrawal of a Termination if Lobbying Activities will resume during the biennial registration cycle.

Once the Termination is 'withdrawn' (rejected), an Amended Lobbyist Statement of Registration form must be completed and filed within 10 days of the change, and include a 'new' written agreement or written authorization from the Client.

Withdrawal requests must be signed and/or submitted via email by the responsible person, designated person, or registered Lobbyist. Determination of a withdrawal request is made at the discretion of the Commission.

- * **NOTE:** No filing fee is required for a Registration Amendment provided the original Statement of Registration filing fee has already been paid for the applicable biennial period for this Client.

What if an additional Lobbyist terminates their relationship with the Lobbyist?

If an additional Lobbyist will no longer be a part of the lobbying effort, then a Termination for the additional Lobbyist must be completed for **each** Registration in which the additional Lobbyist's name

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appears. The terminated additional Lobbyist's name will **immediately** be removed from the applicable Registration upon submission in the Online Filing System. However, the terminated additional Lobbyist's name will continue to appear on any previously submitted Filings which their name had been listed on.

Please be aware *if* the terminated additional Lobbyist is required to be listed on the next Bi-monthly Report, **do not** submit the Termination until **after** the Bi-monthly Report has been submitted so the additional Lobbyist's name will appear on the Report.

The terminated additional Lobbyist's name will also continue to appear on the list of additional Lobbyists in the Profile, **unless** a Profile Update is submitted to remove the additional Lobbyist's name. Once the additional Lobbyist name is removed from the Profile, the Lobbyist's name will not be available for selection on any future Filings.

However, if the additional Lobbyist's name remains on the list of additional Lobbyists in the Profile, their name will be available for selection on future Registrations. The additional Lobbyist's name will **not** be available for selection on future Bi-monthlies unless a Registration Amendment is submitted and processed.

A terminated additional Lobbyist may be re-added as an additional Lobbyist at any time by submitting a Profile Update **and** a Registration Amendment (or Registration Amendments) to add the Lobbyist's name again. However, if the additional Lobbyist's name was not previously removed from the Profile, only a Registration Amendment needs to be submitted to re-add the Lobbyist's name. Please be aware the additional Lobbyist's name will not populate to a future Bi-monthly Report until the Registration Amendment is processed.

RECAP – TO REMOVE ADDITIONAL LOBBYIST:

- 1) Submit a Termination for each Registration in which the additional Lobbyist's name appears (making sure to **only** submit the Termination after submission of any Bi-monthly Report in which the additional Lobbyist must be listed).
- 2) Submit a Profile Update to remove the additional Lobbyist's name.

RECAP – TO ADD BACK AN ADDITIONAL LOBBYIST:

- 1) Submit a Profile Update to add the additional Lobbyist's name (if it had been previously removed from the Profile).
 - 2) Submit a Registration Amendment (or Amendments) to add the additional Lobbyist's name.
- ★ **NOTE:** This may also require submission of an amended agreement/authorization.

Bi-monthly Report

Who must file Bi-monthly Reports?

Any Lobbyist required to file a Statement of Registration for any Client in a biennial period must also file Bi-monthly Reports, regardless of Compensation, Expenses, or Lobbying Activity.

These reports are due by the 15th day of the month following the end of the Bi-monthly reporting period in which the Lobbyist was first required to register. Subsequent Bi-monthly reports must be filed by the 15th day of the month following the end of each subsequent Bi-monthly period thereafter.

What are the Bi-monthly reporting periods and when are Reports due?

The first Bi-monthly Report is due by the 15th day of the month following the end of the relevant reporting period.

There are twelve reporting periods in every two-year registration cycle:

FILING	FILING DEADLINE
January/February Bi-monthly Reports (January 1 – last day of February)	March 15
March/April Bi-monthly Reports (March 1 – April 30)	May 15
May/June Bi-monthly Reports (May 1 – June 30)	July 15
July/August Bi-monthly Reports (July 1 – August 31)	September 15
September/October Bi-monthly Reports (September 1 – October 31)	November 15
November/December Bi-monthly Reports (November 1 – December 31)	January 15

- * **PLEASE NOTE:** Timely reports are those that are received by the Commission's office on or before the due date. If a report is due on a weekend or a State holiday, the report must be received in the Commission's office on the first business day following the weekend or State holiday. The Commission does not consider the postmarked date as the date of receipt for Filings.

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Is a Bi-monthly Report still required to be filed if a registered Lobbyist does not have any reportable Compensation or Expenses for the reporting period?

Yes. The Lobbying Act requires that a Bi-monthly Report be filed by a registered Lobbyist for each reporting period, even if no Compensation or Expenses have been paid or incurred. Expense and Compensation fields should be completed with zeros for such periods.

- ★ **NOTE:** There is NO minimum activity or expenditure threshold requirement for filing any Bi-monthly Report. Consequently, a **Bi-monthly Report is required to be filed regardless of Compensation, Expenses, or Lobbying Activity.** If the relationship between the Lobbyist and Client has terminated, both parties are required to file all required reports by their statutory due dates, reporting all Lobbying Activity up to the effective date of termination.

What information is required to be included in the Bi-monthly Report?

Every Bi-monthly must include the following:

- (1) The name, address, and telephone number of the Principal Lobbyist;
- (2) The names of all Individual Lobbyists who personally engaged in Lobbying Activity during the filing period;
- (3) The name, address, e-mail address, and contact information of all Clients;
- (4) The identities of any other parties to the Lobbying;
- (5) The subject matter(s) on which Lobbying occurred; and
- (6) The governmental action that the Lobbyist Attempted to Influence which shall include the following, as applicable:
 - (i) The bill, rule, regulation, or rate number, if available, on which Lobbying occurred;
 - (ii) The title and identifying numbers of Procurement Contracts/documents on which Lobbying occurred;
 - (iii) The number or subject matter of an Executive Order of the Governor or Municipality on which Lobbying occurred;
 - (iv) The subject matter of and tribes involved in tribal-state compacts on which Lobbying occurred; and /or

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- (v) In the event Lobbying is conducted in order to influence the introduction, intended introduction, or issuance of State legislation or a State resolution, a brief description of such activity.
- (7) The name of the person, organization, or legislative body before which the Lobbyist has lobbied.
- (8) All reportable Lobbying Compensation and Expenses (as defined) paid or owed by the Client for the current period only. **(See Chapter 1: Lobbying Overview and Definitions** for Definitions of **Reportable Compensation** and **Reportable Expenses** and **Chapter 2: Statutory Filings Overview** “Other Statutory Filing Information”).
 - (i) Any reportable Compensation and Expenses incurred by an employee (“in-house”) Lobbyist must be included in the Bi-Monthly Report, regardless of whether the organization also files a Client Semi-Annual Report.

Can more than one person be listed as an additional Lobbyist on a Bi-monthly?

Yes. The names of all Individual Lobbyists who personally engaged in Lobbying Activity during the filing period must be listed as additional Lobbyists on the Bi-monthly.

If I have been retained or employed to lobby on both a state and local level, how should Expenses and Compensation be reported?

Filer's should add local and State level lobbying Compensation and Expenses together and report the total amount in their Bi-monthly Reports. At this time, the Commission does not require that local Compensation or Expenses be reported separately from State Compensation and Expenses.

How should my Expenses be reported?

All Expenses, including Expenses that are or will be reimbursed, must be disclosed during the period in which they are incurred or expended. In addition, if the Lobbyist receives the reimbursement for these Expenses during the reporting period, they must also disclose this amount under Reimbursed Expenses.

Am I required to report Lobbying Expenses Reimbursed by the Client?

Yes. Lobbyist should report the aggregate value of all Expenses (regardless of value of the individual Expenses) that were reimbursed by the Client.

Is the January/February Bi-monthly Report always the first Bi-monthly Report required to be submitted?

No. The first Bi-monthly Report required for submission is determined by either:

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1. The date on which the Lobbyist has agreed to – or been authorized to – begin Lobbying Activity if the Lobbyist reasonably anticipates combined Reportable Compensation and Expenses in excess of \$5,000 for Lobbying Activities to be undertaken in the calendar year. The start date can dictate which Bi-monthly Report is required to be filed first.
 - 1.1. *Example.* If the start date is January 1, the January/February Bi-monthly Report is the first Report required to be filed.

OR

2. The date on which the Lobbyist incurs, expends, or receives more than \$5,000 in combined Reportable Compensation and Expenses for Lobbying Activity on a State and/or local level. Exceeding the threshold can also dictate which Bi-monthly Report is required to be filed first.
 - 2.1. *Example.* If you began lobbying January 1, and did not anticipate exceeding the threshold, but then did exceed in the month of May, the *first* Bi-Monthly Report filed is the Report covering the May - June time period (due July 15). This Bi-monthly Report must disclose all Lobbying Activities engaged in, Compensation received, and Expenditures incurred from January (when actual Lobbying Activity began) through June (after the threshold was exceeded). Thereafter, each Bi-Monthly Report will only disclose Lobbying Activities, Compensation and Expenditures engaged, received or incurred within the applicable 2-month time period.

In summary, if the first required Bi-monthly Report filed by a Lobbyist for a calendar year is not the Report covering the January – February period (due March 15), the Report should disclose all Lobbying Activities engaged in, Compensation received, and Expenditures incurred during the year up to and including the period covered by the Report.

Bi-monthly Amendment

Can a Bi-monthly Report be amended after being submitted?

Yes. A Lobbyist has a duty to amend a Bi-monthly Report if any change – permanent or temporary – occurs relating to the information previously reported on a Bi-monthly. This may include, for example, a previously reported payment that is subsequently waived, written-down, or otherwise modified for bookkeeping purposes, unless the relationship has already been Terminated.