



KEY FEATURES OF JCOPE'S NEW LOBBYING REGULATIONS

New York State's first comprehensive lobbying regulations take effect January 1, 2019. The lobbying rules, along with amendments to the source of funding regulations, mark a significant step toward greater transparency relating to lobbying activities by shining a brighter light on where, how, and by whom money is spent to influence government.

Key elements of the regulations, highlighted below, improve the quality of the information available to the public through rigorous disclosure rules and streamlined reporting requirements:

1. **The Contractual Client and Beneficial Client.** The regulations require that lobbyists identify both who is paying for their services, and who the services are intended to benefit (they can be – and often are – the same party). In short, the Contractual Client is the individual or organization that retains a Lobbyist for itself or another. The Beneficial Client is the individual or organization who benefits from the lobbying activity.

The regulations require that Contractual Clients complete Client Semi-Annual Reports, except for the Source of Funding section. Beneficial Clients are subject to source of funding reporting, preventing groups from using third-party intermediaries to hire a lobbyist and hide their sources of funding.

2. **Greater Specificity on Lobbying Targets.** The regulations require a Lobbyist Bi-Monthly Report and Client Semi-Annual Report to disclose the name of the person, organization, or legislative body before which the Lobbyist or Client has lobbied. Instead of merely disclosing, for example, that the filer lobbied before “the Assembly”, the regulations require a filer to identify the Public Official's name or office, or the legislative committee, as applicable, which will greatly increase transparency and lead to the disclosure of more meaningful information.
3. **Grassroots and Direct Lobbying and the Use of Social Media.** The regulations clarify definitions of direct and grassroots lobbying, as well as when the use of social media is considered reportable lobbying activity. For Direct Lobbying via social media, Public Officials must be either directly tagged or linked to be considered reportable lobbying. For Grassroots Lobbying, if the social media communication meets the criteria for a Grassroots Lobbying Communication, like any other such communication, it must be reported. In either case, the attribution of personal social media activities of an individual to an organization only occurs when those activities are conducted in the course of such person's employment.

4. **Coalitions.** The regulations strive to improve transparency surrounding who is behind Coalitions without discouraging their formation. Striking that balance, the regulations allow Coalitions to either file lobbying reports as an entity, or, in the alternative, member contributions may be disclosed in each Coalition member's filing, if there is one. Regardless of whether a Coalition elects to file as a distinct, separate entity, or how a member reports its contribution to the Coalition, if applicable, all Coalition members who spend more than \$5,000 on lobbying in a year are considered Beneficial Clients which may trigger source of funding disclosures for those member organizations.

5. **Lobby Days.** The regulations clarify that an organization holding a Lobby Day must list an employee or Designated Lobbyist as an Individual Lobbyist on their lobbying filings only if such persons make Direct Contact with a Public Official *and* speak on behalf of the organization at the Lobby Day. Volunteers or members of the organization are not required to be listed. The regulations also clarify what expenses from the Lobby Day would be attributable to the organization as reportable to the Commission.

6. **Streamlining.** Going forward, certain Client entities who act as their own Lobbyist may not be required to file both Lobbyist Bi-Monthly Reports and a Client Semi-Annual Report. Specifically, Clients who only utilize in-house lobbyists may file regular Bi-Monthly Reports. In such cases, those filers would not be required to also submit a Client Semi-Annual Report.

In the next few months, the Commission will be sending out a series of emails, with more information about what Lobbyists and Clients will need to know about additional reporting requirements and the new and improved lobbying filing application set to launch in conjunction with the new regulations. The emails will include information about accessing the new application, creating new profiles, and submitting reports that will provide additional transparency about who is working to influence governmental decision making and on what issues.