



New York State Commission on Ethics and Lobbying in Government

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The Commission on Ethics and Lobbying in Government Tentative 2025 Legislative Agenda

ETHICS AND LOBBYING

1. Accessorial Liability (Executive Law, Public Officers Law, Civil Service Law and Lobbying Act)

- **Proposal:** Amend laws to expressly prohibit individuals and entities under the Commission’s jurisdiction from soliciting, aiding, or importuning another to engage in conduct that violates the State’s ethics and lobbying laws. The Public Officers Law and the Lobbying Act do not expressly authorize COELIG to pursue individuals under its jurisdiction who aid others in the commission of acts in violation of the law. The inclusion of so called “accessorial liability” in the law would strengthen COELIG’s enforcement arm and promote compliance with the State’s ethics and disclosure laws.

2024 INTRODUCED BILL(S): None.

LOBBYING

2. Conforming Changes to the Lobbying Act

- **Proposal:** Amend Section 1-d(h) of the Lobbying Act to conform to Section 94(8) of the Executive Law by adding clients to the mandatory ethics training requirements set forth in the Lobbying Act. Amend Section 1-d(h) to require lobbyists (and, as proposed, clients) to complete the online ethics training course within 60 days of being listed on a Statement of Registration. Additionally, to correspond with biennial filing requirements, amend the requirement in Section 1-d(h) for lobbyists (and, as proposed, clients) to complete the online ethics training course from once every three years to once every two years to coincide with the biennial registration cycle.

2024 INTRODUCED BILL(S): None.

3. Training Non-Compliance Penalties for Lobbyists and Clients

- **Proposal:** Amend Executive Law Section 94(8) and Legislative Law Article 1-A (the Lobbying Act) Section 1-d(h) to authorize the Commission to impose late fees on lobbyists and clients who fail to timely comply with the mandated ethics training. Proposed late fees for failure to timely complete mandatory ethics training could include language similar to the statutory language authorizing late filing fees, which authorizes late fees of up to a certain dollar amount per day.

2024 INTRODUCED BILL(S):

S. 9257 (Breslin) – [NY State Senate Bill 2023-S9257 \(nysenate.gov\)](https://www.nysenate.gov/legislation/bills/2023/S9257)

Referred to the Ethics and Internal Governance Committee, advanced to third reading (5/15/2024), committed to Rules Committee (6/7/2024).

A. 10302 (McDonald) – [NY State Assembly Bill 2023-A10302 \(nysenate.gov\)](https://www.nysenate.gov/legislation/bills/2023/A10302)

Referred to Governmental Operations Committee (5/17/2024)

4. Express Individual Liability of CAOs and other Lobbying Representatives for Intentional Lobbying Act Violations

Proposal: Amend the Legislative Law Article 1-A (the Lobbying Act) to clarify that the Chief Administrative Officer (CAO) or Designee listed on the lobbying reports is the individual responsible for the accuracy, truthfulness, and completeness of the lobbying filings, and that such individual will be responsible for any knowing and willful violation of the Lobbying Act. (The Commission has clarified, in recently adopted amendments to its lobbying regulations, that all lobbying filings must be signed and attested to by a “Responsible Party” – if the lobbyist or client is an organization, the Responsible Party is either the Chief Administrative Officer or a designee who has the authority to bind the organization; if the lobbyist or client is an individual, the Responsible Party is the individual. *See* 19 NYCRR §§943.3, 943.5, 943.6, 943.9, 943.10, 943.11 and 943.12, adopted June 26, 2024. Those amendments, however, do not address the civil liability of CAOs or other Responsible Parties.)

2024 INTRODUCED BILL(S): None.

5. Require Electronic Submission of All Lobbying Filings

- **Proposal:** Amend the Lobbying Act in sections 1-(d)(e)(h)(i)(j) and (l) to require electronic filing of all lobbying reports. This proposal would ease the administrative burden created by the submission of paper filings and promote transparency of lobbying activity by ensuring that all lobbying filings are available to the public upon submission to the Commission. (NB: Section 305(1) of the State Technology Law prevents government entities from mandating electronic filing “except as otherwise provided by law”; hence this proposal for a legislative change rather than a regulatory amendment.)

Note: See also proposal 7 below.

2024 INTRODUCED BILL(S): None.

ETHICS

6. Post the Financial Disclosure Statements of Candidates

- **Proposal:** Starting with the 2026 Primary Election candidates, post the Financial Disclosure Statements of all Primary and General Election Candidates for Statewide Office and the Legislature, subject to the Commission's receiving a budgetary infusion to cover additional agency costs.

2024 INTRODUCED BILL(S): None.

7. Require Electronic Filing of All Financial Disclosure Statements

- **Proposal:** Amend Public Officers Law §73-a to require electronic filing of all Financial Disclosure Statements.
Note: See also Proposal 5, above.

INTRODUCED BILL(S):

S. 9011 (Skoufis) – [NY State Senate Bill 2023-S9011](#) ([nysenate.gov](#)) Referred to Ethics and Internal Governance

A.10382 (C. Cruz) Committee (4/9/2024)– [NY State Assembly Bill 2023-A10382](#) ([nysenate.gov](#))
Referred to Governmental Operations (5/21/2024)

8. Add Penalties for Certain Violations of the Public Officers Law which Currently Have None

- **Proposal:** Add penalties for violations of POL § 74(3)(f) and (h), and explicitly codify sexual harassment as conduct that violates the code of ethics.
 - i. Subsection (f) prohibits a State officer or employee from engaging in any conduct that would “give reasonable basis for the impression that any person can improperly influence him or her or unduly enjoy his or her favor in the performance of his or her official duties.” Subsection (h) requires a State office or employee to “pursue a course of conduct which will not raise suspicion among the public that he or she is likely to be engaged in acts that are in violation of his or her trust.” These standards are general in nature and the statute currently provides no penalty for violations of these two specific provisions other than referring for agency disciplinary action, including termination, or, in the case of statewide elected officials, impeachment (EL §94(10)(p)(ii)).
 - ii. Add a provision to Public Officers Law Section 74, the State’s Code of Ethics, specifically codifying sexual harassment as a violation of the Code. Currently, sexual harassment claims are addressed under POL Section 74(3)(h), which prohibits conduct that goes against the public trust and carries no monetary penalty, and/or POL Section 74(3)(d), which prohibits securing unwarranted privileges and carries a \$10,000 penalty.
 - iii. Add a monetary penalty to POL Sections 74(3)(f) and (h), similar to the penalties imposed for violations of POL Sections 74(3)(b), (c), (d), or (i). Violations of the public’s trust are serious infractions and should be treated accordingly.

2024 INTRODUCED BILL(S): None.

OPEN MEETINGS LAW

9. Eliminate the Physical Access Requirement in for Advisory Committees and Subcommittees of Public Bodies.

- **Proposal:** Amend the Open Meetings Law to allow meetings of purely advisory and non-decision-making committees, including ad hoc committees and subcommittees, to be held virtually with no requirement of physical access to participating commission members, provided that the meeting is publicly live-streamed and the public has access to one or more viewing sites. Removing the physical access requirement will increase transparency and substantially increase the number and frequency of non-decisional committee meetings of advisory-only bodies. Authorizing purely advisory subordinate committees and subcommittees of advisory bodies to meet by publicly livestreamed and recorded videoconference, with ample public notice and access to one or more fully equipped viewing sites, and without requiring members to travel long distances to assemble physically in public, will facilitate the readily accessible convening of such meetings and thereby both foster the principle of public scrutiny of the workings of state and local government that lies at the heart of the OML and serve the broader public interest without materially trenching upon either.

2024 INTRODUCED BILL(S):

S.9010 (Skoufis) – [NY State Senate Bill 2023-S9010 \(nysenate.gov\)](https://www.nysenate.gov/legislation/bills/2023/S9010)

Referred to the Investigations and Government Operations Committee, advanced to third reading (5/8/2024), committed to Rules Committee.

A.10642 (McDonald) – [NY State Assembly Bill 2024-A10642 \(nyassembly.gov\)](https://www.nyassembly.gov/legislation/bills/2024/A10642)

Referred to Governmental Operations Committee (6/20/2024).

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DEFERRED LEGISLATIVE PROPOSALS FROM 2024

1. **Should we seek a legislative change allowing COELIG to respond if a requester makes public statements about informal guidance?**

Staff: While the proposed amendment to Executive Law §94(7)(b) provides one solution to the concern about mischaracterizations or frank misstatements of guidance requested of or rendered by the Commission, to the extent the concern is that such erroneous communications can engender or perpetuate misunderstandings of the requirements of the state's ethics and lobbying laws and of what is permissible and what is not, an equally effective solution would be for the Commission when confronted with such a circumstance to use its authority to issue general guidance and clarifications concerning the state's ethics and lobbying laws and the Commission's regulations. Staff is also preparing, as a further alternative, a proposed formal advisory opinion for the Commission's consideration.

Legislative Agenda Committee Recommendation: Do not advance for the legislative agenda. Staff will present a proposed formal advisory opinion addressing this matter.

2. **Should we endorse a legislative change expressly adding discrimination claims (in addition to sexual harassment) to the Commission's jurisdiction?**

Staff: Staff supports this proposal, which should be phased in and mandate additional funding to support Commission staffing and infrastructure commensurate with the resulting expansion in the Commission's investigative and enforcement docket.

Legislative Agenda Committee Recommendation: No consensus reached. Commission to discuss in conjunction with Legislative Agenda proposal 8.

3. **Proposal to support legislation requiring that lobbying filings clarify whether lobbyists support, oppose, or take some other position on bills.**

Staff: Staff supports this proposal, which should be phased in and mandate additional funding to support the programming changes to the Lobbying Application that would be required to accommodate this added reporting field. Note that to the extent there is concern that lobbyists will avoid meaningful disclosure of their position by reverting to nuance – either genuine or for evasion – has been one of the reasons cited for not requiring an indication of position. The precise wording of the requirement needs to be fleshed out, but it could be as simple as confining the disclosure of position to the bill as introduced.

Legislative Agenda Committee Recommendation: Do not advance for the legislative agenda as we want to review and determine whether those states that presently collect this information consider it useful.

4. Proposal for legislative change that would require reporting misconduct to COELIG.

Staff: We routinely receive referrals from OIG and routinely refer received tips and complaints to OIG and other agencies and investigative entities. To the extent there is empirical evidence that the reporting requirement of Executive Law §55(1) is insufficient and that duplicative reporting to and enforcement of such a reporting requirement by COELIG is necessary and appropriate to achieve state objectives, then staff supports such a proposal, which should mandate additional funding to support Commission staffing and infrastructure commensurate with the resulting expansion in the Commission's investigative and enforcement responsibilities.

Legislative Agenda Committee Recommendation: Do not advance for the legislative agenda for the reason stated above.

5. Proposal to disclose lobbyists' fundraising.

Staff: This idea was proposed at the November 2023 roundtable. We took no position on S. 2130 and A.1391 (2024), which, among other things, would have required lobbyists to disclose to the Commission their and their clients and employees contributions to the campaigns of elected officials; their existing business relationships or associations with public officials; and any compensation in excess of \$500 they or their clients had paid to family members of public officials in the preceding calendar year and to whom such compensation had been paid.

Currently, campaign contributions are statutorily exempt from the gift restrictions administered by the Commission. The disclosure and reporting of such contributions are currently governed by campaign finance laws, which are administered not by COELIG but by the New York State Board of Elections. Broadening such disclosures would serve the interests of transparency, interests central to the Commission's ethos. It would seem self-evident that the most efficient way to implement such augmented disclosure would be by expanding the campaign finance reporting to the NYSBOE; whether parallel augmentation of the lobbying reporting requirements is also needed should be explored through the comprehensive review and public hearing process and by the legislature.

Legislative Agenda Committee Recommendation: Do not advance for the legislative agenda for the reasons stated above.

6. Should we revisit the regulations on outside payment for official travel?

Staff: Procedurally, the Commission’s Resolution 23-02, adopted after much Commission consideration and deliberation, already provides the procedure for Commissioners overriding proposed staff informal guidance. Substantively, the Commission’s regulations at 19 NYCRR Part 931 require that the expense for which outside reimbursement approval is sought qualify for reimbursement by the official’s agency as a condition for approval. Id., §931.4(a)(3). The dramatic policy change that would be signaled by converting what is now a prerequisite into a prohibiting condition, and thereby eliminating all, or even some, outside reimbursement of expenses associated with state position-related outside meetings, events, programs and other activities, warrants subjecting such a proposal to the wider scrutiny of the Executive Law §94(1)(d) comprehensive review process that is currently underway and, if it advances, thereafter to the SAPA Article 2 rulemaking process.

Legislative Agenda Committee Recommendation: Do not advance for the legislative agenda for the reasons stated above.

7. Proposal to post FDS filings, or information from those filings, beyond elected and statewide officials.

Staff: Staff continue to oppose this proposal, which would needlessly expose tens of thousands of state employees, their close family members and their assets to profound cyber risks and privacy invasions with little benefit to legitimate inquiry and a predicted complication of public service employment recruiting and retention. It would also cost the agency hundreds of thousands of dollars to retain a vendor to develop and provide the widely expanded capability that would be needed. In 2024, we addressed this issue by advancing the posting of candidates’ FDSs online (see proposal 6, above). If there is the view that financial disclosure statements should be subjected to broader scrutiny, a more effective approach would be to broaden the Commission’s authority to review financial disclosure statements and provide the additional resources needed to conduct such reviews.

Legislative Agenda Committee Recommendation: Do not advance for the legislative agenda for the reasons state above.