

New York State Joint Commission on Public Ethics

Reform E

This proposal would amend subdivisions 1-c and 1-u of article 1-a of the Legislative Law to include defined terms for “political action committee,” “political consulting activities,” and “fundraising activities” for purposes of disclosure of lobbyist filing of campaign contributions, solicitations of contributions, and political consulting. This proposal would also amend subdivision 1-j of article 1-a of the Legislative Law to require the disclosure of any political action committees in semi-annual reports filed with the Commission.

Section 1. Subdivision 1-c of article 1-a of the legislative law is amended by adding new paragraphs (x), (y), and (z) to read as follows:

(x) The term “political action committee” shall, for purposes of this article only, mean: a political committee, as defined in article fourteen of the election law, that is registered with the board of elections, that does not make any direct expenditures on behalf of political candidates or committees, and only makes contributions to candidates or committees.

(y) The term “political consulting activities” shall mean the activities of a lobbyist who, compensated or otherwise, by or on behalf of the candidate or elected officials, as applicable: (i) participates in the campaign of any candidate for nomination for election, or election, to the office of governor, lieutenant governor, comptroller, attorney general, member of the legislature, leadership position in the legislature, or elected office in a municipality by providing political advice; or (ii) provides political advice to the governor, lieutenant governor, comptroller, attorney general, member of the legislature, or elected official in a municipality.

(z) The term “fundraising activities” shall mean solicitation or collection of contributions for a candidate for nomination for election, or election, to the office of governor, lieutenant governor, comptroller, attorney general, member of the legislature, leadership position in the legislature, or elected office in a municipality, or for the political committee of any such candidate by a lobbyist.

Section 2. Paragraph (b) of subdivision 1-j of article 1-a of the legislative law is amended by adding new subparagraph (7) to read as follows:

(7) (i) The name, address, and Filer ID for any political action committee affiliated with the filer.

(ii) For purposes of this section, “affiliated” means that the officers of the political action committee are appointed by officers or directors or other representatives of the client.

(iii) The names and addresses of all candidates or candidate committees to whom the political action committee made contributions during the filing period.

Section 3. Article 1-a of the legislative law is amended by adding a new subdivision 1-u and subsequent renumbering 1-v and 1-w to read as follows:

§1-u. Fundraising and Political Consulting Reports.

(a) (i) For purposes of this section, the terms "contribution", "political committee", and “candidate” shall have the meanings set forth in section 14-100 of the election law.

(ii) For purposes of this section, the term "lobbyist" shall mean a lobbyist as defined in section 1-c of this article and the spouse or domestic partner and unemancipated children of the lobbyist, and if the lobbyist is an organization, the term "lobbyist" shall mean only that division of the organization that engages in lobbying activities and any officer or employee of such lobbyist who engages in lobbying activities of the organization or is employed in an organization's division that engages in lobbying activities of the organization and the spouse or domestic partner and unemancipated children of such officers or employees.

(a) Any lobbyist required to file a statement of registration pursuant to section 1-e of this article who in any calendar year to which the statement of registration relates, or in the six months

preceding such calendar year, engages in fundraising or political consulting activities shall file with the joint commission on public ethics, on forms prescribed by the joint commission on public ethics, a fundraising and/or political consulting report. Such report shall be filed in accordance with the schedule applicable to the filing of bi-monthly reports under section 1-h of this article, provided that the first fundraising and/or political consulting report filed in any calendar year shall include information on fundraising and/or political consulting activities that occurred in any period beginning six months preceding the calendar year to which the statement of registration relates through the end of the reporting period for which the report is filed, to the extent such information has not been reported in a previously filed fundraising and/or political consulting report. Each subsequent fundraising and/or political consulting report filed in or with respect to the calendar year to which the statement of registration relates shall include information on fundraising and/or political consulting activities that occurred since the end of the reporting period for which the previous report was filed through the end of the reporting period for which the current report is filed. Such activities shall be reported whether they are conducted directly by the lobbyist, or through any other entity of which such lobbyist is an employee, officer, or director. Such fundraising and/or political consulting reports shall be filed not later than the fifteenth day next succeeding the end of such reporting period.

(b) Such fundraising and/or political consulting report shall contain:

(1) the name, address and telephone number of the lobbyist and the individuals employed by the lobbyist engaged in such fundraising and/or political consulting activities;

(2) the name, address and telephone number of the candidate, public servant, or elected official to whom or on whose behalf the lobbyist provided fundraising and/or political consulting services;

(3) (i) the compensation paid or owed to the lobbyist and any expenses incurred by the lobbyist for such fundraising and/or political consulting activities;

(ii) a list of all persons or entities with whom the lobbyist contracted for the purpose of providing fundraising and/or political consulting services;

(4) in the case of fundraising activities, the total dollar amount raised for each candidate for which such activities were performed.

(c) All such fundraising and/or political consulting reports shall be subject to review by the joint commission on public ethics.

(d) Whenever there is a change in the information filed by a lobbyist in a report filed pursuant to this section, an amended report shall be submitted to the joint commission on public ethics on forms prescribed by the joint commission on public ethics.

(e) Such fundraising and/or political consulting reports shall be kept in electronic form by the joint commission on public ethics and shall be available for public inspection.

§1-~~va~~. Applicability of certain laws.

The provisions of this article including, but not limited to, any proceeding or hearing conducted pursuant hereto, shall be subject to the applicable provisions of the state administrative procedure act and section seventy-three of the civil rights law.

§1-~~wv~~. Separability clause.

If any part or provision of this article or the application thereof to any person or organization is

adjudged by a court of competent jurisdiction to be unconstitutional, such judgment shall not affect or impair any other part or provision or the application thereof to any other person or organization, but shall be confined in its operation to the part, provision, person or organization directly involved in the controversy in which such judgment shall have been rendered.