

New York Lobbying Regulator to Implement Rules Affecting Lobbyist, Client Disclosures

Article By:

Joshua L. Oppenheimer

Cathryn O. Crummey

The New York State Commission on Ethics and Lobbying in Government (COELIG or Commission) is rolling out changes to its online lobbying application/filing system in conjunction with regulation changes that are taking effect in December 2024. Any contact currently listed in the Commission's lobbying application system should have received a notice recently, and this GT Alert is intended to address questions that filers may have as a result.

Go-To Guide:

- New rules require filings to be signed by an authorized and legally responsible person.
- Mandatory ethics training for key personnel and lobbyists.
- Updated rules regarding late fees.

The regulatory and practical changes most visible to lobbyists and clients of lobbyists are those pertaining to the "Responsible Party." As of Dec. 1, 2024, COELIG will require that all filings submitted to the Commission "be signed and attested to" by an individual who meets the modified definition of Responsible Party. A Responsible Party is limited to the chief administrative officer (CAO) of a lobbyist or client of a lobbyist, or a designee of such CAO. Moreover, that individual must be someone with the authority to bind the lobbyist or client on legal matters – not just with regard to the lobby disclosure filings.

In short, although anyone can be a so-called "Preparer" who drafts the lobby filings, lobbyists and clients of lobbyists must identify someone with great enough responsibility to certify those filings. The Commission intends to allow the filer to have no more than two Responsible Parties listed in the lobbying application, and only those individuals' accounts will be able to finalize registrations, bimonthly reports, and client semiannual reports.

Other COELIG regulatory changes are taking effect Jan. 1, 2025, specifically with regard to:

- ***Ethics Training for Lobbyists and Clients***, the new regulations

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clarify that the Responsible Party for the organization and all individuals listed as lobbyists, must complete the training;

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place the burden of entering information regarding the completion of the training into the lobbying application on the Responsible Party, and require that the Responsible Party retain an affidavit of training completion form provided by the Commission for a period of three years.

- **Source of Funding Reports**, the regulations explain that a member of a structured coalition must be disclosed on a source of funding (SoF) report, provided that the rest of the SoF threshold requirements are met.
- **Client Semi-Annual Reports**, clarifying that co-lobbyist or sub-lobbyist identities are not required to be reported at that time.
- **Late Fees**, clarifying the existing late-fee schedule and setting a new and more explicit process for seeking late penalty waivers or reductions.

Those seeking assistance navigating the application of New York's Lobbying Act; corresponding reporting requirements under New York state and local lobbying laws; or other state, local, and federal lobbying compliance obligations should consult with experienced legal counsel.

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