

Office of the City Clerk

Notice of Public Hearing and Opportunity to Comment on Proposed Rule

What are we proposing? The Office of the City Clerk proposes to amend chapter 1 of title 51 of the Rules of the City of New York (“RCNY”) to add a provision allowing a Principal Officer to designate a person to certify filings and reports required by the lobbying law and clarify the method and the deadline for the submission of amnesty applications.

When and where is the Hearing? The Office of the City Clerk will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 a.m. on November 17, 2016 at the Office of Administrative Trial and Hearings, Hearing Room A, 100 Church Street, 12th Floor, New York, New York 10007.

How do I comment on the proposed rules? Anyone can comment on the proposed rule by the following methods:

- **Website.** Submit comments to the Office of the City Clerk through the NYC Rules website at <http://rules.cityofnewyork.us>.
- **Email.** Submit comments by email directly to the Office of the City Clerk to lobbyist_helpdesk@cityclerk.nyc.gov.
- **Mail.** Submit comments to The Lobbying Bureau, Office of the City Clerk, 141 Worth Street, New York, New York 10013.
- **Fax.** Submit comments to (212) 669-4224, Attn: The Lobbying Bureau.
- **By Speaking at the Hearing.** To comment at the public hearing, registration in advance is required by: (1) calling (212) 669-8171; (2) emailing lobbyist_helpdesk@cityclerk.nyc.gov; or (3) signing up at the hearing prior to its commencement. Oral comments are limited to three minutes.

Is there a deadline to submit written comments? Written comments must be submitted no later than 5:00 p.m. on November 14, 2016.

Do you need assistance to participate in the Hearing? If you require a reasonable accommodation to participate in the hearing, including, but not limited to, a sign language interpreter, you must notify the Office of the City Clerk by mail to the address above or by telephone at (212) 669-8171 no later than November 14, 2016.

Can I review the comments made on the proposed rules? Comments submitted online may be reviewed by visiting <http://rules.cityofnewyork.us>. After the hearing, copies of all submitted written comments and a summary of all oral comments will be available to view between 9:00 a.m. and 5:00 p.m. at the Office of the City Clerk, 141 Worth Street, New York, New York 10013 after November 21, 2016.

What authorizes the Office of the City Clerk to make this rule? Sections 48 and 1043 of the City Charter and section 212 of title 3 of the Administrative Code of the City of New York authorize the Office of the City Clerk to make this proposed rule.

Where can I find the Office of the City Clerk's rules? The Office of the City Clerk's rules are contained in title 51 of the RCNY.

What rules govern the rulemaking process? The Office of the City Clerk must meet the requirements of Section 1043 of the City Charter when promulgating or amending rules. This notice is made according to the requirements of Section 1043 of the City Charter.

Statement of Basis and Purpose of Proposed Rule

New York City's Lobbying Law, New York City Administrative Code § 3-211 *et seq.*, regulates the conduct of lobbyists and their clients. The law provides that each required statement or report must be filed electronically and certified. Chapter 1 of title 51 of the RCNY provides that the Principal Officer, a person with the authority to legally bind the entity, must certify all filings. This proposed rule amends chapter 1 of title 51 of the RCNY by adding a new section to authorize a Principal Officer, while retaining legal responsibility for such filings, to appoint an individual to certify required filings in circumstances when the Principal Officer cannot certify such filings. In addition, this proposed rule would allow the City Clerk to accept amnesty applications that were submitted by (i) hand-delivery and email provided that any such delivery or email was received by June 30, 2016 and (ii) first-class mail provided that the application was postmarked by June 30, 2016.

New material is underlined.

[Deleted material is contained in brackets.]

Section one. Section 1-01 of Chapter 1 of Title 51 is amended by adding a new definition to read as follows:

“Alternate Principal Officer” means a person appointed by the Principal Officer as an authorized representative who is permitted to certify Reports on behalf of the Principal Officer.

§ 2. Chapter 1 of Title 51 is amended by adding a new section 1-04.1 to read as follows:

§1-04.1 Alternate Principal Officer

(a) *Generally.* Notwithstanding paragraph (3) of subdivision (b) of section 1-04, the Principal Officer may appoint one individual to be an Alternate Principal Officer to certify Reports in e-Lobbyist.

(b) *Procedure.*

(1) To appoint an Alternate Principal Officer, the Principal Officer must submit to the Lobbying Bureau an application on such forms as prescribed by the City Clerk. The application must include:

(i) the Principal Officer's name, email address, telephone number and business/organizational title;

(ii) the Alternate Principal Officer's name, email address, telephone number and business/organizational title;

(iii) the business name of the lobbyist or client;

(iv) the reason for the appointment of an Alternate Principal Officer; and

(v) a certification stating: "Notwithstanding the appointment of an Alternate Principal Officer, the Principal Officer shall remain responsible for the veracity, accuracy and timeliness of all information filed on behalf of the lobbyist or client in e-Lobbyist. The Principal Officer is liable for applicable fines and penalties if the filings submitted to the Lobbying Bureau are inaccurate, incomplete or late."

(2) The Alternate Principal Officer must create an account in e-Lobbyist and agree to the terms of use agreement. The Alternate Principal Officer may not disclose his or her e-Lobbyist password to anyone under any circumstances.

(3) The Alternate Principal Officer must be listed in e-Lobbyist as an "Alternate Principal Officer" or such other title as the City Clerk designates.

(c) *Effect of Designation.*

(1) The Alternate Principal Officer may certify all Reports in e-Lobbyist.

(2) Notwithstanding the appointment of an Alternate Principal Officer, the Principal Officer of the lobbyist or client must continue to comply with his or her obligations as described throughout this subchapter.

(d) *Alternative Certification Affidavit of Principal Officer.*

(1) After a Report is certified by an Alternate Principal Officer, the Principal Officer must, on forms prescribed by the City Clerk, complete, sign, and notarize, an alternative certification affidavit attesting that he or she has read the Report and that the information contained in the Report is accurate and complete.

(2) Such alternative certification affidavit must be submitted to the Lobbying Bureau:

(i) by uploading the completed alternative certification affidavit to the Reports filed in e-Lobbyist; or

(ii) by email, first-class mail or fax.

(e) Notwithstanding any provision of these Rules to the contrary, Reports that are certified by an Alternate Principal Officer are deemed filed, for timeliness purposes, on the date the alternative certification affidavit is received by the Lobbying Bureau.

§ 3. Paragraph 2 of subdivision (d) of section 1-16 of Chapter 1 of Title 51 is amended to read as follows:

(2) *Submission of Application.* Applications must be submitted by email, first-class mail or hand-delivery to the City Clerk's Address, Attn: Amnesty. Any applications submitted by email or hand-delivery must be received no later than 11:59 p.m. Eastern Standard Time on June 30 2016. Any application submitted by first-class mail must be [received no later than 11:59 p.m. Eastern Standard Time] postmarked no later than June 30, 2016.

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment of Rules Governing Required Filings and Amnesty Applications Under Lobbying Law

REFERENCE NUMBER: CLERK 3

RULEMAKING AGENCY: Office of the City Clerk

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it is not applicable.

/s/ Hannah Smith
Mayor's Office of Operations

October 4, 2016
Date

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Rules Governing Required Filings and Amnesty Applications Under Lobbying Law

REFERENCE NUMBER: 2016 RG 067

RULEMAKING AGENCY: Office of the City Clerk

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: September 29, 2016