



# **OFFICE OF THE CITY CLERK LOBBYING BUREAU**

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**LOBBYING IN NEW YORK CITY  
LOBBYING INFORMATION: CLIENTS**

# **BRIEF HISTORY OF THE LOBBYING LAW**

- Local Law 79 of 1972: First attempt to regulate lobbying activity.
  - Lobbyist were called Municipal Legislative Advocates.
- The law has been amended several times leading to an increase in transparency in government.
  - Local Law 86 of 1973
  - Local Law 14 of 1986
  - Local Law 67 of 1993
  - Local Law 46 of 2003
- Local Law 15 of 2006: included significant lobbying law reform.
  - substantially increased public disclosure of lobbying activities
  - created much needed enforcement mechanisms
  - expanded the City Clerk's powers in administering the lobbying law
- Local Law 129 of 2013 instituted changes based on recommendations made by the Lobbying Commission.

# **LOCAL LAW 129 OF 2013**

- Added definitions of lobbying (Ad. Code §3-211)
- Increased reporting obligations of the Clerk (Ad. Code §§3-212; 221)
- Made changes to filings requirements:
  - Statements of Registration (Ad. Code §3-213)
  - Periodic Reports (Ad. Code §3-216)
  - Fundraising and Political Consulting Reports (Ad. Code §3-216.1)
  - Client Annual Reports (Ad. Code §3-217)
- Added annual training requirement for lobbyists (Ad. Code §3-219)
- Change in late filing penalties (Ad. Code §3-223)

## **AMENDED RULES**

- The amended rules were published in the City Record on October 5, 2015 and will become effective November 4, 2015.
- The rules amend chapter 1 of title 51 of the Rules of the City of New York, by replacing the current version in its entirety, to conform the existing rules to the amendments enacted by Local Law 129 of 2013.

# AMENDED RULES

- Important changes include:
  - Sets criteria for requesting advisory opinions;
  - Sets forth the procedure for enrolling in e-Lobbyist;
  - Defines the roles of principal officer, designee and compliance officer;
  - Provides requirements for retainers and authorization letters;
  - Includes a process to deactivate statements of registration;
  - Indicates when filing extensions may be obtained;
  - Sets forth the procedures for obtaining a waiver of late filing penalties;
  - Establishes enforcement procedures;
  - Details the procedures for the amnesty program.

# WHAT IS LOBBYING?

There are eleven actions constitute lobbying, including the attempt to influence:

1. The introduction, passage, defeat or substance of local legislation or resolution by the city council;
2. The support, opposition, approval or disapproval of local legislation or resolution by the mayor whether or not it has been introduced;
3. Any determination with respect to the solicitation, award or administration of a contract, grant, loan, or agreement involving the disbursement of public monies;
4. Any determination made by the mayor, the city council, the city planning commission, a borough president, a borough board or a community board with respect to zoning or the use, development or improvement of real property subject to city regulation;

# **WHAT IS LOBBYING? (Cont)**

5. Any determination made by an elected city official or an officer or employee of the city with respect to the terms of the acquisition or disposition by the city of any interest in real property, with respect to a license or permit for the use of real property of or by the city, or with respect to a franchise, concession or revocable consent;
6. The proposal, adoption, amendment or rejection by an agency of any rule having the force and effect of law;
7. The decision to hold, timing or outcome of any rate making proceeding before an agency;
8. The agenda or determination of a board or commission;

# **WHAT IS LOBBYING? (CONT)**

## **Definitions Added by Local Law 129 of 2013**

9. Any determination regarding the calendaring or scope of any city council oversight hearing;
10. The issuance, repeal, modification or substance of a mayoral executive order; or
11. Any determination made by an elected city official or an officer or employee of the city to support or oppose any state or federal legislation, rule or regulation, whether or not it has been introduced.

# WHAT ACTIVITIES ARE EXCLUDED?

Eleven types of actions are excluded from the lobbying law:

1. Persons who prepare or submit a response to a request for information or comments by the city council or one of its committees, the mayor, or other elected city official or an agency;
2. Contractors or prospective contractors who communicate with or appear before city contracting officers or employees in the regular course of procurement planning, contract development, the contractor selection process, the administration of a contract, or the audit of a contract, except communications with elected officials or deputies of elected officials;
3. Persons engaged in advising clients, rendering opinions and drafting, in relation to proposed legislation, resolutions, rules, rates, or other proposed legislative, executive or administrative action, where such persons do not themselves engage in an attempt to influence such action;
4. Newspapers and other periodicals and radio and television stations, and owners and employees thereof, provided that their activities are limited to the publication or broadcast of news items, editorials or other comment, or paid advertisements;

# **WHAT ACTIVITIES ARE EXCLUDED? (CONT)**

5. Persons who participate as witnesses, attorneys or other representatives in public rule making or rate making proceedings of an agency, with respect to all participation by such persons which is part of the public record thereof and all preparation by such persons for such participation;
6. Persons who appear before an agency in an adjudicatory proceeding;
7. Persons or organizations who advertise the availability of goods or services with fliers, leaflets or other advertising circulars;

# **WHAT ACTIVITIES ARE EXCLUDED? (CONT)**

## **Architects & Engineers**

Local Law 129 gave specific exclusions for architects and engineers:

8. Appearances before community boards provided that the proceeding before the final decision-making board or commission is adjudicatory;
9. Designing/drafting plans even if work is preceded or followed by lobbying activity;
10. Work performed in connection with capital projects provided that such work is performed pursuant to a contract with the City; or
11. Actions designated as minor by the City Clerk (Rules).

# **WHEN IS LOBBYING REPORTABLE?**

1. Did your business or organization retain a lobbyist to engage in lobbying activities?
2. Did your business or organization exceed the reporting threshold by compensating that lobbyist(s) in excess of \$5,000 in a calendar year?

# **WHEN IS LOBBYING REPORTABLE?**

To determine if the reporting threshold was exceeded:

## **CLIENTS**

1. Total cumulative compensation paid to all lobbyists combined with any reimbursed expenses paid to the lobbyist.
2. If threshold exceed, then must report all lobbyists, even lobbyists compensated on a pro-bono basis.
3. If lobbyist is hired for both lobbying activity and non-lobbying activity, then pro-rate the portion of compensation paid to the lobbyist for NYC lobbying efforts.
4. Lobbying efforts include: preparation work, staff meetings, telephone calls, even time spent making photocopies.

## **LOBBYISTS**

1. Total cumulative compensation paid by all clients.
2. If exceed threshold, must report all clients, even pro-bono.

# **HOW TO COMPLY WITH** **THE LOBBYING LAW**

## **CLIENTS**

- Must enroll in the e-Lobbyist system.
- File Client Annual Report by January 15.
- File a Termination Notice (if necessary).
- Subject to other restrictions outlined in the Administrative Code.

## **LOBBYISTS**

- File a Statement of Registration for each client.
- File Periodic Reports.
- File Fundraising and Political Consulting Report (if applicable).
- Termination (if necessary)
- Subject to other restrictions outlined in the Administrative Code.

# REGISTRATION PROCESS: ENROLLMENT IN E-LOBBYIST

- Prior to filing a Statement of Registration must enroll in the e-Lobbyist System
- Enrollment is a one-time process
- No fee to enroll
- Accept the terms of use agreement
- Enroll as client
- Submit a proof of corporate filing or affidavit

The screenshot displays the NYC Lobbyist Filing System website. The browser window title is "NYC Lobbyist Filing System - Windows Internet Explorer". The address bar shows the URL: "https://www.nyc.gov/portal/lobbyist/enroll/enroll.do?method=register". The page content includes a navigation bar with links for Residents, Business, Visitors, Government, Office of the Mayor, Search, Email Updates, and Contact Us. The main heading is "E-LOBBYIST | New York City Lobbyist Filing System".

Welcome to e-Lobbyist. This application is for Lobbyists and Clients to submit things online. Before a Lobbyist or Client can log in, each must first be enrolled. Enrollment enables Lobbyists to file Statements of Registration. To enroll, read the Business Enrollment section below and follow the directions. If you are already enrolled, use your email address and password to log in. Please be sure to properly log out of your account to avoid locking out other authorized users for the entity.

Please view the [e-Lobbyist User Guide](#) for help with the application.

For additional information on laws pertaining to Lobbyists, their activities and the role of the Office of the City Clerk in registering and tracking Lobbyists, visit <http://www.nyc.gov/ol/clerk> or call at 212-669-8171.

**Log In:**

EMAIL

PASSWORD

[Forgot Your Password or Change Your Password?](#)

**Log In »**

**Business Enrollment:**

In order to file, you must enroll as a Lobbyist or Client. Upon submitting your enrollment, e-Lobbyist will email you a link through which you can create a password. Please read the email for further details.

**Enroll »**

**DISCLAIMER:** The information available in this database is self-reported by Lobbyists and their Clients through initial annual registration forms and periodic reports submitted via e-Lobbyist. The reports are checked for accuracy by the Office of the City Clerk, but are not independently verified or certified by a third party. Although all attempts have been made to assure the accuracy of this data neither the City of New York nor the Office of the City Clerk assume any liability resulting from any inaccuracies herein. Some data may have been subsequently amended, which may not be reflected in the database. In future phases, the ability to make and track amendments will be available.

# PRINCIPAL OFFICER (“PO”)

- Each client must select a principal officer for their organization.
- A **Principal Officer** is the chief administrative officer or the person who has the legal capacity to enter into a contract on behalf of the entity.
- Duties of a Principal Officer include:
  - Complete the enrollment form;
  - Designate other employee to complete all reports
  - Only the PO can certify all reports, not designees.
- To change the PO, complete the Change in PO form available on our website.
- Pursuant to the new rules, client must submit notice of the change in Principal Officer by email or fax to the City Clerk’s Address no later than five (5) business days after the change in Principal Officer.

# DESIGNEE

- A Principal Officer may select up to two persons to be Designees. The Principal Officer enters the name and email address of the Designee in e-Lobbyist. Each designee will have his or her own e-Lobbyist account.
- Designee may:
  - enter information in Reports
  - receive copies of emails from e-Lobbyist
  - communicate with the Lobbying Bureau about specific reports
  - requests extensions
  - submit a waiver application
- Designee may not:
  - certify Reports
  - have access to the Principal Officer's e-Lobbyist password

# COMPLIANCE OFFICER

- **Compliance Officer** is an individual retained by a lobbyist or client whose job duties include compliance work.
- A compliance officer may:
  - assist the Principal Officer or the Designee in completing Reports;
  - communicate with the Lobbying Bureau regarding specific Reports
  - requests extensions
  - apply for waiver on behalf of lobbyist or client
  - submit payment of any late filing or civil penalty
- A compliance officer may not:
  - certify Reports
  - have access to the Principal Officer's or Designee's e-Lobbyist password.

# **STATEMENT OF REGISTRATION**

## **(FILED BY LOBBYIST)**

- If you retain a lobbyist prior to December 31 of previous year: the lobbyist must file a statement of registration by January 15.
- If you retain a lobbyist after December 31: the lobbyist must file a statement of registration within 15 days.
- SOR filed each year - automatically expires on December 31.
- The lobbyist must pay a registration fee each year. (\$150 for first client, \$50 each additional client).
- Filed in the name of the lobbying firm, on behalf of the client, and list employees that anticipate will lobby for each client in upcoming year.
- Must submit the retainer agreement with the statement of registration.

# **PERIODIC REPORT**

## **(FILED BY LOBBYIST)**

- File six Periodic Reports per year.
- Each periodic report details lobbying activity for a given period.
- Client specific information:
  - the employees who lobbied;
  - a description of the subject(s) lobbied;
  - the person/agency lobbied;
  - the compensation received from the client for lobbying activity; and
  - the expenses incurred for lobbying in the period.

# **CLIENT ANNUAL REPORT**

## **(FILED BY CLIENT)**

- Report filed by clients who retain a lobbyist to lobby and exceed the reporting threshold.
- Lobbyists may assist clients in completing these filings, but only the client's PO can certify the filings.

# **CLIENT ANNUAL REPORT** **(FILED BY THE CLIENT)**

- Due on January 15 of each year and covers the previous year's lobbying activity.
- Report information for the entire year:
  - the employees who lobbied;
  - a description of the subject(s) lobbied;
  - the person/agency lobbied;
  - the compensation paid for lobbying activity; and
  - any reimbursed expenses paid for lobbying during the year.
- If the filing deadline falls on a weekend or City holiday, the deadline is the next business day.
- Extensions may be granted if made in writing, for good cause prior to the deadline.

# **TERMINATION NOTICE** **(FILED BY CLIENT IF NECESSARY)**

- A termination notice must be filed when:
  - The client and lobbyist decide to terminate the lobbying contract prior to the terms in the contract or
  - When the contact between the client and lobbyist terminates prior to December 31.
- Must be filed within 30 days of the date of the termination of the contract.
- Reports the date of the termination.
- The lobbyist also files a termination notice.

# **REVIEW OF REQUIREMENTS**

- If your business or organization:
  - Hires a lobbyist(s) to engage in one of the eleven lobbying activities that is not excluded and
  - Exceeds the reporting threshold.

## **The Client must file:**

- A Client Annual Report and
- A Termination Notice (if necessary).

## **The Lobbyist must file:**

- A Statement of Registration
- Six Periodic Reports per year (unless terminate) and
- A Termination Notice (if necessary).

## **Note:**

**Even if you file a termination notice, Lobbyist must also file a P6 Periodic Report.**

# OTHER REQUIREMENTS

- Retain records for five years including books, papers and documents to substantiate finances in reports.
- Prohibited from compensating a lobbyist on a contingent basis.
- “Willful” violations of the Lobbying Law may be referred to the Department of Investigations. (DOI)

# VIOLATIONS OF LOBBYING LAW

- Knowing and willful violations
  - May be subject to a cease order and/or
  - A civil penalty of up to \$30,000.
- Violation of the prohibition on contingent compensation, may be subject to a civil penalty of up to \$30,000.

# **NON-FILING OR LATE FILING OF CLIENT ANNUAL REPORT**

- \$10 per day per filing for first time filers, and
- \$25 per day per filing for repeat filers.

## **Waiver/Reduction of Late Filing Penalties based on:**

- whether/how often late in the past;
  - annual operating budget of filer;
  - amount of unreported detail; and
  - significance of the impediments to timely filing.
- 
- A civil penalty up to \$20,000 if violation is not cured may be imposed after a hearing at the Office of Administrative Trials and Hearings (OATH).

# **NON-FILING OR LATE FILING OF** **TERMINATION NOTICE**

- Subject to a civil penalty if the termination notice is not filed within 14 business days of mailing of a notice to cure.