

8160

I N S E N A T E

June 17, 2016

Introduced by Sen. FLANAGAN -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the election law, in relation to independent expenditures during election campaigns (Part A); to amend the election law, in relation to monies received and expenditures made by a party committee or constituted committee (Part B); to amend the election law, in relation to disposition of campaign funds (Part C); to amend the legislative law, in relation to reports by lobbyists (Part D); to amend the legislative law, in relation to contingent fees (Part E); to amend the executive law, in relation to the disclosure of certain donations by charitable non-profit entities (Part F); to amend the executive law, in relation to disclosure of certain activities by non-charitable non-profit entities (Part G); to amend the executive law, in relation to the registration of certain service providers (Part H); to amend the legislative law, in relation to communications with professional journalists and newscasters; and in relation to reporting of certain funding by lobbyists (Part I); to amend the executive law, in relation to investigations by the joint commission on public ethics and to violations of the lobbying act (Part J); and to amend the public officers law, in relation to financial disclosure forms (Part K)

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act enacts into law major components of legislation  
2 relating to campaign funds. Each component is wholly contained within a  
3 Part identified as Parts A through K. The effective date for each  
4 particular provision contained within such Part is set forth in the last  
5 section of such Part. Any provision in any section contained within a  
6 Part, including the effective date of the Part, which makes a reference  
7 to a section "of this act", when used in connection with that particular  
8 component, shall be deemed to mean and refer to the corresponding  
9 section of the Part in which it is found. Section three of this act sets  
10 forth the general effective date of this act.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD12084-11-6

1

## PART A

2 Section 1. Subdivision 1 of section 14-107 of the election law, as  
3 amended by section 8 of part CC of chapter 56 of the laws of 2015, is  
4 amended to read as follows:

5 1. For purposes of this article:

6 (a) "Independent expenditure" means an expenditure made by [a person]  
7 AN INDEPENDENT EXPENDITURE COMMITTEE conveyed to five hundred or more  
8 members of a general public audience in the form of (i) an audio or  
9 video communication via broadcast, cable or satellite, (ii) a written  
10 communication via advertisements, pamphlets, circulars, flyers,  
11 brochures, letterheads or (iii) other published statements which: (i)  
12 irrespective of when such communication is made, contains words such as  
13 "vote," "oppose," "support," "elect," "defeat," or "reject," which call  
14 for the election or defeat of the clearly identified candidate, (ii)  
15 refers to and advocates for or against a clearly identified candidate or  
16 ballot proposal on or after January first of the year of the election in  
17 which such candidate is seeking office or such proposal shall appear on  
18 the ballot, or (iii) within sixty days before a general or special  
19 election for the office sought by the candidate or thirty days before a  
20 primary election, includes or references a clearly identified candidate.  
21 An independent expenditure shall not include communications where such  
22 candidate, the candidate's political committee or its agents, a party  
23 committee or its agents, or a constituted committee or its agents or a  
24 political committee formed to promote the success or defeat of a ballot  
25 proposal or its agents, did authorize, request, suggest, foster or coop-  
26 erate in such communication.

27 (b) Independent expenditures do not include expenditures in connection  
28 with:

29 (i) a written news story, commentary, or editorial or a news story,  
30 commentary, or editorial distributed through the facilities of any  
31 broadcasting station, cable or satellite unless such publication or  
32 facilities are owned or controlled by any political party, political  
33 committee or candidate; or

34 (ii) a communication that constitutes a candidate debate or forum; or  
35 (iii) internal communication by members to other members of a member-  
36 ship organization of not more than five hundred members, for the purpose  
37 of supporting or opposing a candidate or candidates for elective office,  
38 provided such expenditures are not used for the costs of campaign mate-  
39 rial or communications used in connection with broadcasting, telecast-  
40 ing, newspapers, magazines, or other periodical publication, billboards,  
41 or similar types of general public communications; or

42 (iv) internal communications by members to other members of a member-  
43 ship organization of not more than five hundred members or communi-  
44 cations by a corporation organized for charitable purposes pursuant to  
45 S501(c)(3) of the internal revenue code, within sixty days before a  
46 general or special election for the office sought by the candidate or  
47 thirty days before a primary election, that includes or references a  
48 clearly identified candidate but does not otherwise qualify as an inde-  
49 pendent expenditure under this section.

50 (v) a communication published on the Internet, unless the communi-  
51 cation is a paid advertisement.

52 (c) [For purposes of this section, the term "person" shall mean  
53 person, group of persons, corporation, unincorporated business entity,  
54 labor organization or business, trade or professional association or  
55 organization, or political committee; provided, however, that such defi-

1 nition shall not include any party or constituted committee,] AN INDE-  
2 PENDENT EXPENDITURE COMMITTEE SHALL NOT INCLUDE PAYMENTS OR EXPENDITURES  
3 MADE BY A PARTY OR CONSTITUTED COMMITTEE that is required to file  
4 disclosure reports under this chapter.

5 (D) INDEPENDENT EXPENDITURES SHALL NOT INCLUDE PAYMENTS OR EXPENDI-  
6 TURES WHERE COORDINATION OCCURS IN THE CREATION, FORMATION, OR OPERATION  
7 OF THE INDEPENDENT EXPENDITURE COMMITTEE MAKING THE PAYMENT OR EXPENDI-  
8 TURE.

9 COORDINATION SHALL INCLUDE:

10 (I) THE CANDIDATE OR THE CANDIDATE'S AUTHORIZED COMMITTEE, OR AN AGENT  
11 OF THE CANDIDATE OR CANDIDATE'S AUTHORIZED COMMITTEE, PARTICIPATED IN  
12 THE CREATION OR FORMATION OF THE INDEPENDENT EXPENDITURE COMMITTEE WITH-  
13 IN TWO YEARS OF THE GENERAL ELECTION, PRIMARY OR SPECIAL ELECTION IN  
14 WHICH THE CANDIDATE IS A CANDIDATE FOR NOMINATION OR ELECTION AND THE  
15 PAYMENT OR EXPENDITURE MADE IS FOR THE BENEFIT OF THAT CANDIDATE.

16 (II) THE CANDIDATE OR AN AGENT OF THE CANDIDATE APPEARS AT ANY  
17 FUNDRAISING EVENT HOSTED BY AN INDEPENDENT EXPENDITURE COMMITTEE, OR ITS  
18 AGENT, MAKING A PAYMENT OR EXPENDITURE THAT BENEFITS THAT CANDIDATE  
19 WITHIN TWO YEARS OF THE GENERAL ELECTION, PRIMARY OR SPECIAL ELECTION IN  
20 WHICH THE CANDIDATE IS A CANDIDATE FOR NOMINATION OR ELECTION.

21 (III) THE INDEPENDENT EXPENDITURE COMMITTEE MAKING THE PAYMENT OR  
22 EXPENDITURE, OR ITS AGENT, EMPLOYED OR RETAINED AN INDIVIDUAL, OTHER  
23 THAN AN INDIVIDUAL DESCRIBED IN SUBPARAGRAPH (VIII) OF THIS PARAGRAPH,  
24 WHO WAS EMPLOYED BY THE CANDIDATE, THE CANDIDATE'S AUTHORIZED COMMITTEE  
25 OR AN AGENT OF THE CANDIDATE OR HAS HELD A POLICYMAKING, NON-ADMINISTRA-  
26 TIVE POSITION IN THE OFFICE OF THE CANDIDATE'S ELECTED OFFICE WITHIN TWO  
27 YEARS OF THE GENERAL ELECTION, PRIMARY OR SPECIAL ELECTION IN WHICH THE  
28 CANDIDATE IS A CANDIDATE FOR NOMINATION OR ELECTION, AND THE PAYMENT OR  
29 EXPENDITURE IS MADE FOR THE BENEFIT OF THAT CANDIDATE.

30 (IV) THE INDEPENDENT EXPENDITURE COMMITTEE MAKING THE PAYMENT OR  
31 EXPENDITURE, OR ITS AGENT, IS A MEMBER OF THE CANDIDATE'S IMMEDIATE  
32 FAMILY OR IS ESTABLISHED, DIRECTED, OR MANAGED BY A MEMBER OF THE IMME-  
33 DIATE FAMILY OF THE CANDIDATE, AND THE PAYMENT OR EXPENDITURE IS MADE  
34 FOR THE BENEFIT OF THAT CANDIDATE.

35 (V) THE INDEPENDENT EXPENDITURE COMMITTEE MAKING THE PAYMENT OR  
36 EXPENDITURE BENEFITING THE CANDIDATE, REPUBLISHES, DISSEMINATES, OR  
37 DISTRIBUTES, IN WHOLE OR IN PART, ANY VIDEO, AUDIO, WRITTEN, OR OTHER  
38 CAMPAIGN-RELATED MATERIAL PREPARED BY THE CANDIDATE OR THE CANDIDATE'S  
39 AUTHORIZED COMMITTEE OR BY AN AGENT OF THE CANDIDATE OR THE CANDIDATE'S  
40 AUTHORIZED COMMITTEE. THIS PARAGRAPH SHALL NOT APPLY IF THE INDEPENDENT  
41 EXPENDITURE COMMITTEE MAKING THE PAYMENT OR EXPENDITURE OBTAINS THE  
42 COMMUNICATION OR MATERIALS FROM A PUBLICLY AVAILABLE SOURCE.

43 (VI) THE CANDIDATE OR THE CANDIDATE'S AUTHORIZED COMMITTEE, OR AN  
44 AGENT OF THE CANDIDATE OR THE CANDIDATE'S AUTHORIZED COMMITTEE, SHARES  
45 OR RENTS SPACE FOR A CAMPAIGN-RELATED PURPOSE WITH OR FROM THE INDEPEND-  
46 ENT EXPENDITURE COMMITTEE, OR ITS AGENT, MAKING THE PAYMENT OR EXPENDI-  
47 TURE BENEFITTING THE CANDIDATE.

48 (VII) THE INDEPENDENT EXPENDITURE COMMITTEE, OR ITS AGENT, MAKING THE  
49 PAYMENT OR EXPENDITURE BENEFITTING THE CANDIDATE HAS PARTICIPATED IN  
50 STRATEGIC DISCUSSIONS WITH THE CANDIDATE, THE CANDIDATE'S AUTHORIZED  
51 COMMITTEE, OR AN AGENT OF THE CANDIDATE OR THE CANDIDATE'S AUTHORIZED  
52 COMMITTEE WITHIN TWO YEARS OF THE GENERAL ELECTION, PRIMARY OR SPECIAL  
53 ELECTION IN WHICH THE CANDIDATE IS A CANDIDATE FOR NOMINATION OR  
54 ELECTION. DISCUSSIONS SHALL BE DEEMED STRATEGIC IF INFORMATION ABOUT  
55 THE CANDIDATE'S OR OPPONENT'S ELECTORAL CAMPAIGN PLANS, PROJECTS, OR  
56 ACTIVITIES THAT IS NOT OBTAINED FROM A PUBLICLY AVAILABLE SOURCE IS

1 CONVEYED TO THE INDEPENDENT EXPENDITURE COMMITTEE, OR ITS AGENT, MAKING  
2 THE PAYMENT OR EXPENDITURE. THIS PARAGRAPH SHALL ONLY APPLY TO  
3 DISCUSSIONS OCCURRING AFTER THE INDEPENDENT EXPENDITURE COMMITTEE IS  
4 FORMED OR, ONE WEEK AFTER THE CANDIDATE HAS BEEN CERTIFIED FOR THAT  
5 ELECTION, WHICHEVER OCCURS FIRST.

6 (VIII) THE INDEPENDENT EXPENDITURE COMMITTEE, OR ITS AGENT, MAKING THE  
7 PAYMENT OR EXPENDITURE BENEFITTING THE CANDIDATE, AND THE CANDIDATE OR  
8 THE CANDIDATE'S AUTHORIZED COMMITTEE KNOWINGLY RETAIN THE SAME INDIVID-  
9 UAL OR ENTITY TO PROVIDE PROFESSIONAL CAMPAIGN SERVICES WITHIN TWO YEARS  
10 OF THE GENERAL ELECTION, PRIMARY OR SPECIAL ELECTION IN WHICH THE CANDI-  
11 DATE IS A CANDIDATE FOR NOMINATION OR ELECTION, AND THE PROFESSIONAL  
12 CAMPAIGN SERVICES PROVIDER DISCLOSES STRATEGIC INFORMATION REGARDING ONE  
13 PARTY WITH THE OTHER PARTY. INFORMATION SHALL BE DEEMED STRATEGIC IF IT  
14 RELATES TO EITHER PARTY'S RESPECTIVE CAMPAIGN OR INDEPENDENT EXPENDITURE  
15 PLANS, PROJECTS, OR ACTIVITIES THAT ARE NOT OBTAINED FROM A PUBLICLY  
16 AVAILABLE SOURCE. THIS SUBPARAGRAPH SHALL NOT PROHIBIT A CANDIDATE, A  
17 CANDIDATE'S AUTHORIZED COMMITTEE, OR AN AGENT OF THE CANDIDATE OR THE  
18 CANDIDATE'S AUTHORIZED COMMITTEE FROM RETAINING THE SAME PROFESSIONAL  
19 CAMPAIGN SERVICES PROVIDER AS THE INDEPENDENT EXPENDITURE COMMITTEE, OR  
20 ITS AGENT, MAKING THE PAYMENT OR EXPENDITURE BENEFITTING THE CANDIDATE  
21 UPON THE PROFESSIONAL CAMPAIGN SERVICES PROVIDER ENTERING INTO A CONFID-  
22 ENTIALITY AGREEMENT WITH BOTH PARTIES EXPRESSLY STATING THAT IT WILL  
23 NOT DISCLOSE STRATEGIC INFORMATION REGARDING EACH PARTY WITH THE OTHER  
24 PARTY.

25 (IX) THE INDEPENDENT EXPENDITURE COMMITTEE, OR ITS AGENT, MAKING THE  
26 PAYMENT OR EXPENDITURE BENEFITTING THE CANDIDATE, UTILIZES STRATEGIC  
27 INFORMATION OR DATA RELATED TO THE CANDIDATE, THAT IS NOT FROM A PUBLIC-  
28 LY AVAILABLE SOURCE AND IS NOT OTHERWISE AVAILABLE BY SUBSCRIPTION, FROM  
29 AN INDIVIDUAL WHO HAS BEEN PREVIOUSLY COMPENSATED, REIMBURSED OR  
30 RETAINED BY THE CANDIDATE AS A CONSULTANT, POLITICAL, MEDIA OR FUNDRAIS-  
31 ING ADVISOR, VENDOR OR CONTRACTOR WITHIN TWO YEARS OF THE GENERAL  
32 ELECTION, PRIMARY OR SPECIAL ELECTION IN WHICH THE CANDIDATE IS A CANDI-  
33 DATE FOR NOMINATION OR ELECTION.

34 (E) THE FOLLOWING SHALL NOT BE COORDINATION:

35 (I) A CANDIDATE'S OR A PARTY OR CONSTITUTED COMMITTEE'S RESPONSE TO AN  
36 INQUIRY ABOUT THAT CANDIDATE'S OR PARTY OR CONSTITUTED COMMITTEE'S POSI-  
37 TIONS ON LEGISLATIVE OR POLICY ISSUES.

38 (II) A PUBLIC COMMUNICATION IN WHICH A CANDIDATE IS CLEARLY IDENTIFIED  
39 ONLY IN HIS OR HER CAPACITY AS THE OWNER OR OPERATOR OF A BUSINESS THAT  
40 EXISTED PRIOR TO THE CANDIDACY IS NOT A COORDINATED COMMUNICATION WITH  
41 RESPECT TO THE CLEARLY IDENTIFIED CANDIDATE IF: (A) THE MEDIUM, TIMING,  
42 CONTENT, AND GEOGRAPHIC DISTRIBUTION OF THE PUBLIC COMMUNICATION ARE  
43 CONSISTENT WITH PUBLIC COMMUNICATIONS MADE PRIOR TO THE CANDIDACY; AND  
44 (B) THE PUBLIC COMMUNICATION DOES NOT PROMOTE, SUPPORT, ATTACK, OR  
45 OPPOSE THAT CANDIDATE OR ANOTHER CANDIDATE IN THEIR CAPACITY AS CANDI-  
46 DATES WHO SEEKS THE SAME OFFICE AS THAT CANDIDATE.

47 (F) FOR PURPOSES OF THIS SECTION, THE TERM "IMMEDIATE FAMILY" MEANS  
48 SPOUSE, CHILD, PARENT, GRANDPARENT, BROTHER, HALF-BROTHER, SISTER, OR  
49 HALF-SISTER OF THE CANDIDATE, AND THE SPOUSES OF SUCH PERSONS.

50 (G) FOR PURPOSES OF THIS SECTION, "AGENT" MEANS A PERSON AUTHORIZED BY  
51 THE CANDIDATE OR THE CANDIDATE'S AUTHORIZED COMMITTEE, WHO ACTS ON  
52 BEHALF OF OR AT THE DIRECTION OF A CANDIDATE OR THE CANDIDATE'S AUTHOR-  
53 IZED COMMITTEE; OR A PARTY COMMITTEE OR CONSTITUTED COMMITTEE ACTING ON  
54 BEHALF OF A CANDIDATE; OR A PERSON AUTHORIZED BY AN INDEPENDENT EXPENDI-  
55 TURE COMMITTEE WHO ACTS ON BEHALF OF OR AT THE DIRECTION OF SUCH COMMIT-  
56 TEE.

1 S 2. Subdivision 2 of section 14-107 of the election law, as added by  
2 section 4 of subpart C of part H of chapter 55 of the laws of 2014, is  
3 amended to read as follows:

4 2. Whenever any person makes an independent expenditure that costs  
5 [more than] one thousand dollars OR MORE in the aggregate, such communi-  
6 cation shall clearly state the name of the person who paid for, or  
7 otherwise published or distributed the communication and state, with  
8 respect to communications regarding candidates, that the communication  
9 was not expressly authorized or requested by any candidate, or by any  
10 candidate's political committee or any of its agents.

11 S 3. Subdivision 3 of section 14-107 of the election law, as added by  
12 section 4 of subpart C of part H of chapter 55 of the laws of 2014, is  
13 amended to read as follows:

14 3. [(a)] Any person prior to making any independent expenditure shall  
15 first register with the state board of elections as a political commit-  
16 tee AND AS AN INDEPENDENT EXPENDITURE COMMITTEE in conformance with this  
17 article. Such person shall comply with all disclosure obligations  
18 required for political committees by law[.

19 (b) Any person who has registered with the state board of elections  
20 pursuant to paragraph (a) of this subdivision shall disclose to the  
21 state board of elections electronically, once a week on Friday any  
22 contribution to such person over one thousand dollars or expenditures by  
23 such person over five thousand dollars made prior to thirty days before  
24 any primary, general, or special election.

25 (c) Any person who has registered with the state board of elections  
26 pursuant to paragraph (a) of this subdivision shall disclose to the  
27 state board of elections electronically, within twenty-four hours of  
28 receipt, any contribution to such person over one thousand dollars or  
29 expenditure by such person over five thousand dollars made within thirty  
30 days before any primary, general, or special election.

31 (d) A knowing and willful violation of the provisions of this subdivi-  
32 sion shall subject the person to a civil penalty equal to five thousand  
33 dollars or the cost of the communication, whichever is greater, in a  
34 special proceeding or civil action brought by the board or imposed  
35 directly by the board of elections.] AND SHALL PROVIDE THE FOLLOWING  
36 ADDITIONAL INFORMATION UPON REGISTRATION:

37 (A) WHERE THE PERSON MAKING THE STATEMENT IS AN INDIVIDUAL, THE NAME,  
38 ADDRESS, OCCUPATION AND EMPLOYER OF THE PERSON.

39 (B) WHERE THE PERSON MAKING THE STATEMENT IS AN ENTITY, THE NAME AND  
40 EMPLOYER OF ANY INDIVIDUAL WHO EXERTS OPERATIONAL OR MANAGERIAL INFLU-  
41 ENCE OR CONTROL OVER THE ENTITY, AS WELL AS ANY SALARIED EMPLOYEE OF THE  
42 ENTITY. THE DISCLOSURES REQUIRED BY THIS PARAGRAPH SHALL INCLUDE THE  
43 NAME OF AT LEAST ONE NATURAL PERSON.

44 (C) IDENTIFICATION OF INDIVIDUALS NAMED IN PARAGRAPHS (A) AND (B) OF  
45 THIS SUBDIVISION WHO HAVE, DURING THE TWO-YEAR PERIOD BEFORE THE STATE-  
46 MENT IS FILED, BEEN EMPLOYED OR RETAINED AS A POLITICAL, MEDIA, OR  
47 FUNDRAISING ADVISER OR CONSULTANT FOR A CANDIDATE, ANY ENTITY DIRECTLY  
48 CONTROLLED BY A CANDIDATE, OR ANY PARTY COMMITTEE OR CONSTITUTED COMMIT-  
49 TEE, OR HAVE HELD A FORMAL POSITION IN THE OFFICE OF A CANDIDATE'S  
50 ELECTED OFFICE, OR ANY PARTY COMMITTEE OR CONSTITUTED COMMITTEE, AND THE  
51 NAME OF THE RELEVANT EMPLOYER.

52 (D) IDENTIFICATION OF INDIVIDUALS NAMED IN PARAGRAPHS (A), (B) AND (C)  
53 OF THIS PARAGRAPH WHO ARE MEMBERS OF A CANDIDATE'S IMMEDIATE FAMILY.

54 (E) THE INFORMATION PROVIDED PURSUANT TO THIS SUBDIVISION SHALL BE  
55 UPDATED WITHIN TWENTY-FOUR HOURS OF ANY CHANGE IN OWNERSHIP OR CONTROL  
56 OF ANY REGISTERED ENTITY.

1 S 4. Subdivision 4 of section 14-107 of the election law, as added by  
2 section 4 of subpart C of part H of chapter 55 of the laws of 2014, is  
3 amended to read as follows:

4 4. (A) REQUIRED DISCLOSURES. (I) ANY INDEPENDENT EXPENDITURE COMMITTEE  
5 WHO HAS REGISTERED PURSUANT TO SUBDIVISION THREE OF THIS SECTION SHALL  
6 DISCLOSE TO THE STATE BOARD OF ELECTIONS ELECTRONICALLY, ONCE A WEEK ON  
7 MONDAY ANY CONTRIBUTION TO SUCH COMMITTEE OF ONE THOUSAND DOLLARS OR  
8 MORE OR EXPENDITURES BY SUCH PERSON OVER FIVE THOUSAND DOLLARS MADE  
9 DURING THE REPORTING PERIOD.

10 (II) ANY INDEPENDENT EXPENDITURE COMMITTEE WHO HAS REGISTERED WITH THE  
11 STATE BOARD OF ELECTIONS PURSUANT TO SUBDIVISION THREE OF THIS SECTION  
12 SHALL DISCLOSE TO THE STATE BOARD OF ELECTIONS ELECTRONICALLY, WITHIN  
13 TWENTY-FOUR HOURS OF RECEIPT, ANY CONTRIBUTION TO SUCH INDEPENDENT  
14 EXPENDITURE COMMITTEE OF ONE THOUSAND DOLLARS OR MORE MADE WITHIN THIRTY  
15 DAYS BEFORE ANY PRIMARY, GENERAL, OR SPECIAL ELECTION.

16 (B) The disclosures required by [subdivision three] PARAGRAPH (A) of  
17 this [section] SUBDIVISION shall include, in addition to any other  
18 information required by law:

19 [(a)] (I) the name, address, occupation and employer of the person  
20 making the statement;

21 [(b)] the name, address, occupation and employer of the person making  
22 the independent expenditure;

23 [(c)] the name, address, occupation and employer of any person providing  
24 a contribution, gift, loan, advance or deposit of one thousand dollars  
25 or more for the independent expenditure, or the provision of services  
26 for the same, and the date it was given;

27 [(d)] (II) FOR EACH EXPENDITURE OR PAYMENT MADE: (1) the dollar amount  
28 paid for each independent expenditure, the name and address of the  
29 person or entity receiving the payment, the date the payment was made  
30 and a description of the independent expenditure; [and

31 [(e)] (2) the election to which the independent expenditure pertains  
32 and the name of the clearly identified candidate or the ballot proposal  
33 referenced AND WHETHER THE CANDIDATE OR BALLOT PROPOSAL IS SUPPORTED OR  
34 OPPOSED; AND

35 (3) A LIST OF ALL EXPENDITURES MADE BY AND LIABILITIES INCURRED FOR  
36 SERVICES RENDERED DURING THE RELEVANT REPORTING PERIOD.

37 (III) FOR EACH CONTRIBUTION RECEIVED THE NAME, ADDRESS, OCCUPATION AND  
38 EMPLOYER OF ANY PERSON PROVIDING A CONTRIBUTION, GIFT, LOAN, ADVANCE OR  
39 DEPOSIT OF ONE THOUSAND DOLLARS OR MORE FOR THE INDEPENDENT EXPENDITURE,  
40 OR THE PROVISION OF SERVICES FOR THE SAME AND THE DATE IT WAS GIVEN.

41 S 5. Section 14-107 of the election law is amended by adding a new  
42 subdivision 8 to read as follows:

43 8. (A) ALL CRIMINAL LIABILITY RELATED TO THIS SECTION SHALL REQUIRE  
44 KNOWING AND WILLFUL VIOLATIONS IN ACCORDANCE WITH SECTION 14-126 OF THIS  
45 ARTICLE.

46 (B) A KNOWING AND WILLFUL VIOLATION OF THE PROVISIONS OF SUBDIVISIONS  
47 THREE AND FOUR OF THIS SECTION SHALL SUBJECT THE PERSON TO A CIVIL  
48 PENALTY EQUAL TO FIVE THOUSAND DOLLARS OR THE COST OF THE COMMUNICATION,  
49 WHICHEVER IS GREATER, IN A SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY  
50 THE BOARD.

51 S 6. The opening paragraph of paragraph 3 of subdivision 9 of section  
52 14-100 of the election law, as amended by chapter 70 of the laws of  
53 1983, is amended to read as follows:

54 any payment, by any person other than a candidate or a political  
55 committee authorized by the candidate, made in connection with the nomi-  
56 nation for election or election of any candidate, INCLUDING ANY PAYMENT

1 OR EXPENDITURE WHERE COORDINATION HAS OCCURRED AS DEFINED IN SECTION  
2 14-107 OF THIS ARTICLE, or any payment made to promote the success or  
3 defeat of a political party or principle, or of any ballot proposal  
4 including but not limited to compensation for the personal services of  
5 any individual which are rendered in connection with a candidate's  
6 election or nomination without charge; provided however, that none of  
7 the foregoing shall be deemed a contribution if it is made, taken or  
8 performed by a candidate or his spouse or by a person or a political  
9 committee independent of the candidate or his agents or authorized poli-  
10 tical committees. For purposes of this article, the term "independent of  
11 the candidate or his agents or authorized political committees" shall  
12 mean that the candidate or his agents or authorized political committees  
13 did not authorize, request, suggest, foster or cooperate in any such  
14 activity; and provided further, that the term contribution shall not  
15 include:

16 S 7. Section 14-100 of the election law is amended by adding two new  
17 subdivisions 15 and 16 to read as follows:

18 15. "INDEPENDENT EXPENDITURE COMMITTEE" MEANS A POLITICAL COMMITTEE,  
19 THAT MAKES ONLY INDEPENDENT EXPENDITURES AS DEFINED IN THIS ARTICLE, AND  
20 DOES NOT COORDINATE WITH A CANDIDATE, CANDIDATE'S AUTHORIZED COMMITTEES  
21 OR AN AGENT OF THE CANDIDATE AS DEFINED IN PARAGRAPH (G) OF SUBDIVISION  
22 ONE OF SECTION 14-107 OF THIS ARTICLE.

23 FOR PURPOSES OF THIS SECTION, AN INDEPENDENT EXPENDITURE COMMITTEE MAY  
24 BE CREATED BY A PERSON, GROUP OF PERSONS, CORPORATION, UNINCORPORATED  
25 BUSINESS ENTITY, LABOR ORGANIZATION OR BUSINESS, TRADE OR PROFESSIONAL  
26 ASSOCIATION, OR ORGANIZATION, OR POLITICAL COMMITTEE.

27 16. "POLITICAL ACTION COMMITTEE" MEANS A POLITICAL COMMITTEE WHICH  
28 MAKES NO EXPENDITURES TO AID OR TAKE PART IN THE ELECTION OR DEFEAT OF A  
29 CANDIDATE, OR TO PROMOTE THE SUCCESS OR DEFEAT OF A BALLOT PROPOSAL,  
30 OTHER THAN IN THE FORM OF CONTRIBUTIONS, INCLUDING IN-KIND CONTRIB-  
31 UTIONS, TO CANDIDATES, CANDIDATE'S AUTHORIZED COMMITTEES, PARTY COMMIT-  
32 TEES, CONSTITUTED COMMITTEES, OR INDEPENDENT EXPENDITURE COMMITTEES  
33 PROVIDED THERE IS NO COMMON OPERATIONAL CONTROL BETWEEN THE POLITICAL  
34 ACTION COMMITTEE AND THE INDEPENDENT EXPENDITURE COMMITTEE; OR IN THE  
35 FORM OF COMMUNICATIONS THAT ARE NOT DISTRIBUTED TO A GENERAL PUBLIC  
36 AUDIENCE AS DESCRIBED IN SUBDIVISION THIRTEEN OF THIS SECTION.

37 FOR PURPOSES OF THIS PARAGRAPH, "COMMON OPERATIONAL CONTROL" MEANS  
38 THAT (I) THE SAME INDIVIDUAL OR INDIVIDUALS EXERCISE ACTUAL AND STRATE-  
39 GIC CONTROL OVER THE DAY-TO-DAY AFFAIRS OF BOTH THE POLITICAL ACTION  
40 COMMITTEE AND THE INDEPENDENT EXPENDITURE COMMITTEE, OR (II) EMPLOYEES  
41 OF THE POLITICAL ACTION COMMITTEE AND THE INDEPENDENT EXPENDITURE  
42 COMMITTEE ENGAGE IN COMMUNICATIONS RELATED TO THE STRATEGIC OPERATIONS  
43 OF EITHER COMMITTEE.

44 S 8. Section 14-112 of the election law, as amended by chapter 930 of  
45 the laws of 1981, is amended to read as follows:

46 S 14-112. Political committee authorization statement. Any political  
47 committee aiding or taking part in the election or nomination of any  
48 candidate, other than [by making contributions] A POLITICAL ACTION  
49 COMMITTEE, shall file, in the office in which the statements of such  
50 committee are to be filed pursuant to this article, either a sworn veri-  
51 fied statement by the treasurer of such committee that the candidate has  
52 authorized the political committee to aid or take part in his election  
53 or that the candidate has not authorized the committee to aid or take  
54 part in his election.

55 S 9. Subdivision 1 of section 14-118 of the election law, as amended  
56 by chapter 156 of the laws of 2010, is amended to read as follows:

1 1. Every political committee shall have a treasurer and a depository,  
2 and shall cause the treasurer to keep detailed, bound accounts of all  
3 receipts, transfers, loans, liabilities, contributions and expenditures,  
4 made by the committee or any of its officers, members or agents acting  
5 under its authority or in its behalf. All such accounts shall be  
6 retained by a treasurer for a period of five years from the date of the  
7 filing of the final statement with respect to the election, primary  
8 election or convention to which they pertain. No officer, member or  
9 agent of any political committee shall receive any receipt, transfer or  
10 contribution, or make any expenditure or incur any liability until the  
11 committee shall have chosen a treasurer and depository and filed their  
12 names in accordance with this subdivision. There shall be filed in the  
13 office in which the committee is required to file its statements under  
14 section 14-110 of this article, within five days after the choice of a  
15 treasurer and depository, a statement giving the name and address of the  
16 treasurer chosen, the name and address of any person authorized to sign  
17 checks by such treasurer, the name and address of the depository chosen  
18 and the candidate or candidates or ballot proposal or proposals the  
19 success or defeat of which the committee is to aid or take part;  
20 provided, however, that such statement shall not be required of a  
21 constituted committee and provided further that a political ACTION  
22 committee which makes no expenditures, to aid or take part in the  
23 election or defeat of a candidate, other than in the form of contribu-  
24 tions, shall not be required to list the candidates being supported or  
25 opposed by such committee AND SHALL ALSO DISCLOSE THE NAME AND EMPLOYER  
26 FOR ANY INDIVIDUAL WHO EXERTS OPERATIONAL CONTROL OVER THE POLITICAL  
27 ACTION COMMITTEE AS WELL AS ANY SALARIED EMPLOYEE OF THE POLITICAL  
28 ACTION COMMITTEE. Such statement shall be signed by the treasurer and  
29 all other persons authorized to sign checks. Any change in the informa-  
30 tion required in any statement shall be reported, in an amended state-  
31 ment filed in the same manner and in the same office as an original  
32 statement filed under this section, within two days after it occurs,  
33 except that any change to the mailing address on any such statement  
34 filed at the state board may also be made in any manner deemed accepta-  
35 ble by the state board. Only a banking organization authorized to do  
36 business in this state may be designated a depository hereunder.

37 S 10. The election law is amended by adding a new section 14-107-a to  
38 read as follows:

39 S 14-107-A. PROHIBITED SPENDING BY INDEPENDENT EXPENDITURE COMMITTEES  
40 AND POLITICAL ACTION COMMITTEES. 1. AN INDEPENDENT EXPENDITURE COMMITTEE  
41 SHALL NOT CONTRIBUTE TO ANY CANDIDATE, CONSTITUTED COMMITTEE, POLITICAL  
42 COMMITTEE, OR PARTY COMMITTEE.

43 2. (A) A POLITICAL ACTION COMMITTEE SHALL NOT MAKE ANY INDEPENDENT  
44 EXPENDITURES AND MAY ONLY MAKE CONTRIBUTIONS TO ANY INDEPENDENT EXPENDI-  
45 TURE COMMITTEE IF SUCH COMMITTEE DOES NOT HAVE COMMON OPERATIONAL  
46 CONTROL. FOR PURPOSES OF THIS PARAGRAPH, "COMMON OPERATIONAL CONTROL"  
47 MEANS THAT (I) THE SAME INDIVIDUAL OR INDIVIDUALS EXERCISE ACTUAL AND  
48 STRATEGIC CONTROL OVER THE DAY-TO-DAY AFFAIRS OF BOTH THE POLITICAL  
49 ACTION COMMITTEE AND THE INDEPENDENT EXPENDITURE COMMITTEE, OR (II)  
50 EMPLOYEES OF THE POLITICAL ACTION COMMITTEE AND THE INDEPENDENT EXPENDI-  
51 TURE COMMITTEE ENGAGE IN COMMUNICATIONS RELATED TO THE STRATEGIC OPER-  
52 ATIONS OF EITHER COMMITTEE.

53 (B) NO CANDIDATE, CANDIDATE'S AUTHORIZED COMMITTEE, PARTY COMMITTEE,  
54 OR CONSTITUTED COMMITTEE SHALL CONTRIBUTE TO AN INDEPENDENT EXPENDITURE  
55 COMMITTEE THAT IS MAKING EXPENDITURES BENEFITTING THE CANDIDATE OR THE  
56 CANDIDATE SUPPORTED BY SUCH PARTY OR CONSTITUTED COMMITTEE.



1 S 11. Section 14-126 of the election law is amended by adding a new  
2 subdivision 3-a to read as follows:

3 3-A. ANY PERSON WHO, ACTING AS OR ON BEHALF OF AN INDEPENDENT EXPENDI-  
4 TURE COMMITTEE OR A POLITICAL ACTION COMMITTEE, KNOWINGLY AND WILLFULLY  
5 VIOLATES THE PROVISIONS OF SECTION 14-107-A OF THIS ARTICLE SHALL BE  
6 SUBJECT TO A CIVIL PENALTY, UP TO ONE THOUSAND DOLLARS OR UP TO THE COST  
7 OF THE COMMUNICATION, WHICHEVER IS GREATER, TO BE RECOVERABLE IN A  
8 SPECIAL PROCEEDING OR CIVIL ACTION TO BE BROUGHT BY THE STATE BOARD OF  
9 ELECTIONS.

10 S 12. Severability. If any clause, sentence, subdivision, paragraph,  
11 section or part of this act be adjudged by any court of competent juris-  
12 diction to be invalid, such judgment shall not affect, impair or invali-  
13 date the remainder thereof, but shall be confined in its operation to  
14 the clause, sentence, subdivision, paragraph, section or part thereof  
15 directly involved in the controversy in which such judgment shall have  
16 been rendered.

17 S 13. This act shall take effect on the thirtieth day after it shall  
18 have become a law.

19 PART B

20 Section 1. Subdivision 3 of section 14-124 of the election law, as  
21 amended by chapter 71 of the laws of 1988, is amended to read as  
22 follows:

23 3. The contribution and receipt limits of this article shall not apply  
24 to monies received and expenditures made by a party committee or consti-  
25 tuted committee to maintain a permanent headquarters and staff and carry  
26 on ordinary activities which are not for the express purpose of promot-  
27 ing the candidacy of specific candidates; PROVIDED THAT SUCH MONIES  
28 DESCRIBED IN THIS SUBDIVISION SHALL BE DEPOSITED IN A SEGREGATED  
29 ACCOUNT.

30 S 2. This act shall take effect immediately.

31 PART C

32 Section 1. Subdivision 1 of section 14-104 of the election law, as  
33 amended by chapter 430 of the laws of 1997, is amended to read as  
34 follows:

35 1. Any candidate for election to public office, or for nomination for  
36 public office at a contested primary election or convention, or for  
37 election to a party position at a primary election, shall file state-  
38 ments sworn, or subscribed and bearing a form notice that false state-  
39 ments made therein are punishable as a class A misdemeanor pursuant to  
40 section 210.45 of the penal law, at the times prescribed by this article  
41 setting forth the particulars specified by section 14-102 of this arti-  
42 cle, as to all moneys or other valuable things, paid, given, expended or  
43 promised by him OR HER to aid his OR HER own nomination or election, or  
44 to promote the success or defeat of a political party, or to aid or  
45 influence the nomination or election or the defeat of any other candi-  
46 date to be voted for at the election or primary election or at a conven-  
47 tion, including contributions to political committees, officers, members  
48 or agents thereof, and transfers, receipts and contributions to him OR  
49 HER to be used for any of the purposes above specified, or in lieu ther-  
50 eof, any such candidate may file such a sworn statement at the first  
51 filing period, on a form prescribed by the state board of elections that  
52 such candidate has made no such expenditures and does not intend to make

1 any such expenditures, except through a political committee authorized  
2 by such candidate pursuant to this article. SUCH CANDIDATE MAY DESIG-  
3 NATE A COMMITTEE OF NO LESS THAN THREE PERSONS WHO SHALL BE AUTHORIZED  
4 TO APPOINT AND REMOVE THE TREASURER OF ANY AUTHORIZED COMMITTEE OF THE  
5 CANDIDATE. THE DESIGNATION OR REVOCATION OF THE COMMITTEE SHALL BE  
6 EVIDENCED IN A WRITING FILED WITH THE STATE BOARD OF ELECTIONS BY THE  
7 CANDIDATE AUTHORIZING THE COMMITTEE. THE CANDIDATE MAY REVOKE SUCH  
8 DESIGNATION AT ANY TIME. A committee authorized by such a candidate may  
9 fulfill all of the filing requirements of this act on behalf of such  
10 candidate.

11 S 2. The election law is amended by adding a new section 14-132 to  
12 read as follows:

13 S 14-132. DISPOSITION OF CAMPAIGN FUNDS. 1. UPON THE DEATH OF A  
14 CANDIDATE, FORMER CANDIDATE OR HOLDER OF ELECTIVE OFFICE, WHERE SUCH  
15 CANDIDATE OR CANDIDATE'S AUTHORIZED COMMITTEE RECEIVED CAMPAIGN CONTRIB-  
16 UTIONS, ALL SUCH FUNDS SHALL BE DISPOSED OF BY ANY OF THE FOLLOWING  
17 MEANS, OR ANY COMBINATION THEREOF, WITHIN TWO YEARS OF THE DEATH OF SUCH  
18 PERSON:

19 (A) RETURNING, PRO RATA, TO EACH CONTRIBUTOR THE FUNDS THAT HAVE NOT  
20 BEEN SPENT OR OBLIGATED;

21 (B) DONATING THE FUNDS TO A CHARITABLE ORGANIZATION OR ORGANIZATIONS  
22 THAT MEET THE QUALIFICATIONS OF SECTION 501(C)(3) OF THE INTERNAL REVEN-  
23 UE CODE;

24 (C) DONATING THE FUNDS TO THE STATE UNIVERSITY OF NEW YORK OR THE CITY  
25 UNIVERSITY OF NEW YORK;

26 (D) DONATING THE FUNDS TO THE STATE'S GENERAL FUND; OR

27 (E) CONTRIBUTING OR TRANSFERRING THE FUNDS TO A CANDIDATE, PARTY,  
28 CONSTITUTED OR POLITICAL COMMITTEE IN ACCORDANCE WITH THE APPLICABLE  
29 LIMITS, IF ANY, SET FORTH IN THIS ARTICLE.

30 2. NO SUCH CANDIDATE'S AUTHORIZED POLITICAL COMMITTEE SHALL DISPOSE OF  
31 CAMPAIGN FUNDS BY MAKING EXPENDITURES FOR PERSONAL USE AS DEFINED IN  
32 SECTION 14-130 OF THIS ARTICLE.

33 3. IF FUNDS ARE NOT DISPOSED OF WITHIN THE TIME REQUIRED BY THIS  
34 SECTION, SUCH FUNDS SHALL BE RECOVERABLE BY THE CHIEF ENFORCEMENT COUN-  
35 SEL OF THE STATE BOARD OF ELECTIONS IN A SPECIAL PROCEEDING IN STATE  
36 SUPREME COURT IN THE MANNER PRESCRIBED BY SECTION 16-116 OF THIS CHAPTER  
37 AND DEPOSITED INTO THE STATE'S GENERAL FUND.

38 S 3. This act shall take effect July 1, 2017, provided, however, that  
39 where the applicable time frame for disposing of funds established by  
40 section 14-132 of the election law, as added by section two of this act,  
41 has elapsed on such effective date, all funds shall be disposed of with-  
42 in 12 months of such effective date. INSERT

43 PART D

44 Section 1. Paragraph 4 of subdivision (c) of section 1-h of the  
45 legislative law, as added by section 1 of part B of chapter 399 of the  
46 laws of 2011, is amended to read as follows:

47 (4) Any lobbyist registered pursuant to section one-e of this article  
48 whose lobbying activity is performed on its own behalf and not pursuant  
49 to retention by a client:

50 (i) that has spent over [fifty] FIFTEEN thousand dollars IN THE AGGRE-  
51 GATE for reportable compensation and expenses for lobbying, either  
52 during the calendar year, or during the twelve-month period, prior to  
53 the date of this bi-monthly report, and

1 (ii) at least three percent of whose total expenditures during the  
2 same period were devoted to lobbying in New York shall report to the  
3 commission the names of each source of funding THAT HAS CONTRIBUTED over  
4 [five] TWO thousand FIVE HUNDRED dollars from a single source that were  
5 used to fund the lobbying activities reported and the [amounts] AMOUNT  
6 OF EACH CONTRIBUTION received from each identified source of funding;  
7 PROVIDED, HOWEVER, THAT AMOUNTS RECEIVED FROM EACH IDENTIFIED SOURCE OF  
8 FUNDING SHALL NOT BE REQUIRED TO BE DISCLOSED IF SUCH AMOUNTS CONSTITUTE  
9 MEMBERSHIP DUES, FEES, OR ASSESSMENTS CHARGED BY THE REPORTING ENTITY TO  
10 ENABLE AN INDIVIDUAL OR ENTITY TO BE A MEMBER OF THE REPORTING ENTITY.

11 This disclosure shall not require disclosure of the sources of funding  
12 whose disclosure, in the determination of the commission based upon a  
13 review of the relevant facts presented by the reporting lobbyist, may  
14 cause harm, threats, harassment, or reprisals to the source or to indi-  
15 viduals or property affiliated with the source. The reporting lobbyist  
16 may appeal the commission's determination and such appeal shall be heard  
17 by a judicial hearing officer who is independent and not affiliated with  
18 or employed by the commission, pursuant to regulations promulgated by  
19 the commission. The reporting lobbyist shall not be required to disclose  
20 the sources of funding that are the subject of such appeal pending final  
21 judgment on appeal.

22 The disclosure shall not apply to:

23 (i) any corporation registered pursuant to article seven-A of the  
24 executive law that is qualified as an exempt organization by the United  
25 States Department of the Treasury under I.R.C. S 501(c)(3); PROVIDED,  
26 HOWEVER, THAT THIS DISCLOSURE SHALL APPLY TO ANY IN-KIND DONATIONS OF  
27 STAFF, STAFF TIME, PERSONNEL, OFFICES, OFFICE SUPPLIES, FINANCIAL  
28 SUPPORT OF ANY KIND OR ANY OTHER RESOURCES TO ANY CORPORATION OR ENTITY  
29 THAT IS QUALIFIED AS AN EXEMPT ORGANIZATION BY THE UNITED STATES DEPART-  
30 MENT OF THE TREASURY UNDER I.R.C. 501(C)(4) WHEN SUCH IN-KIND DONATIONS  
31 ARE OVER TWO THOUSAND FIVE HUNDRED DOLLARS AND FROM ANY CORPORATION OR  
32 ENTITY THAT IS QUALIFIED AS AN EXEMPT ORGANIZATION BY THE UNITED STATES  
33 DEPARTMENT OF THE TREASURY UNDER I.R.C. 501(C)(3). IN SUCH CASE THE  
34 ENTITY RECEIVING SUCH IN-KIND DONATIONS SHALL DISCLOSE THE FAIR MARKET  
35 VALUE AND IDENTIFY THE I.R.C. 501(C)(3) ENTITY PROVIDING SUCH IN-KIND  
36 DONATIONS AND GIVE NOTICE WITHIN A REASONABLE TIME TO THE 501(C)(3)  
37 ENTITY THAT IT SHALL BE REQUIRED TO FILE A REPORT WITH THE DEPARTMENT OF  
38 LAW PURSUANT TO SECTION ONE HUNDRED SEVENTY-TWO-E OF THE EXECUTIVE LAW;

39 (ii) any corporation registered pursuant to article seven-A of the  
40 executive law that is qualified as an exempt organization by the United  
41 States Department of the Treasury under I.R.C. S 501(c)(4) and whose  
42 primary activities concern any area of public concern determined by the  
43 commission to create a substantial likelihood that application of this  
44 disclosure requirement would lead to harm, threats, harassment, or  
45 reprisals to a source of funding or to individuals or property affil-  
46 iated with such source, including but not limited to the area of civil  
47 rights and civil liberties and any other area of public concern deter-  
48 mined pursuant to regulations promulgated by the commission to form a  
49 proper basis for exemption on this basis from this disclosure require-  
50 ment; or

51 (iii) any governmental entity.

52 The joint commission on public ethics shall promulgate regulations to  
53 implement these requirements.

54 S 2. Paragraph 4 of subdivision (c) of section 1-j of the legislative  
55 law, as added by section 2 of part B of chapter 399 of the laws of 2011,  
56 is amended to read as follows:

1 (4) Any client of a lobbyist that is required to file a semi-annual  
2 report and:

3 (i) that has spent over [fifty] FIFTEEN thousand dollars IN THE AGGRE-  
4 GATE for reportable compensation and expenses for lobbying, either  
5 during the calendar year, or during the twelve-month period, prior to  
6 the date of this semi-annual report, and

7 (ii) at least three percent of whose total expenditures during the  
8 same period were devoted to lobbying in New York shall report to the  
9 commission the names of each source of funding THAT HAS CONTRIBUTED over  
10 [five] TWO thousand FIVE HUNDRED dollars from a single source that were  
11 used to fund the lobbying activities reported and the [amounts] AMOUNT  
12 OF EACH CONTRIBUTION received from each identified source of funding;  
13 PROVIDED, HOWEVER, THAT AMOUNTS RECEIVED FROM EACH IDENTIFIED SOURCE OF  
14 FUNDING SHALL NOT BE REQUIRED TO BE DISCLOSED IF SUCH AMOUNTS CONSTITUTE  
15 MEMBERSHIP DUES, FEES, OR ASSESSMENTS CHARGED BY THE REPORTING ENTITY TO  
16 ENABLE AN INDIVIDUAL OR ENTITY TO BE A MEMBER OF THE REPORTING ENTITY.

17 This disclosure shall not require disclosure of the sources of funding  
18 whose disclosure, in the determination of the commission based upon a  
19 review of the relevant facts presented by the reporting client or lobby-  
20 ist, may cause harm, threats, harassment, or reprisals to the source or  
21 to individuals or property affiliated with the source. The reporting  
22 lobbyist may appeal the commission's determination and such appeal shall  
23 be heard by a judicial hearing officer who is independent and not affil-  
24 iated with or employed by the commission, pursuant to regulations  
25 promulgated by the commission. The reporting lobbyist shall not be  
26 required to disclose the sources of funding that are the subject of such  
27 appeal pending final judgment on appeal.

28 The disclosure shall not apply to:

29 (i) any corporation registered pursuant to article seven-A of the  
30 executive law that is qualified as an exempt organization by the United  
31 States Department of the Treasury under I.R.C. S 501(c)(3); PROVIDED,  
32 HOWEVER, THAT THIS DISCLOSURE SHALL APPLY TO ANY IN-KIND DONATIONS OF  
33 STAFF, STAFF TIME, PERSONNEL, OFFICES, OFFICE SUPPLIES, FINANCIAL  
34 SUPPORT OF ANY KIND OR ANY OTHER RESOURCES TO ANY CORPORATION OR ENTITY  
35 THAT IS QUALIFIED AS AN EXEMPT ORGANIZATION BY THE UNITED STATES DEPART-  
36 MENT OF THE TREASURY UNDER I.R.C. 501(C)(4) WHEN SUCH IN-KIND DONATIONS  
37 ARE OVER TWO THOUSAND FIVE HUNDRED DOLLARS AND FROM ANY CORPORATION OR  
38 ENTITY THAT IS QUALIFIED AS AN EXEMPT ORGANIZATION BY THE UNITED STATES  
39 DEPARTMENT OF THE TREASURY UNDER I.R.C. 501(C)(3). IN SUCH CASE THE  
40 ENTITY RECEIVING SUCH IN-KIND DONATIONS SHALL DISCLOSE THE FAIR MARKET  
41 VALUE AND IDENTIFY THE I.R.C. 501(C)(3) ENTITY PROVIDING SUCH IN-KIND  
42 DONATIONS AND GIVE NOTICE WITHIN A REASONABLE TIME TO THE 501(C)(3)  
43 ENTITY THAT IT SHALL BE REQUIRED TO FILE A REPORT WITH THE DEPARTMENT OF  
44 LAW PURSUANT TO SECTION ONE HUNDRED SEVENTY-TWO-E OF THE EXECUTIVE LAW;

45 (ii) any corporation registered pursuant to article seven-A of the  
46 executive law that is qualified as an exempt organization by the United  
47 States Department of the Treasury under I.R.C. S 501(c)(4) and whose  
48 primary activities concern any area of public concern determined by the  
49 commission to create a substantial likelihood that application of this  
50 disclosure requirement would lead to harm, threats, harassment, or  
51 reprisals to a source of funding or to individuals or property affil-  
52 iated with such source, including but not limited to the area of civil  
53 rights and civil liberties and any other area of public concern deter-  
54 mined pursuant to regulations promulgated by the commission to form a  
55 proper basis for exemption on this basis from this disclosure require-  
56 ment; or

1 (iii) any governmental entity.

2 The joint commission on public ethics shall promulgate regulations to  
3 implement these requirements.

4 S 3. This act shall take effect on the thirtieth day after it shall  
5 have become a law.

6 PART E

7 Section 1. Subdivision (b) of section 1-k of the legislative law, as  
8 amended by chapter 1 of the laws of 2005, is amended to read as follows:

9 (b) No person shall accept such a retainer or employment. [A violation  
10 of] ANY PERSON WHO VIOLATES this section shall be SUBJECT TO A CIVIL  
11 PENALTY NOT TO EXCEED THE GREATER OF TEN THOUSAND DOLLARS OR THE VALUE  
12 OF THE CONTINGENT FEE, AND SUCH VIOLATION SHALL BE a class A misdemea-  
13 nor.

14 S 2. This act shall take effect immediately.

15 PART F

16 Section 1. The executive law is amended by adding a new section 172-e  
17 to read as follows:

18 S 172-E. DISCLOSURE OF CERTAIN DONATIONS BY CHARITABLE NON-PROFIT  
19 ENTITIES. 1. DEFINITIONS. FOR THE PURPOSES OF THIS SECTION:

20 (A) "COVERED ENTITY" SHALL MEAN ANY CORPORATION OR ENTITY THAT IS  
21 QUALIFIED AS AN EXEMPT ORGANIZATION OR ENTITY BY THE UNITED STATES  
22 DEPARTMENT OF THE TREASURY UNDER I.R.C. 501(C)(3) THAT IS REQUIRED TO  
23 REPORT TO THE DEPARTMENT OF LAW PURSUANT TO THIS SECTION.

24 (B) "IN-KIND DONATION" SHALL MEAN DONATIONS OF STAFF, STAFF TIME,  
25 PERSONNEL, OFFICES, OFFICE SUPPLIES, FINANCIAL SUPPORT OF ANY KIND OR  
26 ANY OTHER RESOURCES.

27 (C) "DONATION" SHALL MEAN ANY CONTRIBUTION, INCLUDING A GIFT, LOAN,  
28 IN-KIND DONATION, ADVANCE OR DEPOSIT OF MONEY OR ANYTHING OF VALUE.

29 (D) "RECIPIENT ENTITY" SHALL MEAN ANY CORPORATION OR ENTITY THAT IS  
30 QUALIFIED AS AN EXEMPT ORGANIZATION OR ENTITY BY THE UNITED STATES  
31 DEPARTMENT OF THE TREASURY UNDER I.R.C. 501(C)(4) THAT IS REQUIRED TO  
32 FILE A SOURCE OF FUNDING REPORT WITH THE JOINT COMMISSION ON PUBLIC  
33 ETHICS PURSUANT TO SECTIONS ONE-H AND ONE-J OF THE LEGISLATIVE LAW.

34 (E) "REPORTING PERIOD" SHALL MEAN THE SIX MONTH PERIOD WITHIN A CALEN-  
35 DAR YEAR STARTING JANUARY FIRST AND ENDING JUNE THIRTIETH OR THE SIX  
36 MONTH PERIOD WITHIN A CALENDAR YEAR STARTING JULY FIRST AND ENDING  
37 DECEMBER THIRTY-FIRST.

38 2. FUNDING DISCLOSURE REPORTS TO BE FILED BY COVERED ENTITIES. (A) ANY  
39 COVERED ENTITY THAT MAKES AN IN-KIND DONATION IN EXCESS OF TWO THOUSAND  
40 FIVE HUNDRED DOLLARS TO A RECIPIENT ENTITY DURING A RELEVANT REPORTING  
41 PERIOD SHALL FILE A FUNDING DISCLOSURE REPORT WITH THE DEPARTMENT OF  
42 LAW. THE FUNDING DISCLOSURE REPORT SHALL INCLUDE:

43 (I) THE NAME AND ADDRESS OF THE COVERED ENTITY THAT MADE THE IN-KIND  
44 DONATION;

45 (II) THE NAME AND ADDRESS OF THE RECIPIENT ENTITY THAT RECEIVED OR  
46 BENEFITTED FROM THE IN-KIND DONATION;

47 (III) THE NAMES OF ANY PERSONS WHO EXERT OPERATIONAL OR MANAGERIAL  
48 CONTROL OVER THE COVERED ENTITY. THE DISCLOSURES REQUIRED BY THIS PARA-  
49 GRAPH SHALL INCLUDE THE NAME OF AT LEAST ONE NATURAL PERSON;

50 (IV) THE DATE THE IN-KIND DONATION WAS MADE BY THE COVERED ENTITY;

1 (V) ANY DONATION IN EXCESS OF TWO THOUSAND FIVE HUNDRED DOLLARS TO THE  
2 COVERED ENTITY DURING THE RELEVANT REPORTING PERIOD INCLUDING THE IDEN-  
3 TITY OF THE DONOR OF ANY SUCH DONATION; AND

4 (VI) THE DATE OF ANY SUCH DONATION TO A COVERED ENTITY.

5 (B) THE COVERED ENTITY SHALL FILE A FUNDING DISCLOSURE REPORT WITH THE  
6 DEPARTMENT OF LAW WITHIN THIRTY DAYS OF THE CLOSE OF A REPORTING PERIOD.

7 3. PUBLIC DISCLOSURE OF FUNDING DISCLOSURE REPORTS. THE DEPARTMENT OF  
8 LAW SHALL PROMULGATE ANY REGULATIONS NECESSARY TO IMPLEMENT THESE  
9 REQUIREMENTS AND SHALL FORWARD THE DISCLOSURE REPORTS TO THE JOINT  
10 COMMISSION ON PUBLIC ETHICS FOR THE PURPOSE OF PUBLISHING SUCH REPORTS  
11 ON THE COMMISSION'S WEBSITE, WITHIN THIRTY DAYS OF THE CLOSE OF EACH  
12 REPORTING PERIOD; PROVIDED HOWEVER THAT THE ATTORNEY GENERAL, OR HIS OR  
13 HER DESIGNEE, MAY DETERMINE THAT DISCLOSURE OF DONATIONS TO THE COVERED  
14 ENTITY SHALL NOT BE MADE PUBLIC IF, BASED UPON A REVIEW OF THE RELEVANT  
15 FACTS PRESENTED BY THE COVERED ENTITY, SUCH DISCLOSURE MAY CAUSE HARM,  
16 THREATS, HARASSMENT, OR REPRISALS TO THE SOURCE OF THE DONATION OR TO  
17 INDIVIDUALS OR PROPERTY AFFILIATED WITH THE SOURCE OF THE DONATION. THE  
18 COVERED ENTITY MAY APPEAL THE ATTORNEY GENERAL'S DETERMINATION AND SUCH  
19 APPEAL SHALL BE HEARD BY A JUDICIAL HEARING OFFICER WHO IS INDEPENDENT  
20 AND NOT AFFILIATED WITH OR EMPLOYED BY THE DEPARTMENT OF LAW, PURSUANT  
21 TO REGULATIONS PROMULGATED BY THE DEPARTMENT OF LAW. THE COVERED ENTI-  
22 TY'S SOURCES OF DONATIONS THAT ARE THE SUBJECT OF SUCH APPEAL SHALL NOT  
23 BE MADE PUBLIC PENDING FINAL JUDGMENT ON APPEAL.

24 S 2. This act shall take effect on the ninetieth day after it shall  
25 have become a law.

26 PART G

27 Section 1. The executive law is amended by adding a new section 172-f  
28 to read as follows:

29 S 172-F. DISCLOSURE OF CERTAIN ACTIVITIES BY NON-CHARITABLE NON-PROFIT  
30 ENTITIES. 1. DEFINITIONS. (A) "COVERED ENTITY" MEANS ANY CORPORATION  
31 OR ENTITY THAT IS QUALIFIED AS AN EXEMPT ORGANIZATION OR ENTITY BY THE  
32 UNITED STATES DEPARTMENT OF THE TREASURY UNDER I.R.C. 501(C)(4).

33 (B) "COVERED COMMUNICATION" MEANS A COMMUNICATION, THAT DOES NOT  
34 REQUIRE A REPORT PURSUANT TO ARTICLE ONE-A OF THE LEGISLATIVE LAW OR  
35 ARTICLE FOURTEEN OF THE ELECTION LAW, BY A COVERED ENTITY CONVEYED TO  
36 FIVE HUNDRED OR MORE MEMBERS OF A GENERAL PUBLIC AUDIENCE IN THE FORM  
37 OF: (I) AN AUDIO OR VIDEO COMMUNICATION VIA BROADCAST, CABLE OR SATEL-  
38 LITE; (II) A WRITTEN COMMUNICATION VIA ADVERTISEMENTS, PAMPHLETS, CIRCUL-  
39 LARS, FLYERS, BROCHURES, LETTERHEADS; OR (III) OTHER PUBLISHED STATEMENT  
40 WHICH: REFERS TO AND ADVOCATES FOR OR AGAINST A CLEARLY IDENTIFIED  
41 ELECTED OFFICIAL OR THE POSITION OF ANY ELECTED OFFICIAL OR ADMINISTRA-  
42 TIVE OR LEGISLATIVE BODY RELATING TO THE OUTCOME OF ANY VOTE OR  
43 SUBSTANCE OF ANY LEGISLATION, POTENTIAL LEGISLATION, PENDING LEGIS-  
44 LATION, RULE, REGULATION, HEARING, OR DECISION BY ANY LEGISLATIVE, EXEC-  
45 UTIVE OR ADMINISTRATIVE BODY.

46 COVERED COMMUNICATION SHALL NOT INCLUDE: (I) COMMUNICATIONS WITH A  
47 PROFESSIONAL JOURNALIST OR NEWSCASTER, INCLUDING AN EDITORIAL BOARD OR  
48 EDITORIAL WRITER OF A NEWSPAPER, MAGAZINE, NEWS AGENCY, PRESS ASSOCI-  
49 ATION OR WIRE SERVICE, RELATING TO NEWS, AS THESE TERMS ARE DEFINED IN  
50 SECTION SEVENTY-NINE-H OF THE CIVIL RIGHTS LAW, AND COMMUNICATIONS  
51 RELATING TO CONFIDENTIAL AND NON-CONFIDENTIAL NEWS AS DESCRIBED IN  
52 SUBDIVISIONS (B) AND (C) OF SECTION SEVENTY-NINE-H OF THE CIVIL RIGHTS  
53 LAW RESPECTIVELY AND COMMUNICATIONS MADE PURSUANT TO COMMUNITY OUTREACH  
54 EFFORTS FOR BROADCAST STATIONS REQUIRED BY FEDERAL LAW; OR

1 (II) A COMMUNICATION THAT IS: (A) DIRECTED, SENT OR DISTRIBUTED BY THE  
2 COVERED ENTITY ONLY TO INDIVIDUALS WHO AFFIRMATIVELY CONSENT TO BE  
3 MEMBERS OF THE COVERED ENTITY, CONTRIBUTE FUNDS TO THE COVERED ENTITY,  
4 OR, PURSUANT TO THE COVERED ENTITY'S ARTICLES OR BYLAWS, HAVE THE RIGHT  
5 TO VOTE DIRECTLY OR INDIRECTLY FOR THE ELECTION OF DIRECTORS OR OFFI-  
6 CERS, OR ON CHANGES TO BYLAWS, DISPOSITION OF ALL OR SUBSTANTIALLY ALL  
7 OF THE COVERED ENTITY'S ASSETS OR THE MERGER OR DISSOLUTION OF THE  
8 COVERED ENTITY; OR (B) FOR THE PURPOSE OF PROMOTING OR STAGING ANY  
9 CANDIDATE DEBATE, TOWN HALL OR SIMILAR FORUM TO WHICH AT LEAST TWO  
10 CANDIDATES SEEKING THE SAME OFFICE, OR TWO PROPONENTS OF DIFFERING POSI-  
11 TIONS ON A REFERENDUM OR QUESTION SUBMITTED TO VOTERS, ARE INVITED AS  
12 PARTICIPANTS, AND WHICH DOES NOT PROMOTE OR ADVANCE ONE CANDIDATE OR  
13 POSITION OVER ANOTHER.

14 (C) "EXPENDITURES FOR COVERED COMMUNICATIONS" SHALL MEAN: (I) ANY  
15 EXPENDITURE MADE, LIABILITY INCURRED, OR CONTRIBUTION PROVIDED FOR  
16 COVERED COMMUNICATIONS; OR (II) ANY OTHER TRANSFER OF FUNDS, ASSETS,  
17 SERVICES OR ANY OTHER THING OF VALUE TO ANY INDIVIDUAL, GROUP, ASSOCI-  
18 ATION, CORPORATION WHETHER ORGANIZED FOR PROFIT OR NOT-FOR-PROFIT, LABOR  
19 UNION, POLITICAL COMMITTEE, POLITICAL ACTION COMMITTEE, OR ANY OTHER  
20 ENTITY FOR THE PURPOSE OF SUPPORTING OR ENGAGING IN COVERED COMMUNI-  
21 CATIONS BY THE RECIPIENT OR A THIRD PARTY.

22 (D) "DONATION" SHALL MEAN ANY CONTRIBUTION, INCLUDING IN-KIND, GIFT,  
23 LOAN, ADVANCE OR DEPOSIT OF MONEY OR ANYTHING OF VALUE MADE TO A COVERED  
24 ENTITY UNLESS SUCH DONATION IS DEPOSITED INTO AN ACCOUNT THE FUNDS OF  
25 WHICH ARE NOT USED FOR MAKING EXPENDITURES FOR COVERED COMMUNICATIONS.

26 (E) "REPORTING PERIOD" SHALL MEAN THE SIX MONTH PERIOD WITHIN A CALEN-  
27 DAR YEAR STARTING JANUARY FIRST AND ENDING JUNE THIRTIETH OR THE SIX  
28 MONTH PERIOD WITHIN A CALENDAR YEAR STARTING JULY FIRST AND ENDING  
29 DECEMBER THIRTY-FIRST.

30 2. DISCLOSURE OF EXPENDITURES FOR COVERED COMMUNICATIONS. (A) ANY  
31 COVERED ENTITY THAT MAKES EXPENDITURES FOR COVERED COMMUNICATIONS IN AN  
32 AGGREGATE AMOUNT OR FAIR MARKET VALUE EXCEEDING TEN THOUSAND DOLLARS IN  
33 A CALENDAR YEAR SHALL FILE A FINANCIAL DISCLOSURE REPORT WITH THE  
34 DEPARTMENT OF LAW. THE FINANCIAL DISCLOSURE REPORT SHALL INCLUDE:

35 (I) THE NAME AND ADDRESS OF THE COVERED ENTITY THAT MADE THE EXPENDI-  
36 TURE FOR COVERED COMMUNICATIONS;

37 (II) THE NAME OR NAMES OF ANY INDIVIDUALS WHO EXERT OPERATIONAL OR  
38 MANAGERIAL CONTROL OVER THE COVERED ENTITY. THE DISCLOSURES REQUIRED BY  
39 THIS PARAGRAPH SHALL INCLUDE THE NAME OF AT LEAST ONE NATURAL PERSON;

40 (III) A DESCRIPTION OF THE COVERED COMMUNICATION;

41 (IV) THE DOLLAR AMOUNT PAID FOR EACH COVERED COMMUNICATION, THE NAME  
42 AND ADDRESS OF THE PERSON OR ENTITY RECEIVING THE PAYMENT, AND THE DATE  
43 THE PAYMENT WAS MADE; AND

44 (V) THE NAME AND ADDRESS OF ANY INDIVIDUAL, CORPORATION, ASSOCIATION,  
45 OR GROUP THAT MADE A DONATION OF ONE THOUSAND DOLLARS OR MORE TO THE  
46 COVERED ENTITY AND THE DATE OF SUCH DONATION.

47 (B) THE COVERED ENTITY SHALL FILE A FINANCIAL DISCLOSURE REPORT WITH  
48 THE DEPARTMENT OF LAW WITHIN THIRTY DAYS OF THE CLOSE OF A REPORTING  
49 PERIOD.

50 (C) IF A COVERED ENTITY KEEPS ONE OR MORE SEGREGATED BANK ACCOUNTS  
51 CONTAINING FUNDS USED SOLELY FOR COVERED COMMUNICATIONS AND MAKES ALL OF  
52 ITS EXPENDITURES FOR COVERED COMMUNICATIONS FROM SUCH ACCOUNTS, THEN  
53 WITH RESPECT TO DONATIONS INCLUDED IN SUBPARAGRAPH (IV) OF PARAGRAPH (A)  
54 OF THIS SUBDIVISION, THE FINANCIAL REPORT NEED ONLY INCLUDE DONATIONS  
55 DEPOSITED INTO SUCH ACCOUNTS.

1 3. THE DEPARTMENT OF LAW SHALL MAKE THE FINANCIAL DISCLOSURE REPORTS  
2 AVAILABLE TO THE PUBLIC ON THE DEPARTMENT OF LAW WEBSITE WITHIN THIRTY  
3 DAYS OF THE CLOSE OF EACH REPORTING PERIOD, PROVIDED HOWEVER THAT THE  
4 ATTORNEY GENERAL, OR HIS OR HER DESIGNEE, MAY DETERMINE THAT DISCLOSURE  
5 OF DONATIONS SHALL NOT BE MADE PUBLIC IF, BASED UPON A REVIEW OF THE  
6 RELEVANT FACTS PRESENTED BY THE COVERED ENTITY, SUCH DISCLOSURE MAY  
7 CAUSE HARM, THREATS, HARASSMENT, OR REPRISALS TO THE SOURCE OF THE  
8 DONATION OR TO INDIVIDUALS OR PROPERTY AFFILIATED WITH THE SOURCE OF THE  
9 DONATION. THE COVERED ENTITY MAY APPEAL THE ATTORNEY GENERAL'S DETERMI-  
10 NATION AND SUCH APPEAL SHALL BE HEARD BY A JUDICIAL HEARING OFFICER WHO  
11 IS INDEPENDENT AND NOT AFFILIATED WITH OR EMPLOYED BY THE DEPARTMENT OF  
12 LAW, PURSUANT TO REGULATIONS PROMULGATED BY THE DEPARTMENT OF LAW. THE  
13 COVERED ENTITY SHALL NOT BE REQUIRED TO DISCLOSE THE SOURCES OF  
14 DONATIONS THAT ARE THE SUBJECT OF SUCH APPEAL PENDING FINAL JUDGMENT ON  
15 APPEAL.

16 S 2. This act shall take effect on the thirtieth day after it shall  
17 have become a law.

18 PART H

19 Section 1. The executive law is amended by adding a new section 109 to  
20 read as follows:

21 S 109. REGISTRATION OF CERTAIN SERVICE PROVIDERS. 1. FOR PURPOSES OF  
22 THIS SECTION:

23 (A) "CLIENT" SHALL MEAN A PERSON OR ENTITY WHO IN THE PRECEDING CALEN-  
24 DAR YEAR RETAINED OR HIRED THE POLITICAL CONSULTANT RELATING TO MATTERS  
25 BEFORE ANY STATE OR LOCAL GOVERNMENT AGENCY, AUTHORITY OR OFFICIAL,  
26 INCLUDING SERVICES, ADVICE OR CONSULTATION RELATING TO ANY STATE OR  
27 LOCAL GOVERNMENT CONTRACT FOR REAL PROPERTY, GOODS OR SERVICES, AN  
28 APPEARANCE IN A RATEMAKING PROCEEDING, AN APPEARANCE IN A REGULATORY  
29 MATTER, OR AN APPEARANCE IN A LEGISLATIVE MATTER OTHER THAN MATTERS  
30 DESCRIBED IN SUBPARAGRAPH (E) OF THE SECOND UNDESIGNATED PARAGRAPH OF  
31 SUBDIVISION (C) OF SECTION ONE-C OF THE LEGISLATIVE LAW.

32 (B) "POLITICAL CONSULTING SERVICES" SHALL MEAN SERVICES PROVIDED BY A  
33 POLITICAL CONSULTANT TO OR ON BEHALF OF AN ELECTED PUBLIC OFFICIAL IN  
34 NEW YORK STATE OR TO OR ON BEHALF OF A CANDIDATE FOR ELECTED OFFICE IN  
35 NEW YORK STATE, OR TO OR ON BEHALF OF A PERSON NOMINATED FOR ELECTED  
36 PUBLIC OFFICE WHICH SERVICES: (1) ASSIST OR ARE INTENDED TO ASSIST IN A  
37 CAMPAIGN FOR NOMINATION FOR ELECTION OR ELECTION TO OFFICE IN NEW YORK  
38 STATE, INCLUDING FUNDRAISING ACTIVITIES, VOTER OUTREACH, COMPOSITION AND  
39 DISTRIBUTION OF PROMOTIONAL LITERATURE, ADVERTISEMENTS, OR OTHER SIMILAR  
40 COMMUNICATIONS, AS SET FORTH IN SECTION 14-106 OF THE ELECTION LAW, OR  
41 (2) CONSIST OF POLITICAL ADVICE TO AN ELECTED PUBLIC OFFICIAL OR CANDI-  
42 DATE FOR ELECTED PUBLIC OFFICE IN NEW YORK STATE OR PERSON NOMINATED FOR  
43 ELECTED PUBLIC OFFICE; PROVIDED, HOWEVER, THAT POLITICAL CONSULTING  
44 SERVICES SHALL NOT INCLUDE BONA FIDE LEGAL WORK DIRECTLY RELATED TO  
45 LITIGATION OR LEGAL ADVICE WITH REGARD TO SECURING A PLACE ON THE  
46 BALLOT, THE PETITIONING PROCESS, THE CONDUCT OF AN ELECTION, OR WHICH  
47 INVOLVES THE ELECTION LAW.

48 (C) "POLITICAL CONSULTANT" SHALL MEAN A PERSON WHO HOLDS HIMSELF OR  
49 HERSELF OUT TO PERSONS IN THIS STATE AS A PERSON WHO PERFORMS POLITICAL  
50 CONSULTING SERVICES IN A PROFESSIONAL CAPACITY AND WHO IS USUALLY  
51 COMPENSATED, EXCLUDING REIMBURSEMENT FOR EXPENSES, FOR SUCH SERVICES.

52 2. THE SECRETARY OF STATE SHALL PROMULGATE RULES AND REGULATIONS  
53 PRESCRIBING A REGISTRATION FORM TO BE USED BY ANY POLITICAL CONSULTANT  
54 WHO PROVIDES POLITICAL CONSULTING SERVICES TO A SITTING ELECTED PUBLIC



1 OFFICIAL, CANDIDATE FOR ELECTED PUBLIC OFFICE OR PERSON NOMINATED FOR  
 2 ELECTED PUBLIC OFFICE AND WHO HAS ALSO BEEN RETAINED BY A CLIENT FOR  
 3 SUCH SERVICES.

4 3. SUCH REGISTRATION FORM SHALL IDENTIFY:

5 (A) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE POLITICAL CONSULT-  
 6 ANT;

7 (B) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF EACH SITTING ELECTED  
 8 PUBLIC OFFICIAL, CANDIDATE FOR ELECTED PUBLIC OFFICE, AND PERSON NOMI-  
 9 NATED FOR ELECTED PUBLIC OFFICE WHO THE POLITICAL CONSULTANT PROVIDED  
 10 POLITICAL CONSULTING SERVICES TO;

11 (C) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF EACH CLIENT WHO RETAINS  
 12 OR HIRES A POLITICAL CONSULTANT IN THE PRECEDING CALENDAR YEAR PROVIDED,  
 13 THAT IN THE EVENT THE CLIENT IS AN ENTITY, AT LEAST ONE NATURAL PERSON  
 14 WHO HAS A CONTROLLING INTEREST IN SUCH ENTITY SHALL BE IDENTIFIED; AND

15 (D) A BRIEF DESCRIPTION OF THE NATURE OF THE POLITICAL CONSULTING  
 16 SERVICES PROVIDED TO EACH IDENTIFIED CLIENT.

17 4. SUCH REGISTRATION SHALL BE FILED WITH THE DEPARTMENT OF STATE AND  
 18 SHALL COVER A SIX MONTH REPORTING PERIOD. THE REPORTING PERIOD SHALL  
 19 MEAN THE SIX MONTH PERIOD WITHIN A CALENDAR YEAR STARTING JANUARY FIRST  
 20 AND ENDING JUNE THIRTIETH OR THE SIX MONTH PERIOD WITHIN A CALENDAR YEAR  
 21 STARTING JULY FIRST AND ENDING DECEMBER THIRTY-FIRST.

22 5. THE SECRETARY OF STATE SHALL POST THE COMPLETED FORMS ON THE  
 23 DEPARTMENT OF STATE'S WEBSITE WITHIN THIRTY DAYS OF THE CLOSE OF EACH  
 24 REPORTING PERIOD.

25 6. THE DEPARTMENT OF STATE MAY IMPOSE A CIVIL PENALTY OF UP TO SEVEN  
 26 HUNDRED FIFTY DOLLARS UPON ANY POLITICAL CONSULTANT WHO FAILS TO FILE A  
 27 REGISTRATION REQUIRED BY THIS SECTION PROVIDED, HOWEVER, THAT THE SECRE-  
 28 TARY SHALL PROVIDE SUCH POLITICAL CONSULTANT A REASONABLE OPPORTUNITY TO  
 29 CURE SUCH A FAILURE.

30 7. THE DEPARTMENT OF STATE SHALL ADOPT, AMEND AND RESCIND RULES AND  
 31 REGULATIONS DEFINING THE DEGREE AND EXTENT OF POLITICAL CONSULTING  
 32 SERVICES NECESSARY TO REQUIRE THE REPORTING PURSUANT TO THIS SECTION.

33 S 2. This act shall take effect on the sixtieth day after it shall  
 34 have become a law.

35

## PART I

36 Section 1. Subparagraph (B) of the second undesignated paragraph of  
 37 subdivision (c) of section 1-c of the legislative law, as added by chap-  
 38 ter 1 of the laws of 2005, is amended to read as follows:

39 (B) (I) Newspapers and other periodicals and radio and television  
 40 stations, and owners and employees thereof, provided that their activ-  
 41 ities in connection with proposed legislation, rules, regulations or  
 42 rates, municipal ordinances and resolutions, executive orders, tribal-  
 43 state compacts, memoranda of understanding or other tribal-state agree-  
 44 ments related to Class III gaming as provided in 25 U.S.C. S 2701, or  
 45 procurement contracts by a state agency, municipal agency, local legis-  
 46 lative body, the state legislature, or the unified court system, are  
 47 limited to the publication or broadcast of news items, editorials or  
 48 other comments, or paid advertisements;

49 (II) COMMUNICATIONS WITH A PROFESSIONAL JOURNALIST, OR NEWSCASTER,  
 50 INCLUDING AN EDITORIAL BOARD OR EDITORIAL WRITER OF A NEWSPAPER, MAGA-  
 51 ZINE, NEWS AGENCY, PRESS ASSOCIATION OR WIRE SERVICE, RELATING TO NEWS,  
 52 AS THESE TERMS ARE DEFINED IN SECTION SEVENTY-NINE-H OF THE CIVIL RIGHTS  
 53 LAW, AND COMMUNICATIONS RELATING TO CONFIDENTIAL AND NON-CONFIDENTIAL  
 54 NEWS AS DESCRIBED IN SUBDIVISIONS (B) AND (C) OF SECTION SEVENTY-NINE-H

1 OF THE CIVIL RIGHTS LAW RESPECTIVELY AND COMMUNICATIONS MADE PURSUANT TO  
2 COMMUNITY OUTREACH EFFORTS FOR BROADCAST STATIONS REQUIRED BY FEDERAL  
3 LAW.

4 S 2. This act shall take effect immediately.

5

PART J

6 Section 1. Paragraph (a) of subdivision 13 of section 94 of the execu-  
7 tive law, as amended by section 6 of part A of chapter 399 of the laws  
8 of 2011, is amended to read as follows:

9 (a) Investigations. If the commission receives a sworn complaint  
10 alleging a violation of section seventy-three, seventy-three-a, or  
11 seventy-four of the public officers law, section one hundred seven of  
12 the civil service law or article one-A of the legislative law by a  
13 person or entity subject to the jurisdiction of the commission including  
14 members of the legislature and legislative employees and candidates for  
15 member of the legislature, or if a reporting individual has filed a  
16 statement which reveals a possible violation of these provisions, or if  
17 the commission determines on its own initiative to investigate a possi-  
18 ble violation, the commission shall notify the individual in writing,  
19 describe the possible or alleged violation of such laws, PROVIDE A  
20 DESCRIPTION OF THE ALLEGATIONS AGAINST HIM OR HER AND THE EVIDENCE, IF  
21 ANY, SUPPORTING SUCH ALLEGATIONS, PROVIDED HOWEVER THAT THE JOINT  
22 COMMISSION SHALL REDACT ANY INFORMATION THAT MIGHT, IN THE JUDGMENT OF  
23 THE COMMISSION, BE PREJUDICIAL TO EITHER THE COMPLAINANT OR THE INVESTI-  
24 GATION; THE LETTER ALSO SHALL SET FORTH THE SECTIONS OF LAW ALLEGED TO  
25 HAVE BEEN VIOLATED and provide the person with a fifteen day period in  
26 which to submit a written response, INCLUDING ANY EVIDENCE, STATEMENTS,  
27 AND PROPOSED WITNESSES, setting forth information relating to the activ-  
28 ities cited as a possible or alleged violation of law. The commission  
29 shall, within [forty-five] SIXTY calendar days after a complaint or a  
30 referral is received or an investigation is initiated on the commis-  
31 sion's own initiative, vote on whether to commence a full investigation  
32 of the matter under consideration to determine whether a substantial  
33 basis exists to conclude that a violation of law has occurred. The staff  
34 of the joint commission shall provide to the members prior to such vote  
35 information regarding the likely scope and content of the investigation,  
36 and a subpoena plan, to the extent such information is available. Such  
37 investigation shall be conducted if at least eight members of the  
38 commission vote to authorize it. Where the subject of such investigation  
39 is a member of the legislature or a legislative employee or a candidate  
40 for member of the legislature, at least two of the eight or more members  
41 who so vote to authorize such an investigation must have been appointed  
42 by a legislative leader or leaders from the major political party in  
43 which the subject of the proposed investigation is enrolled if such  
44 person is enrolled in a major political party. Where the subject of such  
45 investigation is a state officer or state employee, at least two of the  
46 eight or more members who so vote to authorize such an investigation  
47 must have been appointed by the governor and lieutenant governor. Where  
48 the subject of such investigation is a statewide elected official or a  
49 direct appointee of such an official, at least two of the eight or more  
50 members who so vote to authorize such an investigation must have been  
51 appointed by the governor and lieutenant governor and be enrolled in the  
52 major political party in which the subject of the proposed investigation  
53 is enrolled, if such person is enrolled in a major political party.

1 S 2. Paragraph (b) of subdivision 13 of section 94 of the executive  
2 law, as amended by section 6 of part A of chapter 399 of the laws of  
3 2011, is amended to read as follows:

4 (b) Substantial basis investigation. Upon the affirmative vote of not  
5 less than eight commission members to commence a substantial basis  
6 investigation, written notice of the commission's decision shall be  
7 provided to the individual who is the subject of such substantial basis  
8 investigation. Such written notice shall include a copy of the commis-  
9 sion's rules and procedures and shall also include notification of such  
10 individual's right to be heard within thirty calendar days of the date  
11 of the commission's written notice. IF THE COMMISSION VOTES TO COMMENCE  
12 A SUBSTANTIAL BASIS INVESTIGATION, THE COMMISSION SHALL PROVIDE TO THE  
13 INDIVIDUAL A NOTICE SETTING FORTH THE ALLEGED VIOLATIONS OF LAW AND THE  
14 FACTUAL BASIS FOR THOSE ALLEGATIONS. THE COMMISSION SHALL PROVIDE TO  
15 THE INDIVIDUAL ANY ADDITIONAL EVIDENCE SUPPORTING THE ALLEGATIONS NOT  
16 SET FORTH IN THE LETTER SENT PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVI-  
17 SION IN SUFFICIENT DETAIL TO ENABLE THE INDIVIDUAL TO RESPOND, AT LEAST  
18 SEVEN DAYS BEFORE THE HEARING. SUCH HEARING SHALL AFFORD THE INDIVIDUAL  
19 WITH A REASONABLE OPPORTUNITY TO APPEAR IN PERSON, AND BY ATTORNEY, GIVE  
20 SWORN TESTIMONY AND PRESENT EVIDENCE. SUCH HEARING SHALL OCCUR BEFORE  
21 THE COMMISSION VOTES ON WHETHER OR NOT TO ISSUE A SUBSTANTIAL BASIS  
22 REPORT. The commission shall also inform the individual of its rules  
23 regarding the conduct of adjudicatory proceedings and appeals and the  
24 other due process procedural mechanisms available to such individual. If  
25 the commission determines at any stage that there is no violation [or],  
26 that any potential [conflict of interest] violation has been rectified,  
27 OR IF THE INVESTIGATION IS CLOSED FOR ANY OTHER REASON, it shall so  
28 advise the individual and the complainant, if any IN WRITING WITHIN  
29 FIFTEEN DAYS OF SUCH DECISION. All of the foregoing proceedings shall  
30 be confidential.

31 S 3. This act shall take effect immediately.

32

#### PART K

33 Section 1. Subdivision 3 of section 73 of the public officers law, as  
34 amended by chapter 242 of the laws of 1989, is amended to read as  
35 follows:

36 3. (a) No statewide elected official, member of the legislature,  
37 legislative employee, full-time salaried state officer or employee shall  
38 receive, directly or indirectly, or enter into any agreement express or  
39 implied for, any compensation, in whatever form, for the appearance or  
40 rendition of services by himself, HERSELF or another against the inter-  
41 est of the state in relation to any case, proceeding, application or  
42 other matter before, or the transaction of business by himself, HERSELF  
43 or another with, the court of claims.

44 (b) No state officer or employee who is required to file an annual  
45 statement of financial disclosure pursuant to the provisions of section  
46 seventy-three-a of this article, and is not otherwise subject to the  
47 provisions of this section, shall receive, directly or indirectly, or  
48 enter into any agreement express or implied, for any compensation, in  
49 whatever form, for the appearance or rendition of services by himself,  
50 HERSELF or another against the interest of the state agency by which he  
51 OR SHE is employed or affiliated in relation to any case, proceeding,  
52 application or other matter before, or the transaction of business by  
53 himself, HERSELF or another with, the court of claims.

1 S 2. Subdivision 5 of section 73 of the public officers law, as  
2 amended by chapter 14 of the laws of 2007, is amended to read as  
3 follows:

4 5. No statewide elected official, state officer or employee, individ-  
5 ual whose name has been submitted by the governor to the senate for  
6 confirmation to become a state officer or employee, member of the legis-  
7 lature or legislative employee shall, directly or indirectly:

8 (a) solicit, accept or receive any gift having more than a nominal  
9 value, whether in the form of money, service, loan, travel, lodging,  
10 meals, refreshments, entertainment, discount, forbearance or promise, or  
11 in any other form, under circumstances in which it could reasonably be  
12 inferred that the gift was intended to influence him OR HER, or could  
13 reasonably be expected to influence him OR HER, in the performance of  
14 his OR HER official duties or was intended as a reward for any official  
15 action on his OR HER part. No person shall, directly or indirectly,  
16 offer or make any such gift to a statewide elected official, or any  
17 state officer or employee, member of the legislature or legislative  
18 employee under such circumstances.

19 (b) solicit, accept or receive any gift, as defined in section one-c  
20 of the legislative law, from any person who is prohibited from deliver-  
21 ing such gift pursuant to section one-m of the legislative law unless  
22 under the circumstances it is not reasonable to infer that the gift was  
23 intended to influence him OR HER; or

24 (c) permit the solicitation, acceptance, or receipt of any gift, as  
25 defined in section one-c of the legislative law, from any person who is  
26 prohibited from delivering such gift pursuant to section one-m of the  
27 legislative law to a third party including a charitable organization, on  
28 such official's designation or recommendation or on his or her behalf,  
29 under circumstances where it is reasonable to infer that the gift was  
30 intended to influence him OR HER.

31 S 3. Subdivisions 6 and 7 of section 73 of the public officers law, as  
32 amended by chapter 813 of the laws of 1987, paragraph (a) of subdivision  
33 6 as amended by section 3 of part A of chapter 399 of the laws of 2011,  
34 paragraph (b) of subdivision 6 as amended by chapter 14 of the laws of  
35 2007, and paragraph (a) of subdivision 7 as amended and paragraph (h) of  
36 subdivision 7 as added by chapter 530 of the laws of 2004, are amended  
37 to read as follows:

38 6. (a) Every legislative employee not subject to the provisions of  
39 section seventy-three-a of this chapter shall, on and after December  
40 fifteenth and before the following January fifteenth, in each year, file  
41 with the joint commission on public ethics and the legislative ethics  
42 commission a financial disclosure statement of

43 (1) each financial interest, direct or indirect of himself OR HERSELF,  
44 his OR HER spouse and his OR HER unemancipated children under the age of  
45 eighteen years in any activity which is subject to the jurisdiction of a  
46 regulatory agency or name of the entity in which the interest is had and  
47 whether such interest is over or under five thousand dollars in value.

48 (2) every office and directorship held by him OR HER in any corpo-  
49 ration, firm or enterprise which is subject to the jurisdiction of a  
50 regulatory agency, including the name of such corporation, firm or  
51 enterprise.

52 (3) any other interest or relationship which he OR SHE determines in  
53 his OR HER discretion might reasonably be expected to be particularly  
54 affected by legislative action or in the public interest should be  
55 disclosed.

1 (b) Copies of such statements shall be open for public inspection and  
2 copying.

3 (c) Any such legislative employee who knowingly and wilfully with  
4 intent to deceive makes a false statement or gives information which he  
5 OR SHE knows to be false in any written statement required to be filed  
6 pursuant to this subdivision, shall be assessed a civil penalty in an  
7 amount not to exceed ten thousand dollars. Assessment of a civil penalty  
8 shall be made by the legislative ethics [committee] COMMISSION in  
9 accordance with the provisions of subdivision [twelve] TEN of section  
10 eighty of the legislative law. For a violation of this subdivision, the  
11 [committee] COMMISSION may, in lieu of a civil penalty, refer a  
12 violation to the appropriate prosecutor and upon conviction, but only  
13 after such referral, such violation shall be punishable as a class A  
14 misdemeanor.

15 7. (a) No statewide elected official, or state officer or employee,  
16 other than in the proper discharge of official state or local govern-  
17 mental duties, or member of the legislature or legislative employee, or  
18 political party chairman shall receive, directly or indirectly, or enter  
19 into any agreement express or implied for, any compensation, in whatever  
20 form, for the appearance or rendition of services by himself, HERSELF or  
21 another in relation to any case, proceeding, application or other matter  
22 before a state agency where such appearance or rendition of services is  
23 in connection with:

24 (i) the purchase, sale, rental or lease of real property, goods or  
25 services, or a contract therefor, from, to or with any such agency;

26 (ii) any proceeding relating to rate making;

27 (iii) the adoption or repeal of any rule or regulation having the  
28 force and effect of law;

29 (iv) the obtaining of grants of money or loans;

30 (v) licensing; or

31 (vi) any proceeding relating to a franchise provided for in the public  
32 service law.

33 (b) No political party chairman in a county wholly included in a city  
34 having a population of one million or more shall receive, directly or  
35 indirectly, or enter into any agreement express or implied for, any  
36 compensation, in whatever form, for the appearance or rendition of  
37 services by himself, HERSELF or another in relation to any case,  
38 proceeding, application or other matter before any city agency where  
39 such appearance or rendition of services is in connection with:

40 (i) the purchase, sale, rental or lease of real property, goods or  
41 services, or a contract therefor, from, to or with any such agency;

42 (ii) any proceeding relating to ratemaking;

43 (iii) the adoption or repeal of any rule or regulation having the  
44 force and effect of law;

45 (iv) the obtaining of grants of money or loans;

46 (v) licensing. For purposes of this paragraph, the term "licensing"  
47 shall mean any city agency activity respecting the grant, denial,  
48 renewal, revocation, enforcement, suspension, annulment, withdrawal,  
49 recall, cancellation or amendment of a license, permit or other form of  
50 permission conferring the right or privilege to engage in (i) a profes-  
51 sion, trade, or occupation or (ii) any business or activity regulated by  
52 a regulatory agency of a city agency which in the absence of such  
53 license, permit or other form of permission would be prohibited; and

54 (vi) any proceeding relating to a franchise.

55 (c) Nothing contained in this subdivision shall prohibit a statewide  
56 elected official, or a state officer or employee, unless otherwise

1 prohibited, or a member of the legislature or legislative employee, or  
2 political party chairman, from appearing before a state agency in a  
3 representative capacity if such appearance in a representative capacity  
4 is in connection with a ministerial matter.

5 (d) Nothing contained in this subdivision shall prohibit a member of  
6 the legislature, or a legislative employee on behalf of such member,  
7 from participating in or advocating any position in any matter in an  
8 official or legislative capacity, including, but not limited to, acting  
9 as a public advocate whether or not on behalf of a constituent. Nothing  
10 in this paragraph shall be construed to limit the application of the  
11 provisions of section seventy-seven of this chapter.

12 (e) Nothing contained in this subdivision shall prohibit a state offi-  
13 cer or employee from appearing before a state agency in a representative  
14 capacity on behalf of an employee organization in any matter where such  
15 appearance is duly authorized by an employee organization.

16 (f) Nothing contained in this subdivision shall prohibit a political  
17 party chairman from participating in or advocating any matter in an  
18 official capacity.

19 (g) Nothing contained in this subdivision shall prohibit internal  
20 research or discussion of a matter, provided, however, that the time is  
21 not charged to the client and the person does not share in the net  
22 revenues generated or produced by the matter.

23 (h) Nothing contained in this subdivision shall prohibit a state offi-  
24 cer or employee, unless otherwise prohibited, from appearing or render-  
25 ing services in relation to a case, proceeding, application or trans-  
26 action before a state agency, other than the agency in which the officer  
27 or employee is employed, when such appearance or rendition of services  
28 is made while carrying out official duties as an elected or appointed  
29 official, or employee of a local government or one of its agencies.

30 S 4. Subdivision 8-b of section 73 of the public officers law, as  
31 added by chapter 540 of the laws of 2004, is renumbered subdivision 8-c.

32 S 5. Subdivision 10 of section 73 of the public officers law, as  
33 amended by section 13 of part A of chapter 399 of the laws of 2011, is  
34 amended to read as follows:

35 10. Nothing contained in this section, the judiciary law, the educa-  
36 tion law or any other law or disciplinary rule shall be construed or  
37 applied to prohibit any firm, association or corporation, in which any  
38 present or former statewide elected official, state officer or employee,  
39 or political party chairman, member of the legislature or legislative  
40 employee is a member, associate, retired member, of counsel or share-  
41 holder, from appearing, practicing, communicating or otherwise rendering  
42 services in relation to any matter before, or transacting business with  
43 a state agency, or a city agency with respect to a political party  
44 chairman in a county wholly included in a city with a population of more  
45 than one million, otherwise proscribed by this section, the judiciary  
46 law, the education law or any other law or disciplinary rule with  
47 respect to such official, member of the legislature or officer or  
48 employee, or political party chairman, where such statewide elected  
49 official, state officer or employee, member of the legislature or legis-  
50 lative employee, or political party chairman does not share in the net  
51 revenues, as defined in accordance with generally accepted accounting  
52 principles by the joint commission on public ethics or by the legisla-  
53 tive ethics [committee] COMMISSION in relation to persons subject to  
54 their respective jurisdictions, resulting therefrom, or, acting in good  
55 faith, reasonably believed that he or she would not share in the net  
56 revenues as so defined; nor shall anything contained in this section,

1 the judiciary law, the education law or any other law or disciplinary  
 2 rule be construed to prohibit any firm, association or corporation in  
 3 which any present or former statewide elected official, member of the  
 4 legislature, legislative employee, full-time salaried state officer or  
 5 employee or state officer or employee who is subject to the provisions  
 6 of section seventy-three-a of this article is a member, associate,  
 7 retired member, of counsel or shareholder, from appearing, practicing,  
 8 communicating or otherwise rendering services in relation to any matter  
 9 before, or transacting business with, the court of claims, where such  
 10 statewide elected official, member of the legislature, legislative  
 11 employee, full-time salaried state officer or employee or state officer  
 12 or employee who is subject to the provisions of section seventy-three-a  
 13 of this article does not share in the net revenues, as defined in  
 14 accordance with generally accepted accounting principles by the joint  
 15 commission on public ethics or by the legislative ethics [committee]  
 16 COMMISSION in relation to persons subject to their respective jurisdic-  
 17 tions, resulting therefrom, or, acting in good faith, reasonably  
 18 believed that he or she would not share in the net revenues as so  
 19 defined.

20 S 6. Paragraph 8 of subdivision 3 of section 73-a of the public offi-  
 21 cers law, as amended by section 37 of subpart A of part H of chapter 55  
 22 of the laws of 2014, subparagraphs (a), (b) and (c) as amended by  
 23 section 1 and subparagraphs (b-1) and (b-2) as added by section 2 of  
 24 part CC of chapter 56 of the laws of 2015, is amended to read as  
 25 follows:

26 8. (a) If the reporting individual practices law, is licensed by the  
 27 department of state as a real estate broker or agent or practices a  
 28 profession licensed by the department of education, or works as a member  
 29 or employee of a firm required to register pursuant to section one-e of  
 30 the legislative law as a lobbyist, describe the services rendered for  
 31 which compensation was paid including a general description of the prin-  
 32 cipal subject areas of matters undertaken by such individual and princi-  
 33 pal duties performed. Specifically state whether the reporting individ-  
 34 ual provides services directly to clients. Additionally, if such an  
 35 individual practices with a firm or corporation and is a partner or  
 36 shareholder of the firm or corporation, give a general description of  
 37 principal subject areas of matters undertaken by such firm or corpo-  
 38 ration.

39 \_\_\_\_\_  
 40 \_\_\_\_\_  
 41 \_\_\_\_\_  
 42 \_\_\_\_\_  
 43 \_\_\_\_\_

44 (b) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE  
 45 PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE AND BEFORE DECEMBER  
 46 THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR NEW MATTERS FOR EXISTING  
 47 CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT ARE PROVIDED ON  
 48 OR AFTER JULY FIRST, TWO THOUSAND TWELVE AND BEFORE DECEMBER  
 49 THIRTY-FIRST, TWO THOUSAND FIFTEEN:

50 If the reporting individual personally provides services to any person  
 51 or entity, or works as a member or employee of a partnership or corpo-  
 52 ration that provides such services (referred to hereinafter as a  
 53 "firm"), then identify each client or customer to whom the reporting  
 54 individual personally provided services, or who was referred to the firm

1 by the reporting individual, and from whom the reporting individual or  
2 his or her firm earned fees in excess of \$10,000 during the reporting  
3 period for such services rendered in direct connection with:

4 (i) A contract in an amount totaling \$50,000 or more from the state or  
5 any state agency for services, materials, or property;

6 (ii) A grant of \$25,000 or more from the state or any state agency  
7 during the reporting period;

8 (iii) A grant obtained through a legislative initiative during the  
9 reporting period; or

10 (iv) A case, proceeding, application or other matter that is not a  
11 ministerial matter before a state agency during the reporting period.

12 For purposes of this question, "referred to the firm" shall mean:  
13 having intentionally and knowingly taken a specific act or series of  
14 acts to intentionally procure for the reporting individual's firm or  
15 knowingly solicit or direct to the reporting individual's firm in whole  
16 or substantial part, a person or entity that becomes a client of that  
17 firm for the purposes of representation for a matter as defined in  
18 subparagraphs (i) through (iv) of this paragraph, as the result of such  
19 procurement, solicitation or direction of the reporting individual. A  
20 reporting individual need not disclose activities performed while  
21 lawfully acting pursuant to paragraphs (c), (d), (e) and (f) of subdivi-  
22 sion seven of section seventy-three of this article.

23 The disclosure requirement in this question shall not require disclo-  
24 sure of clients or customers receiving medical or dental services,  
25 mental health services, residential real estate brokering services, or  
26 insurance brokering services from the reporting individual or his or her  
27 firm. The reporting individual need not identify any client to whom he  
28 or she or his or her firm provided legal representation with respect to  
29 investigation or prosecution by law enforcement authorities, bankruptcy,  
30 or domestic relations matters. With respect to clients represented in  
31 other matters, where disclosure of a client's identity is likely to  
32 cause harm, the reporting individual shall request an exemption from the  
33 joint commission pursuant to paragraph [(i)] (I-1) of subdivision nine  
34 of section ninety-four of the executive law, provided, however, that a  
35 reporting individual who first enters public office after July first,  
36 two thousand twelve, need not report clients or customers with respect  
37 to matters for which the reporting individual or his or her firm was  
38 retained prior to entering public office.

39 Client	Nature of Services Provided
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45 (b-1) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES  
46 ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR  
47 FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE  
48 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-  
49 SAND FIFTEEN (FOR PURPOSES OF THIS QUESTION, "SERVICES" SHALL MEAN  
50 CONSULTATION, REPRESENTATION, ADVICE OR OTHER SERVICES):

51 If the reporting individual receives income from employment reportable  
52 in question 8(a) and personally provides services to any person or enti-  
53 ty, or works as a member or employee of a partnership or corporation  
54 that provides such services (referred to hereinafter as a "firm"), the  
55 reporting individual shall identify each client or customer to whom the



1 reporting individual personally provided services, or who was referred  
2 to the firm by the reporting individual, and from whom the reporting  
3 individual or his or her firm earned fees in excess of \$10,000 during  
4 the reporting period in direct connection with:

5 (i) A contract in an amount totaling \$10,000 or more from the state or  
6 any state agency for services, materials, or property;

7 (ii) A grant of \$10,000 or more from the state or any state agency  
8 during the reporting period;

9 (iii) A grant obtained through a legislative initiative during the  
10 reporting period; or

11 (iv) A case, proceeding, application or other matter that is not a  
12 ministerial matter before a state agency during the reporting period.

13 For such services rendered by the reporting individual directly to  
14 each such client, describe each matter that was the subject of such  
15 representation, the services actually provided and the payment received.  
16 For payments received from clients referred to the firm by the reporting  
17 individual, if the reporting individual directly received a referral fee  
18 or fees for such referral, identify the client and the payment so  
19 received.

20 For purposes of this question, "referred to the firm" shall mean:  
21 having intentionally and knowingly taken a specific act or series of  
22 acts to intentionally procure for the reporting individual's firm or  
23 having knowingly solicited or directed to the reporting individual's  
24 firm in whole or substantial part, a person or entity that becomes a  
25 client of that firm for the purposes of representation for a matter as  
26 defined in clauses (i) through (iv) of this subparagraph, as the result  
27 of such procurement, solicitation or direction of the reporting individ-  
28 ual. A reporting individual need not disclose activities performed while  
29 lawfully acting in his or her capacity as provided in paragraphs (c),  
30 (d), (e) and (f) of subdivision seven of section seventy-three of this  
31 article.

32 Client	33 Matter	34 Nature of Services Provided	35 Category 36 of Amount 37 (in Table I)
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36			
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40 (b-2) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES  
41 ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR  
42 FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE  
43 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-  
44 SAND FIFTEEN (FOR PURPOSES OF THIS QUESTION, "SERVICES" SHALL MEAN  
45 CONSULTATION, REPRESENTATION, ADVICE OR OTHER SERVICES):

46 (i) With respect to reporting individuals who receive ten thousand  
47 dollars or more from employment or activity reportable under question  
48 8(a), for each client or customer NOT otherwise disclosed or exempted in  
49 question 8 or 13, disclose the name of each client or customer known to  
50 the reporting individual to whom the reporting individual provided  
51 services: (A) who paid the reporting individual in excess of five thou-  
52 sand dollars for such services; or (B) who had been billed with the  
53 knowledge of the reporting individual in excess of five thousand dollars

1 by the firm or other entity named in question 8(a) for the reporting  
 2 individual's services.

3 Client	Services	Category of Amount
4	Actually Provided	(in Table I)

5 FOLLOWING IS AN ILLUSTRATIVE, NON-EXCLUSIVE LIST OF EXAMPLES OF  
 6 DESCRIPTIONS OF "SERVICES ACTUALLY PROVIDED":

- 7 \* REVIEWED DOCUMENTS AND CORRESPONDENCE;
- 8 \* REPRESENTED CLIENT (IDENTIFY CLIENT BY NAME) IN LEGAL PROCEEDING;
- 9 \* PROVIDED LEGAL ADVICE ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
- 10 \* CONSULTED WITH CLIENT OR CONSULTED WITH LAW PARTNERS/ASSOCIATES/MEMBERS
- 11 OF FIRM ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
- 12 \* PREPARED CERTIFIED FINANCIAL STATEMENT FOR CLIENT (IDENTIFY CLIENT BY
- 13 NAME);
- 14 \* REFERRED INDIVIDUAL OR ENTITY (IDENTIFY CLIENT BY NAME) FOR
- 15 REPRESENTATION OR CONSULTATION;
- 16 \* COMMERCIAL BROKERING SERVICES (IDENTIFY CUSTOMER BY NAME);
- 17 \* PREPARED CERTIFIED ARCHITECTURAL OR ENGINEERING
- 18 RENDERINGS FOR CLIENT (IDENTIFY CUSTOMER BY NAME);
- 19 \* COURT APPOINTED GUARDIAN OR EVALUATOR (IDENTIFY COURT NOT CLIENT).

20 (ii) With respect to reporting individuals who disclosed in question  
 21 8(a) that the reporting individual did not provide services to a client  
 22 but provided services to a firm or business, identify the category of  
 23 amount received for providing such services and describe the services  
 24 rendered.

25 SERVICES ACTUALLY PROVIDED	CATEGORY OF AMOUNT (TABLE I)
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26 A reporting individual need not disclose activities performed while  
 27 lawfully acting in his or her capacity as provided in paragraphs (c),  
 28 (d), (e) and (f) of subdivision seven of section seventy-three of this  
 29 article.

30 The disclosure requirement in questions (b-1) and (b-2) shall not  
 31 require disclosing clients or customers receiving medical, pharmaceu-  
 32 tical or dental services, mental health services, or residential real  
 33 estate brokering services from the reporting individual or his or her  
 34 firm or if federal law prohibits or limits disclosure. The reporting  
 35 individual need not identify any client to whom he or she or his or her  
 36 firm provided legal representation with respect to investigation or  
 37 prosecution by law enforcement authorities, bankruptcy, family court,  
 38 estate planning, or domestic relations matters, nor shall the reporting  
 39 individual identify individuals represented pursuant to an insurance  
 40 policy but the reporting individual shall in such circumstances only  
 41 report the entity that provides compensation to the reporting individ-  
 42 ual; with respect to matters in which the client's name is required by  
 43 law to be kept confidential (such as matters governed by the family  
 44 court act) or in matters in which the reporting individual represents or  
 45 provides services to minors, the client's name may be replaced with  
 46 initials. To the extent that the reporting individual, or his or her  
 47 firm, provided legal representation with respect to an initial public

1 offering, and professional disciplinary rules, federal law or regu-  
2 lations restrict the disclosure of information relating to such work,  
3 the reporting individual shall (i) disclose the identity of the client  
4 and the services provided relating to the initial public offering to the  
5 office of court administration, who will maintain such information  
6 confidentially in a locked box; and (ii) include in his or her response  
7 to questions (b-1) and (b-2) that pursuant to this paragraph, a disclo-  
8 sure to the office of court administration has been made. Upon such time  
9 that the disclosure of information maintained in the locked box is no  
10 longer restricted by professional disciplinary rules, federal law or  
11 regulation, the reporting individual shall disclose such information in  
12 an amended disclosure statement in response to the disclosure require-  
13 ments in questions (b-1) and (b-2). The office of court administration  
14 shall develop and maintain a secure portal through which information  
15 submitted to it pursuant to this paragraph can be safely and confiden-  
16 tially stored. With respect to clients represented in other matters not  
17 otherwise exempt, the reporting individual may request an exemption to  
18 publicly disclosing the name of that client from the joint commission  
19 pursuant to paragraph [(i)] (I-1) of subdivision nine of section nine-  
20 ty-four of the executive law, or from the office of court adminis-  
21 tration. In such application, the reporting individual shall state the  
22 following: "My client is not currently receiving my services or seeking  
23 my services in connection with:

24 (i) A proposed bill or resolution in the senate or assembly during the  
25 reporting period;

26 (ii) A contract in an amount totaling \$10,000 or more from the state  
27 or any state agency for services, materials, or property;

28 (iii) A grant of \$10,000 or more from the state or any state agency  
29 during the reporting period;

30 (iv) A grant obtained through a legislative initiative during the  
31 reporting period; or

32 (v) A case, proceeding, application or other matter that is not a  
33 ministerial matter before a state agency during the reporting period."

34 In reviewing the request for an exemption, the joint commission or the  
35 office of court administration may consult with bar or other profes-  
36 sional associations and the legislative ethics commission for individ-  
37 uals subject to its jurisdiction and may consider the rules of profes-  
38 sional conduct. In making its determination, the joint commission or the  
39 office of court administration shall conduct its own inquiry and shall  
40 consider factors including, but not limited to: (i) the nature and the  
41 size of the client; (ii) whether the client has any business before the  
42 state; and if so, how significant the business is; and whether the  
43 client has any particularized interest in pending legislation and if so  
44 how significant the interest is; (iii) whether disclosure may reveal  
45 trade secrets; (iv) whether disclosure could reasonably result in retal-  
46 iation against the client; (v) whether disclosure may cause undue harm  
47 to the client; (vi) whether disclosure may result in undue harm to the  
48 attorney-client relationship; and (vii) whether disclosure may result in  
49 an unnecessary invasion of privacy to the client.

50 The joint commission or, as the case may be, the office of court  
51 administration shall promptly make a final determination in response to  
52 such request, which shall include an explanation for its determination.  
53 The office of court administration shall issue its final determination  
54 within three days of receiving the request. Notwithstanding any other  
55 provision of law or any professional disciplinary rule to the contrary,  
56 the disclosure of the identity of any client or customer in response to

1 this question shall not constitute professional misconduct or a ground  
 2 for disciplinary action of any kind, or form the basis for any civil or  
 3 criminal cause of action or proceeding. A reporting individual who first  
 4 enters public office after January first, two thousand sixteen, need not  
 5 report clients or customers with respect to matters for which the  
 6 reporting individual or his or her firm was retained prior to entering  
 7 public office.

8 [Client	Services	Category of Amount
9	Actually Provided	(in Table I)

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10  
 11 (c) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE  
 12 PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR  
 13 NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE  
 14 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-  
 15 SAND FIFTEEN:

16 If the reporting individual receives income of ten thousand dollars or  
 17 greater from any employment or activity reportable under question 8(a),  
 18 identify each registered lobbyist who has directly referred to such  
 19 individual a client who was successfully referred to the reporting indi-  
 20 vidual's business and from whom the reporting individual or firm  
 21 received a fee for services in excess of five thousand dollars. Report  
 22 only those referrals that were made to a reporting individual by direct  
 23 communication from a person known to such reporting individual to be a  
 24 registered lobbyist at the time the referral is made. With respect to  
 25 each such referral, the reporting individual shall identify the client,  
 26 the registered lobbyist who has made the referral, the category of value  
 27 of the compensation received and a general description of the type of  
 28 matter so referred. A reporting individual need not disclose activities  
 29 performed while lawfully acting pursuant to paragraphs (c), (d), (e) and  
 30 (f) of subdivision seven of section seventy-three of this article. The  
 31 disclosure requirements in this question shall not require disclosing  
 32 clients or customers receiving medical, pharmaceutical or dental  
 33 services, mental health services, or residential real estate brokering  
 34 services from the reporting individual or his or her firm or if federal  
 35 law prohibits or limits disclosure. The reporting individual need not  
 36 identify any client to whom he or she or his or her firm provided legal  
 37 representation with respect to investigation or prosecution by law  
 38 enforcement authorities, bankruptcy, family court, estate planning, or  
 39 domestic relations matters, nor shall the reporting individual identify  
 40 individuals represented pursuant to an insurance policy but the report-  
 41 ing individual shall in such circumstances only report the entity that  
 42 provides compensation to the reporting individual; with respect to  
 43 matters in which the client's name is required by law to be kept confi-  
 44 dential (such as matters governed by the family court act) or in matters  
 45 in which the reporting individual represents or provides services to  
 46 minors, the client's name may be replaced with initials. To the extent  
 47 that the reporting individual, or his or her firm, provided legal repre-  
 48 sentation with respect to an initial public offering, and federal law or  
 49 regulations restricts the disclosure of information relating to such  
 50 work, the reporting individual shall (i) disclose the identity of the  
 51 client and the services provided relating to the initial public offering  
 52 to the office of court administration, who will maintain such informa-

1 tion confidentially in a locked box; and (ii) include in his or her  
2 response a statement that pursuant to this paragraph, a disclosure to  
3 the office of court administration has been made. Upon such time that  
4 the disclosure of information maintained in the locked box is no longer  
5 restricted by federal law or regulation, the reporting individual shall  
6 disclose such information in an amended disclosure statement in response  
7 to the disclosure requirements of this paragraph. The office of court  
8 administration shall develop and maintain a secure portal through which  
9 information submitted to it pursuant to this paragraph can be safely and  
10 confidentially stored. With respect to clients represented in other  
11 matters not otherwise exempt, the reporting individual may request an  
12 exemption to publicly disclosing the name of that client from the joint  
13 commission pursuant to paragraph [(i)] (I-1) of subdivision nine of  
14 section ninety-four of the executive law, or from the office of court  
15 administration. In such application, the reporting individual shall  
16 state the following: "My client is not currently receiving my services  
17 or seeking my services in connection with:

- 18 (i) A proposed bill or resolution in the senate or assembly during the  
19 reporting period;  
20 (ii) A contract in an amount totaling \$10,000 or more from the state  
21 or any state agency for services, materials, or property;  
22 (iii) A grant of \$10,000 or more from the state or any state agency  
23 during the reporting period;  
24 (iv) A grant obtained through a legislative initiative during the  
25 reporting period; or  
26 (v) A case, proceeding, application or other matter that is not a  
27 ministerial matter before a state agency during the reporting period."

28 In reviewing the request for an exemption, the joint commission or the  
29 office of court administration may consult with bar or other profes-  
30 sional associations and the legislative ethics commission for individ-  
31 uals subject to its jurisdiction and may consider the rules of profes-  
32 sional conduct. In making its determination, the joint commission or the  
33 office of court administration shall conduct its own inquiry and shall  
34 consider factors including, but not limited to: (i) the nature and the  
35 size of the client; (ii) whether the client has any business before the  
36 state; and if so, how significant the business is; and whether the  
37 client has any particularized interest in pending legislation and if so  
38 how significant the interest is; (iii) whether disclosure may reveal  
39 trade secrets; (iv) whether disclosure could reasonably result in retal-  
40 iation against the client; (v) whether disclosure may cause undue harm  
41 to the client; (vi) whether disclosure may result in undue harm to the  
42 attorney-client relationship; and (vii) whether disclosure may result in  
43 an unnecessary invasion of privacy to the client.

44 The joint commission or, as the case may be, the office of court  
45 administration shall promptly make a final determination in response to  
46 such request, which shall include an explanation for its determination.  
47 The office of court administration shall issue its final determination  
48 within three days of receiving the request. Notwithstanding any other  
49 provision of law or any professional disciplinary rule to the contrary,  
50 the disclosure of the identity of any client or customer in response to  
51 this question shall not constitute professional misconduct or a ground  
52 for disciplinary action of any kind, or form the basis for any civil or  
53 criminal cause of action or proceeding. A reporting individual who first  
54 enters public office after December thirty-first, two thousand fifteen,  
55 need not report clients or customers with respect to matters for which

1 the reporting individual or his or her firm was retained prior to enter-  
 2 ing public office.

3 Client	Name of Lobbyist	DESCRIPTION OF MATTER	Category of Amount (in Table 1)
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10 (d) List the name, principal address and general description or the  
 11 nature of the business activity of any entity in which the reporting  
 12 individual or such individual's spouse had an investment in excess of  
 13 \$1,000 excluding investments in securities and interests in real proper-  
 14 ty.

15 S 7. Subdivisions 2 and 3 of section 74 of the public officers law, as  
 16 amended by chapter 1012 of the laws of 1965, paragraph d of subdivision  
 17 3 as amended by chapter 1 of the laws of 2010, are amended to read as  
 18 follows:

19 2. Rule with respect to conflicts of interest. No officer or employee  
 20 of a state agency, member of the legislature or legislative employee  
 21 should have any interest, financial or otherwise, direct or indirect, or  
 22 engage in any business or transaction or professional activity or incur  
 23 any obligation of any nature, which is in substantial conflict with the  
 24 proper discharge of his OR HER duties in the public interest.

25 3. Standards.

26 a. No officer or employee of a state agency, member of the legislature  
 27 or legislative employee should accept other employment which will impair  
 28 his OR HER independence of judgment in the exercise of his OR HER offi-  
 29 cial duties.

30 b. No officer or employee of a state agency, member of the legislature  
 31 or legislative employee should accept employment or engage in any busi-  
 32 ness or professional activity which will require him OR HER to disclose  
 33 confidential information which he OR SHE has gained by reason of his OR  
 34 HER official position or authority.

35 c. No officer or employee of a state agency, member of the legislature  
 36 or legislative employee should disclose confidential information  
 37 acquired by him OR HER in the course of his OR HER official duties nor  
 38 use such information to further his OR HER personal interests.

39 d. No officer or employee of a state agency, member of the legislature  
 40 or legislative employee should use or attempt to use his or her official  
 41 position to secure unwarranted privileges or exemptions for himself or  
 42 herself or others, including but not limited to, the misappropriation to  
 43 himself, herself or to others of the property, services or other  
 44 resources of the state for private business or other compensated non-go-  
 45 vernmental purposes.

46 e. No officer or employee of a state agency, member of the legislature  
 47 or legislative employee should engage in any transaction as represen-  
 48 tative or agent of the state with any business entity in which he OR SHE  
 49 has a direct or indirect financial interest that might reasonably tend  
 50 to conflict with the proper discharge of his OR HER official duties.

51 f. An officer or employee of a state agency, member of the legislature  
 52 or legislative employee should not by his OR HER conduct give reasonable  
 53 basis for the impression that any person can improperly influence him OR  
 54 HER or unduly enjoy his OR HER favor in the performance of his OR HER

1 official duties, or that he OR SHE is affected by the kinship, rank,  
2 position or influence of any party or person.

3 g. An officer or employee of a state agency should abstain from making  
4 personnel investments in enterprises which he OR SHE has reason to  
5 believe may be directly involved in decisions to be made by him OR HER  
6 or which will otherwise create substantial conflict between his OR HER  
7 duty in the public interest and his OR HER private interest.

8 h. An officer or employee of a state agency, member of the legislature  
9 or legislative employee should endeavor to pursue a course of conduct  
10 which will not raise suspicion among the public that he OR SHE is likely  
11 to be engaged in acts that are in violation of his OR HER trust.

12 i. No officer or employee of a state agency employed on a full-time  
13 basis nor any firm or association of which such an officer or employee  
14 is a member nor corporation a substantial portion of the stock of which  
15 is owned or controlled directly or indirectly by such officer or employ-  
16 ee, should sell goods or services to any person, firm, corporation or  
17 association which is licensed or whose rates are fixed by the state  
18 agency in which such officer or employee serves or is employed.

19 S 8. This act shall take effect immediately; and shall apply to annual  
20 statements of financial disclosure filed for calendar years commencing  
21 on or after January 1, 2017.

22 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
23 sion, section or part of this act shall be adjudged by any court of  
24 competent jurisdiction to be invalid, such judgment shall not affect,  
25 impair, or invalidate the remainder thereof, but shall be confined in  
26 its operation to the clause, sentence, paragraph, subdivision, section  
27 or part thereof directly involved in the controversy in which such judg-  
28 ment shall have been rendered. It is hereby declared to be the intent of  
29 the legislature that this act would have been enacted even if such  
30 invalid provisions had not been included herein.

31 S 3. This act shall take effect immediately provided, however, that  
32 the applicable effective date of Parts A through K of this act shall be  
33 as specifically set forth in the last section of such Parts.