

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
40	
41	
42	
43	
44	

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)
-----------	-----------	--------------------------------	--

35			
36			
37			
38			
39			

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)

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.

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

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 4 OF MATTER	Category of Amount (in Table 1)
----------	------------------	----------------------------	------------------------------------

5			
6			
7			
8			
9			

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.