§ 109. Registration of certain service providers. 1. For purposes of this section:

(a) "Client" shall mean a person or entity who in the preceding calendar year retained or hired the political consultant relating to matters before any state or local government agency, authority or official, including services, advice or consultation relating to any state or local government contract for real property, goods or services, an appearance in a ratemaking proceeding, an appearance in a regulatory matter, or an appearance in a legislative matter other than matters described in subparagraph (E) of the second undesignated paragraph of subdivision (c) of section one-c of the legislative law.

(b) "Political consulting services" shall mean services provided by a political consultant to or on behalf of an elected public official in New York state or to or on behalf of a candidate for elected office in New York state, or to or on behalf of a person nominated for elected public office which services: (1) assist or are intended to assist in a campaign for nomination for election or election to office in New York state, including fundraising activities, voter outreach, composition and distribution of promotional literature, advertisements, or other similar communications, as set forth in section 14-106 of the election law, or (2) consist of political advice to an elected public official or candidate for elected public office in New York state or person nominated for elected public office; provided, however, that political consulting services shall not include bona fide legal work directly related to litigation or legal advice with regard to securing a place on the ballot, the petitioning process, the conduct of an election, or which involves the election law.

(c) "Political consultant" shall mean a person who holds himself or herself out to persons in this state as a person who performs political consulting services in a professional capacity and who is usually compensated, excluding reimbursement for expenses, for such services.

2. The secretary of state shall promulgate rules and regulations prescribing a registration form to be used by any political consultant who provides political consulting services to a sitting elected public official, candidate for elected public office or person nominated for elected public office and who has also been retained by a client for

such services.

3. Such registration form shall identify:

(a) the name, address, and telephone number of the political consultant;

(b) the name, address, and telephone number of each sitting elected public official, candidate for elected public office, and person nominated for elected public office who the political consultant provided political consulting services to;

(c) the name, address, and telephone number of each client who retains or hires a political consultant in the preceding calendar year provided, that in the event the client is an entity, at least one natural person who has a controlling interest in such entity shall be identified; and

(d) a brief description of the nature of the political consulting services provided to each identified client.

4. Such registration shall be filed with the department of state and shall cover a six month reporting period. The reporting period shall mean the six month period within a calendar year starting January first and ending June thirtieth or the six month period within a calendar year starting July first and ending December thirty-first.

5. The secretary of state shall post the completed forms on the department of state's website within thirty days of the close of each reporting period.

6. The department of state may impose a civil penalty of up to seven hundred fifty dollars upon any political consultant who fails to file a registration required by this section provided, however, that the secretary shall provide such political consultant a reasonable opportunity to cure such a failure.

7. The department of state shall adopt, amend and rescind rules and regulations defining the degree and extent of political consulting services necessary to require the reporting pursuant to this section.