

PROGRAM BILL #39

Legislative Bill Drafting Commission
12084-11-6

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

ELECLA
(Relates to campaign funds)

Elect. campaign funds

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 commit-
tee or constituted committee (Part
B); to amend the election law, in
relation to disposition of campaign
funds (Part C); to amend the legis-
lative 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

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s15 Addabbo	s31 Espaillat	s27 Hoylman	s25 Montgomery	s56 Robach
s52 Akshar	s49 Farley	s09 Kaminsky	s40 Murphy	s10 Sanders
s46 Amedore	s17 Felder	s63 Kennedy	s54 Nozzolio	s23 Savino
s11 Avella	s02 Flanagan	s34 Klein	s58 O'Mara	s41 Serino
s42 Bonacic	s55 Funke	s28 Krueger	s62 Ortt	s29 Serrano
s04 Boyle	s59 Gallivan	s24 Lanza	s60 Panepinto	s51 Seward
s44 Breslin	s12 Gianaris	s39 Larkin	s21 Parker	s26 Squadron
s38 Carlucci	s22 Golden	s37 Latimer	s13 Peralta	s16 Stavisky
s14 Comrie	s47 Griffo	s01 LaValle	s30 Perkins	s35 Stewart-
s03 Croci	s20 Hamilton	s45 Little	s19 Persaud	Cousins
s50 DeFrancisco	s06 Hannon	s05 Marcellino	s61 Ranzenhofer	s53 Valesky
s32 Diaz	s36 Hassell-	s43 Marchione	s48 Ritchie	s08 Venditto
s18 Dilan	Thompson	s07 Martins	s33 Rivera	s57 Young

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a034 DenDekker	a011 Jean-Pierre	a003 Murray	a076 Seawright
a092 Abinanti	a054 Dilan	a135 Johns	a133 Nojay	a087 Sepulveda
a084 Arroyo	a081 Dinowitz	a077 Joyner	a037 Nolan	a027 Simanowitz
a035 Aubry	a147 DiPietro	a094 Katz	a130 Oaks	a052 Simon
a120 Barclay	a115 Duprey	a074 Kavanagh	a069 O'Donnell	a036 Simotas
a106 Barrett	a004 Englebright	a142 Kearns	a051 Ortiz	a104 Skartados
a060 Barron	a109 Fahy	a040 Kim	a091 Otis	a099 Skoufis
a082 Benedetto	a071 Farrell	a131 Kolb	a132 Palmesano	a022 Solages
a042 Bichotte	a126 Finch	a105 Lalor	a002 Palumbo	a114 Stec
a079 Blake	a008 Fitzpatrick	a013 Lavine	a088 Paulin	a110 Steck
a117 Blankenbush	a124 Friend	a134 Lawrence	a141 Peoples-	a127 Stirpe
a098 Brabenc	a095 Gaief	a050 Lentol	Stokes	a112 Tedisco
a026 Braunstein	a137 Gantt	a125 Lifton	a058 Perry	a101 Tenney
a044 Brennan	a007 Garbarino	a072 Linares	a086 Pichardo	a001 Thiele
a119 Brindisi	a148 Giglio	a102 Lopez	a089 Pretlow	a061 Titone
a138 Bronson	a080 Gjonaj	a123 Lupardo	a073 Quart	a031 Titus
a093 Buchwald	a066 Glick	a010 Lupinacci	a019 Ra	a055 Walker
a118 Butler	a023 Goldfeder	a121 Magee	a012 Raia	a146 Walter
a103 Cahill	a150 Goodell	a129 Magnarelli	a006 Ramos	a041 Weinstein
a065 Cancel	a075 Gottfried	a064 Malliotakis	a043 Richardson	a024 Weprin
a062 Castorina	a005 Graf	a030 Markey	a078 Rivera	a059 Williams
a145 Ceretto	a100 Gunther	a090 Mayer	a056 Robinson	a113 Woerner
a047 Colton	a046 Harris	a108 McDonald	a068 Rodriguez	a143 Wozniak
a032 Cook	a139 Hawley	a014 McDonough	a067 Rosenthal	a070 Wright
a144 Corwin	a083 Heastie	a017 McKevitt	a025 Rozic	a096 Zebrowski
a085 Crespo	a028 Hevesi	a107 McLaughlin	a116 Russell	a020
a122 Crouch	a048 Hikind	a038 Miller	a149 Ryan	a033
a021 Curran	a018 Hooper	a015 Montesano	a009 Saladino	
a063 Cusick	a128 Hunter	a136 Morelle	a111 Santabarbara	
a045 Cymbrowitz	a029 Hyndman	a057 Mosley	a016 Schimel	
a053 Davila	a097 Jaffee	a039 Moya	a140 Schimminger	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and 4 copies of memorandum in support (single house);
or 4 signed copies of bill and 8 copies of memorandum
in support (uni-bill).

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.

11

PART A

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

15 1. For purposes of this article:

16 (a) "Independent expenditure" means an expenditure made by [a person]
17 an independent expenditure committee conveyed to five hundred or more
18 members of a general public audience in the form of (i) an audio or
19 video communication via broadcast, cable or satellite, (ii) a written
20 communication via advertisements, pamphlets, circulars, flyers,
21 brochures, letterheads or (iii) other published statements which: (i)
22 irrespective of when such communication is made, contains words such as
23 "vote," "oppose," "support," "elect," "defeat," or "reject," which call
24 for the election or defeat of the clearly identified candidate, (ii)
25 refers to and advocates for or against a clearly identified candidate or
26 ballot proposal on or after January first of the year of the election in

1 which such candidate is seeking office or such proposal shall appear on
2 the ballot, or (iii) within sixty days before a general or special
3 election for the office sought by the candidate or thirty days before a
4 primary election, includes or references a clearly identified candidate.

5 An independent expenditure shall not include communications where such
6 candidate, the candidate's political committee or its agents, a party
7 committee or its agents, or a constituted committee or its agents or a
8 political committee formed to promote the success or defeat of a ballot
9 proposal or its agents, did authorize, request, suggest, foster or coop-
10 erate in such communication.

11 (b) Independent expenditures do not include expenditures in connection
12 with:

13 (i) a written news story, commentary, or editorial or a news story,
14 commentary, or editorial distributed through the facilities of any
15 broadcasting station, cable or satellite unless such publication or
16 facilities are owned or controlled by any political party, political
17 committee or candidate; or

18 (ii) a communication that constitutes a candidate debate or forum; or

19 (iii) internal communication by members to other members of a member-
20 ship organization of not more than five hundred members, for the purpose
21 of supporting or opposing a candidate or candidates for elective office,
22 provided such expenditures are not used for the costs of campaign mate-
23 rial or communications used in connection with broadcasting, telecast-
24 ing, newspapers, magazines, or other periodical publication, billboards,
25 or similar types of general public communications; or

26 (iv) internal communications by members to other members of a member-
27 ship organization of not more than five hundred members or communi-
28 cations by a corporation organized for charitable purposes pursuant to

1 §501(c)(3) of the internal revenue code, within sixty days before a
2 general or special election for the office sought by the candidate or
3 thirty days before a primary election, that includes or references a
4 clearly identified candidate but does not otherwise qualify as an inde-
5 pendent expenditure under this section.

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

8 (c) [For purposes of this section, the term "person" shall mean
9 person, group of persons, corporation, unincorporated business entity,
10 labor organization or business, trade or professional association or
11 organization, or political committee; provided, however, that such defi-
12 nition shall not include any party or constituted committee,] An inde-
13 pendent expenditure committee shall not include payments or expenditures
14 made by a party or constituted committee that is required to file
15 disclosure reports under this chapter.

16 (d) Independent expenditures shall not include payments or expendi-
17 tures where coordination occurs in the creation, formation, or operation
18 of the independent expenditure committee making the payment or expendi-
19 ture.

20 Coordination shall include:

21 (i) The candidate or the candidate's authorized committee, or an agent
22 of the candidate or candidate's authorized committee, participated in
23 the creation or formation of the independent expenditure committee with-
24 in two years of the general election, primary or special election in
25 which the candidate is a candidate for nomination or election and the
26 payment or expenditure made is for the benefit of that candidate.

27 (ii) The candidate or an agent of the candidate appears at any
28 fundraising event hosted by an independent expenditure committee, or its

1 agent, making a payment or expenditure that benefits that candidate
2 within two years of the general election, primary or special election in
3 which the candidate is a candidate for nomination or election.

4 (iii) The independent expenditure committee making the payment or
5 expenditure, or its agent, employed or retained an individual, other
6 than an individual described in subparagraph (viii) of this paragraph,
7 who was employed by the candidate, the candidate's authorized committee
8 or an agent of the candidate or has held a policymaking, non-administra-
9 tive position in the office of the candidate's elected office within two
10 years of the general election, primary or special election in which the
11 candidate is a candidate for nomination or election, and the payment or
12 expenditure is made for the benefit of that candidate.

13 (iv) The independent expenditure committee making the payment or
14 expenditure, or its agent, is a member of the candidate's immediate
15 family or is established, directed, or managed by a member of the imme-
16 diate family of the candidate, and the payment or expenditure is made
17 for the benefit of that candidate.

18 (v) The independent expenditure committee making the payment or
19 expenditure benefiting the candidate, republishes, disseminates, or
20 distributes, in whole or in part, any video, audio, written, or other
21 campaign-related material prepared by the candidate or the candidate's
22 authorized committee or by an agent of the candidate or the candidate's
23 authorized committee. This paragraph shall not apply if the independent
24 expenditure committee making the payment or expenditure obtains the
25 communication or materials from a publicly available source.

26 (vi) The candidate or the candidate's authorized committee, or an
27 agent of the candidate or the candidate's authorized committee, shares
28 or rents space for a campaign-related purpose with or from the independ-

1 ent expenditure committee, or its agent, making the payment or expendi-
2 ture benefitting the candidate.

3 (vii) The independent expenditure committee, or its agent, making the
4 payment or expenditure benefitting the candidate has participated in
5 strategic discussions with the candidate, the candidate's authorized
6 committee, or an agent of the candidate or the candidate's authorized
7 committee within two years of the general election, primary or special
8 election in which the candidate is a candidate for nomination or
9 election. Discussions shall be deemed strategic if information about
10 the candidate's or opponent's electoral campaign plans, projects, or
11 activities that is not obtained from a publicly available source is
12 conveyed to the independent expenditure committee, or its agent, making
13 the payment or expenditure. This paragraph shall only apply to
14 discussions occurring after the independent expenditure committee is
15 formed or, one week after the candidate has been certified for that
16 election, whichever occurs first.

17 (viii) The independent expenditure committee, or its agent, making the
18 payment or expenditure benefitting the candidate, and the candidate or
19 the candidate's authorized committee knowingly retain the same individ-
20 ual or entity to provide professional campaign services within two years
21 of the general election, primary or special election in which the candi-
22 date is a candidate for nomination or election, and the professional
23 campaign services provider discloses strategic information regarding one
24 party with the other party. Information shall be deemed strategic if it
25 relates to either party's respective campaign or independent expenditure
26 plans, projects, or activities that are not obtained from a publicly
27 available source. This subparagraph shall not prohibit a candidate, a
28 candidate's authorized committee, or an agent of the candidate or the

1 candidate's authorized committee from retaining the same professional
2 campaign services provider as the independent expenditure committee, or
3 its agent, making the payment or expenditure benefitting the candidate
4 upon the professional campaign services provider entering into a confi-
5 dentiality agreement with both parties expressly stating that it will
6 not disclose strategic information regarding each party with the other
7 party.

8 (ix) The independent expenditure committee, or its agent, making the
9 payment or expenditure benefitting the candidate, utilizes strategic
10 information or data related to the candidate, that is not from a public-
11 ly available source and is not otherwise available by subscription, from
12 an individual who has been previously compensated, reimbursed or
13 retained by the candidate as a consultant, political, media or fundrais-
14 ing advisor, vendor or contractor within two years of the general
15 election, primary or special election in which the candidate is a candi-
16 date for nomination or election.

17 (e) The following shall not be coordination:

18 (i) A candidate's or a party or constituted committee's response to an
19 inquiry about that candidate's or party or constituted committee's posi-
20 tions on legislative or policy issues.

21 (ii) A public communication in which a candidate is clearly identified
22 only in his or her capacity as the owner or operator of a business that
23 existed prior to the candidacy is not a coordinated communication with
24 respect to the clearly identified candidate if: (A) The medium, timing,
25 content, and geographic distribution of the public communication are
26 consistent with public communications made prior to the candidacy; and
27 (B) The public communication does not promote, support, attack, or

1 oppose that candidate or another candidate in their capacity as candi-
2 dates who seeks the same office as that candidate.

3 (f) For purposes of this section, the term "immediate family" means
4 spouse, child, parent, grandparent, brother, half-brother, sister, or
5 half-sister of the candidate, and the spouses of such persons.

6 (g) For purposes of this section, "agent" means a person authorized by
7 the candidate or the candidate's authorized committee, who acts on
8 behalf of or at the direction of a candidate or the candidate's author-
9 ized committee; or a party committee or constituted committee acting on
10 behalf of a candidate; or a person authorized by an independent expendi-
11 ture committee who acts on behalf of or at the direction of such commit-
12 tee.

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

16 2. Whenever any person makes an independent expenditure that costs
17 [more than] one thousand dollars or more in the aggregate, such communi-
18 cation shall clearly state the name of the person who paid for, or
19 otherwise published or distributed the communication and state, with
20 respect to communications regarding candidates, that the communication
21 was not expressly authorized or requested by any candidate, or by any
22 candidate's political committee or any of its agents.

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

26 3. [(a)] Any person prior to making any independent expenditure shall
27 first register with the state board of elections as a political commit-
28 tee and as an independent expenditure committee in conformance with this

1 article. Such person shall comply with all disclosure obligations
2 required for political committees by law[.

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

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

15 (d) A knowing and willful violation of the provisions of this subdivi-
16 sion shall subject the person to a civil penalty equal to five thousand
17 dollars or the cost of the communication, whichever is greater, in a
18 special proceeding or civil action brought by the board or imposed
19 directly by the board of elections.] and shall provide the following
20 additional information upon registration:

21 (a) Where the person making the statement is an individual, the name,
22 address, occupation and employer of the person.

23 (b) Where the person making the statement is an entity, the name and
24 employer of any individual who exerts operational or managerial influ-
25 ence or control over the entity, as well as any salaried employee of the
26 entity. The disclosures required by this paragraph shall include the
27 name of at least one natural person.

1 (c) Identification of individuals named in paragraphs (a) and (b) of
2 this subdivision who have, during the two-year period before the state-
3 ment is filed, been employed or retained as a political, media, or
4 fundraising adviser or consultant for a candidate, any entity directly
5 controlled by a candidate, or any party committee or constituted commit-
6 tee, or have held a formal position in the office of a candidate's
7 elected office, or any party committee or constituted committee, and the
8 name of the relevant employer.

9 (d) Identification of individuals named in paragraphs (a), (b) and (c)
10 of this paragraph who are members of a candidate's immediate family.

11 (e) The information provided pursuant to this subdivision shall be
12 updated within twenty-four hours of any change in ownership or control
13 of any registered entity.

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

17 4. (a) Required disclosures. (i) Any independent expenditure committee
18 who has registered pursuant to subdivision three of this section shall
19 disclose to the state board of elections electronically, once a week on
20 Monday any contribution to such committee of one thousand dollars or
21 more or expenditures by such person over five thousand dollars made
22 during the reporting period.

23 (ii) Any independent expenditure committee who has registered with the
24 state board of elections pursuant to subdivision three of this section
25 shall disclose to the state board of elections electronically, within
26 twenty-four hours of receipt, any contribution to such independent
27 expenditure committee of one thousand dollars or more made within thirty
28 days before any primary, general, or special election.

1 (b) The disclosures required by [subdivision three] paragraph (a) of
2 this [section] subdivision shall include, in addition to any other
3 information required by law:

4 [(a)] (i) the name, address, occupation and employer of the person
5 making the statement;

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

8 (c) the name, address, occupation and employer of any person providing
9 a contribution, gift, loan, advance or deposit of one thousand dollars
10 or more for the independent expenditure, or the provision of services
11 for the same, and the date it was given;

12 (d)] (ii) For each expenditure or payment made: (1) the dollar amount
13 paid for each independent expenditure, the name and address of the
14 person or entity receiving the payment, the date the payment was made
15 and a description of the independent expenditure; [and

16 (e)] (2) the election to which the independent expenditure pertains
17 and the name of the clearly identified candidate or the ballot proposal
18 referenced and whether the candidate or ballot proposal is supported or
19 opposed; and

20 (3) A list of all expenditures made by and liabilities incurred for
21 services rendered during the relevant reporting period.

22 (iii) For each contribution received the name, address, occupation and
23 employer of any person providing a contribution, gift, loan, advance or
24 deposit of one thousand dollars or more for the independent expenditure,
25 or the provision of services for the same and the date it was given.

26 § 5. Section 14-107 of the election law is amended by adding a new
27 subdivision 8 to read as follows:

1 8. (a) All criminal liability related to this section shall require
2 knowing and willful violations in accordance with section 14-126 of this
3 article.

4 (b) A knowing and willful violation of the provisions of subdivisions
5 three and four of this section shall subject the person to a civil
6 penalty equal to five thousand dollars or the cost of the communication,
7 whichever is greater, in a special proceeding or civil action brought by
8 the board.

9 § 6. The opening paragraph of paragraph 3 of subdivision 9 of section
10 14-100 of the election law, as amended by chapter 70 of the laws of
11 1983, is amended to read as follows:

12 any payment, by any person other than a candidate or a political
13 committee authorized by the candidate, made in connection with the nomi-
14 nation for election or election of any candidate, including any payment
15 or expenditure where coordination has occurred as defined in section
16 14-107 of this article, or any payment made to promote the success or
17 defeat of a political party or principle, or of any ballot proposal
18 including but not limited to compensation for the personal services of
19 any individual which are rendered in connection with a candidate's
20 election or nomination without charge; provided however, that none of
21 the foregoing shall be deemed a contribution if it is made, taken or
22 performed by a candidate or his spouse or by a person or a political
23 committee independent of the candidate or his agents or authorized poli-
24 tical committees. For purposes of this article, the term "independent of
25 the candidate or his agents or authorized political committees" shall
26 mean that the candidate or his agents or authorized political committees
27 did not authorize, request, suggest, foster or cooperate in any such

1 activity; and provided further, that the term contribution shall not
2 include:

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

5 15. "independent expenditure committee" means a political committee,
6 that makes only independent expenditures as defined in this article, and
7 does not coordinate with a candidate, candidate's authorized committees
8 or an agent of the candidate as defined in paragraph (g) of subdivision
9 one of section 14-107 of this article.

10 For purposes of this section, an independent expenditure committee may
11 be created by a person, group of persons, corporation, unincorporated
12 business entity, labor organization or business, trade or professional
13 association, or organization, or political committee.

14 16. "political action committee" means a political committee which
15 makes no expenditures to aid or take part in the election or defeat of a
16 candidate, or to promote the success or defeat of a ballot proposal,
17 other than in the form of contributions, including in-kind contribu-
18 tions, to candidates, candidate's authorized committees, party commit-
19 tees, constituted committees, or independent expenditure committees
20 provided there is no common operational control between the political
21 action committee and the independent expenditure committee; or in the
22 form of communications that are not distributed to a general public
23 audience as described in subdivision thirteen of this section.

24 For purposes of this paragraph, "common operational control" means
25 that (i) the same individual or individuals exercise actual and strate-
26 gic control over the day-to-day affairs of both the political action
27 committee and the independent expenditure committee, or (ii) employees
28 of the political action committee and the independent expenditure

1 committee engage in communications related to the strategic operations
2 of either committee.

3 § 8. Section 14-112 of the election law, as amended by chapter 930 of
4 the laws of 1981, is amended to read as follows:

5 . § 14-112. Political committee authorization statement. Any political
6 committee aiding or taking part in the election or nomination of any
7 candidate, other than [by making contributions] a political action
8 committee, shall file, in the office in which the statements of such
9 committee are to be filed pursuant to this article, either a sworn veri-
10 fied statement by the treasurer of such committee that the candidate has
11 authorized the political committee to aid or take part in his election
12 or that the candidate has not authorized the committee to aid or take
13 part in his election.

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

16 1. Every political committee shall have a treasurer and a depository,
17 and shall cause the treasurer to keep detailed, bound accounts of all
18 receipts, transfers, loans, liabilities, contributions and expenditures,
19 made by the committee or any of its officers, members or agents acting
20 under its authority or in its behalf. All such accounts shall be
21 retained by a treasurer for a period of five years from the date of the
22 filing of the final statement with respect to the election, primary
23 election or convention to which they pertain. No officer, member or
24 agent of any political committee shall receive any receipt, transfer or
25 contribution, or make any expenditure or incur any liability until the
26 committee shall have chosen a treasurer and depository and filed their
27 names in accordance with this subdivision. There shall be filed in the
28 office in which the committee is required to file its statements under

1 section 14-110 of this article, within five days after the choice of a
2 treasurer and depository, a statement giving the name and address of the
3 treasurer chosen, the name and address of any person authorized to sign
4 checks by such treasurer, the name and address of the depository chosen
5 and the candidate or candidates or ballot proposal or proposals the
6 success or defeat of which the committee is to aid or take part;
7 provided, however, that such statement shall not be required of a
8 constituted committee and provided further that a political action
9 committee which makes no expenditures, to aid or take part in the
10 election or defeat of a candidate, other than in the form of contrib-
11 utions, shall not be required to list the candidates being supported or
12 opposed by such committee and shall also disclose the name and employer
13 for any individual who exerts operational control over the political
14 action committee as well as any salaried employee of the political
15 action committee. Such statement shall be signed by the treasurer and
16 all other persons authorized to sign checks. Any change in the informa-
17 tion required in any statement shall be reported, in an amended state-
18 ment filed in the same manner and in the same office as an original
19 statement filed under this section, within two days after it occurs,
20 except that any change to the mailing address on any such statement
21 filed at the state board may also be made in any manner deemed accepta-
22 ble by the state board. Only a banking organization authorized to do
23 business in this state may be designated a depository hereunder.

24 § 10. The election law is amended by adding a new section 14-107-a to
25 read as follows:

26 § 14-107-a. Prohibited spending by independent expenditure committees
27 and political action committees. 1. An independent expenditure committee

1 shall not contribute to any candidate, constituted committee, political
2 committee, or party committee.

3 2. (a) A political action committee shall not make any independent
4 expenditures and may only make contributions to any independent expendi-
5 ture committee if such committee does not have common operational
6 control. For purposes of this paragraph, "common operational control"
7 means that (i) the same individual or individuals exercise actual and
8 strategic control over the day-to-day affairs of both the political
9 action committee and the independent expenditure committee, or (ii)
10 employees of the political action committee and the independent expendi-
11 ture committee engage in communications related to the strategic oper-
12 ations of either committee.

13 (b) No candidate, candidate's authorized committee, party committee,
14 or constituted committee shall contribute to an independent expenditure
15 committee that is making expenditures benefitting the candidate or the
16 candidate supported by such party or constituted committee.

17 § 11. Section 14-126 of the election law is amended by adding a new
18 subdivision 3-a to read as follows:

19 3-a. Any person who, acting as or on behalf of an independent expendi-
20 ture committee or a political action committee, knowingly and willfully
21 violates the provisions of section 14-107-a of this article shall be
22 subject to a civil penalty, up to one thousand dollars or up to the cost
23 of the communication, whichever is greater, to be recoverable in a
24 special proceeding or civil action to be brought by the state board of
25 elections.

26 § 12. Severability. If any clause, sentence, subdivision, paragraph,
27 section or part of this act be adjudged by any court of competent juris-
28 diction to be invalid, such judgment shall not affect, impair or invali-

1 date the remainder thereof, but shall be confined in its operation to
2 the clause, sentence, subdivision, paragraph, section or part thereof
3 directly involved in the controversy in which such judgment shall have
4 been rendered.

5 § 13. This act shall take effect on the thirtieth day after it shall
6 have become a law.

7

PART B

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

11 3. The contribution and receipt limits of this article shall not apply
12 to monies received and expenditures made by a party committee or consti-
13 tuted committee to maintain a permanent headquarters and staff and carry
14 on ordinary activities which are not for the express purpose of promot-
15 ing the candidacy of specific candidates; provided that such monies
16 described in this subdivision shall be deposited in a segregated
17 account.

18 § 2. This act shall take effect immediately.

19

PART C

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

23 1. Any candidate for election to public office, or for nomination for
24 public office at a contested primary election or convention, or for

1 election to a party position at a primary election, shall file state-
2 ments sworn, or subscribed and bearing a form notice that false state-
3 ments made therein are punishable as a class A misdemeanor pursuant to
4 section 210.45 of the penal law, at the times prescribed by this article
5 setting forth the particulars specified by section 14-102 of this arti-
6 cle, as to all moneys or other valuable things, paid, given, expended or
7 promised by him or her to aid his or her own nomination or election, or
8 to promote the success or defeat of a political party, or to aid or
9 influence the nomination or election or the defeat of any other candi-
10 date to be voted for at the election or primary election or at a conven-
11 tion, including contributions to political committees, officers, members
12 or agents thereof, and transfers, receipts and contributions to him or
13 her to be used for any of the purposes above specified, or in lieu ther-
14 eof, any such candidate may file such a sworn statement at the first
15 filing period, on a form prescribed by the state board of elections that
16 such candidate has made no such expenditures and does not intend to make
17 any such expenditures, except through a political committee authorized
18 by such candidate pursuant to this article. Such candidate may design-
19 ate a committee of no less than three persons who shall be authorized
20 to appoint and remove the treasurer of any authorized committee of the
21 candidate. The designation or revocation of the committee shall be
22 evidenced in a writing filed with the state board of elections by the
23 candidate authorizing the committee. The candidate may revoke such
24 designation at any time. A committee authorized by such a candidate may
25 fulfill all of the filing requirements of this act on behalf of such
26 candidate.

27 § 2. The election law is amended by adding a new section 14-132 to
28 read as follows:

1 § 14-132. Disposition of campaign funds. 1. Upon the death of a
2 candidate, former candidate or holder of elective office, where such
3 candidate or candidate's authorized committee received campaign contrib-
4 utions, all such funds shall be disposed of by any of the following
5 means, or any combination thereof, within two years of the death of such
6 person:

7 (a) returning, pro rata, to each contributor the funds that have not
8 been spent or obligated;

9 (b) donating the funds to a charitable organization or organizations
10 that meet the qualifications of section 501(c)(3) of the Internal Reven-
11 ue Code;

12 (c) donating the funds to the state university of New York or the city
13 university of New York;

14 (d) donating the funds to the state's general fund; or

15 (e) contributing or transferring the funds to a candidate, party,
16 constituted or political committee in accordance with the applicable
17 limits, if any, set forth in this article.

18 2. No such candidate's authorized political committee shall dispose of
19 campaign funds by making expenditures for personal use as defined in
20 section 14-130 of this article.

21 3. If funds are not disposed of within the time required by this
22 section, such funds shall be recoverable by the chief enforcement coun-
23 sel of the state board of elections in a special proceeding in state
24 supreme court in the manner prescribed by section 16-116 of this chapter
25 and deposited into the state's general fund.

26 § 3. This act shall take effect July 1, 2017, provided, however, that
27 where the applicable time frame for disposing of funds established by
28 section 14-132 of the election law, as added by section two of this act,

1 has elapsed on such effective date, all funds shall be disposed of with-
2 in 12 months of such effective date. INSERT

3 PART D

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

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

10 (i) that has spent over [fifty] fifteen thousand dollars in the aggre-
11 gate for reportable compensation and expenses for lobbying, either
12 during the calendar year, or during the twelve-month period, prior to
13 the date of this bi-monthly report, and

14 (ii) at least three percent of whose total expenditures during the
15 same period were devoted to lobbying in New York shall report to the
16 commission the names of each source of funding that has contributed over
17 [five] two thousand five hundred dollars from a single source that were
18 used to fund the lobbying activities reported and the [amounts] amount
19 of each contribution received from each identified source of funding;
20 provided, however, that amounts received from each identified source of
21 funding shall not be required to be disclosed if such amounts constitute
22 membership dues, fees, or assessments charged by the reporting entity to
23 enable an individual or entity to be a member of the reporting entity.

24 This disclosure shall not require disclosure of the sources of funding
25 whose disclosure, in the determination of the commission based upon a
26 review of the relevant facts presented by the reporting lobbyist, may

1 cause harm, threats, harassment, or reprisals to the source or to indi-
2 viduals or property affiliated with the source. The reporting lobbyist
3 may appeal the commission's determination and such appeal shall be heard
4 by a judicial hearing officer who is independent and not affiliated with
5 or employed by the commission, pursuant to regulations promulgated by
6 the commission. The reporting lobbyist shall not be required to disclose
7 the sources of funding that are the subject of such appeal pending final
8 judgment on appeal.

9 The disclosure shall not apply to:

10 (i) any corporation registered pursuant to article seven-A of the
11 executive law that is qualified as an exempt organization by the United
12 States Department of the Treasury under I.R.C. § 501(c)(3); provided,
13 however, that this disclosure shall apply to any in-kind donations of
14 staff, staff time, personnel, offices, office supplies, financial
15 support of any kind or any other resources to any corporation or entity
16 that is qualified as an exempt organization by the United States Depart-
17 ment of the Treasury under I.R.C. 501(c)(4) when such in-kind donations
18 are over two thousand five hundred dollars and from any corporation or
19 entity that is qualified as an exempt organization by the United States
20 Department of the Treasury under I.R.C. 501(c)(3). In such case the
21 entity receiving such in-kind donations shall disclose the fair market
22 value and identify the I.R.C. 501(c)(3) entity providing such in-kind
23 donations and give notice within a reasonable time to the 501(c)(3)
24 entity that it shall be required to file a report with the department of
25 law pursuant to section one hundred seventy-two-e of the executive law;

26 (ii) any corporation registered pursuant to article seven-A of the
27 executive law that is qualified as an exempt organization by the United
28 States Department of the Treasury under I.R.C. § 501(c)(4) and whose

1 primary activities concern any area of public concern determined by the
2 commission to create a substantial likelihood that application of this
3 disclosure requirement would lead to harm, threats, harassment, or
4 reprisals to a source of funding or to individuals or property affil-
5 iated with such source, including but not limited to the area of civil
6 rights and civil liberties and any other area of public concern deter-
7 mined pursuant to regulations promulgated by the commission to form a
8 proper basis for exemption on this basis from this disclosure require-
9 ment; or

10 (iii) any governmental entity.

11 The joint commission on public ethics shall promulgate regulations to
12 implement these requirements.

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

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

18 (i) that has spent over [fifty] fifteen thousand dollars in the aggre-
19 gate for reportable compensation and expenses for lobbying, either
20 during the calendar year, or during the twelve-month period, prior to
21 the date of this semi-annual report, and

22 (ii) at least three percent of whose total expenditures during the
23 same period were devoted to lobbying in New York shall report to the
24 commission the names of each source of funding that has contributed over
25 [five] two thousand five hundred dollars from a single source that were
26 used to fund the lobbying activities reported and the [amounts] amount
27 of each contribution received from each identified source of funding;
28 provided, however, that amounts received from each identified source of

1 funding shall not be required to be disclosed if such amounts constitute
2 membership dues, fees, or assessments charged by the reporting entity to
3 enable an individual or entity to be a member of the reporting entity.

4 This disclosure shall not require disclosure of the sources of funding
5 whose disclosure, in the determination of the commission based upon a
6 review of the relevant facts presented by the reporting client or lobby-
7 ist, may cause harm, threats, harassment, or reprisals to the source or
8 to individuals or property affiliated with the source. The reporting
9 lobbyist may appeal the commission's determination and such appeal shall
10 be heard by a judicial hearing officer who is independent and not affil-
11 iated with or employed by the commission, pursuant to regulations
12 promulgated by the commission. The reporting lobbyist shall not be
13 required to disclose the sources of funding that are the subject of such
14 appeal pending final judgment on appeal.

15 The disclosure shall not apply to:

16 (i) any corporation registered pursuant to article seven-A of the
17 executive law that is qualified as an exempt organization by the United
18 States Department of the Treasury under I.R.C. § 501(c)(3); provided,
19 however, that this disclosure shall apply to any in-kind donations of
20 staff, staff time, personnel, offices, office supplies, financial
21 support of any kind or any other resources to any corporation or entity
22 that is qualified as an exempt organization by the United States Depart-
23 ment of the Treasury under I.R.C. 501(c)(4) when such in-kind donations
24 are over two thousand five hundred dollars and from any corporation or
25 entity that is qualified as an exempt organization by the United States
26 Department of the Treasury under I.R.C. 501(c)(3). In such case the
27 entity receiving such in-kind donations shall disclose the fair market
28 value and identify the I.R.C. 501(c)(3) entity providing such in-kind

1 donations and give notice within a reasonable time to the 501(c)(3)
2 entity that it shall be required to file a report with the department of
3 law pursuant to section one hundred seventy-two-e of the executive law;

4 (ii) any corporation registered pursuant to article seven-A of the
5 executive law that is qualified as an exempt organization by the United
6 States Department of the Treasury under I.R.C. § 501(c)(4) and whose
7 primary activities concern any area of public concern determined by the
8 commission to create a substantial likelihood that application of this
9 disclosure requirement would lead to harm, threats, harassment, or
10 reprisals to a source of funding or to individuals or property affil-
11 iated with such source, including but not limited to the area of civil
12 rights and civil liberties and any other area of public concern deter-
13 mined pursuant to regulations promulgated by the commission to form a
14 proper basis for exemption on this basis from this disclosure require-
15 ment; or

16 (iii) any governmental entity.

17 The joint commission on public ethics shall promulgate regulations to
18 implement these requirements.

19 § 3. This act shall take effect on the thirtieth day after it shall
20 have become a law.

21

PART E

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

24 (b) No person shall accept such a retainer or employment. [A violation
25 of] Any person who violates this section shall be subject to a civil
26 penalty not to exceed the greater of ten thousand dollars or the value

1 of the contingent fee, and such violation shall be a class A misdemea-
2 nor.

3 § 2. This act shall take effect immediately.

4 PART F

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

7 § 172-e. Disclosure of certain donations by charitable non-profit
8 entities. 1. Definitions. For the purposes of this section:

9 (a) "Covered entity" shall mean any corporation or entity that is
10 qualified as an exempt organization or entity by the United States
11 Department of the Treasury under I.R.C. 501(c)(3) that is required to
12 report to the department of law pursuant to this section.

13 (b) "In-kind donation" shall mean donations of staff, staff time,
14 personnel, offices, office supplies, financial support of any kind or
15 any other resources.

16 (c) "Donation" shall mean any contribution, including a gift, loan,
17 in-kind donation, advance or deposit of money or anything of value.

18 (d) "Recipient entity" shall mean any corporation or entity that is
19 qualified as an exempt organization or entity by the United States
20 Department of the Treasury under I.R.C. 501(c)(4) that is required to
21 file a source of funding report with the joint commission on public
22 ethics pursuant to sections one-h and one-j of the legislative law.

23 (e) "Reporting period" shall mean the six month period within a calen-
24 dar year starting January first and ending June thirtieth or the six
25 month period within a calendar year starting July first and ending
26 December thirty-first.

1 2. Funding disclosure reports to be filed by covered entities. (a) Any
2 covered entity that makes an in-kind donation in excess of two thousand
3 five hundred dollars to a recipient entity during a relevant reporting
4 period shall file a funding disclosure report with the department of
5 law. The funding disclosure report shall include:

6 (i) the name and address of the covered entity that made the in-kind
7 donation;

8 (ii) the name and address of the recipient entity that received or
9 benefitted from the in-kind donation;

10 (iii) the names of any persons who exert operational or managerial
11 control over the covered entity. The disclosures required by this para-
12 graph shall include the name of at least one natural person;

13 (iv) the date the in-kind donation was made by the covered entity;

14 (v) any donation in excess of two thousand five hundred dollars to the
15 covered entity during the relevant reporting period including the iden-
16 tity of the donor of any such donation; and

17 (vi) the date of any such donation to a covered entity.

18 (b) The covered entity shall file a funding disclosure report with the
19 department of law within thirty days of the close of a reporting period.

20 3. Public disclosure of funding disclosure reports. The department of
21 law shall promulgate any regulations necessary to implement these
22 requirements and shall forward the disclosure reports to the joint
23 commission on public ethics for the purpose of publishing such reports
24 on the commission's website, within thirty days of the close of each
25 reporting period; provided however that the attorney general, or his or
26 her designee, may determine that disclosure of donations to the covered
27 entity shall not be made public if, based upon a review of the relevant
28 facts presented by the covered entity, such disclosure may cause harm,

1 threats, harassment, or reprisals to the source of the donation or to
2 individuals or property affiliated with the source of the donation. The
3 covered entity may appeal the attorney general's determination and such
4 appeal shall be heard by a judicial hearing officer who is independent
5 and not affiliated with or employed by the department of law, pursuant
6 to regulations promulgated by the department of law. The covered enti-
7 ty's sources of donations that are the subject of such appeal shall not
8 be made public pending final judgment on appeal.

9 § 2. This act shall take effect on the ninetieth day after it shall
10 have become a law.

11 PART G

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

14 § 172-f. Disclosure of certain activities by non-charitable non-profit
15 entities. 1. Definitions. (a) "Covered Entity" means any corporation
16 or entity that is qualified as an exempt organization or entity by the
17 United States Department of the Treasury under I.R.C. 501(c)(4).

18 (b) "Covered communication" means a communication, that does not
19 require a report pursuant to article one-A of the legislative law or
20 article fourteen of the election law, by a covered entity conveyed to
21 five hundred or more members of a general public audience in the form
22 of: (i) an audio or video communication via broadcast, cable or satel-
23 lite; (ii) a written communication via advertisements, pamphlets, circu-
24 lars, flyers, brochures, letterheads; or (iii) other published statement
25 which: refers to and advocates for or against a clearly identified
26 elected official or the position of any elected official or administra-

1 tive or legislative body relating to the outcome of any vote or
2 substance of any legislation, potential legislation, pending legis-
3 lation, rule, regulation, hearing, or decision by any legislative, exec-
4 utive or administrative body.

5 Covered communication shall not include: (i) communications with a
6 professional journalist or newscaster, including an editorial board or
7 editorial writer of a newspaper, magazine, news agency, press associ-
8 ation or wire service, relating to news, as these terms are defined in
9 section seventy-nine-h of the civil rights law, and communications
10 relating to confidential and non-confidential news as described in
11 subdivisions (b) and (c) of section seventy-nine-h of the civil rights
12 law respectively and communications made pursuant to community outreach
13 efforts for broadcast stations required by federal law; or

14 (ii) a communication that is: (A) directed, sent or distributed by the
15 covered entity only to individuals who affirmatively consent to be
16 members of the covered entity, contribute funds to the covered entity,
17 or, pursuant to the covered entity's articles or bylaws, have the right
18 to vote directly or indirectly for the election of directors or offi-
19 cers, or on changes to bylaws, disposition of all or substantially all
20 of the covered entity's assets or the merger or dissolution of the
21 covered entity; or (B) for the purpose of promoting or staging any
22 candidate debate, town hall or similar forum to which at least two
23 candidates seeking the same office, or two proponents of differing posi-
24 tions on a referendum or question submitted to voters, are invited as
25 participants, and which does not promote or advance one candidate or
26 position over another.

27 (c) "Expenditures for covered communications" shall mean: (i) any
28 expenditure made, liability incurred, or contribution provided for

1 covered communications; or (ii) any other transfer of funds, assets,
2 services or any other thing of value to any individual, group, associ-
3 ation, corporation whether organized for profit or not-for-profit, labor
4 union, political committee, political action committee, or any other
5 entity for the purpose of supporting or engaging in covered communi-
6 cations by the recipient or a third party.

7 (d) "Donation" shall mean any contribution, including in-kind, gift,
8 loan, advance or deposit of money or anything of value made to a covered
9 entity unless such donation is deposited into an account the funds of
10 which are not used for making expenditures for covered communications.

11 (e) "Reporting period" shall mean the six month period within a calen-
12 dar year starting January first and ending June thirtieth or the six
13 month period within a calendar year starting July first and ending
14 December thirty-first.

15 2. Disclosure of expenditures for covered communications. (a) Any
16 covered entity that makes expenditures for covered communications in an
17 aggregate amount or fair market value exceeding ten thousand dollars in
18 a calendar year shall file a financial disclosure report with the
19 department of law. The financial disclosure report shall include:

20 (i) the name and address of the covered entity that made the expendi-
21 ture for covered communications;

22 (ii) the name or names of any individuals who exert operational or
23 managerial control over the covered entity. The disclosures required by
24 this paragraph shall include the name of at least one natural person;

25 (iii) a description of the covered communication;

26 (iv) the dollar amount paid for each covered communication, the name
27 and address of the person or entity receiving the payment, and the date
28 the payment was made; and.

1 (iv) the name and address of any individual, corporation, association,
2 or group that made a donation of one thousand dollars or more to the
3 covered entity and the date of such donation.

4 (b) The covered entity shall file a financial disclosure report with
5 the department of law within thirty days of the close of a reporting
6 period.

7 (c) If a covered entity keeps one or more segregated bank accounts
8 containing funds used solely for covered communications and makes all of
9 its expenditures for covered communications from such accounts, then
10 with respect to donations included in subparagraph (iv) of paragraph (a)
11 of this subdivision, the financial report need only include donations
12 deposited into such accounts.

13 3. The department of law shall make the financial disclosure reports
14 available to the public on the department of law website within thirty
15 days of the close of each reporting period, provided however that the
16 attorney general, or his or her designee, may determine that disclosure
17 of donations shall not be made public if, based upon a review of the
18 relevant facts presented by the covered entity, such disclosure may
19 cause harm, threats, harassment, or reprisals to the source of the
20 donation or to individuals or property affiliated with the source of the
21 donation. The covered entity may appeal the attorney general's determi-
22 nation and such appeal shall be heard by a judicial hearing officer who
23 is independent and not affiliated with or employed by the department of
24 law, pursuant to regulations promulgated by the department of law. The
25 covered entity shall not be required to disclose the sources of
26 donations that are the subject of such appeal pending final judgment on
27 appeal.

1 § 2. This act shall take effect on the thirtieth day after it shall
2 have become a law.

3

PART H

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

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

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

17 (b) "Political consulting services" shall mean services provided by a
18 political consultant to or on behalf of an elected public official in
19 New York state or to or on behalf of a candidate for elected office in
20 New York state, or to or on behalf of a person nominated for elected
21 public office which services: (1) assist or are intended to assist in a
22 campaign for nomination for election or election to office in New York
23 state, including fundraising activities, voter outreach, composition and
24 distribution of promotional literature, advertisements, or other similar
25 communications, as set forth in section 14-106 of the election law, or
26 (2) consist of political advice to an elected public official or candi-

1 date for elected public office in New York state or person nominated for
2 elected public office; provided, however, that political consulting
3 services shall not include bona fide legal work directly related to
4 litigation or legal advice with regard to securing a place on the
5 ballot, the petitioning process, the conduct of an election, or which
6 involves the election law.

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

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

17 3. Such registration form shall identify:

18 (a) the name, address, and telephone number of the political consult-
19 ant;

20 (b) the name, address, and telephone number of each sitting elected
21 public official, candidate for elected public office, and person nomi-
22 nated for elected public office who the political consultant provided
23 political consulting services to;

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

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

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

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

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

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

19 § 2. This act shall take effect on the sixtieth day after it shall
20 have become a law.

21

PART I

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

25 (B) (i) Newspapers and other periodicals and radio and television
26 stations, and owners and employees thereof, provided that their activ-

1 ities in connection with proposed legislation, rules, regulations or
2 rates, municipal ordinances and resolutions, executive orders, tribal-
3 state compacts, memoranda of understanding or other tribal-state agree-
4 ments related to Class III gaming as provided in 25 U.S.C. § 2701, or
5 procurement contracts by a state agency, municipal agency, local legis-
6 lative body, the state legislature, or the unified court system, are
7 limited to the publication or broadcast of news items, editorials or
8 other comments, or paid advertisements;

9 (ii) Communications with a professional journalist, or newscaster,
10 including an editorial board or editorial writer of a newspaper, maga-
11 zine, news agency, press association or wire service, relating to news,
12 as these terms are defined in section seventy-nine-h of the civil rights
13 law, and communications relating to confidential and non-confidential
14 news as described in subdivisions (b) and (c) of section seventy-nine-h
15 of the civil rights law respectively and communications made pursuant to
16 community outreach efforts for broadcast stations required by federal
17 law.

18 § 2. This act shall take effect immediately.

19

PART J

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

23 (a) Investigations. If the commission receives a sworn complaint
24 alleging a violation of section seventy-three, seventy-three-a, or
25 seventy-four of the public officers law, section one hundred seven of
26 the civil service law or article one-A of the legislative law by a

1 person or entity subject to the jurisdiction of the commission including
2 members of the legislature and legislative employees and candidates for
3 member of the legislature, or if a reporting individual has filed a
4 statement which reveals a possible violation of these provisions, or if
5 the commission determines on its own initiative to investigate a possi-
6 ble violation, the commission shall notify the individual in writing,
7 describe the possible or alleged violation of such laws, provide a
8 description of the allegations against him or her and the evidence, if
9 any, supporting such allegations, provided however that the joint
10 commission shall redact any information that might, in the judgment of
11 the commission, be prejudicial to either the complainant or the investi-
12 gation; the letter also shall set forth the sections of law alleged to
13 have been violated and provide the person with a fifteen day period in
14 which to submit a written response, including any evidence, statements,
15 and proposed witnesses, setting forth information relating to the activ-
16 ities cited as a possible or alleged violation of law. The commission
17 shall, within [forty-five] sixty calendar days after a complaint or a
18 referral is received or an investigation is initiated on the commis-
19 sion's own initiative, vote on whether to commence a full investigation
20 of the matter under consideration to determine whether a substantial
21 basis exists to conclude that a violation of law has occurred. The staff
22 of the joint commission shall provide to the members prior to such vote
23 information regarding the likely scope and content of the investigation,
24 and a subpoena plan, to the extent such information is available. Such
25 investigation shall be conducted if at least eight members of the
26 commission vote to authorize it. Where the subject of such investigation
27 is a member of the legislature or a legislative employee or a candidate
28 for member of the legislature, at least two of the eight or more members

1 who so vote to authorize such an investigation must have been appointed
2 by a legislative leader or leaders from the major political party in
3 which the subject of the proposed investigation is enrolled if such
4 person is enrolled in a major political party. Where the subject of such
5 investigation is a state officer or state employee, at least two of the
6 eight or more members who so vote to authorize such an investigation
7 must have been appointed by the governor and lieutenant governor. Where
8 the subject of such investigation is a statewide elected official or a
9 direct appointee of such an official, at least two of the eight or more
10 members who so vote to authorize such an investigation must have been
11 appointed by the governor and lieutenant governor and be enrolled in the
12 major political party in which the subject of the proposed investigation
13 is enrolled, if such person is enrolled in a major political party.

14 § 2. Paragraph (b) of subdivision 13 of section 94 of the executive
15 law, as amended by section 6 of part A of chapter 399 of the laws of
16 2011, is amended to read as follows:

17 (b) Substantial basis investigation. Upon the affirmative vote of not
18 less than eight commission members to commence a substantial basis
19 investigation, written notice of the commission's decision shall be
20 provided to the individual who is the subject of such substantial basis
21 investigation. Such written notice shall include a copy of the commis-
22 sion's rules and procedures and shall also include notification of such
23 individual's right to be heard within thirty calendar days of the date
24 of the commission's written notice. If the commission votes to commence
25 a substantial basis investigation, the commission shall provide to the
26 individual a notice setting forth the alleged violations of law and the
27 factual basis for those allegations. The commission shall provide to
28 the individual any additional evidence supporting the allegations not

1 set forth in the letter sent pursuant to paragraph (a) of this subdivi-
2 sion in sufficient detail to enable the individual to respond, at least
3 seven days before the hearing. Such hearing shall afford the individual
4 with a reasonable opportunity to appear in person, and by attorney, give
5 sworn testimony and present evidence. Such hearing shall occur before
6 the commission votes on whether or not to issue a substantial basis
7 report. The commission shall also inform the individual of its rules
8 regarding the conduct of adjudicatory proceedings and appeals and the
9 other due process procedural mechanisms available to such individual. If
10 the commission determines at any stage that there is no violation [or],
11 that any potential [conflict of interest] violation has been rectified,
12 or if the investigation is closed for any other reason, it shall so
13 advise the individual and the complainant, if any in writing within
14 fifteen days of such decision. All of the foregoing proceedings shall
15 be confidential.

16 § 3. This act shall take effect immediately.

17

PART K

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

21 3. (a) No statewide elected official, member of the legislature,
22 legislative employee, full-time salaried state officer or employee shall
23 receive, directly or indirectly, or enter into any agreement express or
24 implied for, any compensation, in whatever form, for the appearance or
25 rendition of services by himself, herself or another against the inter-
26 est of the state in relation to any case, proceeding, application or

1 other matter before, or the transaction of business by himself, herself
2 or another with, the court of claims.

3 (b) No state officer or employee who is required to file an annual
4 statement of financial disclosure pursuant to the provisions of section
5 seventy-three-a of this article, and is not otherwise subject to the
6 provisions of this section, shall receive, directly or indirectly, or
7 enter into any agreement express or implied, for any compensation, in
8 whatever form, for the appearance or rendition of services by himself,
9 herself or another against the interest of the state agency by which he
10 or she is employed or affiliated in relation to any case, proceeding,
11 application or other matter before, or the transaction of business by
12 himself, herself or another with, the court of claims.

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

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

20 (a) solicit, accept or receive any gift having more than a nominal
21 value, whether in the form of money, service, loan, travel, lodging,
22 meals, refreshments, entertainment, discount, forbearance or promise, or
23 in any other form, under circumstances in which it could reasonably be
24 inferred that the gift was intended to influence him or her, or could
25 reasonably be expected to influence him or her, in the performance of
26 his or her official duties or was intended as a reward for any official
27 action on his or her part. No person shall, directly or indirectly,
28 offer or make any such gift to a statewide elected official, or any

1 state officer or employee, member of the legislature or legislative
2 employee under such circumstances.

3 (b) solicit, accept or receive any gift, as defined in section one-c
4 of the legislative law, from any person who is prohibited from deliver-
5 ing such gift pursuant to section one-m of the legislative law unless
6 under the circumstances it is not reasonable to infer that the gift was
7 intended to influence him or her; or

8 (c) permit the solicitation, acceptance, or receipt of any gift, as
9 defined in section one-c of the legislative law, from any person who is
10 prohibited from delivering such gift pursuant to section one-m of the
11 legislative law to a third party including a charitable organization, on
12 such official's designation or recommendation or on his or her behalf,
13 under circumstances where it is reasonable to infer that the gift was
14 intended to influence him or her.

15 § 3. Subdivisions 6 and 7 of section 73 of the public officers law, as
16 amended by chapter 813 of the laws of 1987, paragraph (a) of subdivision
17 6 as amended by section 3 of part A of chapter 399 of the laws of 2011,
18 paragraph (b) of subdivision 6 as amended by chapter 14 of the laws of
19 2007, and paragraph (a) of subdivision 7 as amended and paragraph (h) of
20 subdivision 7 as added by chapter 530 of the laws of 2004, are amended
21 to read as follows:

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

27 (1) each financial interest, direct or indirect of himself or herself,
28 his or her spouse and his or her unemancipated children under the age of

1 eighteen years in any activity which is subject to the jurisdiction of a
2 regulatory agency or name of the entity in which the interest is had and
3 whether such interest is over or under five thousand dollars in value.

4 (2) every office and directorship held by him or her in any corpo-
5 ration, firm or enterprise which is subject to the jurisdiction of a
6 regulatory agency, including the name of such corporation, firm or
7 enterprise.

8 (3) any other interest or relationship which he or she determines in
9 his or her discretion might reasonably be expected to be particularly
10 affected by legislative action or in the public interest should be
11 disclosed.

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

14 (c) Any such legislative employee who knowingly and wilfully with
15 intent to deceive makes a false statement or gives information which he
16 or she knows to be false in any written statement required to be filed
17 pursuant to this subdivision, shall be assessed a civil penalty in an
18 amount not to exceed ten thousand dollars. Assessment of a civil penalty
19 shall be made by the legislative ethics [committee] commission in
20 accordance with the provisions of subdivision [twelve] ten of section
21 eighty of the legislative law. For a violation of this subdivision, the
22 [committee] commission may, in lieu of a civil penalty, refer a
23 violation to the appropriate prosecutor and upon conviction, but only
24 after such referral, such violation shall be punishable as a class A
25 misdemeanor.

26 7. (a) No statewide elected official, or state officer or employee,
27 other than in the proper discharge of official state or local govern-
28 mental duties, or member of the legislature or legislative employee, or

1 political party chairman shall receive, directly or indirectly, or enter
2 into any agreement express or implied for, any compensation, in whatever
3 form, for the appearance or rendition of services by himself, herself or
4 another in relation to any case, proceeding, application or other matter
5 before a state agency where such appearance or rendition of services is
6 in connection with:

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

9 (ii) any proceeding relating to rate making;

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

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

13 (v) licensing; or

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

16 (b) No political party chairman in a county wholly included in a city
17 having a population of one million or more shall receive, directly or
18 indirectly, or enter into any agreement express or implied for, any
19 compensation, in whatever form, for the appearance or rendition of
20 services by himself, herself or another in relation to any case,
21 proceeding, application or other matter before any city agency where
22 such appearance or rendition of services is in connection with:

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

25 (ii) any proceeding relating to ratemaking;

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

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

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

9 (vi) any proceeding relating to a franchise.

10 (c) Nothing contained in this subdivision shall prohibit a statewide
11 elected official, or a state officer or employee, unless otherwise
12 prohibited, or a member of the legislature or legislative employee, or
13 political party chairman, from appearing before a state agency in a
14 representative capacity if such appearance in a representative capacity
15 is in connection with a ministerial matter.

16 (d) Nothing contained in this subdivision shall prohibit a member of
17 the legislature, or a legislative employee on behalf of such member,
18 from participating in or advocating any position in any matter in an
19 official or legislative capacity, including, but not limited to, acting
20 as a public advocate whether or not on behalf of a constituent. Nothing
21 in this paragraph shall be construed to limit the application of the
22 provisions of section seventy-seven of this chapter.

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

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

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

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

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

17 § 5. Subdivision 10 of section 73 of the public officers law, as
18 amended by section 13 of part A of chapter 399 of the laws of 2011, is
19 amended to read as follows:

20 10. Nothing contained in this section, the judiciary law, the educa-
21 tion law or any other law or disciplinary rule shall be construed or
22 applied to prohibit any firm, association or corporation, in which any
23 present or former statewide elected official, state officer or employee,
24 or political party chairman, member of the legislature or legislative
25 employee is a member, associate, retired member, of counsel or share-
26 holder, from appearing, practicing, communicating or otherwise rendering
27 services in relation to any matter before, or transacting business with
28 a state agency, or a city agency with respect to a political party

1 chairman in a county wholly included in a city with a population of more
2 than one million, otherwise proscribed by this section, the judiciary
3 law, the education law or any other law or disciplinary rule with
4 respect to such official, member of the legislature or officer or
5 employee, or political party chairman, where such statewide elected
6 official, state officer or employee, member of the legislature or legis-
7 lative employee, or political party chairman does not share in the net
8 revenues, as defined in accordance with generally accepted accounting
9 principles by the joint commission on public ethics or by the legisla-
10 tive ethics [committee] commission in relation to persons subject to
11 their respective jurisdictions, resulting therefrom, or, acting in good
12 faith, reasonably believed that he or she would not share in the net
13 revenues as so defined; nor shall anything contained in this section,
14 the judiciary law, the education law or any other law or disciplinary
15 rule be construed to prohibit any firm, association or corporation in
16 which any present or former statewide elected official, member of the
17 legislature, legislative employee, full-time salaried state officer or
18 employee or state officer or employee who is subject to the provisions
19 of section seventy-three-a of this article is a member, associate,
20 retired member, of counsel or shareholder, from appearing, practicing,
21 communicating or otherwise rendering services in relation to any matter
22 before, or transacting business with, the court of claims, where such
23 statewide elected official, member of the legislature, legislative
24 employee, full-time salaried state officer or employee or state officer
25 or employee who is subject to the provisions of section seventy-three-a
26 of this article does not share in the net revenues, as defined in
27 accordance with generally accepted accounting principles by the joint
28 commission on public ethics or by the legislative ethics [committee]

1 commission in relation to persons subject to their respective jurisdic-
2 tions, resulting therefrom, or, acting in good faith, reasonably
3 believed that he or she would not share in the net revenues as so
4 defined.

5 § 6. Paragraph 8 of subdivision 3 of section 73-a of the public offi-
6 cers law, as amended by section 37 of subpart A of part H of chapter 55
7 of the laws of 2014, subparagraphs (a), (b) and (c) as amended by
8 section 1 and subparagraphs (b-1) and (b-2) as added by section 2 of
9 part CC of chapter 56 of the laws of 2015, is amended to read as
10 follows:

11 8. (a) If the reporting individual practices law, is licensed by the
12 department of state as a real estate broker or agent or practices a
13 profession licensed by the department of education, or works as a member
14 or employee of a firm required to register pursuant to section one-e of
15 the legislative law as a lobbyist, describe the services rendered for
16 which compensation was paid including a general description of the prin-
17 cipal subject areas of matters undertaken by such individual and princi-
18 pal duties performed. Specifically state whether the reporting individ-
19 ual provides services directly to clients. Additionally, if such an
20 individual practices with a firm or corporation and is a partner or
21 shareholder of the firm or corporation, give a general description of
22 principal subject areas of matters undertaken by such firm or corpo-
23 ration.

24 _____
25 _____
26 _____

1

2

3 (b) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE
4 PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE AND BEFORE DECEMBER
5 THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR NEW MATTERS FOR EXISTING
6 CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT ARE PROVIDED ON
7 OR AFTER JULY FIRST, TWO THOUSAND TWELVE AND BEFORE DECEMBER
8 THIRTY-FIRST, TWO THOUSAND FIFTEEN:

9 If the reporting individual personally provides services to any person
10 or entity, or works as a member or employee of a partnership or corpo-
11 ration that provides such services (referred to hereinafter as a
12 "firm"), then identify each client or customer to whom the reporting
13 individual personally provided services, or who was referred to the firm
14 by the reporting individual, and from whom the reporting individual or
15 his or her firm earned fees in excess of \$10,000 during the reporting
16 period for such services rendered in direct connection with:

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

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

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

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

25 For purposes of this question, "referred to the firm" shall mean:

26 having intentionally and knowingly taken a specific act or series of

27 acts to intentionally procure for the reporting individual's firm or

1 knowingly solicit or direct to the reporting individual's firm in whole
 2 or substantial part, a person or entity that becomes a client of that
 3 firm for the purposes of representation for a matter as defined in
 4 subparagraphs (i) through (iv) of this paragraph, as the result of such
 5 procurement, solicitation or direction of the reporting individual. A
 6 reporting individual need not disclose activities performed while
 7 lawfully acting pursuant to paragraphs (c), (d), (e) and (f) of subdivi-
 8 sion seven of section seventy-three of this article.

9 The disclosure requirement in this question shall not require disclo-
 10 sure of clients or customers receiving medical or dental services,
 11 mental health services, residential real estate brokering services, or
 12 insurance brokering services from the reporting individual or his or her
 13 firm. The reporting individual need not identify any client to whom he
 14 or she or his or her firm provided legal representation with respect to
 15 investigation or prosecution by law enforcement authorities, bankruptcy,
 16 or domestic relations matters. With respect to clients represented in
 17 other matters, where disclosure of a client's identity is likely to
 18 cause harm, the reporting individual shall request an exemption from the
 19 joint commission pursuant to paragraph [(i)] (i-1) of subdivision nine
 20 of section ninety-four of the executive law, provided, however, that a
 21 reporting individual who first enters public office after July first,
 22 two thousand twelve, need not report clients or customers with respect
 23 to matters for which the reporting individual or his or her firm was
 24 retained prior to entering public office.

25 Client	Nature of Services Provided
26	_____
27	_____
28	_____

1

2

3 (b-1) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES
4 ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR
5 FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE
6 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-
7 SAND FIFTEEN (FOR PURPOSES OF THIS QUESTION, "SERVICES" SHALL MEAN
8 CONSULTATION, REPRESENTATION, ADVICE OR OTHER SERVICES):

9 If the reporting individual receives income from employment reportable
10 in question 8(a) and personally provides services to any person or enti-
11 ty, or works as a member or employee of a partnership or corporation
12 that provides such services (referred to hereinafter as a "firm"), the
13 reporting individual shall identify each client or customer to whom the
14 reporting individual personally provided services, or who was referred
15 to the firm by the reporting individual, and from whom the reporting
16 individual or his or her firm earned fees in excess of \$10,000 during
17 the reporting period in direct connection with:

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

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

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

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

26 For such services rendered by the reporting individual directly to
27 each such client, describe each matter that was the subject of such

1 representation, the services actually provided and the payment received.
 2 For payments received from clients referred to the firm by the reporting
 3 individual, if the reporting individual directly received a referral fee
 4 or fees for such referral, identify the client and the payment so
 5 received.

6 For purposes of this question, "referred to the firm" shall mean:
 7 having intentionally and knowingly taken a specific act or series of
 8 acts to intentionally procure for the reporting individual's firm or
 9 having knowingly solicited or directed to the reporting individual's
 10 firm in whole or substantial part, a person or entity that becomes a
 11 client of that firm for the purposes of representation for a matter as
 12 defined in clauses (i) through (iv) of this subparagraph, as the result
 13 of such procurement, solicitation or direction of the reporting individ-
 14 ual. A reporting individual need not disclose activities performed while
 15 lawfully acting in his or her capacity as provided in paragraphs (c),
 16 (d), (e) and (f) of subdivision seven of section seventy-three of this
 17 article.

18	Client	Matter	Nature of Services Provided	Category
19				of Amount
20				(in Table I)
21	<hr/>			
22	<hr/>			
23	<hr/>			
24	<hr/>			
25	<hr/>			

1 (b-2) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES
 2 ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR
 3 FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE
 4 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-
 5 SAND FIFTEEN (FOR PURPOSES OF THIS QUESTION, "SERVICES" SHALL MEAN
 6 CONSULTATION, REPRESENTATION, ADVICE OR OTHER SERVICES):

7 (i) With respect to reporting individuals who receive ten thousand
 8 dollars or more from employment or activity reportable under question
 9 8(a), for each client or customer NOT otherwise disclosed or exempted in
 10 question 8 or 13, disclose the name of each client or customer known to
 11 the reporting individual to whom the reporting individual provided
 12 services: (A) who paid the reporting individual in excess of five thou-
 13 sand dollars for such services; or (B) who had been billed with the
 14 knowledge of the reporting individual in excess of five thousand dollars
 15 by the firm or other entity named in question 8(a) for the reporting
 16 individual's services.

17 Client	Services	Category of Amount
	Actually Provided	(in Table I)
<hr/>		

19 FOLLOWING IS AN ILLUSTRATIVE, NON-EXCLUSIVE LIST OF EXAMPLES OF
 20 DESCRIPTIONS OF "SERVICES ACTUALLY PROVIDED":
 21 * REVIEWED DOCUMENTS AND CORRESPONDENCE;
 22 * REPRESENTED CLIENT (IDENTIFY CLIENT BY NAME) IN LEGAL PROCEEDING;

- 1 * PROVIDED LEGAL ADVICE ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
- 2 * CONSULTED WITH CLIENT OR CONSULTED WITH LAW PARTNERS/ASSOCIATES/MEMBERS
- 3 OF FIRM ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
- 4 * PREPARED CERTIFIED FINANCIAL STATEMENT FOR CLIENT (IDENTIFY CLIENT BY
- 5 NAME);
- 6 * REFERRED INDIVIDUAL OR ENTITY (IDENTIFY CLIENT BY NAME) FOR
- 7 REPRESENTATION OR CONSULTATION;
- 8 * COMMERCIAL BROKERING SERVICES (IDENTIFY CUSTOMER BY NAME);
- 9 * PREPARED CERTIFIED ARCHITECTURAL OR ENGINEERING
- 10 RENDERINGS FOR CLIENT (IDENTIFY CUSTOMER BY NAME);
- 11 * COURT APPOINTED GUARDIAN OR EVALUATOR (IDENTIFY COURT NOT CLIENT).

12 (ii) With respect to reporting individuals who disclosed in question
 13 8(a) that the reporting individual did not provide services to a client
 14 but provided services to a firm or business, identify the category of
 15 amount received for providing such services and describe the services
 16 rendered.

17 Services Actually Provided Category of Amount (Table I)

18 A reporting individual need not disclose activities performed while
 19 lawfully acting in his or her capacity as provided in paragraphs (c),
 20 (d), (e) and (f) of subdivision seven of section seventy-three of this
 21 article.

22 The disclosure requirement in questions (b-1) and (b-2) shall not
 23 require disclosing clients or customers receiving medical, pharmaceu-
 24 tical or dental services, mental health services, or residential real
 25 estate brokering services from the reporting individual or his or her

1 firm or if federal law prohibits or limits disclosure. The reporting
2 individual need not identify any client to whom he or she or his or her
3 firm provided legal representation with respect to investigation or
4 prosecution by law enforcement authorities, bankruptcy, family court,
5 estate planning, or domestic relations matters, nor shall the reporting
6 individual identify individuals represented pursuant to an insurance
7 policy but the reporting individual shall in such circumstances only
8 report the entity that provides compensation to the reporting individ-
9 ual; with respect to matters in which the client's name is required by
10 law to be kept confidential (such as matters governed by the family
11 court act) or in matters in which the reporting individual represents or
12 provides services to minors, the client's name may be replaced with
13 initials. To the extent that the reporting individual, or his or her
14 firm, provided legal representation with respect to an initial public
15 offering, and professional disciplinary rules, federal law or regu-
16 lations restrict the disclosure of information relating to such work,
17 the reporting individual shall (i) disclose the identity of the client
18 and the services provided relating to the initial public offering to the
19 office of court administration, who will maintain such information
20 confidentially in a locked box; and (ii) include in his or her response
21 to questions (b-1) and (b-2) that pursuant to this paragraph, a disclo-
22 sure to the office of court administration has been made. Upon such time
23 that the disclosure of information maintained in the locked box is no
24 longer restricted by professional disciplinary rules, federal law or
25 regulation, the reporting individual shall disclose such information in
26 an amended disclosure statement in response to the disclosure require-
27 ments in questions (b-1) and (b-2). The office of court administration
28 shall develop and maintain a secure portal through which information

1 submitted to it pursuant to this paragraph can be safely and confiden-
2 tially stored. With respect to clients represented in other matters not
3 otherwise exempt, the reporting individual may request an exemption to
4 publicly disclosing the name of that client from the joint commission
5 pursuant to paragraph [(i)] (i-1) of subdivision nine of section nine-
6 ty-four of the executive law, or from the office of court adminis-
7 tration. In such application, the reporting individual shall state the
8 following: "My client is not currently receiving my services or seeking
9 my services in connection with:

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

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

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

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

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

20 In reviewing the request for an exemption, the joint commission or the
21 office of court administration may consult with bar or other profes-
22 sional associations and the legislative ethics commission for individ-
23 uals subject to its jurisdiction and may consider the rules of profes-
24 sional conduct. In making its determination, the joint commission or the
25 office of court administration shall conduct its own inquiry and shall
26 consider factors including, but not limited to: (i) the nature and the
27 size of the client; (ii) whether the client has any business before the
28 state; and if so, how significant the business is; and whether the

1 client has any particularized interest in pending legislation and if so
 2 how significant the interest is; (iii) whether disclosure may reveal
 3 trade secrets; (iv) whether disclosure could reasonably result in retal-
 4 iation against the client; (v) whether disclosure may cause undue harm
 5 to the client; (vi) whether disclosure may result in undue harm to the
 6 attorney-client relationship; and (vii) whether disclosure may result in
 7 an unnecessary invasion of privacy to the client.

8 The joint commission or, as the case may be, the office of court
 9 administration shall promptly make a final determination in response to
 10 such request, which shall include an explanation for its determination.
 11 The office of court administration shall issue its final determination
 12 within three days of receiving the request. Notwithstanding any other
 13 provision of law or any professional disciplinary rule to the contrary,
 14 the disclosure of the identity of any client or customer in response to
 15 this question shall not constitute professional misconduct or a ground
 16 for disciplinary action of any kind, or form the basis for any civil or
 17 criminal cause of action or proceeding. A reporting individual who first
 18 enters public office after January first, two thousand sixteen, need not
 19 report clients or customers with respect to matters for which the
 20 reporting individual or his or her firm was retained prior to entering
 21 public office.

22 [Client	Services	Category of Amount
23	Actually Provided	(in Table I)
<hr/>		

1 (c) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE
2 PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR
3 NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE
4 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-
5 SAND FIFTEEN:

6 If the reporting individual receives income of ten thousand dollars or
7 greater from any employment or activity reportable under question 8(a),
8 identify each registered lobbyist who has directly referred to such
9 individual a client who was successfully referred to the reporting indi-
10 vidual's business and from whom the reporting individual or firm
11 received a fee for services in excess of five thousand dollars. Report
12 only those referrals that were made to a reporting individual by direct
13 communication from a person known to such reporting individual to be a
14 registered lobbyist at the time the referral is made. With respect to
15 each such referral, the reporting individual shall identify the client,
16 the registered lobbyist who has made the referral, the category of value
17 of the compensation received and a general description of the type of
18 matter so referred. A reporting individual need not disclose activities
19 performed while lawfully acting pursuant to paragraphs (c), (d), (e) and
20 (f) of subdivision seven of section seventy-three of this article. The
21 disclosure requirements in this question shall not require disclosing
22 clients or customers receiving medical, pharmaceutical or dental
23 services, mental health services, or residential real estate brokering
24 services from the reporting individual or his or her firm or if federal
25 law prohibits or limits disclosure. The reporting individual need not
26 identify any client to whom he or she or his or her firm provided legal
27 representation with respect to investigation or prosecution by law
28 enforcement authorities, bankruptcy, family court, estate planning, or

1 domestic relations matters, nor shall the reporting individual identify
2 individuals represented pursuant to an insurance policy but the report-
3 ing individual shall in such circumstances only report the entity that
4 provides compensation to the reporting individual; with respect to
5 matters in which the client's name is required by law to be kept confi-
6 dential (such as matters governed by the family court act) or in matters
7 in which the reporting individual represents or provides services to
8 minors, the client's name may be replaced with initials. To the extent
9 that the reporting individual, or his or her firm, provided legal repre-
10 sentation with respect to an initial public offering, and federal law or
11 regulations restricts the disclosure of information relating to such
12 work, the reporting individual shall (i) disclose the identity of the
13 client and the services provided relating to the initial public offering
14 to the office of court administration, who will maintain such informa-
15 tion confidentially in a locked box; and (ii) include in his or her
16 response a statement that pursuant to this paragraph, a disclosure to
17 the office of court administration has been made. Upon such time that
18 the disclosure of information maintained in the locked box is no longer
19 restricted by federal law or regulation, the reporting individual shall
20 disclose such information in an amended disclosure statement in response
21 to the disclosure requirements of this paragraph. The office of court
22 administration shall develop and maintain a secure portal through which
23 information submitted to it pursuant to this paragraph can be safely and
24 confidentially stored. With respect to clients represented in other
25 matters not otherwise exempt, the reporting individual may request an
26 exemption to publicly disclosing the name of that client from the joint
27 commission pursuant to paragraph [(i)] (i-1) of subdivision nine of
28 section ninety-four of the executive law, or from the office of court

1 administration. In such application, the reporting individual shall
2 state the following: "My client is not currently receiving my services
3 or seeking my services in connection with:

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

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

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

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

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

14 In reviewing the request for an exemption, the joint commission or the
15 office of court administration may consult with bar or other profes-
16 sional associations and the legislative ethics commission for individ-
17 uals subject to its jurisdiction and may consider the rules of profes-
18 sional conduct. In making its determination, the joint commission or the
19 office of court administration shall conduct its own inquiry and shall
20 consider factors including, but not limited to: (i) the nature and the
21 size of the client; (ii) whether the client has any business before the
22 state; and if so, how significant the business is; and whether the
23 client has any particularized interest in pending legislation and if so
24 how significant the interest is; (iii) whether disclosure may reveal
25 trade secrets; (iv) whether disclosure could reasonably result in retal-
26 iation against the client; (v) whether disclosure may cause undue harm
27 to the client; (vi) whether disclosure may result in undue harm to the

1 attorney-client relationship; and (vii) whether disclosure may result in
2 an unnecessary invasion of privacy to the client.

3 The joint commission or, as the case may be, the office of court
4 administration shall promptly make a final determination in response to
5 such request, which shall include an explanation for its determination.
6 The office of court administration shall issue its final determination
7 within three days of receiving the request. Notwithstanding any other
8 provision of law or any professional disciplinary rule to the contrary,
9 the disclosure of the identity of any client or customer in response to
10 this question shall not constitute professional misconduct or a ground
11 for disciplinary action of any kind, or form the basis for any civil or
12 criminal cause of action or proceeding. A reporting individual who first
13 enters public office after December thirty-first, two thousand fifteen,
14 need not report clients or customers with respect to matters for which
15 the reporting individual or his or her firm was retained prior to enter-
16 ing public office.

17 Client	Name of Lobbyist	<u>Description</u> of Matter	Category of Amount (in Table 1)
19 _____			
20 _____			
21 _____			
22 _____			
23 _____			

24 (d) List the name, principal address and general description or the
25 nature of the business activity of any entity in which the reporting
26 individual or such individual's spouse had an investment in excess of

1 \$1,000 excluding investments in securities and interests in real proper-
2 ty.

3 § 7. Subdivisions 2 and 3 of section 74 of the public officers law, as
4 amended by chapter 1012 of the laws of 1965, paragraph d of subdivision
5 3 as amended by chapter 1 of the laws of 2010, are amended to read as
6 follows:

7 2. Rule with respect to conflicts of interest. No officer or employee
8 of a state agency, member of the legislature or legislative employee
9 should have any interest, financial or otherwise, direct or indirect, or
10 engage in any business or transaction or professional activity or incur
11 any obligation of any nature, which is in substantial conflict with the
12 proper discharge of his or her duties in the public interest.

13 3. Standards.

14 a. No officer or employee of a state agency, member of the legislature
15 or legislative employee should accept other employment which will impair
16 his or her independence of judgment in the exercise of his or her offi-
17 cial duties.

18 b. No officer or employee of a state agency, member of the legislature
19 or legislative employee should accept employment or engage in any busi-
20 ness or professional activity which will require him or her to disclose
21 confidential information which he or she has gained by reason of his or
22 her official position or authority.

23 c. No officer or employee of a state agency, member of the legislature
24 or legislative employee should disclose confidential information
25 acquired by him or her in the course of his or her official duties nor
26 use such information to further his or her personal interests.

27 d. No officer or employee of a state agency, member of the legislature
28 or legislative employee should use or attempt to use his or her official

1 position to secure unwarranted privileges or exemptions for himself or
2 herself or others, including but not limited to, the misappropriation to
3 himself, herself or to others of the property, services or other
4 resources of the state for private business or other compensated non-go-
5 vernmental purposes.

6 e. No officer or employee of a state agency, member of the legislature
7 or legislative employee should engage in any transaction as represen-
8 tative or agent of the state with any business entity in which he or she
9 has a direct or indirect financial interest that might reasonably tend
10 to conflict with the proper discharge of his or her official duties.

11 f. An officer or employee of a state agency, member of the legislature
12 or legislative employee should not by his or her conduct give reasonable
13 basis for the impression that any person can improperly influence him or
14 her or unduly enjoy his or her favor in the performance of his or her
15 official duties, or that he or she is affected by the kinship, rank,
16 position or influence of any party or person.

17 g. An officer or employee of a state agency should abstain from making
18 personnel investments in enterprises which he or she has reason to
19 believe may be directly involved in decisions to be made by him or her
20 or which will otherwise create substantial conflict between his or her
21 duty in the public interest and his or her private interest.

22 h. An officer or employee of a state agency, member of the legislature
23 or legislative employee should endeavor to pursue a course of conduct
24 which will not raise suspicion among the public that he or she is likely
25 to be engaged in acts that are in violation of his or her trust.

26 i. No officer or employee of a state agency employed on a full-time
27 basis nor any firm or association of which such an officer or employee
28 is a member nor corporation a substantial portion of the stock of which

1 is owned or controlled directly or indirectly by such officer or employ-
2 ee, should sell goods or services to any person, firm, corporation or
3 association which is licensed or whose rates are fixed by the state
4 agency in which such officer or employee serves or is employed.

5 § 8. This act shall take effect immediately; and shall apply to annual
6 statements of financial disclosure filed for calendar years commencing
7 on or after January 1, 2017.

8 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
9 sion, section or part of this act shall be adjudged by any court of
10 competent jurisdiction to be invalid, such judgment shall not affect,
11 impair, or invalidate the remainder thereof, but shall be confined in
12 its operation to the clause, sentence, paragraph, subdivision, section
13 or part thereof directly involved in the controversy in which such judg-
14 ment shall have been rendered. It is hereby declared to be the intent of
15 the legislature that this act would have been enacted even if such
16 invalid provisions had not been included herein.

17 § 3. This act shall take effect immediately provided, however, that
18 the applicable effective date of Parts A through K of this act shall be
19 as specifically set forth in the last section of such Parts.