

Some New York Lobbyists and Clients Must Soon Disclose Sources of Lobbying Funds

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In 2011, the state of New York enacted legislative changes to its lobbying, gift and campaign finance laws as part of the "Public Integrity Act of 2011." (Additional information about this law is available in the September 2011 "New York Enacts Lobbying and Ethics Changes" article in Wiley Rein's *Election Law News*.) While most of the changes went into effect last year, a new lobbying disclosure provision will become effective on June 1, 2012, that may require disclosure of at least some of an organization's membership.

The new provision applies to a registered lobbyist that is lobbying on its own behalf (in New York, if an entity utilizes in-house employees to lobby, the entity itself registers as a "lobbyist") that (1) spends more than \$50,000 for reportable lobbying compensation or expenses in either the calendar year or in the 12-month period before the deadline for a lobbyist's bimonthly report and (2) spends three percent or more of its total expenditures in that same period on lobbying in New York. The new provision also applies to a client filing a semi-annual report that (1) spends more than \$50,000 for reportable compensation or expenses in either the calendar year or in the 12-month period before the report is due and (2) spends three percent or more of its total expenditures in that same period on lobbying in New York. Such lobbyists and clients must disclose "the names of each source of funding more than five thousand dollars from a single source that were used to fund the lobbying activities reported" as well as the dollar amount received from each identified source.

There are some exceptions to these disclosure requirements. For example, the above disclosures will not apply to charitable organizations that are 501(c)(3) entities or to 501(c)(4) entities if disclosure, in the view of the New York Joint Commission on Public Ethics, would cause harm, threats and reprisals to the identified sources of the 501(c)(4). The New York Joint Commission on Public Ethics has not yet issued any other guidance on this provision.