

New York Appellate Court Rules JCOPE Regulations Legal – Just in Time to Replace JCOPE with New Commission

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New York’s Joint Commission on Public Ethics (JCOPE) adopted its first comprehensive lobbying regulations in 2018. However, the legal effect of these regulations had been unclear following a litigation settlement between JCOPE and outside organizations challenging the agency’s authority to promulgate the regulations. Nonetheless, JCOPE continued to administer and enforce the lobbying law according to their provisions. In June, a New York appellate court finally ruled that JCOPE’s authority to issue regulations is “fairly implied” under the state’s lobbying statute.

Notably, effective July 8, JCOPE has been replaced with a new Commission on Ethics and Lobbying in Government. The new Commission was detailed in the previous issue of *Election Law News*, available here. In its decision, the appellate court relied on the fact “[t]hat the Legislature left the JCOPE regulations intact and allowed additional regulations to be issued” by the new Commission as evidence of the legislative intent as to JCOPE’s authority to issue regulations. Still, the court left the door open to challenges of the new Commission’s authority to apply and enforce the state’s Lobbying Act.

As the new Commission begins issuing regulations, and faces potential legal challenges, Wiley’s Election Law & Government Ethics group is prepared to help clients navigate New York’s changing lobbying and ethics rules.

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