



## Legislation Text

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Int. No. 502-B

By Council Member Felder, The Speaker (Council Member Quinn), Gentile, Koppell, Nelson, Palma, Weprin, White Jr., Sears and The Public Advocate (Ms. Gotbaum) (in conjunction with the Mayor)

A Local Law to amend the administrative code of the city of New York, in relation to the contents of a lobbyist's statement of registration, and to repeal subdivision (g) of section 3-213 of the administrative code of the city of New York, relating to the mailing of forms by the city clerk.

Be it enacted by the Council as follows:

Section 1. Statement of Legislative Findings and Intent. The Council hereby Finds and Declares that this law would make necessary improvements in the implementation of the City's Lobbying Law as recently amended by Local Law 15 of 2006, which is designed to increase the disclosure of lobbyist activities, including political consulting and fundraising.

First, the lobbyist should not be required to include the name and home address of his or her unemancipated child in his or her annual statement of registration, unless and until a campaign contribution is made in the unemancipated child's name. If such a contribution is made by the unemancipated child of a lobbyist, it is necessary for the lobbyist to report this information in his or her annual statement of registration, in order to assist the Campaign Finance Board (the "CFB") in identifying non-matchable campaign contributions under Local Law 17 of 2006. Second, the lobbyist's registration statement should contain his or her business and home addresses and business telephone number, and the home and business addresses of his or her spouse or domestic partner, as well as the name and home address of his or her unemancipated child if a campaign contribution is made in the unemancipated child's name, again to assist the CFB in identifying non-matchable campaign contributions. Third, there is good reason to keep confidential the home address of the

lobbyist, the home addresses of officers and employees in the organization's division that engages in any lobbying activities ("lobbying division"), and the names and home and business addresses of their spouses or domestic partners and unemancipated children, especially in the case of lobbyists who, for example, represent family planning clinics or battered women's shelters, and who could reasonably expect that they, or officers or employees in the lobbying division, or their spouses or domestic partners and unemancipated children could be placed at risk if their home addresses, or the names and addresses of their spouses or domestic partners and unemancipated children, were made public. Fourth, there is good reason to protect the privacy of spouses, domestic partners and unemancipated children of lobbyists and officers or employees in the lobbying division by prohibiting the campaign finance board from disclosing that any particular campaign contributor is the spouse, domestic partner or unemancipated child of a lobbyist. Fifth, since the New York Temporary State Commission on Lobbying ("Temporary Commission") would be phased out of existence if the Public Employees Ethics Reform Act of 2007 is enacted, the Lobbying Law's references to the Temporary Commission now include references to its possible successor organization.

Accordingly, this law would amend the City's Lobbying Law to: (i) require the lobbyist to disclose the name and home address of his or her unemancipated child within 48 hours after a campaign contribution is made in the unemancipated child's name; (ii) require the lobbyist to disclose his or her home and business addresses and business telephone number, and the home and business addresses of his or her spouse or domestic partner; (iii) require the Clerk to keep all home addresses and the business address of the lobbyist's spouse or domestic partner confidential and not subject to public inspection; (iv) prohibit the campaign finance board from disclosing that any particular campaign contributor is the spouse, domestic partner or unemancipated child of a lobbyist or of an officer or employee in the lobbying division; and (v) include appropriate references to the possible successor to the Temporary Commission.

§2. Paragraph 1 of subdivision (c) of section 3-213 of the administrative code of the city of New York, as amended by local law number 15 for the year 2006, is amended to read as follows:

(1) the name, [address] home and business addresses and business telephone number of the lobbyist and the name and home and business addresses of the spouse or domestic partner [and unemancipated children] of the lobbyist, and if the lobbyist is an organization the [names] name, home and business addresses and business telephone [numbers] number of any officer or employee of such lobbyist who engages in any lobbying activities or who is employed in an organization's division that engages in lobbying activities of the organization and the name and home and business addresses of the spouse or domestic partner [and unemancipated children] of such officers or employees, provided that, notwithstanding any provision of this subchapter to the contrary, the home address of the lobbyist, including, if the lobbyist is an organization, the home address of any officer or employee of such lobbyist who engages in any lobbying activities or who is employed in an organization's division that engages in lobbying activities of the organization, and the names and home and business addresses [and telephone numbers] of spouses[,], and domestic partners [and unemancipated children] of such lobbyists, officers and employees, whether contained in an original or amended statement of registration, shall [be] not be made available to the public, but may be accessed by the campaign finance board for the sole purpose of determining whether a campaign contribution is matchable pursuant to section 3-702 of the New York City campaign finance act; provided, however, that notwithstanding any other provision of law, in making information on campaign contributions publicly available, the campaign finance board shall not disclose that any specific contributor is the spouse, domestic partner or unemancipated child of such a lobbyist, officer or employee;

§3. Subdivision (d) of section 3-213 of the administrative code of the city of New York, as added by local law number 14 for the year 1986, is amended to read as follows:

(d) (1) Whenever there is a change in the information filed by the lobbyist in the original statement of registration, an amended statement shall be submitted to the city clerk on forms [supplied] prescribed by the city clerk within ten days after such change occurs, except as provided in paragraph two of this subdivision; however, this shall not require the lobbyist to amend the entire registration form.

(2) Whenever a contribution, as defined in subdivision eight of section 3-702 of the New York City campaign finance act, is made by the unemancipated child of a lobbyist or by the unemancipated child of the spouse or domestic partner of a lobbyist or, if the lobbyist is an organization, by the unemancipated child of any officer or employee of such lobbyist who engages in lobbying activities or who is employed in an organization's division that engages in lobbying activities of the organization or by the unemancipated child of the spouse or domestic partner of any such officer or employee, in the calendar year for which a statement of registration is filed, the lobbyist shall file an amended statement of registration within forty-eight hours of the making of such contribution. Such amended statement of registration shall contain the name and the home address of such unemancipated child and the home and business addresses of the unemancipated child's parent, if such parent's home and business addresses were reported pursuant to paragraph one of subdivision (c) of this section. Such amendment shall not require the lobbyist to amend the entire registration form. If such contribution was made in the calendar year for which a statement of registration is filed, but before the filing of such statement of registration, then the original statement of registration shall contain the name and the home address of such unemancipated child and the home and business addresses of the unemancipated child's parent, if such parent's home and business addresses were reported pursuant to paragraph one of subdivision (c) of this section. Notwithstanding any provision of this chapter to the contrary, the names and addresses of unemancipated children shall not be made available to the public, but may be accessed by the campaign finance board for the sole purpose of determining whether a campaign contribution is matchable pursuant to such section 3-702; provided, however, that notwithstanding any other provision of law, in making information on campaign contributions publicly available, the campaign finance board shall not disclose that any specific contributor is the spouse, domestic partner or unemancipated child of such a lobbyist, officer or employee. For purposes of this paragraph, the term "unemancipated child" shall mean any son, daughter, stepson or stepdaughter who is under age eighteen, unmarried and living in the household of such lobbyist or spouse or domestic partner of such lobbyist or, if such lobbyist is an organization, living in the household of such officer

or employee or spouse or domestic partner of such officer or employee.

§4. Subdivision (g) of section 3-213 of the administrative code of the city of New York is REPEALED.

§5. Subdivision (a) of section 3-216 of the administrative code of the city of New York, paragraph 1 as amended by local law number 15 for the year 2006 and paragraph 2 as added by local law number 14 for the year 1986, is amended to read as follows:

(a) (1) any lobbyist required to file a statement of registration pursuant to section 3-213 of this subchapter who in any lobbying year expends, receives or incurs combined reportable compensation and expenses in an amount in excess of two thousand dollars, as provided in paragraph five of subdivision (b) of this section, for the purpose of lobbying, shall file with the city clerk a first periodic written report, on forms [supplied] prescribed by the city clerk, which to the extent practicable shall be identical in form to the periodic reporting forms used by the New York Temporary State Commission on Lobbying, or any successor thereto, by the fifteenth day next succeeding the end of the reporting period on which the cumulative total for such lobbying year equaled such sum. Such reporting periods shall be the period from January first to March thirty-first, April first to May thirty-first, June first to September thirtieth, and October first to December thirty-first, or such other dates as the city clerk shall designate by rule to conform the periodic reporting periods with the periodic reporting periods of the New York Temporary State Commission on Lobbying, or any successor thereto.

(2) Any lobbyist making a report pursuant to paragraph one of this subdivision shall thereafter file with the city clerk, on forms [supplied] prescribed by the city clerk, a periodic report for each reporting period that such person expends, receives or incurs combined reportable compensation and expenses in an amount in excess of five hundred dollars for the purposes of lobbying during such reporting period. Such report shall be filed not later than the fifteenth day next succeeding the end of such reporting period and shall include the amounts so expended, received or incurred during such reporting period and the cumulative total during the lobbying year.

§6. Subdivision (a) of section 3-216.1 of the administrative code of the city of New York, as added by local law number 15 for the year 2006, is amended to read as follows:

(a) Any lobbyist required to file a statement of registration pursuant to section 3-213 of this subchapter who in any calendar year to which the statement of registration relates, or in the six months preceding such calendar year, engages in fundraising or political consulting activities shall file with the city clerk, on forms [supplied] prescribed by the city clerk, a fundraising and/or political consulting report. Such report shall be filed in accordance with the schedule applicable to the filing of periodic reports, provided that the first fundraising and/or political consulting report filed in any calendar year shall include information on fundraising and/or political consulting activities that occurred in any period beginning six months preceding the calendar year to which the statement of registration relates through the end of the reporting period for which the report is filed, to the extent such information has not been reported in a fundraising and/or political consulting report filed in the preceding calendar year. Each subsequent fundraising and/or political consulting report filed in or with respect to the calendar year to which the statement of registration relates shall include information on fundraising and/or political consulting activities that occurred since the end of the reporting period for which the previous report was filed through the end of the reporting period for which the current report is filed. Such activities shall be reported whether they are conducted directly by the lobbyist, or through any other entity of which such lobbyist is a principal. Such fundraising and/or political consulting reports shall be filed not later than the fifteenth day next succeeding the end of such reporting period.

§7. Subdivision (b) of section 3-217 of the administrative code of the city of New York, as amended by local law number 15 for the year 2006, is amended to read as follows:

(b) Such report pursuant to paragraph one of subdivision (a) of this section shall be filed with the city clerk, on forms [supplied] prescribed by the city clerk, by the fifteenth day of January next following the year for which such report is made and shall contain on an annual cumulative basis all the information required in periodic reports by section 3-216 of this subchapter and all the information required in fundraising and/or

political consulting reports by section 3-216.1 of this subchapter;

§8. The opening paragraph of subdivision (c) of section 3-217 of the administrative code of the city of New York, as amended by local law number 67 for the year 1993, is amended to read as follows:

Such report pursuant to paragraph two of subdivision (a) of this section shall be filed with the city clerk on forms [supplied] prescribed by the city clerk by the fifteenth day of January next following the year for which such report is made and shall contain:

§9. Subdivision (c) of section 3-223 of the administrative code of the city of New York, as amended by local law number 15 for the year 2006, is amended to read as follows:

(c) The city clerk shall designate by rule penalties for late filing of any statement or report required by this subchapter, which shall conform with the schedule established by the New York Temporary State Commission on Lobbying, or any successor thereto, for such charges. Following a failure to make and file any such statement or report, the city clerk shall notify the person or organization of such fact by certified mail that such filing must be made within fourteen business days of the date of mailing of such notice. The failure to file any statement or report within such time shall constitute a class A misdemeanor. In addition to such criminal and late penalties, said person or organization shall be subject to a civil penalty, in an amount not to exceed twenty thousand dollars, to be assessed by the city clerk. For the purposes of this subdivision, the chief administrative officer of any organization required to file a statement or report shall be the person responsible for making and filing such statement or report unless some other person prior to the due date thereof has been duly designated to make and file such statement or report.

§10. Paragraph (g) of subdivision 3 of section 3-702 of the administrative code of the city of New York, as added by local law number 17 for the year 2006, is amended to read as follows:

(g) contributions from lobbyists or other persons required to be included in a statement of registration filed pursuant to section 3-213 (c) (1) or section 3-213 (d). The board shall rely on the database maintained by the city clerk pursuant to section 3-221 or such other information known to the board to determine whether a

contribution is not matchable based on the contributor's status as a lobbyist or person required to be included in a statement of registration filed pursuant to section 3-213.

§11. This local law shall take effect immediately and shall be retroactive to, and deemed to have been in full force and effect on and after, December 10, 2006, except that section seven of this local law shall take effect on June 13, 2007.

DJ  
4/4/07