



Connecting lawyers, nonprofits, and communities

November 8, 2018

Comprehensive NY State Lobbying Regulations Take Effect in January 2019

The NY State Joint Commission on Public Ethics (JCOPE) is charged with enforcing the New York State Lobbying Act. Organizations that are registered with JCOPE as a lobbyist or client should be aware of new, comprehensive lobbying regulations that go into effect January 1, 2019. This memo identifies some steps that nonprofit organizations registered with JCOPE should consider taking to comply with the new regulations.

1. Lobbying in a coalition: If two or more organizations pool money for the primary purpose of lobbying, JCOPE considers them to be a “coalition” subject to new reporting rules.ⁱ Such organizations should review the new rules, consult counsel, and come up with a plan to comply. For more information, see our factsheet, [NY State Lobbying Disclosure Rules for Coalitions](#).

2. Lobbying via social media: A social media post asking a public official to take specific action regarding legislation, agency rules or the other official actions will constitute direct lobbying if it is directed at a public official’s account. Social media, like other forms of communication, will constitute grassroots lobbying if it asks the *readers* to lobby a public official to take a specific action regarding a piece of legislation, agency regulation, etc.ⁱⁱ For more information, see our factsheet, [How Do NY State Lobbying Disclosure Rules Apply to Social Media?](#)

3. Lobbying by board members and officers: An organization that is a registered lobbyist or client must report any lobbying that its board members and officers conduct on the organization’s behalf, even if the lobbying is uncompensated.ⁱⁱⁱ Nonprofit organizations that are registered as a lobbyist or client should educate their board members and officers about these new rules and implement a protocol for them to track and report their lobbying. For more information, see our factsheet, [Obligations of Directors, Officers and Managers of Organizations That Register to Lobby](#).

4. Lobbying by other volunteers: Aside from board members and officers, lobbying by other types of volunteers does not have to be reported. For instance, volunteers and uncompensated members who attend a Lobby Day do not have to be reported on your filings. However, an organization that is a registered lobbyist or client will have to report any expenses that it incurs in connection with the volunteers’ Lobby Day participation, such as transportation, food, banners, etc.^{iv}

5. Arranging lobbying meetings for other people to attend: It is now lobbying to arrange for someone else to meet with a public official, if you know that the other person is going to lobby at the meeting. However, a person who acts in a purely administrative capacity to schedule a meeting does not have to be listed as an individual lobbyist. Instead, the time spent setting up the meeting can be reported by the lobbyist who asked for the meeting to be set up.^v

6. Simply providing information: It is not lobbying to attend a meeting with a public official to simply provide technical information without playing a role in lobbying strategy. This is true even if other people engage in lobbying at the same meeting.^{vi}

For more information about the obligations of nonprofit organizations that lobby, see Lawyers Alliance's [FAQ's About Nonprofits and Lobbying](#).

This alert is meant to provide general information only, not legal advice. Lawyers Alliance staff are available to help qualified nonprofits with their business, transaction and compliance legal needs. Please contact Senior Policy Counsel Laura Abel, (212) 219-1800 x283, label@lawyersalliance.org, or visit www.lawyersalliance.org for further information.

Lawyers Alliance for New York is the leading provider of business and transactional legal services for nonprofit organizations and social enterprises that are improving the quality of life in New York City neighborhoods. Our network of pro bono lawyers from law firms and corporations and staff of experienced attorneys collaborate to deliver expert corporate, tax, real estate, employment, intellectual property, and other legal services to community organizations. By connecting lawyers, nonprofits, and communities, Lawyers Alliance for New York helps nonprofits to develop and provide housing, stimulate economic opportunity, improve urban health and education, promote community arts, and operate and advocate for vital programs that benefit low-income New Yorkers of all ages.

ⁱ 19 NYCRR § 943.9(h)(3).

ⁱⁱ 19 NYCRR § 943.6(c), 943.7(f).

ⁱⁱⁱ 19 NYCRR § 943.3(g).

^{iv} 19 NYCRR § 943.6(b)(4).

^v 19 NYCRR § 943.6(a)(2) & (b).

^{vi} *Id.*