



Lawyers Alliance for New York

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MEMORANDUM

TO: Lawyers Alliance for New York Clients and Friends
FROM: Sunita Subramanian, Senior Staff Attorney
RE: New York City Lobbyist Registration 2007
DATE: January 3, 2007

It is that time of year again: those of you that register annually as lobbyists are doing so again, and those that are new to the system are embarking on a new adventure. We are writing this memorandum to summarize the procedures to register with the office of the New York City Clerk (the “City Clerk”), **which must be completed by January 15, 2007** to avoid automatic penalties of up to \$25 per day (\$10 per day for new filers) for each day the registration is late.¹

The 2006 amendments to the New York City Lobbying Act (the “City Lobbying Law”) did not change the definition of lobbying nor the statutory threshold for registration. It is still the case that organizations that anticipate spending greater than \$2,000 on lobbying activities in 2007 under the City Lobbying Law must register as lobbyists. The 2006 amendments have, however, significantly changed enforcement of the City Lobbying Law and the registration and reporting procedures.

Based on information disseminated at two trainings held by the City Clerk, the latest of which was held on December 28, 2006, we understand that lobbyists must first enroll in an electronic system beginning January 1, 2007 and register as follows:

Step 1: Enrollment (as soon as possible after January 1, 2007 to meet the deadline)

- Organizations must first “enroll” in the City Clerk’s electronic system. Information and a link for enrollment should be available at www.nyc.gov/elobbyist and/or <http://www.nycmarriagebureau.com>, the City Clerk’s website, as of January 1, 2007.
- Enrollment requires giving certain information about the registering organization, including the name of the chief administrative officer, or “principal officer” (the “PO”), and the names of two designees who can file electronic reports and who will receive email updates and information from the City Clerk. Only the PO will be able to access the on-line certification page for registration statements and reports.

¹ We are not addressing registration with the New York Temporary State Commission on Lobbying because organizations that anticipate spending greater than \$5,000 in the next calendar year on lobbying activities under the New York State Lobbying Act have most likely already registered with the Commission for calendar years 2007-2008 to meet the January 1, 2007 deadline.

- The enrolling organization must *hand deliver* a voided check of the lobbyist (*i.e.*, the organization) to the City Clerk's Office. The City Clerk's Office will use the check to verify the identity of the enrolling entity. This is important in order to reduce delay.
- The City Clerk will email a user identification number and password to the two designees and the PO to access the on-line reporting system.

Step 2: Register (as soon as possible once you receive the User ID and password)

- Lobbyists must register by completing the disclosure information, which has been expanded pursuant to the 2006 amendments.
- Lobbyists must list the following on the registration statement: the names, home telephone numbers and home addresses of a) employees and officers who engage in any lobbying activities; and b) spouses or domestic partners and unemancipated children of the foregoing individuals.

Note: The City Clerk takes the position that *home* (as opposed to business) telephone numbers and address are required although the statute does not explicitly require it.

Note: "Unemancipated child" means any son, daughter, stepson, or stepdaughter who is under age eighteen at the time of reporting, unmarried, and living in the household of the person listed on the registration statement.

- Lobbyists must also list on a registration statement the names, home telephone numbers and home addresses of a) any employees and officers employed in a division of the organization that is engaged in lobbying activities of the organization and b) the spouses or domestic partners and unemancipated children of the foregoing individuals.

Note: The City Clerk has not yet offered a definition for the word "division," and suggests that organizations rely on their own good faith application of the term based on their organization's structure.

- Registration is only complete upon submission of a check for the registration fee of \$150, preferably by *hand delivery* to the City Clerk's Office. The check must be delivered within ten days of registration and before January 15, 2007 to avoid automatic late penalties, which will begin to accrue on January 16, 2007.

I hope this helps with the registration process. You will likely undergo a similar, but more streamlined, process when you register as clients in late 2007 to file your annual client report.² Please contact me if you have any questions or require assistance with this or other legal matters at (212) 219-1800, ext. 232.

² The City Clerk intends to accept credit card payment by the end of 2007 so that hand delivery will not be required.