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Citizens Union Believes Today's JCOPE Decisions Result in More Transparency of Lobbying Activity

Good Government Group Makes Additional Recommendations to Strengthen Disclosure

Citizens Union thinks the following decisions and announcements made today at the public meeting of the Joint Commission on Public Ethics (JCOPE) are positive steps that will collectively result in greater disclosure of lobbying activity to New Yorkers:

1. Increased Transparency of Affiliated Entities Making Donations to Lobbyists and Clients

JCOPE expanded transparency by approving changes to its existing regulations that require lobbyists and clients to disclose their contributors to their lobbying activity in New York State. This change requires that if a donor is an entity (such as a limited liability corporation or other organization) affiliated with the client, at a minimum the name, address, and principle place of business of the person controlling the entity must be disclosed. Citizens Union called for greater disclosure of entities that fund lobbying activity following the filing of the sources of income disclosure form by Common Sense Principles, a 501c4 organization that under the guise of lobbying spent heavily on campaigns in opposition to several Democratic State Senate candidates in the 2012 elections. [Common Sense Principles revealed just one donor for its lobbying activity](#), a limited liability corporation (LLC) based in Florida named Center for Common Sense LLC. Under the change in the rules, the Center for Common Sense LLC, if affiliated with Common Sense Principles as is believed, would be required to disclose the person controlling the organization, which is not in their current filing. Citizens Union believes entities like Center for Common Sense LLC should also be required to disclose their donors because they are affiliated with the client, and provided language to JCOPE that would result in that disclosure. The changes to the regulation today allow that disclosure as an option but do not require it as a mandate. **Citizens Union believes the sources of income of entities affiliated with clients should be disclosed, but recognize the measure approved by JCOPE today is requiring additional transparency for donors to lobbyists that is already first in the nation among all states.** [Citizens Union is also seeking disclosure of sources of income to 501c4s through the Attorney General's Office](#) and has [testified](#) on the [OAG's regulations](#).

2. Disclosure of Datasets Underlying Lobbying Database


JCOPE announced today it would put on its website machine readable spreadsheets which are the raw datasets that can be accessed through its online database of lobbying activity. Citizens Union had requested JCOPE do so over the last year to allow good government advocates, the press, the technology industry and general public to analyze this data to identify trends and patterns not easily recognizable through the current online database, which is substantially in need of funding so it can be modernized. **We commend JCOPE for putting this information online and enabling the public to analyze lobbying activity. We additionally request it be put in the state's new Open Data portal, [Open New York](#), recently announced by Governor Cuomo with the support of Citizens Union during Sunshine Week.**

3. 2012 Annual Report on Lobbying Activity/Operations of JCOPE Released

JCOPE also announced the release of [its 2012 annual report](#) which identifies trends in the lobbying industry through useful charts and graphs. Executive Director Ellen Biben during the public meeting highlighted elements of the report for the Commissioners and the public, noting a decline in expenditures on lobbying activity from \$220 million in 2011 to \$205 million in 2012, largely due to a 60 percent decrease in advertising expenditures driven in part by the reduction in advertising this past year by the Committee to Save New York. **Citizens Union believes the issuance of the annual report is informative to the public and appreciates the presentation it received at the meeting. We believe, however, that the law requires more than a summary of information related to complaints.** The report notes, on pages 46-48, that 300 matters have been reviewed, 61 more matters are pending, 48 substantial basis investigations were commenced, 47 investigations remain open, and 27 enforcement actions were taken in 2012 that resulted in \$52 million in penalties. The [NYS Executive Law, Section 94\(9\)\(l\)](#), however, calls for an itemized account of complaints and referrals stating,

"Such report shall include: (i) a listing by assigned number of each complaint and referral received which alleged a possible violation within its jurisdiction, including the current status of each complaint, and (ii) where a matter has been resolved, the date and nature of the disposition and any sanction imposed, subject to the confidentiality requirements of this section, provided, however, that such annual report shall not contain any information for which disclosure is not permitted pursuant to subdivision nineteen of this section;"

Citizens Union will be issuing soon recommendations resulting in greater transparency related to the handling of ethics complaints.



[Citizens Union](#) is a nonpartisan good government group dedicated to making democracy work for all New Yorkers. Citizens Union serves as a civic watchdog, combating corruption and fighting for political reform. We work to ensure fair and open elections, honest and efficient government, and a civically-engaged public.

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