



2019 LEGISLATIVE MEMORANDUM

Subject: Governor’s FY20 Good Government & Ethics Reform Article VII Legislation, Part R

Position: Oppose

From: Council of Family and Child Caring Agencies
FPWA
Hispanic Federation
Homeless Services United
Human Services Council
Jewish Community Relations Council of New York
Lawyers Alliance for New York
LiveOn NY
New York City Employment and Training Coalition
NYC Environmental Justice Alliance
New York Immigration Coalition
New York Legal Services Coalition
Nonprofit Coordinating Committee of New York
Supportive Housing Network of New York
United Neighborhood Houses

Date: January 29, 2019

Part R of the Governor’s FY20 Good Government & Ethics Reform Article VII Legislation requires organizations and people that spend just \$500 in a calendar year on lobbying to register with the Joint Commission on Public Ethics (“JCOPE”), to assure that “more people engaged in lobbying activities would be required to file disclosure documents with the joint commission on public ethics.”¹ Perversely, while this might increase the number of filings it will effectively silence small grassroots groups while increasing the influence of big money in government.

The current expenditure threshold of \$5,000 captures all of the big money spenders. In fact, members of the NYC Lobbying Commission and the State Commission on Public Integrity have noted that a \$10,000 threshold would capture at least 98% of lobbying expenditures, while focusing enforcement resources on groups whose higher lobbying expenditures pose a higher risk of violations.ⁱⁱ Compared to the \$2.2 million Uber spent on lobbying in 2017, or the combined \$14 million spent by the top ten lobbying spenders that year, \$500 is a rounding error. Big lobbying clients spend more than \$500 each month on lobbying *compliance*.ⁱⁱⁱ

Nonprofit organizations play the crucial function of educating lawmakers and agency staff about how government actions affect community members. In fact, many nonprofits do the work that the government would otherwise do, such as housing or feeding New Yorkers. Imposing detailed reporting requirements on small nonprofits that only do a little advocacy will dissuade many from engaging with government at all. Most groups that spend under \$5,000 use their own staff to lobby. Most are underfunded, understaffed, and have no lawyers on staff to decipher JCOPE's 92-page lobbying regulations. Time spent poring over those regulations and drafting a minimum of six JCOPE filings yearly – plus another seven for groups that also lobby New York City -- would be better spent serving the community.

For these reasons, we urge that Part R be deleted from this bill.

ⁱ FY 2020 New York State Executive Budget Good Government And Ethics Reform Article VII Legislation Memorandum In Support (2019), p. 17 <https://www.budget.ny.gov/pubs/archive/fy20/exec/artvii/gger-artvii-ms.pdf>

ⁱⁱ NYC Lobbying Commission Report (2013), p. 29 (quoting testimony of Barry Ginsberg, Commission on Public Integrity), <http://www.nyc.gov/html/lobby/downloads/pdf/033011lobbying.pdf>; NYC Lobbying Commission Mtg. (June 24, 2011), p. 5 (statement of Hon. Herbert Berman, Chair), <http://www.nyc.gov/html/lobby/downloads/pdf/062411lobbying.pdf>.

ⁱⁱⁱ “*Dark Prince*” Gets His Revenge, Crains NY (Dec. 6, 2014), <https://www.crainsnewyork.com/article/20141207/POLITICS/141209867/dark-prince-gets-his-revenge>