



CITIZENS UNION OF THE CITY OF NEW YORK

Testimony to the New York City Council On the Lobbying Legislation & Resolution

November 7, 2013

Good afternoon Chair Brewer and members of the Governmental Operations committee. My name is Alex Camarda. I am the Director of Public Policy and Advocacy at Citizens Union. Citizens Union is an independent, non-partisan, civic organization of New Yorkers who promote good government and advance political reform in our city and state. Thank you for the opportunity to testify today on this bill and resolution.

As you know, the bill and resolution before the committee today is the culmination of years of work conducted by the members and staff of the [City Lobbying Commission](#) convened in February of 2011.¹ Citizens Union played a pivotal role in and was an active participant in the work of the Commission, [testifying at every public hearing](#)² held by the Commission and [issuing 14 recommendations for its consideration](#)³, [seven of which were adopted](#)⁴ in its [final report](#)⁵ the Commission issued in March of 2013.

The convening of the Commission in 2011 was itself a product of landmark lobbying laws passed in 2006, which Citizens Union helped bring about by releasing a report showing little enforcement or transparency of lobbying laws. Citizens Union was pleased to work with Council Speaker Christine Quinn and Mayor Michael Bloomberg in 2006 to craft needed legislation that banned gifts from lobbyists to public officials, prohibited the matching of lobbyists' campaign contributions with public funds, established electronic filing of lobbyist reports, made publicly available lobbying activity that previously was almost entirely unknown to the public, strengthened enforcement by raising penalties and creating more effective oversight. To be clear, lobbying City Hall is a constitutionally protected activity that often provides helpful information to public officials on a wide range of complicated subjects.

¹ NYC Lobbying Commission home page: <http://www.nyc.gov/html/lobby/html/home/home.shtml>

² NYC Lobbying Commission list of public hearings and meetings, and transcripts:
<http://www.nyc.gov/html/lobby/html/meetings/meetings.shtml>

³ Citizens Union's 2011 report and recommendations to the City Lobbying Commission:
http://www.citizensunion.org/www/cu/site/hosting/Reports/CitizensUnion_LobbyReport2011_FINAL.pdf

⁴ Citizens Union Applauds Approval of Final Report of the Lobbying Commission:
<https://app.e2ma.net/app/view:CampaignPublic/id:1407871.13033156821/rid:d6c337cc1ea08804e907b7f985d8137f>

⁵ NYC Lobbying Commission reports: http://www.nyc.gov/html/lobby/html/reports/commission_reports.shtml

Citizens Union sees lobbying as vital to the functioning of a healthy democracy so long as that activity is reported, transparent and conducted fairly and without undue influence.

We are pleased to see that many of Citizens Union's recommendations were accepted by the Commission. **Together this law and resolution will continue the goals first established in reforming the lobbying laws in 2006: creating greater public awareness of who is influencing the important decisions made by city and better enforcement of the law. Citizens Union therefore supports provisions of the legislation and the intent of the resolution for the following reasons:**

1. **Several elements in the bill provide for greater disclosure of lobbying activity.**
 - a. **Expanding lobbying disclosure to include lobbying activity before a bill or resolution or rule is introduced and given an identifying number.** Current law is not clear as to whether activity preceding introduction of a bill needs to be reported.
 - b. **Expanding lobbying activity to include attempts to influence the agenda of a board or commission.** Current law requires reporting of activity to influence the determination of a Board or Commission but current law is not clear as to whether that includes informal decisions as to which issues to focus on.
 - c. **Requiring reporting of lobbying activity to include both the agency or entity lobbied and the person representing the agency or entity.**
 - d. A one-time six month **amnesty program** that enables those lobbying after 2006 but who have not reported their activity to come out of the shadows, report their past activity, and properly register as a lobbyist without penalty.
2. **Greater disclosure of lobbying activity that is reported.** The Office of the City Clerk collects lobbying activity information in an organized and structured manner but makes very little of that reported information available on its website. This bill requires the Clerk's Office in coordination with the Department of Information Technology and Telecommunications (DoITT) develop **a database that will allow for public searches of information beyond what is currently provided.** This will shed much greater light on who is trying to influence city government by enabling groups like Citizens Union and the media to do independent analyses of such data.
3. **Mandatory training for lobbyists.** The requirement that 1-2 lobbyists from all lobbying entities be trained once every two years.
4. **Expanded reporting by the City Clerk's Office.** The bill requires the Clerk's Office go beyond its typical disclosure of lobbying activity in its annual report by also requiring

subjects and targets lobbied. The bill also requires the Clerk's Office report on operational functions like the number and types of assistance it provides to implement the lobbying law, and the response times for addressing requests for assistance.

While Citizens Union supports these improvements in the Lobbying Law, we suggest the following improvements be made to the legislation and resolution:

- 1. Include in the legislative intent of the bill, the belief of the legislature that the Clerk's Office should utilize funding in the budget to create a full-time education and outreach staffer in their office** (from the recommendations of the Commission in its final report: *"The Clerk's Lobbying Bureau should have a designated full-time staff person responsible for conducting education and outreach not just to registered lobbyists, but in venues where there are likely to be people who may be subject to the requirements of the Lobbying Laws but may not be registered."*)
- 2. Include in the bill that the Clerk's Office shall communicate, electronically or otherwise, with the Campaign Finance Board's Doing Business Database on lobbying reporting extensions so lobbyists can't circumvent doing business campaign contributions** (from the Commission's final report: *"The City should ensure that all lobbyists are listed in the Doing Business Database, even when granted a filing extension by the Clerk. If the e-Lobbyist system cannot be coordinated with the Doing Business Database, the Clerk should be required to provide information on extensions directly to the Doing Business Database to ensure that limitations on campaign contributions are observed."*)
- 3. Require the new database making lobbying activity more transparent being constructed by DoITT in coordination with the Clerk's Office be completed within 18 months.** The bill only requires the database be completed if DoITT and the Clerk's Office certify they are "capable of implementing such respective provision." Establishing a deadline is very important, as without the new database none of the new reporting requirements will mean much because the public can only access basic information on the registration form with the current database made available to the public on the City Clerk's website.⁶ The database should also be searchable by general subjects lobbied, including types of actions like bills and resolutions, but also by issue areas provided on the registration form or in periodic reports.

⁶ See Clerk's Office NYC Lobbyist Search at: <http://www.nyc.gov/lobbyistsearch/search;jsessionid=SyTLF0bYV4LjZPPGbjGMmLkbLJ1yzv25pphpv75jklv7yJ9yg11!447289328>. The only information provided for each organization is its name, address, phone number, lobbyists, lobbying targets (annualized), lobbying subjects (annualized), and compensation for each periodic report. The lobbying subjects are presented by type of action (ex. bill introduction) rather than by issue. Information provided in periodic reports is not provided at all but for compensation. Therefore, which bills, resolutions or other determinations lobbyists advocated for or against is not available to the general public.

4. **In the resolution, city-only filers should only be exempt from reporting to the state if the state has agreed to make their city filings available on the state's website⁷ or the city's database has been updated to allow for expanded searches of data pursuant to section 26 and 31 of the bill. City filers should also be required to report to the state their donors and business relationships with state elected and officials, as is required under state law.** Under the current resolution, the lobbying activity of city-only filers may never be made known to the public because the JCOPE database as currently constructed cannot receive city forms electronically nor do the fields align with the city form to enter the information manually.

In closing, Citizens Union commends the Commission for conducting an inclusive process involving numerous hearings and meetings with stakeholders resulting in the legislation before the Council today, and this Committee for soliciting input on the bill and resolution.

Citizens Union is pleased to see this eight year process come full circle under the leadership of Speaker Christine Quinn and Councilmember Gail Brewer and the great staff of the City Council who have worked tirelessly on this issue.

Thank you for the opportunity to testify today. I welcome any questions you may have.

⁷ The State entity overseeing lobbying activity reporting, the Joint Commission on Public Ethics (JCOPE), is not able to receive an electronic filing from the City Clerk's Office and integrate it seamlessly into its [database](#). It also can't enter the information manually as it does for state filings submitted on paper because the fields on the city form are different..