Antiquated Database and Irregular Reporting Undermine NYS Lobbying Transparency

As JCOPE Considers Rules on Disclosure, Technology Upgrade is Needed

Reinvent Albany released a report today concluding lobbying activity is not nearly as transparent as it should be. JCOPE's Online Filing System is antiquated and outdated. Organizations that hire lobbyists (clients) often report similar lobbying activity differently from each other, making comparisons across clients very challenging if not impossible. Certain client filings raised questions about whether lobbying activity was accurately and completely reported.

The report analyzed 52,703 client semi-annual lobbying filings from 2007 to January 2017 to the Joint Commission on Public Ethics (JCOPE).

"New York State has led the nation in strengthening lobbying disclosure laws that create more transparency," said Alex Camarda, senior policy advisor for Reinvent Albany. "However, irregular reporting by lobbyists and antiquated online filing systems have weakened the effectiveness of the laws and undermined lobbying transparency."

Reinvent Albany believes JCOPE's online filing system should be modernized by using web forms and drop down menus, as New York City's E-Lobbyist system does, to guide filers in entering specific lobbying activity. This will standardize lobbying activity data, and enable analyses across lobbyists, subjects, targets and bills. It will also make individual client filings more revealing.

The report identified the following lobbying activity reporting and disclosure issues:

1. **Organizations that use lobbyists (aka clients) use a wide variety of words, phrases and syntax for similar lobbying activity. This makes it hard to collectively analyze their lobbying activity.**
   - Lobbying clients reported advocating on the "budget" in 336 filings, the most commonly reported lobbying subject. However, the 3rd, 4th, 22nd, 24th, 28th, 29th and 30th most frequently reported subjects lobbied also appear to be related to the budget ("Funding" (234 times); "NYC Budget"

(173 times); "Funding Issues" (65 times); "Budget Issues" (59 times); "New York City Budget" (55 times); "Budget Funding" (52 times); and "Budget, Regulatory and Legislative Issues Pertaining to Healthcare and Hospitals" (52 times)).

○ Reinvent Albany tallied an extraordinary 5,132 different descriptions of lobbying activity that use the word "budget", and 3,115 different descriptions of lobbying activity using the word "funding."

○ It is therefore extremely laborious and nearly impossible to even determine all the clients which have lobbied on the state's budget.

2. **Reported lobbying targets are often general and vague.**

○ Because state law only requires the "name of the person, organization _or_ legislative body" to be reported as a lobbying target, reported lobbying targets are often unrevealing. Below are the top 10 reported lobbying targets.

TOP TEN REPORTED LOBBYING TARGETS

Rank	Persons or Organizations Lobbied as Reported by Clients	Number of Semi-Annual Filings
1	NULL / Nothing recorded	6,200
2	ADMINISTRATIVE, EXECUTIVE AND LEGISLATIVE BRANCHES OF GOVERNMENT	1,226
3	NEW YORK STATE EXECUTIVE AND LEGISLATIVE BRANCHES	727
4	NYC COUNCIL	405
5	SENATE, ASSEMBLY, EXECUTIVE BRANCH	287
6	NYS ASSEMBLY, SENATE, EXECUTIVE CHAMBER, EXECUTIVE BRANCH	283

7	ADMINISTRATIVE, EXECUTIVE & LEGISLATIVE BRANCHES OF GOVERNMENT	275
8	ASSEMBLY, SENATE, EXECUTIVE	274
9	SENATE, ASSEMBLY	262
10	SENATE, ASSEMBLY, EXECUTIVE CHAMBER	241

3. **Information is missing from clients' filings, and the reasons for those omissions are unclear.**
   - Of 52,703 filings, 5,998 filings (11.38%) did not include the subject lobbied. 6,200 filings (11.76%) did not contain the persons or organizations lobbied. 25,255 filings (47.92%) did not include the bill or other numbers associated with lobbying activity.
   - Unreported lobbying subjects may simply reflect there was no lobbying activity during the period (lobbyists often monitor government matters for clients) or it may indicate underreporting by clients. Unreported bill numbers may indicate the client did not lobby on legislation, rules, executive orders, or procurement with associated numbers or it may reflect underreporting.

4. **All reported lobbying activity by each client is typically mashed together in JCOPE's online filing system, making it difficult to determine which persons were lobbied on particular subjects and/or bills or do broader analyses of many clients' lobbying activity.**

5. **Some filers appear to report lobbying activity on autopilot, reporting the same large set of bill numbers lobbied year after year even while the numbers reset with every new legislature.**

Reinvent Albany believes many of the irregular reporting issues highlighted in the report can be addressed through modernizing The Joint Commission on Public Ethics' (JCOPE) online filing system. The current filing system does not utilize web forms or drop down menus to facilitate standardized reporting of lobbying activity. New York

City's E-lobbyist application requires filers to select specific agencies and individual lawmakers lobbied from drop down menus, while staff members and government employees are entered manually. JCOPE's database should be structured similarly. The city's system also requires filers to enter data so for each specific governmental determination lobbied on, there is a clear connection between the persons lobbied, the subject matter, and any bill or other numbers affiliated with the subject. JCOPE's online filing system should be similarly structured, and also enable clients to select designations which reflect "no activity" or information requests that are "not applicable."

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