



**MEMORANDUM OF SUPPORT  
S.4152/A.5786**

**IN SENATE, BILL NUMBER 4152. INTRODUCED BY MEMBERS OF SENATE GIANARIS AND HOYLMAN-SIGAL  
IN ASSEMBLY, BILL NUMBER 5786. INTRODUCED BY MEMBER OF ASSEMBLY McDONALD**

AN ACT to amend the legislative law, in relation to lobbying for the confirmation of persons to state office.

**SUMMARY OF PROVISIONS:**

This legislation amends the legislative law to expand the term “lobbying” to include any attempts to influence the nomination or confirmation of any person to state office for a position that is subject to Senate confirmation. It requires the disclosure of the identity of the organization, spending, and activities of those who lobby to influence the nomination or confirmation of any person to state office in registration statements, bimonthly lobbying reports and semiannual lobbying reports.

**STATEMENT OF SUPPORT:**

New York’s lobbying law currently does not require public disclosure of efforts to influence the nomination or confirmation process for positions requiring Senate approval. This loophole allows lobbying to go unreported, and thus allows efforts to influence the appointment of important state positions occur out of the public’s view.

This legislation addresses the lack of transparency around this type of lobbying , which has recently been highlighted by the nomination of a new Chief Justice of the New York State Court of Appeals. The Albany Times Union revealed that tens of thousands of dollars were spent to influence this most recent appointment.<sup>1</sup> However, due to the lack of disclosure of such lobbying, the public would have been completely unaware of this effort, if not for the Times

<sup>1</sup> Lobbying on LaSalle Nomination Shows Apparent Gap in Reporting Requirements, Times Union, 1/30/23  
<https://www.timesunion.com/state/article/lasalle-nomination-shows-apparent-gap-lobbying-law-17747192.php>

Union.

The possibility of lobbying to influence nominations for public offices does not apply solely to the Court. The current loophole would hypothetically allow utilities companies to lobby for nominees to the Public Service Commission and be able to do so outside of public view.

Lobbying on efforts to influence nominations should be publicly reported. State agency heads set the regulatory agenda for government agencies and the Court interprets state law. Influencing which individuals are appointed is a clear example of lobbying to impact the policies of New York State. As such, those activities should *at least* be publicly disclosed.

It is crucial for the public accountability of New York's government that efforts to advance or oppose a nomination be regularly and publicly disclosed.

**Our organizations urge your support of this legislation.**