



Watchdog Statement and Recommendations at Commission on Ethics and Lobbying in Government Roundtable Discussion

November 1, 2023

Good afternoon, my name is Rachael Fauss, and I am the Senior Policy Advisor for Reinvent Albany. We advocate for a more transparent and accountable New York government.

Reinvent Albany thanks the staff and commissioners of the Commission on Ethics and Lobbying in Government (COELIG or “Commission”) for holding today’s roundtable. We note that the law does not require this roundtable, it only requires an annual public hearing, which we [testified](#) at earlier this year. We appreciate your striving for continuous improvement, which is a sign of a well-managed organization. We also appreciate your sensitivity to the Open Meetings Law by making sure that this meeting is public.

This Commission has operated for more than a year, and we appreciate the steps you have taken administratively to increase public transparency – in particular your recent [release of a trove of lobby filing data](#) on the state’s open data portal. However, we urge the Commission to publish much more public information and open data – which we believe in most cases you already have the authority to do.

This said, we believe there are a number of statutory and constitutional changes that are needed to make your jobs easier, help the public understand who is seeking to influence state government, and flag potential conflicts of interest. We want the Commission to be as strong and effective as it can be. To achieve this, we support regular updating of the laws related to the Commission’s authority to reflect lessons learned from the Commission’s ongoing work.

Lobbying Recommendations

We support the Commission’s draft list of lobbying recommendations, which focuses largely on compliance and enforcement. However, we urge the Commission to support

additional changes to the lobbying law to require:

1. **Reporting whether lobbying is in support or opposition to the item,** and the specific section of budget bills that are being targeted. The specific position taken is required in Montana, and Idaho requires the section be reported for appropriations bills (see the [NCSL list](#) of lobby reporting requirements.)
2. **Reporting of lobbying on nominations** subject to Senate confirmation. ([S4152 \(Gianaris\)](#) / [A5786 \(McDonald\)](#)) has passed the Legislature, but has not yet been sent to the Governor).
3. **Reporting of political contributions and fundraising activity by lobbyists.** New York City currently [requires lobbyists to report](#) fundraising for candidates for office, including the total dollar amount raised for each candidate, as well as political consulting activities along with periodic reports. This is a good model to look to for implementation at the state level given that it is already required in New York City. (See also [S2130 \(Krueger\)](#) / [A1391 \(Aubry\)](#)).

Lastly, we are concerned by recent reporting of [advertisements related to the noncompete legislation](#) that attempt to dodge lobbying disclosure requirements. Bright lines need to be drawn around lobbying – including grassroots lobbying – and we urge the Commission to revisit these definitions and associated regulations to ensure that it is crystal clear whether ad buys trigger reporting.

Ethics Law Recommendations

We also support the Commission’s inclusion of ethics law changes to add penalties to more sections of the state’s Code of Ethics in Section 74 of the Public Officers Law, and we strongly support the Commission’s inclusion of a recommendation to clarify that sexual harassment is a violation of the State Ethics Code.

On your financial disclosure statement recommendations, we ask the Commission to do the following:

1. **Expand the requirement for posting candidate financial disclosures on the Commission’s website to include Primary Elections.** In some legislative districts – particularly in New York City - the Primary Election is the most competitive race. Posting financial disclosures online will give voters another tool for understanding who is seeking to represent them. We understand that the Commission needs resources to do this so we continue to support a budget increase – and independent budgeting – for the Commission.
2. **Support requiring electronic filings** – The quality of filings must be addressed to ensure that what is made available to the public is actually usable. Requiring all financial disclosure statements to be filed electronically – including

legislative disclosures – will make it easier for the public and Commission to analyze them, and for them to be released as open data. We note that there is already legislation introduced to do this, [A1560 \(McDonald\)](#) / [S3544 \(Breslin\)](#).

Lastly on ethics, we encourage the Commission to make sure that requirements regarding gifts – particularly to statewide officials – are air-tight. Recent questions about who would pay for Governor Hochul’s trip to Israel highlights why gifts must be pre-cleared rather than having approval sought retroactively, as well as the Commission’s limitations on what it can tell the public. We believe it would be far cleaner to prohibit certain gifts altogether for statewide officials, such as travel costs.

Thank you for your consideration.