

BRENNAN
CENTER
FOR JUSTICE

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February 8, 2013

Joint Commission on Public Ethics
Attn: Shari Calnero, Associate Counsel
540 Broadway
Albany, New York 12207

Re: Revised Regulation Part 938 – Source of Funding Regulations

Ladies and Gentlemen:

On behalf of the Brennan Center for Justice, I write to reaffirm our support for the lobbyist source of funding regulations adopted by the New York State Joint Commission on Public Ethics to implement Legislative Law Section 1-h(c)(4). The regulations implemented the nation's first system of disclosure of funding sources for specified lobbying entities spending in excess of \$50,000 per year on lobbying expenditures. I also write to express support for the emergency rulemaking undertaken last month to refine the contribution formula.

The new regulations address concerns raised in the wake of influential public campaigns by newly-formed lobbying entities unrecognizable to the public meant to influence the legislative and lawmaking process. The goal of the new regulations, implemented under the provisions of the Public Integrity Act of 2011, is to end the practice of this "black box" lobbying in our state in order to give the public, the media, and our policymakers a plain and clear understanding of who is backing such efforts. New York State has led the way forward for the rest of the nation on transparency and accountability in lobbying activities.

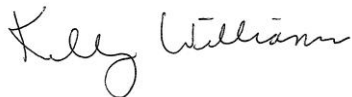
As of this writing, 54 statements of sources of funding have been filed and made available online on the website of the Joint Commission on Public Integrity. While we have not had sufficient time to review each one, our impression is that the disclosure statements are serving their intended purpose. It is unfortunate that the Source of Funding disclosure form is not part of JCOPE's online filing system, which would make the burden of filing marginally easier for lobbying clients and would allow the public better access to the information contained in the reports, but we understand that it is difficult to implement both new regulations and an online filing system in the short time frame mandated by the Act. We look forward to reviewing the reports in more detail in the coming weeks and discussing ways to make both filing and access simpler for everyone.

It takes time for everyone to adjust to new disclosure regimes and we anticipate having more to say once we have an entire year of source funding disclosures to review. We note that the reporting period for the disclosure reports due on January 15 did not include the regular legislative session. And, going forward, the Commission may want to ask whether additional disclosures should be mandated when, for example, a source of funds is reported with the same street address as the client filer (we noticed one such instance in our preliminary review of the reports) or all sources consist of unrecognizable entities such as LLC's.

We believe the refinement to the definition of "Amount of Contribution" is an acceptable clarification of the source of funding disclosure requirement. The purpose of the requirement is to provide meaningful information about lobbying expenditures within New York State and the formula is fair and reasonable in this regard.

The Brennan Center thanks the Commission and the staff for their hard work on these important regulations.

Sincerely,

A handwritten signature in cursive script that reads "Kelly Williams".

Kelly Williams
Corporate General Counsel
Brennan Center for Justice at New York University School of Law