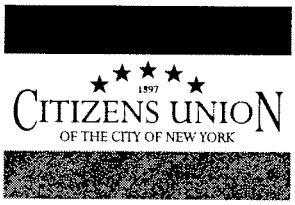

CITIZENS UNION OF THE CITY OF NEW YORK
Testimony to the NYC Lobbying Commission
Regarding the Dual Filing Requirements of the State and the City
March 30, 2011

Good morning Chair Berman and members of the Lobbying Commission. My name is Alex Camarda, and I am the Director for Public Policy and Advocacy for Citizens Union of the City of New York. 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. For more than a century, Citizens Union has served as a watchdog for the public interest and an advocate for the common good.

We thank you for holding this hearing related to the dual lobbying filing requirements of the state and city. We applaud the efforts of this commission to make filing easier and diminish the seemingly overlapping filing requirements of the state and city. We caution, however, that differences in state and local lobbying law present challenges in simplifying filing requirements. Additionally, the commission should make sure that any simplification of filing does not upset the delicate balance between the dual needs for transparency in the required reporting of lobbying activity and the efficiency of the reporting process. Efficiency alone should not drive a policy decision that ought to be considered on other merits as well.

Citizens Union supports the idea that, if feasible, a single electronic form ought to be used to report all lobbying information to the state and city. Lobbyists, lobbying entities and clients should not have to report electronically the same information to one reporting and oversight agency that they have already reported electronically in an altogether different format to another.

Citizens Union currently files electronically six bi-monthly lobbyist reports to the both the state and city. Our city lobbying activity, compensation and expenses are reported to both the city and then again to the state while state lobbying activity, compensation, and expenses only reported to the state. This arrangement requires that we painstakingly enter very similar if not exactly the same information in one database to only then re-enter it into another. Since the information is put into specific prompts on the websites where the lobbying activity is entered, it is not a simple cut and paste or upload procedure. The data must be completely reentered as if it was being done for the first time.

Ideally there would be one site where city and state lobbying information could be reported. Short of that, the state's and city's websites ought to allow for the uploading and downloading of information to and from each other so that data could be populated in the appropriate areas of the online form without having to enter it manually. If one website for both state and local filing can't be developed, the separate websites should be made to look and feel as similar as possible for the user.

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In striving to achieve this goal of one website for reporting, or alternatively two very similar websites in design and usability that can easily exchange information between each other, Citizens Union cautions the commission that differences between the lobbying laws and the reporting requirements of the state and city may cause complications in unifying or simplifying reporting. For example, the state requires a biennial statement of registration be filed if the lobbyist anticipates or actually expends, incurs or receives $5,000 or more in combined reportable lobbying compensation or expenses at the state and/or local level during any year in the biennial period. The city's threshold is $2,000 per annum with compensation and expenses limited to lobbying activity at the local level, and registration must be filed annually if the threshold is met or anticipated to be met. If registration filing was simplified to one form for both state and city registration, the different requirements for reporting would likely need to be reconciled. Similarly, the state requires that clients who lobby on their own behalf, as is the case for Citizens Union, file two semi-annual reports. The annual client report is no longer required at the local level for clients who lobby on their own behalf. We believe the State should also no longer require client reports for those who lobby on their own behalf. While both entities require six periodic reports covering two month time periods during the year in which they exceed the designated threshold for anticipated or actual lobbying, the city requires a year-end report whereas the state does not. A year-end report seems unnecessary given the six two-month increment reports during the year, but if it is useful for the purposes of facilitating disclosure to the public it may be worth retaining.

The city's website also does a far better job than the state's in guiding users through the filing of lobbying activity so that the subject matter, bill number, and people lobbied are connected for each item submitted through the online filing. The State jumbles information for all items together in each of these categories so that individual items submitted are not always aligned between subject, bill, and people lobbied. Citizens Union has submitted examples of this disconnect to Commission staff and urges that any efforts to merge or make the state and city electronic filings similar use the city's website as a model.

Finally, the state and city have separate databases for disclosing the lobbying activity and expenses or compensation by lobbyists and clients that is filed. The state database is the more revealing of the two, and allows users to search by bill number, compensation (income), expenses, lobbyist or client name, level of government, among other criteria. The city database is more limited, only allowing for search by lobbyist or client. Theoretically, all city-related lobbying activity is already in the state database. The commission should require the expansion of search options for the city's database so it resembles the state's or simply prominently link to the state's database from the City Clerk's website, and do away with the city database altogether. The latter would dictate significant improvements to the state's database, which frequently crashes and often does not return the same search results twice even when keywords or bill numbers entered are the same.

I wish to emphasize that whatever efficiencies in filing can be achieved to make it necessarily easier for lobbyists and clients to file the required reports, they should not be done to remove information that is important for the public to have access to.

Thank you again for providing the opportunity for Citizens Union to provide its thoughts on this issue. I am happy to answer any questions you might have.