

# State Lobbying Update: New York Extends Amnesty Deadline; California Updates Definition of ‘Lobbyist’

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September 2016

In June, the New York Joint Commission on Public Ethics (JCOPE) voted to extend an amnesty program for lobbyists and lobbyist employers who failed to submit required filings. JCOPE was originally scheduled to accept applications for the amnesty program through June 30, but extended the deadline through September 30.

Under the amnesty program, lobbyists or clients who meet certain conditions may apply for amnesty from fines and penalties for failing to submit required filings due on or after December 10, 2006. Among other things, those participating in the amnesty program must agree to submit overdue registrations and reports for lobbying activity from January 1, 2013 forward, pay filing fees, and participate in training.

In July, California’s Fair Political Practices Commission (FPPC) voted to amend its definition of a lobbyist to address activities by outside lobbyists who engage in direct lobbying, but do not register. California requires outside lobbyists to register when an individual receives in excess of \$2,000 in a month for “direct communication” with the intent to influence government action.

Under the revised regulation, if the FPPC determines that an outside lobbyist receives in excess of \$2,000 in a month for services that include, among other things, direct communication with the intent to influence government action, the FPPC will presume that lobbyist registration is required. The lobbyist can provide evidence, such as testimony, bills, and receipts, to establish whether or not the \$2,000 threshold has been met specifically for “direct communication” to influence government action and, therefore, whether registration is

## Authors

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Caleb P. Burns  
Partner  
202.719.7451  
cburns@wiley.law

Karen E. Trainer  
Senior Reporting Specialist  
202.719.4078  
ktrainer@wiley.law

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actually required.