

Political Consultant FAQ's

Who has to file a Political Consultant disclosure statement?

Political Consultants who have provided Political Consulting Services to elected officials, or to candidates or nominees for public office, who have also represented Clients during the preceding calendar year regarding business before a state or local government body must file a Political Consultant disclosure statement.

When are the filings due?

The first filing for the period ending December 31, 2016 is due January 28, 2017. Thereafter, disclosure statements must be filed within 10 days after the close of the reporting period (i.e., January 10th or July 10th) of each year.

How do I file a disclosure form?

Blank forms can be downloaded from our website at:

<http://www.dos.ny.gov/PoliticalConsultantPublicDisStatement.pdf>

Completed forms, with payment of \$25, may be mailed to the Department of State at P.O. Box 22001, Albany, NY 12201, Attn: Division of Licensing Services.

Completed forms, with fee may also be personally delivered to our customer service counters in Albany and New York City.

Our Albany customer service counter is located on the 6th Fl. of 99 Washington Avenue, Albany, NY 12231.

Our New York City customer service counter is located on the 2nd Fl. of 123 William Street, New York, NY 10038.

Who is a Political Consultant?

A Political Consultant is a person who holds himself or herself out to persons in this state as a person who performs political consulting services in a professional capacity—meaning for the acceptance of a fee or other valuable consideration—and who is usually compensated, excluding reimbursement for expenses, for such services.

What are Political Consulting Services?

The following activities are considered Political Consulting Services when provided to or on behalf of an elected public official in New York State, a candidate for elected office in New York State or a person nominated for elected public office: 1) assisting in a campaign for nomination or election to public office in New York State, including fundraising activities, voter outreach, composition and distribution of promotional literature, advertisements, or other similar communications as set forth in Section 14-106 of the Election Law; or 2) providing political advice. Political Consulting Services do not include ministerial services such as canvassing.

Are Government Employees Political Consultants?

Government employees are not Political Consultants with respect to duties performed in their official capacity. However, the provision of outside Political Consulting Services would render a government employee a Political Consultant. Such a person would then be required to file with the Department of State if he or she has also represented Clients regarding business before a state or local government body during the preceding calendar year.

What is a Client?

“Client” shall mean a person or entity who in the preceding calendar year retained or hired the Political Consultant relating to matters before any state or local government agency, authority or official, including services, advice or consultation relating to any state or local government contract for real property, goods or services, an appearance in a ratemaking proceeding, an appearance in a regulatory matter, or an appearance in a legislative matter other than matters described in subparagraph (E) of the second undesignated paragraph of subdivision (c) of Section one-c of the Legislative Law.

If I do not have “Clients,” do I have to file a disclosure form?

No, a Political Consultant with no “Clients,” as defined by the regulations, would not be required to file a disclosure form.

If I work solely for federal officials or candidates, do I have to file a disclosure form?

No, the Department’s regulations do not require Political Consultants who work solely for federal officials or candidates to file a disclosure form.

What services are not considered Political Consulting Services?

Political Consulting Services do not include bona fide legal work directly related to litigation or legal advice with regard to securing a place on the ballot, the petitioning process, the conduct of an election or which involves the election law.

Political Consulting Services also do not include activities that are solely ministerial in nature that do not include any substantive advice or counseling, such as canvassing.

What are the filing requirements for Political Consultants?

Political Consultants are required to file a public disclosure statement with the Department of State twice a year.

What are the reporting periods?

The reporting periods are January 1st through June 30th and July 1st through December 31st.

What is a Registration?

Once your Political Consultant Public Disclosure Statement is filed, you will receive a Registration Number. This Registration Number will identify you for subsequent submissions.

How do I file changes or corrections to a previously submitted report?

Changes or corrections may be filed by submitting a Political Consultant Registration Correction Form.

What are the filing fees?

There is a nonrefundable fee for each filing, including changes or corrections, of \$25.

Why is my email address required?

All notifications will be delivered to the email address provided on this application.

Are there penalties for not filing a disclosure form?

Yes, the Department may impose a civil penalty of up to \$750 upon any Political Consultant who fails to file a disclosure form.

Do lobbyists have to file a political consulting disclosure statement?

A lobbyist who files a disclosure statement with JCOPE may also be required to file a political consultant disclosure if the lobbyist had clients during the preceding calendar year and provides “political consulting services” to or on behalf of an elected public official in New York State, a candidate for elected office in New York State, or a person nominated for elected public office. The requirement to file is focused on the activity and is independent of whether an individual considers him or herself to be a lobbyist.

A firm offers both “political consulting services” and “client” services as defined by Sec. 109. An employee of the firm is assigned to service a particular account and does not provide both types of services. Is the employee exempt from filing a disclosure notwithstanding that the firm which employs the individual does provide both types of services?

Yes, if the particular employee only services one type of account notwithstanding the firm’s other business, that employee is not required to file a disclosure statement.

An individual employed by a consulting firm, provides services to some, but not all the firm’s accounts; does the individual have to list all the firm’s accounts on the disclosure statement?

No, a Political Consultant lists only those accounts (i.e., government officials and “clients”) that the individual provides actual services to.

A public official hires a firm, through an attorney, to address a purely “PR” issue (e.g., scandal relating to a personal matter). In that situation, what if any information has to be disclosed?

Where an individual is retained to provide services to/on behalf of an official on a “PR” issue, the consultant must disclose the official’s name and appropriate contact information, not the lawyer’s information. A Political Consultant cannot use an intermediary (e.g., lawyer) to avoid having to disclose the relationship. In addition, the consultant should disclose/provide a brief description of the services provided on behalf of the official.

A Political Consultant is retained by a local/state political committee, what if anything must be disclosed?

A Political Consultant cannot use an intermediary (e.g., campaign committee, party committees etc...) to avoid having to disclose the relationship with an elected public official, a candidate for elected office, or a person nominated for elected public office. If the Political Consultant provides “political consulting

services” to or on behalf of a particular individual, even if such services are provided through a local/state political committee, the Political Consultant must identify the particular individual who such services were directed to. However, if a Political Consultant provides general advice to a local/state political committee that is not focused on or on behalf of a particular individual, no disclosure is required.

As a Political Consultant do I have to disclose my social security number?

Yes, if you have a social security number or Federal ID number, you are required to provide this number. If you do not have a social security number or Federal ID number, please provide a written explanation. The Department of State is required to collect the federal Social Security and Employer Identification numbers. The authority to request and maintain such personal information is found in §5 of the Tax Law and §3-503 of the General Obligations Law. Disclosure by you is mandatory.

The information is collected to enable the Department of Taxation and Finance to identify individuals, businesses and others who have been delinquent in filing tax returns or may have underestimated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. It will be used for tax administration purposes and any other purpose authorized by the Tax Law and may also be used by child support enforcement agencies or their authorized representatives of this or other states established pursuant to Title IV-D of the Social Security Act, to establish, modify or enforce an order of support, but will not be available to the public. A written explanation is required where no number is provided. This information will be maintained by the Department of State at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001.

If I have more questions where can I get additional help?

You may email questions to the Department at: doslnetLcns@dos.ny.gov or contact 518-474-4429. Call Center Representatives are available from 8:30am to 4:30pm Monday through Friday except on Legal Holidays.