



# Compliance Notes - Vol. 1, Issue 17

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## RECENT LOBBYING, ETHICS & CAMPAIGN FINANCE UPDATES

**We read the news, cut through the noise and provide you the notes.**

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Welcome to *Compliance Notes* from Nossaman's **Government Relations & Regulation Group** – a periodic digest of the headlines, statutory and regulatory changes, and court cases involving campaign finance, lobbying compliance, election law, and government ethics issues at the federal, state, and local level.

Your attorneys, policy advisors, and compliance consultants are available to discuss any questions or how specific issues may impact your business.

If there is a particular subject or jurisdiction you'd like to see covered, please let us know.

Until then, please enjoy this installment of ***Compliance Notes***. If you would like to have these updates delivered directly to your in-box, please click below to subscribe to our Government Relations & Regulation mailing list.

### **Campaign Finance & Lobbying Compliance**

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The Federal Election Commission published updated civil penalties to account for the 2020 cost-of-living adjustment (COLA) ratio. As adjusted, the potential civil penalty amounts under 11 CFR 111.24 for violations of federal campaign finance law have increased to range from \$6,069 to \$70,973 (from the previous range of \$5,964 to \$69,743). The amounts listed under this regulation are subject to negotiations and judicial discretion; thus, they may not reflect the final penalty amounts. (FEC Press Release)

**Michigan:** Over the past six years, Wayne County Sheriff Benny Napoleon spent hundreds of thousands of dollars from his campaign account on restaurants, flights, hotels, golf outings, home decor, sporting and concert tickets, a massage parlor in Sacramento, California, and a strip club in Chicago, despite a state law prohibiting the personal use of campaign funds. In an interview with *Metro Times*, Napoleon defended his campaign spending, saying it's better to use donors' money than tax dollars. (Steve Neavling, *Metro Times*)

**Montana:** The state's Commissioner of Political Practices found that the Montana Republican Party broke state campaign law when the party paid a vendor for gathering signatures to qualify the Green Party and later reported it as an in-kind contribution to a "shell group" known as Montanans for Conservation. This "enabled the MT GOP Central Committee to avoid having to register as the minor party qualification committee within five days of expending funds on petition signature gathering activities." In a separate matter, for the second time in two years, Helena District Court Judge James Reynolds has removed the Montana Green Party from the ballot. (Holly Michels, *Independent Record*)

**North Carolina:** North Carolina legislators can no longer spend campaign committee dollars to buy or rent homes or condos that they or other family members own -- a practice that powerful state Senate leader Phil Berger used for years. (Gary D. Robertson, Associated Press)

## Elections

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**Georgia:** The Georgia State Election Board approved emergency rules to streamline the absentee voting process by authorizing: (1) county election workers to begin publicly processing – but not tabulating – absentee ballots two weeks and a day before Election Day and (2) the secretary of state's office to create an online portal that will allow voters to request absentee ballots and provide local officials with a centralized database to send out ballots. (Stephen Fowler, GPB)

**Indiana:** Gov. Eric Holcomb does not support making mail-in absentee balloting available to all registered voters for the general election, saying “[t]here are a lot of people out and about, whether it’s working or going to the grocery or doing your lives, and they’re doing it safely. And we can vote safely in person as well.” He pledged that Indiana polling places will be well stocked with personal protective equipment for election officials and voters and said that Hoosiers who are concerned about crowds can cast an in-person absentee ballot at early voting sites up to 28 days before Election Day. (Dan Carden, *NWI Times*)

**Iowa:** The Trump campaign, the Republican National Committee and other GOP groups sued elections officials in two Iowa counties who are making it easy to vote by mail during the coronavirus pandemic, seeking to invalidate tens of thousands of voters’ absentee ballot applications. At issue are absentee ballot request forms that the counties are sending to registered voters with personal information already filled in, including their names, dates of birth and voting pin numbers. Voters just have to review, sign and return the forms to get ballots in October, which they can then mail back or drop off, avoiding crowded polling places. (Ryan J. Foley, Associated Press)

**Michigan:** The U.S. Postal Service has warned Michigan Secretary of State Jocelyn Benson that mail delivery timelines pose "significant risk" to ballots sent too close to Election Day, which could lead to their disqualification. (Melissa Nann Burke and Beth LeBlanc, *The Detroit News*)

**New Jersey:** Gov. Philip D. Murphy announced that the upcoming general election will be conducted predominantly by mail in November. All 6.3 million New Jersey voters will be sent ballots to return either by

mail, in person or into secure drop boxes. (Tracey Tully, *New York Times*)

**Ohio:** About 120,000 inactive Ohio voter registrations will be purged from state voter rolls after the general election, the state elections chief announced, unless they vote in November. The removal, required under state and federal law, will take effect Dec. 7 and affects Ohioans who haven't voted in six years. That could also include voters who died, moved out of state or are in the system twice. (Andrew Welsh-Huggins, Associated Press)

**Pennsylvania:** A federal judge in Pennsylvania told the Trump campaign and the Republican Party that they must produce evidence of vote-by-mail fraud in the state. The Democratic Party and the Sierra Club, which are parties to the lawsuit, asked for information and documents that would show steps the Republicans took to study the possibility of fraud, especially related to the use of drop boxes, ballot collection and mail-in ballots in the primary elections. (Katelyn Polantz, CNN)

**Vermont:** A Chittenden County Senate candidate filed for a recount after coming 46 votes shy of winning a Democratic nomination for one of the district's six seats. (Colin Flanders, *Seven Days*)

### Signature Gathering

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**Oregon:** The Supreme Court blocked a lower court ruling that would have made it easier for a group promoting redistricting reform in Oregon to collect signatures in the midst of the pandemic. The court's move is the latest example of the justices ruling against plaintiffs who have asked the court to relax ballot rules because of the coronavirus. Justices Sonia Sotomayor and Ruth Bader Ginsburg dissented. (Jessica Schneider and Ariane de Vogue, CNN)