



Compliance Notes – Vol. 1, Issue 26

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RECENT LOBBYING, ETHICS & CAMPAIGN FINANCE UPDATES

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

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

The Republican National Committee filed a complaint with the Federal Election Commission against Twitter after the platform censored a *New York Post* exposé on Hunter Biden. In a letter to the FEC's general counsel, the RNC accused Twitter of violating federal campaign finance laws saying, "Through its ad hoc, partisan suppression of media critical of Biden, [Twitter] is making illegal, corporate in-kind contributions as it provides unheard-of media services for Joe Biden's campaign [...] Respondent is a partisan actor, run by partisan Democrats, which appears to be using its corporate resources to provide active support for Joe Biden's campaign in violation of federal law." (Julie Kelly, *The Tennessee Star*)

Representative Joseph P. Kennedy III's campaign improperly spent \$1.5 million of donations intended for the general election during the final weeks of the primary. Kennedy reimbursed his campaign with his own money to cover all of the improperly spent funds and self-reported the violation to the Federal Election Commission. (Victoria McGrane, *Boston Globe*)

Washington: The Port of Tacoma, Tacoma-Pierce County Chamber of Commerce and the Economic Development Board for Tacoma-Pierce County agreed to pay a \$34,000 civil penalty for violating campaign finance law while fighting initiatives that were trying to limit industrial development. The Public Disclosure Commission and the Pierce County Superior Court previously found no violations had been committed; however, an appellate court later reversed this decision after the Washington State Supreme Court adopted a new interpretation of the Fair Campaign Practices Act. (Alexis Krell, *The News Tribune*)

Elections

The U.S. Postal Service agreed to reverse changes that slowed mail service nationwide, settling a lawsuit filed by Montana Gov. Steve Bullock. (Iris Samuels, AP News)

California: Secretary of State Alex Padilla and Attorney General Xavier Becerra sent the California Republican Party cease-and-desist letters charging that the Party's unofficial ballot collection boxes violate election laws. The Party's response indicated they will continue collecting ballots at the boxes they placed at churches and gun shops across counties that span competitive House districts. They promised some safeguards, such as attending to the boxes whenever the public has access to them, securing ballots and then delivering them to elections officials within the required 72-hour time frame and no longer marking the boxes as "official." Padilla said the state would continue to monitor the situation. (Jeremy B. White, *Politico*)

Florida: Florida will seek to purge former felons from voter rolls if they have outstanding court debts. In an email to the state's 67 local election supervisors, Division of Elections Director Maria Matthews said they would "begin to see" files on registered voters "whose potential ineligibility is based on not having satisfied the legal financial obligations of their sentence." (Gary Fineout, *Politico*)

Pennsylvania: Pennsylvania has rejected 372,000 requests for mail ballots. More than 90% of those applications, or about 336,000, were denied as duplicates primarily because people who had requested mail ballots for the state's June 2 primary did not realize they had also checked a box to be sent ballots for the general election. Voters have also received unclear or inaccurate information on the state's ballot-tracking website. County offices across the state have been forced to hire temporary staff and work seven days a week to cope with the confusion. (Jonathan Lai and Ryan McCarthy and Derek Willis, *ProPublica*)

Government Ethics

The Supreme Court refused to revive an attempt to sue President Trump over his private businesses accepting payments from foreign governments. Without comment, the justices let stand a decision by a panel of the U.S. Court of Appeals for the D.C. Circuit to dismiss the lawsuit filed by 215 members of Congress. Their lawsuit sought to enforce the Constitution's anti-corruption emoluments provision. A unanimous panel of the appeals court said the individual members did not have legal standing to take the president to court. (Robert Barnes and Ann E. Marimow, *The Washington Post*)

California: Former Coliseum Authority Executive Director Scott McKibben pleaded no contest to a misdemeanor count of violating a state conflict-of-interest law, avoiding a trial and possible jail time. Instead,

McKibben will serve three years' probation, take an ethics course and pay the stadium authority up to \$10,000 in fines. McKibben was charged with criminal violation of California Government Code 1090 for seeking a \$50,000 payment from RingCentral as part of a \$3 million deal to change the name of the Oakland-Alameda County Coliseum to "RingCentral Coliseum." Although McKibben sent three invoices seeking \$50,000, he never received a "nickel" from RingCentral, according to McKibben's attorney. (David Debolt, Bay Area News Group)