



# Compliance Notes – Vol. 1, Issue 29

11.04.2020

## 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.

### **Presidential Election**

---

Voter turnout is currently estimated at 67% – the highest in 120 years. (Rani Molla, *Vox*)

**Michigan:** President Trump's re-election campaign on Wednesday said it was filing a lawsuit to halt the counting of votes in Michigan until it is given “meaningful access” to observe the tabulation process. The suit was filed after Democratic presidential nominee Joe Biden pulled ahead of Trump in Michigan. (Brett Samuels, *The Hill*)

**Nevada:** The Nevada Supreme Court has denied an emergency request by President Trump's re-election campaign and the state Republican Party to immediately order Clark County election officials to stop processing mail ballots. (Riley Snyder, *The Nevada Independent*)

**Pennsylvania:** A Republican candidate for Congress and chairman of the Republican Party in a neighboring county filed a lawsuit against Montgomery County alleging its Board of Elections has been contacting voters who have voted by mail and whose ballots have a defect (like a missing signature) to give the voters a chance to fix (or "cure") the problem. The GOP wants the county to halt further outreach to voters and to set aside any defective or revised ballots. President Trump's re-election campaign and the Democratic National Committee have moved to intervene. While U.S. District Judge Timothy Savage didn't immediately rule on the request for a temporary restraining order or suggest which way he was leaning, he aggressively questioned a lawyer for the Republicans over the assertion that the election code provides no mechanism for a county to allow a deficient ballot to be corrected. (Richard L. Hasen, *Slate*; Matthew Santoni, *Law 360*; Chris Dolmetsch and Christopher Yasjejko, *Bloomberg Government*; Associated Press)

**Wisconsin:** Wisconsin was called in Biden's favor (by less than 1 percentage point) Wednesday afternoon. But, even before the Associated Press called the race, President Trump's re-election campaign announced it would "immediately" request a recount. (Christopher Cadelago and David Siders, *Politico*)

## Congressional Contests

---

At approximately \$14 billion in federal campaign spending, this election cycle was double the price tag of 2016. It was driven partly by online, small-dollar contributions, which went mostly to Democrats, as well as unlimited contributions to outside groups in amounts that, in some instances, reached into the tens of millions of dollars. Four U.S. Senate races topped the \$200 million mark; the total non-candidate spending in Senate races exceeded \$1 billion. In House races, outside spending was up only moderately from 2018 at \$592 million. (Kenneth P. Doyle, *Bloomberg Government*)

### Noteworthy races:

**Kentucky:** Senator Mitch McConnell, the Kentucky Republican and majority leader, was elected to a seventh term Tuesday, defeating Amy McGrath, a Democrat who struggled to gain ground despite an outpouring of financial support from her party's supporters around the nation. (Carl Hulse, *The New York Times*)

**Maine:** Senator Susan Collins, Republican of Maine, claimed victory on Wednesday in her bid to secure a fifth term, beating back an outpouring of Democratic money in the most difficult race of her career to defeat Sara Gideon, a Democrat. (Emily Cochrane, *The New York Times*)

**North Carolina:** Senator Thom Tillis declared victory over Democratic challenger Cal Cunningham late Tuesday in one of the most heavily targeted U.S. Senate races in the country. Most, but not all votes cast on Tuesday have been counted and the state Board of Elections is waiting to see if roughly 117,000 mail-in ballots will be returned by their November 12 deadline. (Paul Woolverton, *USA Today*)

**South Carolina:** Senator Lindsey Graham, Republican of South Carolina and chairman of the influential Judiciary Committee, fended off the most difficult challenge of his career on Tuesday, turning back Jaime Harrison, a Democrat backed by record-setting campaign cash, to win a fourth term. (Nicholas Fandos, *The New York Times*)

## Statewide Ballot Measures

---

Voters in 32 states cast votes on a total of 120 ballot measures, including:

- 18 measures in 14 states concerning **election policy**, including campaign finance, election dates, election systems, redistricting, suffrage, and term limits:
  - Ranked-choice voting was defeated in **Alaska** and **Massachusetts**; open primaries were defeated in **Alaska** and **Florida**; and "only a citizen of the United States" will be permitted to vote in future **Alabama**, **Colorado**, and **Florida** elections;
  - New term limits were imposed in **Arkansas** and **New Mexico**;
  - **California** restored voting rights to persons on parole, but denied 17 year olds the right to vote in primary elections;
  - **Missouri** passed Amendment 3, approving a bipartisan commission for legislative redistricting, altering the criteria used to draw district maps, changing the threshold of lobbyists' gifts from \$5 to \$0, and lowering the campaign contribution limit for state senate campaigns from \$2,500 to \$2,400; and
  - **Oregon** passed Measure 107, which would amend their constitution to allow the state and localities to limit the amount of campaign contributions.
- 19 measures in 12 states addressing **tax-related policies**; and
- 9 measures in 6 states regarding **drug decriminalization and addiction treatment programs**.

(2020 Ballot Measures, Ballotpedia)

## Diversity

---

**Los Angeles:** The win by State Senator Holly Mitchell means, for the first time ever, the LA County Board of Supervisors is 100% represented by women. (Jaclyn Cosgrove, *Los Angeles Times*)