



Compliance Notes – Vol. 1, Issue 30

11.11.2020

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.

Campaign Finance & Lobbying Compliance

California: The state's Fair Political Practices Commission (FPPC) saw a big jump in the number of complaints alleging campaign law violations for the November election, even as compared to the tumultuous 2016 presidential election. Dozens of investigations are ongoing, officials say. The FPPC received 445 complaints of campaign finance violations and other offenses from October 1 through Election Day, compared with 307 in the five weeks leading up to the 2016 election. The agency said it has so far opened investigations into 112 of the complaints filed in recent weeks. (Patrick McGreevy, *Los Angeles Times*)

Elections

Americans lost more than 138 million hours of sleep on election night. (Jon Levine, *NY Post*)

At least 31 Republican women will make their way to Congress in January, surpassing a record set in 2006 when there were 25 Republican women in the House. (Simone Pathe, CNN; Paulina Firozi, *Washington Post*)

For a running list of litigation related to the Presidential Election, see: John Kruzel, *The Hill*. For analysis, see: David A. Fahrenthold, Elise Viebeck, Emma Brown and Rosalind S. Helderman, *Washington Post*.

Georgia: A federal judge overseeing lawsuits challenging U.S. Postal Service operational changes agreed to shift the focus of the cases to ballot delivery issues that could impact January runoffs in Georgia that will determine control of the U.S. Senate. Lawyers for a civil rights group and a voting rights organization argue that mail delays still pose a concern even if they won't affect the presidential election. (Erik Larson, *Bloomberg*)

Government Ethics

Doug Emhoff, husband of Vice President-elect Kamala Harris, announced he was severing all ties to his law firm. Kamala Harris's election as vice president posed a quandary for Emhoff about how to navigate his law career around the kinds of ethical hazards raised by the current administration since his partnership at DLA Piper poses broad conflict-of-interest questions. Ethical limits for government officials' lawyer spouses remain largely unclear, especially for vice presidents, who are not covered by many of the federal conflict-of-interest rules. (Chris Opfer, *Bloomberg Law*; Associated Press)

The U.S. Office of Special Counsel (OSC) has opened an investigation into whether President Donald Trump and his campaign violated the Hatch Act by using the White House as an "Election Day campaign command center and party room." The Hatch Act, passed in 1939, prevents certain federal employees in the executive branch from engaging in some forms of political activity. (Chris Williams, Fox 2 Detroit) Note: The OSC issued guidance explaining that, for purposes of the Hatch Act, a federal presidential candidate remains a candidate until the Electoral College votes are counted on January 6. Despite this conclusion, federal employees may still wear campaign buttons or t-shirts after Election Day, although other more involved election activities, including acting on behalf of a candidate or political party in a recount or other efforts to change the outcome of the Electoral College vote, are prohibited during that period. (Nicole Ogrysko, Federal News Network)