



Compliance Notes - Vol. 1, Issue 22

09.24.2020

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

The First Circuit ruled that private-sector unions can't force employees to contribute toward lobbying activities. Although private-sector union-security agreements can force dissenters to pay for union activities that relate to collective bargaining, contract administration or handling grievances, lobbying does not fall into any of those categories, it reasoned. (Thomas F. Harrison, Courthouse News Service)

Alabama: Former state Senator David Burkette agreed to plead guilty to a misdemeanor count of misusing his campaign checking account, pay a \$3,000 fine, resign from the Senate and not run for or accept a public

office for 10 years. (Mike Cason, *al.com*)

Illinois: Chicago's Ethics Board will start enforcing a ban on elected officials lobbying City Hall at the end of September. Fines ranging from \$1,000 to \$5,000 for each offense that violates the lobbying rules will be at the discretion of the Ethics Board. (John Byrne, *Chicago Tribune*)

Texas: Alexandra Smoots-Thomas, who served as a judge in Harris County, Texas, from 2009 until last summer, pleaded guilty to one count of wire fraud in connection with spending more than \$20,000 in campaign funds on a Prada handbag, mortgage payments and private school tuition for her children. (Melissa Heelan Stanzione, *Bloomberg Law*)

Elections

The death of Supreme Court Justice Ruth Bader Ginsburg leaves eight justices to decide issues around what is shaping up to be the most litigated election in U.S. history, with a distinct possibility of 4-4 deadlocks. (Ryan Teague Beckwith, *Bloomberg*)

A federal judge in Yakima, Washington issued a preliminary injunction sought by 14 states that sued the Trump administration and the U.S. Postal Service, blocking controversial changes that have slowed mail nationwide. The states challenged the Postal Service's so-called "leave behind" policy, where trucks have been leaving postal facilities on time regardless of whether there is more mail to load, and sought to force the Postal Service to treat election mail as first class mail. (Gene Johnson, *AP News*)

Due to the pandemic, dozens of governors and mayors face recall efforts in states including Arizona, Louisiana, Michigan, Nevada and Wisconsin. In Wisconsin, paperwork has been filed seeking to recall Gov. Tony Evers, calling the governor "unfit for office" and accusing him of tolerating violence during the recent unrest in Kenosha. In Washington State, where officials can only be recalled for violating their oaths of office or malfeasance, a superior court held a hearing on Wednesday to determine whether the allegations against Seattle City Councilmember Kshama Sawant have merit. (Alan Greenblatt, *Governing.com*)

Pennsylvania & Wisconsin: The Supreme Court in each state denied the Green Party presidential candidate Howie Hawkins and vice presidential candidate Angela Walker access to the ballot. In 2016, Donald Trump won Pennsylvania by just over 44,000 votes, while winning Wisconsin by nearly 23,000 votes. At the time, Jill Stein, the 2016 Green Party candidate, had accumulated more votes in each state than the difference by which Trump beat Clinton. (Alisa Wiersema, *ABC News*; Riley Vetterkind, *Wisconsin State Journal*)

Redistricting

Virginia: Plaintiffs successfully challenged the redistricting conducted after the 2010 Census by the Virginia House of Delegates; however, the federal district court ruled that the House is not liable for any part of the more than \$4 million in fees to which the plaintiffs are entitled after winning their suit. According to the court, the House drew unconstitutional voting districts and then intervened to defend the districts, which prolonged the suit, but the House was not found liable on the merits of the case, so it cannot be liable for the fees. (Bernie Pazanowski, *Bloomberg Law*)

Technology

A privacy bug in Joe Biden's official campaign app, "Vote Joe," allowed anyone to look up sensitive voter information on millions of Americans, according to a security researcher known as "The App Analyst." Vote Joe users can upload their phone's contact lists to see if their friends and family members are registered to vote. The app matches the user's contacts with voter data supplied from TargetSmart, a political marketing firm that claims to have files on more than 191 million Americans. When a match is found, the app displays the voter's name, age, birthday and which recent election they voted in. The App Analyst, however, found that he could trick the app into pulling in anyone's information by creating a contact on his phone with the voter's name and, by intercepting the data that flows in and out of the device, was then provided with the voter's home address, date of birth, gender, ethnicity and political party affiliation. The Biden campaign fixed the bug and pushed out an app update on September 18, 2020. (Zack Whittaker, *TechCrunch*)