



# Compliance Notes - Vol. 2, Issue 51

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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 the final 2021 issue of *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.

Our 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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**Missouri:** Former Missouri Representative Rocky Miller filed suit against Missouri's Ethics Commission, alleging the ban on recent lawmakers becoming lobbyists violates his right to free political speech by preventing him from petitioning the government. In 2018, voters passed a constitutional amendment requiring former lawmakers to wait two years after leaving office before becoming lobbyists. The amendment, part of a larger ethics package known as Clean Missouri, lengthened the cooling-off period from six months to two years. Miller claims that a company wanted to hire him to lobby before the legislature and executive branch; however, the ban prevents Miller from registering as a lobbyist, which is required by

Missouri law. (Jeanne Kuang, *The Kansas City Star*)

**Ohio:** The Ohio Elections Commission fined ex-legislative candidate Allen Freeman \$50,000 for failing to report more than \$290,000 in campaign-related expenses. Freeman, who ran for and lost in the 2020 primary election for state representative, argued he was not liable since he liquidated his account and dissolved the committee. However, the Commission found that Freeman materially misstated his campaign finances by reporting only \$14,000 in spending, even though public records alone show his campaign purchased about \$118,000 worth of TV ads. Since the Commission's findings personally name Freeman, along with his campaign committee, Freeman can be found personally liable for the fine. (Andrew Tobias, *Cleveland Plain Dealer*)

## Government Ethics

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**New York:** The Joint Commission on Public Ethics ordered former Governor Andrew M. Cuomo to repay the \$5.1 million the publisher paid him to write the book, "American Crisis: Leadership Lessons from the COVID-19 Pandemic." Enforcement of the order that demands Cuomo repay the proceeds earned from the book within 30 days, is left to the state attorney general's office. (Chris Bragg, *Albany Times Union*)

## Legislation & Elections

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**Michigan:** The "Yes on National Popular Vote" committee, a bipartisan group advocating to elect the President of the United States based on the national popular vote, is withdrawing plans for a 2022 ballot proposal in Michigan. The proposal sought voter authorization for Michigan to join an interstate compact that would take effect if enough states pledged their Electoral College votes to the candidate who received the most individual votes nationwide. Had the 2022 ballot proposal been successful, Michigan would have been the 16th state plus Washington, DC, to join the compact since 2006. Instead, the committee is focusing its efforts on educating the public, coalition building and passing the National Popular Vote law in 2024. (Jonathan Oosting, *Bridge Michigan*)

**Texas:** Texas's Court of Criminal Appeals struck down a law allowing the Attorney General to unilaterally prosecute election cases. In an 8-1 decision, the Criminal Appeals court overturned a lower court decision that had ruled the Attorney General could prosecute with the permission of the local prosecutor, but could not unilaterally initiate the prosecution. The Court of Criminal Appeals reasoned that a provision in the law violated the separation of powers clause in the Texas Constitution, as such unilateral prosecution represents an intrusion by the executive branch into the judicial branch. (Patrick Svitek, *The Texas Tribune*)