



Compliance Notes - Vol. 3, Issue 23

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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.

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

Colorado: An initial review by Colorado Secretary of State's elections division determined that lobbyist Michael Fields' campaign contribution to John Kellner, the Republican candidate for attorney general, may have violated state campaign finance laws. Colorado law prohibits professional or volunteer lobbyists from giving contributions during the legislative session to statewide candidates, including incumbents or candidates for state Senate or the House, governor, secretary of state, treasurer and attorney general. Fields is a registered lobbyist for Advance Colorado Action, and he gave three contributions to three Republican statewide candidates during the legislative session. Before the elections division assesses a penalty, candidates have the opportunity to fix the violation by returning the contribution; Kellner did so

within the 10-day response window. (Marianne Goodland, *The Colorado Springs Gazette*)

Georgia: The political action committee (PAC) 34N22 organized a gas-money giveaway at an Atlanta gas station to support Herschel Walker, the Republican candidate for Senate in Georgia. The event aimed to highlight rising gas prices and tie the issue to Walker's Democratic opponent, Senator Raphael Warnock. The PAC distributed \$25 fuel vouchers and Walker campaign flyers to motorists in line at the pump, as volunteers held signs that read, "Warnock isn't working." Several Democrats and voting rights groups in Georgia criticized the event as hypocritical and possibly illegal under a provision in the state's voting law prohibiting volunteers from handing out water or snacks to voters while waiting in line. They argued that handing out gas vouchers on behalf of a political candidate to motorists in line should be considered just as unlawful. Further, after a video surfaced showing Walker campaign volunteer Angela Stanton-King crediting Walker for the gas voucher giveaway event, the campaign denied any involvement. Campaign laws prohibit candidates from directly influencing or cooperating with PACs that support them. (Maya King, *The New York Times*)

Government Ethics & Transparency

Idaho GOP congressional candidate Nicholas Jones pleaded guilty to wire fraud for taking COVID-19 relief funds meant for his employees to pay for personal expenses, including his car payments, insurance premiums and his 2020 political campaign. Jones also pleaded guilty to falsifying records, for omitting information in a campaign finance report submitted to the Federal Election Commission to conceal the time and work his employees put into his campaign. Jones will be sentenced at a later date and will face a maximum total sentence of 40 years in prison. (Matthew Loh, *Business Insider*)

Elections & Legislation

Michigan: After the Michigan Bureau of Elections found Republican gubernatorial candidate Perry Johnson ineligible to appear on the primary ballot for failing to submit enough valid petition signatures, Johnson's subsequent efforts to qualify fell short at both the Michigan Court of Appeals and Michigan Supreme Court. On June 6, in a last-ditch attempt to get on the ballot, Johnson filed a lawsuit in the U.S. District Court for the Eastern District of Michigan, arguing that Michigan voters would be disenfranchised if he was not placed on the ballot. Johnson seeks an injunction against Secretary of State Jocelyn Benson and Michigan Bureau of Elections officials to prevent them from finalizing the August primary ballot before distributing it to military and overseas voters on June 18. Under state law, the deadline to finalize ballots for the August primary was Friday, June 3, and the Bureau of Elections sent a list of certified candidates to county clerks that evening. (Arpan Lobo, *Detroit Free Press*)

New York: The state legislature passed the New York John R. Lewis Voting Rights Act, legislation designed to make it easier to sue over discriminatory voting policies and requiring localities with a history of civil rights violations to get approval before changing election rules. Under the bill, local election boards, school boards or certain localities would need to get approval from the state attorney general's office or the courts before making rule changes, such as removing people from voter rolls, reducing voting hours or cutting the number of polling sites. The legislation would also make it easier to bring lawsuits over voter intimidation and suppression by laying out an expedited process for New Yorkers or the attorney general to sue over voting violations, including new bans on voter intimidation, deception and obstruction. This bill is now available for the governor's signature. (Marina Villeneuve, *AP News*)