



Compliance Notes - Vol. 4, Issue 40

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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

Arizona: Arizona's Secretary of State's office rejected the No Labels party request to block two candidates from using its ballot line to run for office, boosting opponents' efforts to force the movement for a third-party presidential ticket to release more information about its anonymous donors. One of the two candidates opposes No Labels and is deliberately trying to force the party to comply with Arizona's campaign finance laws. Democrats have long accused the group of unfairly hiding who is funding its work and tried to force No Labels to name its donors. No Labels says it is not required to disclose donors under federal law and withholds information to protect donors' privacy. In a letter, the Secretary of State's office told No Labels that the office was obligated to accept statements of interest, the first step toward running for office, from

anyone who meets the requirements to run. (Jonathan J. Cooper, *AP News*)

Idaho: The Idaho Secretary of State's office released its new campaign finance and lobbying dashboard that lists all the mayoral and city council candidates. The aim of the dashboard is to give voters a better understanding of candidates by streamlining campaign finance and lobbying information. A new feature displays the amount of money a candidate has raised and from where it comes. (Abby Davis, *KTVB7*)

Government Ethics & Transparency

Rep. Jamaal Bowman (D-N.Y.) is facing an investigation and a Republican-led expulsion effort after he pulled a fire alarm in a Cannon House office building on Saturday while members scrambled to prevent a government shutdown. The alarm prompted the Capitol Police to evacuate staff. However, Bowman's spokesperson stated the congressman "did not realize he would trigger a building alarm as he was rushing to make an urgent vote." Rep. Nicole Malliotakis (R-N.Y.) has drafted a resolution to expel Bowman from Congress, which would require a two-thirds vote to pass. Reps. Harriet Hageman (R-Wyo.) and Lisa McClain (R-Mich.) are both working on measures to censure Bowman, that would only need a simple majority to pass. (Andrew Solender, *Axios*)

Alabama: A federal grand jury indicted Alabama State Rep. John Rogers (D-Birmingham) on charges of obstruction of justice and one count of obstruction of justice by bribery, according to court documents. The indictment alleges that Rogers attempted to bribe someone to lie to federal investigators about a federal kickback scheme by offering to help them obtain government funding for their nonprofit organization. Rogers is the third person to be indicted in the kickback scheme. In June, former Alabama State Rep. Fred Plump, the founder and executive director of the nonprofit Piper Davis youth baseball league, pleaded guilty to one count of conspiracy to commit wire fraud and one count of obstruction of justice. Rogers, who maintains he has not done anything wrong, will be arraigned at the federal courthouse in Birmingham on October 12, 2023. (Hannah Denham & Joseph D. Bryant, *AL.com*)

Florida: The Florida Commission on Ethics has officially opened an investigation into Miami Mayor Francis Suarez following a complaint regarding his acceptance of expensive tickets to sporting events like the Miami Formula One Grand Prix and the 2022 World Cup in Qatar. The investigation is based on a complaint that raises questions about who paid for the various tickets worth thousands of dollars and whether Suarez complied with state ethics laws requiring the mayor to disclose the source of all gifts, including complimentary access, valued over \$100. The law also prohibits elected officials from accepting such gifts from city vendors, lobbyists or employers. The complaint points out that Suarez did not file a gift disclosure for his Formula 1 VIP access passes last year, as would be required if anyone other than the city or an immediate family member paid. Nor did he report his travel to Qatar for the World Cup, where he was pictured in a luxury box with soccer star David Beckham, a registered lobbyist for a Major League Soccer stadium being built on city-owned land. The assignment of an investigator in the state case suggests the Commission determined the complaint was legally sufficient under state rules. Ethics investigators will now conduct interviews and subpoena records showing who paid for each event to determine whether there have been any violations. (Sarah Blaskey & Tess Riski, *Miami Herald*)

Ballot Measures & Elections

Michigan: Nearly a dozen state lawmakers filed a lawsuit to overturn voting rights measures passed by Michigan voters in 2018 and 2022. They argue that because the Elections Clause of the U.S. Constitution

provides for state legislatures to regulate the times, places and manner of holding federal elections, the measures, that were passed by citizen-led petition initiatives, are unconstitutional as they infringe on the state Legislature's role within state election law. The action seeks not only to halt the changes brought on by the voter-passed initiatives, including no-reason absentee voting and nine days of early voting, but also to prohibit the future use altogether of citizen-led petition initiatives when they pertain to state election law. The legal argument behind the lawsuit, known as the independent state legislature theory, was mostly rejected by the U.S. Supreme Court in June, 2023. However, the opinion also partially left open the door for alternative interpretations by noting that state courts did not have "free rein" to exceed "the ordinary bounds of judicial review." (Jon King, *Michigan Advance*)