



Compliance Notes - Vol. 5, Issue 11

03.13.2024

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

Under a new bipartisan Senate bill, political advertisements containing AI-generated images, audio, or video would need to include a statement disclosing the use of that content. The bill, called the "AI Transparency in Elections Act" (S. 3875), is co-sponsored by Sens. Amy Klobuchar (D-Minn.) and Lisa Murkowski (R-Alaska) and comes amid increasing concerns that AI could be used to deceive voters. The legislation would require the Federal Election Commission (FEC) to create criteria for determining when a "covered communication" contains content "substantially generated by" AI and develop what to include in the disclosure. The FEC would also be required to deal with violations promptly, per the release. (Madison Alder, *FedScoop* and S.3875)

Oregon: Oregon lawmakers approved a campaign finance reform bill limiting how much money people and political parties can contribute to candidates, following recent elections that saw wealthy donors inject millions of dollars into key state races. Under the bill, starting in 2027, individuals and corporations can give only up to \$3,300 to a statewide candidate per election cycle, while political party committees can give up to \$30,000. So-called “membership organizations,” such as labor unions and nonprofit advocacy groups, can contribute a total of \$26,400 to a statewide candidate per cycle. To promote transparency, starting in 2028, the bill also directs the secretary of state to create an online dashboard that lists the 100 largest contributors to candidates or campaign committees and shows how much money industry groups donate to candidates. (Claire Rush, *AP News*)

Government Ethics & Transparency

Florida: Florida state senate Republicans refused to confirm the Moms for Liberty co-founder Tina Descovich to serve on the Florida Ethics Commission, citing conflict of interest concerns. The decision to not consider Descovich’s confirmation was made after an unnamed lawmaker expressed concerns about “whether or not her employment constitutes lobbying before the legislature.” While the Florida Senate did not confirm Descovich last week, she could still be confirmed to the position next session if DeSantis re-appoints her, which he is expected to do. (Josh Fiallo & Kate Briquetelet, *The Daily Beast*)

New York: A federal appeals court reinstated bribery and fraud charges against former New York Lt. Gov. Brian Benjamin. The decision by the 2nd U.S. Circuit Court of Appeals in Manhattan reversed a December 2022 ruling by a lower-court judge that wiped out the bulk of the case against Benjamin, leaving only records falsification charges. The appeals court reasoned that a jury could infer from the alleged facts that Benjamin promised to allocate \$50,000 in state funds to a nonprofit organization controlled by a real estate developer in return for campaign contributions from the developer. (Larry Neumeister, *AP News*)

Ballot Measures & Elections

California: San Francisco voters overwhelmingly approved Proposition D, a ballot measure that changes local ethics laws. The measure expands the types of gifts that city officials are prohibited from accepting, and will amend the definition of bribery to prohibit public officials from accepting anything of value for themselves or a third party aimed at influencing any government action. Prop. D also mandates additional ethics training for public officials. The measure was sponsored by the Ethics Commission and required a simple majority to pass. (Josh Ram, *The San Francisco Standard*)