



Compliance Notes - Vol. 5, Issue 2

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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

In the wake of the Colorado Supreme Court's ruling that former President Donald Trump is ineligible to hold office under a Civil War-era insurrection clause, the U.S. Supreme Court granted an appeal and will decide whether he can appear on Colorado's 2024 presidential primary ballot. In December 2023, the Colorado Supreme Court ruled that Trump's actions relating to the January 6 attack on the U.S. Capitol disqualify him from office under the 14th Amendment to the U.S. Constitution. Section 3 of the amendment prohibits a person who "engaged in insurrection" after taking an oath to support the Constitution from holding office again. However, because the case is pending review by the Supreme Court, Trump will still appear on Colorado's March 5 primary ballot despite the Colorado Supreme Court's ruling. The Colorado Secretary of

State, who must certify presidential primary candidates by Friday, January 5, confirmed that Trump's name was among the GOP candidates listed on the state's certified 2024 primary ballot. The Supreme Court scheduled oral arguments for February 8, 2024. (Chase Woodruff, *Colorado Newsline*)

Last week, the Federal Election Commission (FEC) published in the *Federal Register* a Final Rule and an Explanation and Justification revising its regulations about a candidate's principal campaign committee using campaign funds to pay compensation to the candidate. The new rules make amendments to the criteria for determining whether a candidate is eligible to receive compensation from campaign funds, the maximum amount of compensation that a candidate may receive from campaign funds, and the period during which a candidate may receive compensation from campaign funds. The Final Rule is effective March 1, 2024. (FEC Weekly Digest & Final Rule and an Explanation and Justification)

Alaska: The Alaska Public Offices Commission fined the supporters of an effort to repeal Alaska's ranked-choice voting system more than \$94,000 after the commission found disclosure and other violations. The commission found registering and reporting violations by organizers of the effort to repeal the new voting system. The largest of the fines was levied against Art Mathias, who was found to have funneled at least \$90,000 to the ballot group behind the repeal effort through a church he formed in Washington. He was fined more than \$46,000 for attempting to conceal the source of his contribution and for failing to report his contribution. (*AP News*)

Government Ethics & Transparency

Illinois: The public corruption trial of Illinois' longest-serving speaker of the House, Michael Madigan, was delayed to October while a federal judge waits for a U.S. Supreme Court ruling that could alter the case. Since a pending U.S. Supreme Court case, *Snyder v. United States*, could materially affect their case, Madigan's lawyers argued and requested the judge to stay the trial until the case is resolved. While the judge did not grant the defendants a stay pending Snyder's outcome, the judge moved the trial date from April 1, 2024 to October 8, 2024, allowing the parties to build their cases after the *Snyder* decision is announced. (Stephen Joyce, *Bloomberg Law* & Sarah Schulte & Tom Jones, *ABC7 Chicago*)

Ballot Measures & Elections

Florida: The Florida Supreme Court will hear arguments on February 7, 2024 about ballot language for a proposed constitutional amendment to enshrine abortion and reproductive rights. The issue is whether the Supreme Court should approve the wording of the proposed constitutional amendment and allow the wording to go on the November ballot. To be eligible for the November ballot, the measure's supporters, Floridians Protecting Freedom, must submit 891,523 valid petition signatures before a February 1, 2024 deadline. As of Wednesday, January 10, 2024, the state Division of Elections website showed 863,876 valid signatures had been tallied. The total verified signatures must be collected in at least half of the state's twenty-eight congressional districts, which would be fourteen. (Jim Saunders, *Orlando Sentinel*)