



Compliance Notes - Vol. 1, Issue 1

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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.

Here, we are expanding upon our eAlerts (where we provide substantive analysis on key issues), to deliver 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 goal is to provide relevant, timely updates in an easily skimmable format so you can identify the content that is important to you, click through to the article, and reach out to your attorney, policy advisor, or compliance consultant with any questions or to discuss exactly how an issue 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 our first 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: A complaint has been filed with the Colorado Secretary of State's Office alleging that a Mesa County commissioner candidate improperly used county workers to help him campaign. The candidate hosted a series of virtual conversations with various people, including the county Director of Public Health and several officials from the county's Department of Human Services; the complaint alleges the videos were "campaign events," and having those county workers constitutes an endorsement in violation of state campaign finance laws. (Charles Ashby, *The Daily Sentinel*)

Florida: The Florida Elections Commission decided on just two in-person meetings, in August and in November, for the rest of the year. Commissioner Hollarn noted “cases could pile up” given this is an election year, suggesting that even the unique optics and bathos of the current era won’t change campaign finance. (A.G. Gancarski, *Florida Politics*)

Georgia: Sabrina McKenzie, who bills herself as the “Dancing Preacher,” continues to campaign, announce endorsements, and solicit contributions despite being disqualified from running for a Georgia Senate seat earlier this month. The State Ethics Commission opened an investigation looking into allegations of campaign finance violations. (Maya T. Prabhu and James Salzer, *The Atlanta Journal-Constitution*)

Pennsylvania: A candidate for Pennsylvania’s 10th Congressional District filed a complaint against his rival, alleging he improperly transferred funds originally donated to past runs for state office to his congressional campaign. Federal law expressly bars candidates from using state-level campaign funds for federal races, in part because it could be used to circumvent often-stricter federal rules on the size and source of donations. (Charles Thompson, *PennLive*)

For a complete list of COVID-related State and Federal regulatory agency updates, please click here.

Contribution Limits

Oregon: The Oregon Supreme Court unanimously ruled the \$500 contribution limit does not violate the state constitution, paving the way for a transformation from a state with loose campaign-finance laws to one with stringent regulations on political spending. (Matthew Renda, *Courthouse News Service*) Note: The Portland City Auditor's Office does not plan to immediately begin enforcing campaign finance limits on City Council races. (Jim Redden, *Portland Tribune*)

Elections

Florida: A civil rights group labeled a new state law a “poll tax” at the start of a trial to overrule the legislation. Background: In 2018, Florida voters passed a constitutional amendment that lifted a ban on voting for ex-felons; the 2019 law at issue attaches a requirement that ex-felons pay all their court fees and victim restitution before they can vote. (Erik Larson, *Bloomberg*)

Georgia: A federal lawsuit filed by an election integrity group is seeking emergency changes to Georgia’s June 9 primary election — including a three-week postponement and a switch to hand-marked paper ballots — because Georgia’s new voting touchscreens could spread COVID-19 to voters at precincts. (Mark Niese, *The Atlanta Journal-Constitution*)

Minnesota: Minnesota voters who need help casting their ballot will be able to choose someone to help them after a judge ruled that the U.S. Constitution and federal law override a state law that made such assistance illegal. The outcome vindicates St. Paul City Council Member Dai Thao, who faced criminal charges after helping a woman vote in 2017 when he was running for mayor. (Emma Nelson, *Star Tribune*)

Nevada: True the Vote, a voting fraud prevention group based in Texas, filed a federal lawsuit against the Nevada Secretary of State over plans to conduct an all-mail primary election, claiming that the plan would “all but ensure an election replete with ballot fraud.” (Riley Snyder, *The Nevada Independent*)

New York: The New York State Board of Elections cancelled the state's June 23 Democratic Presidential Primary, calling the vote a "beauty contest" that the state could not afford. Because of the board's decision, voters in about 20 counties that had no other contests on their ballot will have no need to go to the polls on June 23. (Stephanie Saul and Nick Corasaniti, *New York Times*)

Oklahoma: The League of Women Voters filed a writ of mandamus brief asking the state Supreme Court to allow absentee voters to include on their ballot a signed statement swearing they are qualified to vote and mark their own ballot in lieu of getting the ballot notarized. (Carmen Forman, *The Oklahoman*)

Nonprofits

American Bridge 21st Century Foundation may have violated its tax-exempt status by blurring the line between nonprofit and political activities, according to a complaint filed with the Internal Revenue Service by The Patriots Foundation. (Lachlan Markay and Lachlan Cartwright, *The Daily Beast*)

Pay-to-Play

Michigan: Detroit City Council President and former U.S. Rep. Brenda Jones accepted campaign contributions that violate state rules against pay-to-play activity, according to a review of campaign finance records and interviews with ethics experts. (Matthew Cunningham-Cook, *The Intercept*)

Political Speech & Campaign Advertisements

A U.S. District Court Judge ruled that political consulting and lobbying firms can't tap Paycheck Protection Program loans disbursed by the Small Business Administration because a decades-old regulation bars the agency from subsidizing political speech. The American Association of Political Consultants said it would appeal. (Erik Larson, *Bloomberg*)

California: A California ballot committee, Yes on Prop B, asked the Ninth Circuit Court of Appeals to rule that San Francisco's disclaimers for campaign ads are unconstitutionally long. The lawsuit says that such a lengthy disclaimer chills political speech and harms small campaigns that rely on cost-effective modes of communication. (*Institute for Free Speech*, Press Release)

Mother Teresa's lawyer sent a cease and desist letter to a congressional candidate who has been using her likeness in his campaign ads. (Lydia Smith, *Newsweek*)

Redistricting

The U.S. Census Bureau needs more time to wrap up the once-a-decade count because of the coronavirus, which could delay the drawing of new legislative districts and trigger additional gerrymandering lawsuits. (David A. Lieb and Mike Schneider, *Associated Press*)

Signature Gathering

Arkansas: Arkansas Voters First, a group trying to get a redistricting proposal on Arkansas' ballot, filed a lawsuit Wednesday seeking more time to submit its petitions and asked the state to waive its requirement that signatures be witnessed in person and to allow signatures be submitted electronically. (Andrew DeMillo, *Associated Press*)

Ohio: A Franklin County judge has rejected a lawsuit seeking to allow electronic signature gathering for Ohio state issue campaigns, among other changes loosening ballot-access rules, amid the coronavirus pandemic. (Andrew J. Tobias, *cleveland.com*)