

State &  
Federal  
COMMUNICATIONS

The Compliance Standard  
Experience ★ Guidance ★ Solutions

# COMPLIANCE NOW

E-News from State and Federal Communications, Inc.

January 2014

## Hottest Book Out ... and, You Will Need It

Our 2015 Guidebook is out and on its way to all of our clients. This quick-reference guide has information we have pulled from our website. It does not include everything from our website, but you can easily see information about the following:

1. Lobbying reports due date;
2. Key dates for PAC reports;
3. Election cycle;
4. Applicable laws for lobbying, campaign finance, and procurement laws; and
5. Pay-to-play updates for all of the states.

We are sending six copies of the Guidebook to the key contacts for our subscription clients and one copy to each of our consulting clients. We do have additional copies if needed for these groups.

Unfortunately we will not send out the publication to anyone who is not already a client. The information inside



must be used in conjunction with our website. And, in 2015, when every state will be in session, it is important for everyone to have a subscription to our website. Find more information at [www.stateandfed.com](http://www.stateandfed.com). You can also call our office for additional information, 330-761-9960.

From the staff at State and Federal Communications, we

hope you all have a Happy New Year and look forward to seeing you out and about in 2015.

**Elizabeth Z. Bartz**  
President and CEO  
[@elizabethbartz](https://twitter.com/elizabethbartz)

## Legislation We Are Tracking

At any given time, more than 1,000 legislative bills, which can affect how you do business as a government affairs professional, are being discussed in federal, state, and local jurisdictions. These bills are summarized in State and Federal Communications' digital encyclopedias for lobbying laws, political contributions, and procurement lobbying and can be found in the client portion of our website.

Summaries of major bills are also included in monthly email updates sent to all clients. The chart below shows the number of bills we are tracking in regard to lobbying laws, political contributions, and procurement lobbying.

	Total bills	Number of Jurisdictions	Passed	Died	Carried over to 2014
Lobbying Laws	314	45	36	161	0
Political Contributions	612	46	73	279	0
Procurement Lobbying	438	49	50	199	0

## Summary of Changes UPDATE

### Note Recent Changes to Compliance Regulations

by John Cozine, Esq., Research Manager

**BRITISH COLUMBIA:** On November 27, the third session of the 40th parliament of the Legislative Assembly adjourned for the year. The Legislature did not pass Bill M202, the Election Finance Amendment Act. The bill would have restricted political contributions to donations made by individual residents of the province and eliminated corporate, union, and out-of-province donations.

**CALIFORNIA:** The Fair Political Practices Commission (FPPC) adjusted the gift and campaign contribution limits by adopting amendments to state regulations. The adjusted annual gift limit for covered candidates, officers, and employees will increase from \$440 to \$460. Contribution limits will increase to \$4,200 from \$4,100 for candidates to the Legislature, the Board of Administration of the Public Employees Retirement System, and the Teachers' Retirement Board. The new limits are based on changes to the consumer price index and effective for the period of January 1, 2015, through December 31, 2016.

**FEDERAL:** The U.S. District Court for the District of Columbia ruled corporations and labor unions making electioneering communications are required to disclose all donors making contributions of more than \$1,000. Under 11 C.F.R. §104.20(c)(9), disclosure was only required when made explicitly for the purpose of furthering electioneering communications. In *Christopher Van Hollen v. Federal Election*

Update

Commission, the court ruled the regulation was invalid and found it to be "arbitrary, capricious, and contrary to law." The court determined it to be an unreasonable interpretation of the Bipartisan Campaign Reform Act because 52 U.S.C. § 30104(f)(d)(E)-(F) does not require any preconditions for when to disclose donors making contributions of more than \$1,000. The court ruled the commission's regulation served to frustrate the aim of the statute.

**MISSOURI:** Attorney General Chris Koster will no longer accept campaign contributions from anyone under investigation by his office. He will also refuse to accept contributions from lobbyists, lawyers, or law firms representing them. In addition, he will no longer take gifts of any value from registered lobbyists. Koster announced the self-imposed policy last week after a *New York Times* report alleged he was influenced by lobbyists and campaign donations.

**PENNSYLVANIA:** Gov.-elect Tom Wolf, fresh off of a victorious first campaign for public office, is already taking steps to ensure the ethical conduct of his administration. Wolf is requiring members of his transition team to sign a code of conduct that includes a ban on accepting gifts; he plans to extend this code to the entire executive branch upon taking office. The pledge also includes a requirement to disclose current and future conflicts of interest and a promise to not use their positions for personal gain.



## Arkansas Voters Pass Constitutional Amendment

by Katlin Newman, J.D., Research Associate

The Oklahoma Ethics Commission's newly promulgated Revised Constitutional Ethics Rules, effective at staggered intervals, significantly amend lobbying and campaign finance laws. Lobbyist registration provisions were effective December 1. Rules outlining lobbyist reporting due dates are effective February 1, 2015. All other revised rules were effective January 1, 2015. Except as may otherwise be provided, all current rules under Title 74, Chapter 62-Appendix, of the Oklahoma Statutes were repealed on January 1, 2015. O.S. §257:23-1-2, as it pertains to lobbyist reporting requirements, will remain effective until January 31, 2015.

Lobbyists were required to register online in December for calendar year 2015. There are now separate registration requirements dependent upon whether a lobbyist is a legislative lobbyist, executive lobbyist, or legislative liaison. Legislative lobbyists and legislative liaisons will be required to file monthly reports from February to July; executive lobbyists will file quarterly reports.

The revised rules also place new limits on lobbyist expenditures. Each lobbyist will be permitted to spend up to \$500 per calendar year for meals for the governor, a legislator, or their staff. Moreover, lobbyists may spend up to \$200 per year on certain gifts other than meals, provided the total for

You  
Should Know

all meals and gifts does not exceed \$500. New provisions also allow lobbyist principals to provide food and beverage for professional conferences, seminars, and similar events held outside the geographical boundaries of the state, subject to certain restrictions.

Changes to campaign finance laws include a new registration threshold for political action committees (PACs), new campaign contribution limits, specific reporting for out-of-state and federal PACs, and amendments to some reporting requirements. A PAC will be required to register within 10 days of receiving contributions or making expenditures in excess of \$1,000. Certain contribution limits will increase and family contribution limits will no longer exist. Limited PACs registered for less than a year or that have fewer than 25 contributors will be permitted to contribute only half the amount of other limited PACs.

This article provides a summary of the major changes to the Revised Constitutional Ethics Rules. It is not exhaustive and additional changes have been made. A final annotated version of the rules is accessible on the new Ethics Commission website at <http://www.ok.gov/ethics/>.

# ASK THE EXPERTS

## State and Federal Communications' Experts Answer Your Questions

Here is your chance to “Ask the Experts” at State and Federal Communications, Inc. Send your questions to experts@stateandfed.com. (Of course, we have always been available to answer questions from clients that are specific to your needs, and we encourage you to continue to call or email us with questions about your particular company or organization. As always, we will confidentially and directly provide answers or information you need.) Our replies are not legal advice, just our analysis of laws, rules, and regulations.



***I will be having meetings with state legislators to introduce myself and my employer. I do not have any legislation of interest yet, though I anticipate that I will. Will this require lobbyist registration?***



*Goodwill lobbying is covered in many jurisdictions. The following 19 states may require lobbyist registration for goodwill activities: Alaska, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas, Maryland, Minnesota, Missouri, New York, North Carolina, Oregon, Pennsylvania, Tennessee, Texas, and Vermont. Some jurisdictions have specifically addressed goodwill lobbying. Connecticut covers “door opening,” including such things as telephone calls that you make to set up informational meetings with officials. The Maryland State Ethics Commission has indicated generating goodwill or engaging in educational discussions with officials or employees is considered lobbying.*

*Some states consider additional activities in determining whether an activity is goodwill lobbying. In Pennsylvania, lobbying includes providing hospitality to a state official or employee for the purpose of advancing the interest of the lobbyist or principal. Kansas also includes entertaining or providing a gift to a state officer or employee in its definition of lobbying in certain circumstances.*

*Any time you interact with a state official or employee, you must consider whether your activities constitute lobbying, even if you are not engaging in lobbying in a traditional manner. Your activities may count toward the threshold requiring lobbyist registration.*

***December's Expert - James Warner, Senior Compliance Associate***



## Jurisdictions Added to our Website

The number of municipalities and regional governments our research associates track continues to grow. We now cover more than 230 municipalities and local governments. This is part of a continuous effort to better serve the needs of our clients. In that effort, we have recently added abridged jurisdictions to our website. These entries, condensed due to the limited number of relevant local laws, provide the core information our clients need for their government relations work.

The new jurisdictions are:

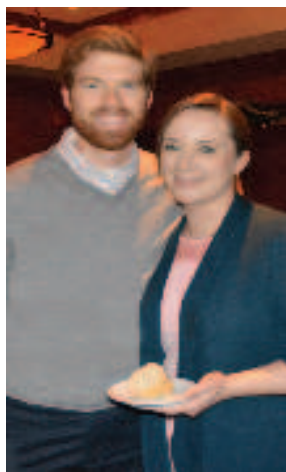
American Samoa	Guam
Northern Mariana Islands	U.S. Virgin Islands



# Scrapbook



Professor Wilson Huhn [kneeling on the right] from the University of Akron School of Law presented a one hour CLE about Abraham Lincoln's influence on the interpretation of the Constitution.



In December we gathered together at Flemings in Akron for our annual holiday party. We had a relaxing night, with good food, and time to talk to each other. The staff presented Elizabeth with their gift to her - a pair of tickets to see Jay Leno and dinner beforehand at District. Elizabeth also presented the winner of the door decorating contest and gave each employee Akron's famous TEMOs chocolate tree to enjoy.

# Scrapbook



State and Federal Communications had a team of 10 attending the Council on Governmental Ethics Laws (COGEL) 36th Annual Conference. It was held from December 7-10 in Pittsburgh, Pennsylvania at the beautiful OMNI William Penn Hotel. COGEL always offers great sessions concerning lobbying, campaign finance, governmental ethics, and election laws and best practices. It was good to see many familiar faces and meet new members.







## W E B S I T E T I P

In addition to the extensive coverage of individual jurisdictions on our website, the website also features Quick Reference Charts, which can be accessed using the menu found on the right side of the red bars you use to choose the publication you wish to view. Clicking on the right side of the menu will bring up the list of Quick Reference Charts, each of which allows you to view the answers to a specific topic across all of the states, all in one place. The newest addition to the Lobbying Laws Quick Reference Charts is one addressing the issue of goodwill lobbying. Goodwill lobbying is meeting with an official or government employee to introduce yourself, or your client, without attempting to influence a particular issue. For instance, stopping by a legislator's office and leaving behind educational materials describing your client's positive impact on the state would be considered goodwill lobbying. The chart discusses whether this type of lobbying triggers an obligation to register or, at the very least, whether it would be counted towards that state's registration threshold. We will continue to add more of these charts for topics that are the frequent subject of questions from subscribers.



### See Us in Person

Plan to say hello at future events where **State and Federal Communications, Inc.** will be attending and/or speaking regarding compliance issues.

### Events

January 8-11	NCSL Executive Committee Meeting, New Orleans, Louisiana
January 9-11	Women In Government Annual Meeting, St. Petersburg Beach, Florida
January 11-16	Public Affairs Council Institute, Laguna Beach, California
January 21-23	US Conference of Mayors Winter Meeting, Washington, DC
February 3-6	PAC Grassroots Conference, Key West, Florida
February 20-22	NGA Winter Meeting, Washington, DC
February 23-27	PAC National Conference, Orlando, Florida



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