



# COMPLIANCE NOW

E-News from State and Federal Communications, Inc.

April 2016

## Always Helping Others

Two weeks ago I was honored to receive one of the Mentor of the Year awards from the Public Leadership Education Network, also known as PLEN, in Washington, DC.

The Public Leadership Education Network (PLEN) is the only national organization with the sole focus of preparing college women for leadership in the public policy arena. PLEN is a nonpartisan 501(c)(3) organization based in Washington, D.C. Through introducing college women to role models, career paths, and skills trainings before they enter the workforce, PLEN's mission is to increase the number of women in top leadership positions influencing all aspects of the public policy process. Each year, PLEN brings hundreds of women students from colleges and universities across the country to Washington, D.C. They experience first-hand how public policy is shaped and implemented at the national level. Students meet with and learn from female leaders making and influencing public policy at the highest levels in Congress, the courts, federal agencies, the private sector, policy research and advocacy organizations, and the media. These women leaders serve as teachers as well as mentors.

Along with five other women, I was honored for prioritizing the importance of women helping other women in their daily actions. It is so important to show a commitment to mentoring college women and preparing them in the public policy arena. Everyone can find an opportunity to help all students—men and women—with assistance in helping them with career

advice, resume review, and connecting with people who can provide first jobs. Providing this assistance is something the students remember and, hopefully, carry forward to help others.

It is also important to recognize the person who nominated me for the award—Ellie Shaw, Director of Federal Government Affairs, at American Express. Ellie has been involved with PLEN for years and is a great representative of how we need to offer a hand up to our future leaders. Start small, pick up the tab for someone's coffee when you are in line and—in my case—the person next in line is about half my age.



[Elizabeth Z. Bartz](#)  
President and CEO  
[@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 2016
Lobbying Laws	256	38	2	26	5
Political Contributions	419	43	3	40	14
Procurement Lobbying	164	33	1	9	1

## Summary of Changes UPDATE

### Note Recent Changes to Compliance Regulations

by Michael Beckett, Esq., Research Manager

**ALBERTA, CANADA:** Chief Electoral Officer, Glen Resler, issued a writ on February 23 to administer a by-election for the Calgary-Greenway electoral district to fill Manmeet Bhullar's seat in the Legislative Assembly. Bhullar, a Progressive Conservative member of the Legislative Assembly (MLA), was killed in a traffic accident while attempting to help a stranded motorist on November 23, 2015. Alberta's New Democratic Party (NDP) set a March 22 election date, drawing criticism from other parties who had not yet nominated candidates.

**NEW JERSEY:** Lobbying regulations now require governmental affairs agents to electronically file all forms, including, but not limited to, registrations, reports, and terminations. In addition to filing registration forms electronically, governmental affairs agents registering for the first time must appear in the office of the Election Law Enforcement Commission (ELEC) to pay the annual registration fee and to submit photographs. Each person must present a valid state-issued identification and must submit photographs in order to receive a name tag. Forms and instructions for electronic filing are now available on ELEC's website. When a group of registered individuals together represent more than one entity, a notice of representation for a represented entity can be filed on behalf of the group, provided the person filing indicates the involvement of the group or indicates the involvement of specific governmental affairs agents.

**NEW MEXICO:** Gov. Susana Martinez has signed legislation designed to standardize electronic reporting for candidate, lobbyist, and political committee filings. House Bill 105 creates a searchable electronic database containing cross-references and allowing the public to download records for analysis. The bill requires lobbyists to notify the state of amended filings or termination of the lobbyist's employment within one week of the occurrence. Lobbyist reporting dates are changed from

May 1 to the first Wednesday after the first Monday in May and a new reporting date is added on the first Wednesday after the first Monday in October.

Individuals receiving contributions reported by lobbyists will receive automatic electronic notice of the contributions within 24 hours of the lobbyist's filed report. Portions of the bill will go into effect on July 1, 2016, with the remaining provisions effective as of December 15, 2017.

**WASHINGTON:** Contribution limits have been updated to reflect adjustment for inflation. Effective February 29, 2016, contribution limits found in Initiative 134 and RWC 42.17A.410 have increased limits from \$950 to \$1,000; \$5,500 to \$6,000; \$19,000 to \$20,000; \$1,900 to \$2,000; \$5,000 to \$5,500; and \$95 to \$100.

**WISCONSIN:** A federal political action committee (PAC) participating in Wisconsin elections only needs to register in Wisconsin if meeting the definition of a political action committee and receiving contributions or making disbursements exceeding \$2,500 in calendar year. It is unlikely a federal PAC would be required to register in Wisconsin since the definition now requires the PAC to have the major purpose of express advocacy (as declared by the committee), or to spend 50 percent of the committee's total spending on Wisconsin elections. However, if a federal PAC maintains a bank account in Wisconsin specifically for activity within the state, the separate bank account will be treated as a committee that will likely meet the major purpose test. In other words, a federal PAC will be required to register in Wisconsin if it maintains a bank account in Wisconsin and the major purpose of the bank account is to facilitate participation in Wisconsin elections. If a federal PAC wants to avoid triggering registration on these grounds, it should not maintain a separate bank account solely for Wisconsin activity. Even if not required to register in Wisconsin, a federal PAC could trigger a late expenditure report if making independent expenditures of \$2,500 or more on express advocacy.

Update



## WEBSITE TIP

In addition to the in-depth resources available to subscribers, State and Federal Communications also has a wealth of publically available information. The State and Federal Communications blog, found at [www.lobbycomply.com](http://www.lobbycomply.com), contains updates on lobbying, ethics, campaign finance, procurement, pay-to-play, and items of general interest to the government affairs community. We also maintain an active presence on social media with our constantly updated Facebook ([www.facebook.com/StateandFederalCommunications](http://www.facebook.com/StateandFederalCommunications)), Twitter (@StateandFederal), LinkedIn, and YouTube accounts. Join the conversation and stay up-to-date in your field!

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# New York Grassroots Advisory Opinion Challenged in Federal Court

by Geoff Wills, Esq., Research Associate

You  
Should Know

A group of New York political public relations firms have filed a federal lawsuit against the New York Joint Commission on Public Ethics (JCOPE) following the enactment of an advisory opinion requiring public relations officials and political consultants to publically disclose contacts with the media.

Advisory Opinion 16-01 requires public relations consultants to register as lobbyists when making an effort to influence government through public grassroots campaigns, including any contact with media editorial boards aimed at publishing communications involving a political issue. Under JCOPE's ruling, a grassroots communication is considered lobbying if it references, suggests, or otherwise implicates activity covered by the New York Lobbying Act or is an attempt to influence a public official through a call to action. Consultants and firms now required to register and report must disclose the client, the fee, and the bill number or government matter at issue.

The firms challenging the ruling have been outspoken critics of the measure, making objections known during review and

comment periods. Objections to the ruling have been made by members of the media, consulting groups, and civil rights organizations. When asked about JCOPE's decision, Gov. Andrew Cuomo's office stated, "The bill raises some real questions."

The suit challenges the new disclosure requirements on multiple grounds, claiming they are an example of bureaucratic overreach that will have a chilling effect on the rights of all parties involved. Citing a citizen's right to free speech and the press's freedom to report and comment on speech, the challengers contend the ruling runs afoul of the First Amendment. Challengers in the suit are asking the court to invalidate the ruling, as well as issue a temporary restraining order blocking enforcement of the new rules.

In response to the lawsuit, JCOPE is standing behind the ruling and has released a statement saying the commission looks forward to defending the matter in court.



## 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

- |                    |   |
|--------------------|---|
| March 30 - April 2 | ACES National Conference, Portland, OR                          |
| March 31           | Akron Press Club, Akron, OH                                     |
| April 5            | Ohio Chamber of Commerce, Columbus, OH                          |
| April 5            | SGAC Regional Event, Columbus, OH                               |
| April 7            | WGR - PACs, Politics, and Grassroots Conference, Washington, DC |
| April 8            | YouToo Social Media Conference, Kent State University           |
| April 9            | 2016 Akron Civic Theatre Gala: The Civic Goes Greek, Akron, OH  |
| April 13-15        | SGAC National Summit, Portland, OR                              |
| April 21           | Akron Roundtable, Akron, OH                                     |

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## 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](mailto: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 am very active with charities in my home state along with my employer. I recently became a registered lobbyist there, too. Are there any restrictions or requirements related to charitable giving that I should review now that I'm registered?*



You should review the necessary gift restrictions for lobbyists as well as your lobbying disclosure requirements. Charitable donations often involve sponsoring an event or purchasing tickets to a fundraiser. When providing money to a charitable organization, be careful when making the gift at the behest of a legislator or other public official. Public officials can be very involved with charities, and often make requests to donate to a certain cause. Many states prohibit this. For example, Maryland law provides a regulated lobbyist, who is an individual, may not engage in any charitable fundraising activity at the request of an official or employee, including soliciting, transmitting the solicitation of, or transmitting a charitable contribution. This type of request from an official could also make the gift subject to a state's monetary limits on gifts from lobbyists. You may also want to give tickets to the fundraiser to a public official. State law may have applicable exemptions for providing tickets to a fundraiser. Texas and New York law permit a registered lobbyist to provide complimentary attendance to bona fide charitable events.

After confirming the charitable giving is permissible, you may have to include the expenditure on your lobbying disclosure reports. Texas law will require you to report the tickets you provide to a charitable event, even requiring you to itemize the expenditure and provide details on the event. Some states permit a charitable donation at the behest of a state official and do not require the lobbyist to disclose it. California permits charitable contributions at the behest of a state elected officer, and requires only the official to disclose it.

You can still be active charitably as a registered lobbyist. Be sure to review your state's laws and regulations to find out how.

**James Warner, Esq., Senior Compliance Associate**



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## Jurisdiction Added to our Website

The number of municipalities and regional governments our research associates track continues to grow. We now cover almost 300 municipalities and local governments. This is part of a continuous effort to better serve the needs of our clients.

In that effort, we have 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 jurisdiction is:

**Kent County, Maryland**

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# Scrapbook

## State and Federal Communications, Inc. Celebrates Staff Anniversaries



Each month at our staff meeting, Elizabeth acknowledges the employment anniversaries of the staff [hired that month]. In March, we celebrated the eighth anniversary of Megan Huber-Kovachik, Publications Production Assistant; the fifth anniversary of Becky Campbell, Compliance Assistant; and the 11th anniversary of Amber Fish Linke, Esq., Director Client and Product Operations. These employees are essential members of the staff. Congratulations to you.



The PAC Institute is the three-year premier educational and career-building program for public affairs professionals. Renold Koozer, Executive Director, graduated in January 2016. Elizabeth Z. Bartz, President and CEO, graduated in January 2012.

Completion of the Public Affairs Institute strengthens a participant's abilities as a strategic analyst, a counselor to senior management, and as a liaison with governmental policy makers, and business and community leaders. [www.pac.org]

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# Scrapbook



Visiting friends at the NFIB [National Federation of Independent Business] Akron meeting. Elizabeth Z. Bartz connected with Ohio Attorney General Mike DeWine.



Dayton Mayor Nan Whaley visiting Elizabeth Z. Bartz in the State and Federal Communications headquarters.