



# COMPLIANCE NOW

E-News from State and Federal Communications, Inc.

February 2016

## There is no magic wand

I rarely take this column to speak about my health. It could be better, but there was a year it was worse. In 2006, I was diagnosed with breast cancer and it was a tough year. And, that is probably the nicest word to use for it.

Women usually hear if you can feel a pain, then it isn't cancer. Well, I had a pain and after two mammograms, an ultrasound, a MRI, and a biopsy, I was diagnosed with cancer, and it had gone to my lymph nodes. My surgeon, Dr. Julian Kim from the Cleveland Clinic (now at University Hospital) said cancer was the least of my problems ... chemotherapy and radiation would take a lot out of me.

I took to cancer like I do a lot of things. Attacked it. Surgery was done within a month of the diagnosis. Chemotherapy, managed by my Cleveland Clinic oncologist, was done from March to June of 2006, along with losing all of my hair and wearing a wig, steroids prescribed for pain associated with Taxol, and sleeping a lot. Radiation was most of July 2006, which included a huge burn at the end of it all.

And, then it was all over. Cancer free. I still hold my breath a lot when I have mammograms, and I do have mammo-

grams done annually. There is no magic wand to avoid a reoccurrence, but the possibility goes down after 10 years.

Everyone has issues and we do not know what people are dealing with in their lives. I bring this up to give you hope if you are dealing with health issues. Attack it. Don't let it affect your spirit, the thing that makes you YOU. Please know in the last 10 years I have also spoken to a number of women in government affairs who have had breast cancer. It's a club...one that we didn't want to be a member of, but we are, and we need to be there for each other.

So now, 10 years later, I can cheer a little louder about being cancer free and celebrating with a short holiday in Punta Cana—just reflecting on how wonderful life has been.

Until next month, celebrate your life, enjoy your family and friends, and be YOU.

Thank you,  
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 2016
Lobbying Laws	163	26	0	0	131
Political Contributions	248	29	1	0	229
Procurement Lobbying	87	21	0	0	86

## Summary of Changes UPDATE

Note Recent Changes to Compliance Regulations

by Michael Beckett, Esq., Research Manager

Update

**CANADA:** The commissioner of lobbying, Karen Shepherd, has published general guidance documents to inform lobbyists of the requirements associated with the updated Lobbyists' Code of Conduct, which became effective December 1, 2015. The new guidance addresses conflict of interest (Rule 6), preferential access (Rules 7 and 8), political activities (Rule 9), and gifts (Rule 10). Generally, the standard for determining whether a lobbyist has created a conflict of interest is "Would an informed person, viewing the matter realistically and practically and having thought the matter through, think that an action taken by a lobbyist has created a sense of obligation on the part of the public officeholder, or a tension between the public officeholder's private interests and the duty of the public officeholder to serve the public interest?"

**BROWARD COUNTY, FLORIDA:** The Board of Commissioners voted to loosen strict gift limits imposed by the county Ethics Ordinance. Enacted in 2010, the ordinance created a no-gift rule, prohibiting city and county officials from accepting even a bottle of water at an event. The new rules allow gifts, including nonalcoholic beverages, worth less than \$5 and create an exception for gifts of sympathy. Other changes include the burden of reporting lobbying contact shifting away from the public official to the lobbyist and immediate family members may now act as government vendors.

**MONTANA:** On January 9, 2016, a \$10 increase in contribution limits for certain candidates became effective. Pursuant to state statute, the Office of the Commissioner of Political Practices, adjusting contribution limitations to reflect the consumer price index, has raised the contribution limit for candidates

for the governor and lieutenant governor from \$650 to \$660. Candidates for statewide office may now accept \$330, up from \$320. The contribution limit of \$170 remains the same for all other public offices, including state Senate and state House. Montana's contribution limits continue to be contested in the court challenge of *Lair v. Bullock*, which argues the state's political contribution limits are unconstitutionally low.

**NEVADA:** Pursuant to the passage of Assembly Bill 273, former legislators must not receive compensation to act as a lobbyist for the period beginning on the date on which the former legislator leaves office as a member of the legislature and ending on the date of final adjournment of the next regular session during which the former legislator is not a member of the Legislature. This prohibition applies only to a person who is elected or appointed to office as a state legislator on or after November 8, 2016.

**RHODE ISLAND:** Pursuant the passage of House Bill 5920 and Senate Bill 681, a treasurer of a political action committee (PAC) must certify to the substantial accuracy of the campaign finance report at the time of filing. All campaign funds received and expended by a PAC must be segregated from all other accounts. A PAC must maintain a separate campaign account without any noncampaign funds at a financial institution having a physical branch within the state of Rhode Island. The commingling of a personal or business funds with campaign funds is expressly prohibited. A PAC must file a copy of the next bank statement from its campaign account issued after the PAC files its final on-going quarterly campaign finance report.



### WEBSITE TIP

Now that 2016 legislative sessions are beginning, do not forget to check what ethics legislation is pending using the State and Federal Communications website. To access a list of pending bills, choose the state (or the federal government) you are interested in from the pull-down menu and select the lobbying, political contributions, or procurement lobbying entry. The "Legislative Updates for 2016" page provides the bill number along with descriptive titles. Clicking on the bill number will bring up a brief summary of the bill and the important parts of the bill's history showing how it has moved through the legislative process. Clicking on the bill number at the top of this screen will bring up the text of the entire bill. Bill status updates are also included in the Summary of Changes sent out each month.

### COMPLIANCE NOW

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State and Federal Communications, Inc.  
Courtyard Square, 80 South Summit St., Suite 100, Akron, OH 44308  
330-761-9960 | 330-761-9965-fax | 1-888-4-LAW-NOW|  
<http://www.stateandfed.com/>

# Michigan Campaign Finance Bill Becomes Effective

by Geoff Wills, Esq. Research Associate

On January 6, 2016, Michigan Gov. Rick Snyder signed a campaign finance bill despite a lack of clarification from the Legislature on key provisions. Senate Bill 571 was originally a 12-page bill allowing corporations to collect campaign contributions from employees without annual consent and to place campaign contributions in a general fund before transferring to a separate segregated fund. However, a late night substitution on the last active session day of 2015 added over 40 pages to the bill.

Prior to the enactment of the bill, corporations had to annually obtain consent from employees for payroll deduction contributions. The bill eliminates the need for annual consent, replacing it with a one-time opt-in requirement. This change more closely aligns with federal law and eliminates the burden felt by out-of-state corporate political action committees (PACs), which previously found it easier to set up separate Michigan PACs. If federal corporate PACs solicit beyond shareholders, employees, and their spouses, it may

still be easier to establish an in-state PAC. Out-of-state corporate PACs must still meet state registration and reporting requirements.

The most controversial addition from the late night session is a prohibition on local governments using public funds to communicate regarding ballot proposals by radio, television, mass mailing, or prerecorded telephone message during the 60 days before an election. Local officials urged Snyder to veto the bill and have equated the ban to a gag order. Within two weeks of the passage of Senate Bill 571, two bills were introduced to limit (House Bill 5219) or completely remove (Senate Bill 703) the 60-day prohibition.

In addition to the aforementioned changes, the bill also eliminates February quarterly reporting for all PACs. Senate Bill 571 took immediate effect upon the governor's signature.

You  
Should Know



## 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

February 10	Policy Forum: Intellectual Property and First Principles, Washington, DC
February 11	Montgomery County Council African Affairs, Silver Spring, Maryland
February 17	Lobbying Compliance at the State Level Webinar, Akron, Ohio
February 19-22	NGA Winter Meeting, Washington DC
March 2	Ohio Birthday Party, Washington, DC
March 7-10	PAC National Conference, Miami Beach, Florida

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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.

Q

*I want to contribute to an acquaintance in Maryland. I know there are pay-to-play restrictions. What are my personal limitations?*

A

Is your company "doing public business" with the state of Maryland? "Doing public business" means having a single contract (an agreement in any form entered into by a governmental entity for a procurement) with a single governmental entity involving cumulative consideration of at least **\$200,000**. Governmental entity means: (1) the State, a county, a municipal corporation, or other political subdivision of the State; and (2) a unit of the State, a county, a municipal corporation, or other political subdivision of the State.

Contributions in Maryland are still permissible even though your employing organization is doing public business. The issue is not permissibility, but whether disclosure is required. If you are an officer or director and the contribution is \$500 or more, it must be disclosed.

- Director is a member of the board of directors of a business entity [M.C.E.L. §14-101(g)].
- Officer includes an individual who serves as a business entity's chief executive officer, president, vice president, secretary, treasurer, chief financial officer, managing partner, managing member, or principal or in any other formal or informal role in which the individual exercises substantial independent responsibility for managing the affairs of a business entity [M.C.E.L. §14-101(k)].

If you fall into either category, disclosure is required to the Board of Elections on May 31 and November 30.

**Nola R. Werren, Esq., Client Specialist**

# Scrapbook



Elizabeth Z. Bartz in Washington, DC with the DC staff, Rebecca Pixton South and Gamble Hayden at the WASRG happy hour.



Gamble Hayden at the PLEN Women in Public Policy event in Washington, DC.