



COMPLIANCE NOW

E-News from State and Federal Communications, Inc.

March 2016

Super Tuesday in 2016

I always felt Super Tuesday needed a mascot. And, that is my first point of clarification. I am talking about the primary election day...nothing to do with the ESPN television series.

We first heard the term in 1984 when Walter Mondale and Gary Hart vied for the nomination. In fact, we had three of them that year. I won't go into the detail about what each candidate said. Sufficient to say in the end, Walter Mondale only won the electoral votes that November in Minnesota and in DC. [Please note Wikipedia states the term was really used in 1976.]

So what is it? Super Tuesday refers to the day in a presidential election year when the greatest number of states hold primary elections to select delegates to the national conventions.

- 1984—five states were involved which helped bring the nomination to Democrat Walter Mondale;
- 1988 - nine states held primary elections on March 8, 1988 and the votes were split between Democrats Dick Gephardt, Jesse Jackson, Al Gore, and Michael Dukakis with the latter eventually being nominated;
- 1992 - The March 10, 1992 election brought Democrat Bill Clinton into the national spotlight;
- 1996 - March 12, 1996 included nine states and secured Republican Bob Dole's bid;
- 2000 - 16 states participated in the March 7, 2000 election;

- 2004 - Fewer states participated on February 3, 2004, and there were only five states with primaries and two caucuses;
- 2008 - Only four states held primary elections on March 4, 2008, but 24 had moved their own primary election up to February 5, 2008 so it ended up being called Super Duper Tuesday;
- 2012 - 10 states held primary elections on March 6, 2012; and
- 2016 - We will have 13 states involved in the March 1, 2016 date.

This column is not going to support any candidates. However, it is going to emphasize the importance of voting whenever your state has scheduled those dates. All those election dates are on our website, www.stateandfed.com.

On Tuesday, March 15 the staff of State and Federal Communications are offered one hour at the beginning of the day to vote before arriving to work. Until next month, remember to VOTE, plan for it so you do not forget or end up out of town, and encourage friends and family to do so.



Thank you,
[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	209	32	1	6	131
Political Contributions	314	36	2	8	229
Procurement Lobbying	107	26	0	1	86

Summary of Changes UPDATE

Note Recent Changes to Compliance Regulations

by Michael Beckett, Esq., Research Manager

Update

FEDERAL: On January 19, the U.S. Supreme Court denied an appeal arguing against a law banning political contributions to candidates from federal contractors. Last year, in *Miller v. Federal Election Commission*, formerly *Wagner v. Federal Election Commission*, the U.S. District Court of Appeals for the District of Columbia unanimously upheld the constitutionality of the law barring contractors from contributing to candidates, parties, and candidates' and parties' committees. Plaintiffs challenged the constitutionality of 52 U.S.C. § 30119(a)(1), which prohibits any vendors with contracts with the federal government from making political contributions to federal candidates or political parties. Plaintiffs requested the court declare the law unconstitutional as applied to individuals who have personal services contracts with federal agencies.

GEORGIA: The Campaign Finance Commission has approved an increase in the maximum contribution limits for 2016. The Campaign Finance Act authorizes the commission to raise or lower the maximum contribution limits by \$100 increments based on inflation or deflation as determined by the consumer price index published by the Bureau of Labor Statistics of the United States Department of Labor. Candidates for statewide elected office may now accept \$6,600 for each primary or general election. All other elected office candidates may accept \$2,600 per primary or general election. Primary and general runoff elections carry a separate limit of \$3,900 for statewide candidates and \$1,400 for all other candidates.

HILLSBOROUGH COUNTY, FLORIDA: County commissioners approved an ordinance requiring lobbyists to register and pay a yearly \$50 fee. Under the previous law, lobbyists simply

had to sign a registry each time they appeared to lobby. The new law requires lobbyists to declare who they represent, what topics they will be discussing, and with whom they are meeting. The ordinance also increases the fines for violations and increases the time lobbying privileges are suspended for repeat offenders. The definition of lobbying is also expanded to include indirect communication through emails or text messages.

NEW YORK: The Joint Commission on Public Ethics (JCOPE) has released an advisory opinion regarding what constitutes lobbying activity as it pertains to political consultants and grassroots communications. Advisory Opinion 16-01 requires public relations consultants to register as lobbyists for grassroots campaigns or if making contact with a public official, including preliminary communications to facilitate or enable the eventual substantive advocacy.

MONTANA: New state campaign finance rules requiring increased disclosure and electronic filing for candidates and committees were officially published and became effective. Reports will be made immediately available to the public online. A \$10 increase in contribution limits for certain candidates has been announced pursuant to state statute allowing adjustment of limitations to reflect the consumer price index. Contribution limits have been raised to \$660 for candidates of governor and lieutenant governor, and to \$330 for candidates of other statewide offices. Limits remain at \$170 for all other public offices, including state Senate and state House. Montana's contribution limits continue to be contested in *Lair v. Bullock*, which argues the state's political contribution limits are unconstitutionally low.



WEBSITE TIP

Every month subscribers to the State and Federal Communications website receive the Summary of Changes, which is a list of all of the changes and additions made to the website in the course of the prior month. In all publications, a year's worth of Summary of Changes can be accessed by clicking on the "Summary of Changes" link on the left-hand side of the entry's website page. Below the link is a convenient chart entitled "Year End Summary," which reviews the highlights and major changes of 2015.



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California Increases Lobbying Disclosure Requirements for “Other Payments”

by Michael Beckett, Esq., Research Manager

You
Should Know

The Fair Political Practices Commission (FPPC) has approved new disclosure requirements for lobbying activities made to influence legislative or administrative action. The FPPC voted unanimously to amend regulation 2 C.C.R. §18616 to require additional information regarding the category of spending known as “other payments to influence.” The amendment is effective March 5, 2016, but contains language delaying the major disclosure provisions until after the current reporting period ending in March.

Beginning July 1, 2016, trade groups, unions, corporations, and other lobbyist employers are required to itemize other payments to influence of \$2,500 or more on a separate form provided by the commission. The disclosure form must include:

- The name and business address of the payee;
- The total payments made during the reporting period;
- The cumulative amount paid during the calendar year; and
- One of the following codes to describe the primary purpose of the payment:
 - [S] for non-lobbyist salary and compensation;
 - [E] for expenses paid directly by the filer and used by a lobbyist;

- [L] for legislative-related research services;
- [C] for consultants and government relations;
- [P] for public affairs and grassroots campaigns;
- [A] for advertising;
- [R] for research and public opinion research;
- [LE] for lobbying events to influence legislative or administrative action; and
- [O] for all other payments not covered by one of the listed categories.

The additional disclosure requirements are aimed at the loophole in the current reporting requirements allowing spending as diverse as office rent, the hiring of consultants, and a grassroots advocacy campaign to be reported in a lump sum. The FPPC released data showing 69 percent of all lobbying reported in 2014 was reported as “other payments,” up from 52 percent in 2010. With groups reporting greater percentages of expenditures in this category, the FPPC concluded the public was increasingly denied the ability to monitor activities closely related to lobbying.



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 2	Ohio Birthday Party, Washington, DC
March 7-10	PAC National Conference, Miami Beach, Florida
March 8	WGR Toastmasters, Washington, DC
March 9	NCSL Foundation Luncheon, Washington, DC
March 10	Women’s Endowment Fund, Akron, OH
March 16	PLEN Mentor Awards, Washington, DC
March 17	Akron Roundtable, Akron, OH
March 20-22	NASPO: How to Market to State Governments Meeting, Atlanta, GA
March 22	WGR Toastmasters, Washington, DC
March 30-April 2	ACES National Conference, Portland, OR
March 31, 2016	Akron Press Club, Akron, OH

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@state-andfed.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.



For a number of years, our association has hired outside lobbying firms to lobby on our behalf. I was under the impression that because they registered and reported their lobbying activities for us, we didn't need to register. Based on a recent conversation, I understand this may not be the case and we may need to register the association itself as a federal registrant. Can you tell me the guidelines in this regard?



Thanks for your question. This is a consideration that can often be overlooked when determining the need to register at the federal level. There is no specific exception outlined in the registration requirements that would negate an organization from having to register if it hires outside consultants that registers and reports their activity on behalf of their client. Essentially, if your organization meets the three registration thresholds, you need to register without regard for whether your outside consultants are also registered. The three criteria are:

- An organization must have at least one employee who spends 20 percent or more of his or her time engaged in lobbying activities. This includes time working and coordinating with your consultant about your lobbying initiatives and also includes background work done in association with a lobbying effort;
- That same employee must have two or more lobbying contacts. There is no time frame in which the two contacts have to occur. The two contacts could be a year apart from each other but once the second contact has been made, this threshold has been satisfied; and
- An organization must spend \$12,500 or more on lobbying activity during a three month period. Expenditures include payments made to outside consultants and membership organizations that are allocated toward lobbying efforts. In addition, compensation, expenses, and overhead associated with any and all lobbying activity that is occurring within the organization must be calculated for purposes of determining if this threshold has been met.

If your association meets these three requirements, you need to register and begin reporting your internal activities on a quarterly basis. Your outside consultants will also continue to report the activity in which they engage on your behalf.

Rebecca Pixton South, Federal Compliance Associate



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:

Asheville, North Carolina

Scrapbook

State and Federal Communications, Inc. Celebrates Staff Anniversaries



Ken Kelewae



Sarah Gray



Renold Koozer

In February, Elizabeth celebrated the seventh anniversary of Ken Kelewae, I.T. Assistant and the seventh anniversary of Sarah Gray, Compliance Assistant Coordinator. We also celebrated the 18th anniversary of our Executive Director, Renold Koozer.

They are all assets to the State and Federal Communications team.



Mayor Dan Horrigan

Elizabeth Z. Bartz introduced Akron's Mayor Dan Horrigan at the Akron Roundtable Luncheon on January 28, 2016.

Scrapbook



WEAR RED DAY

February 5, **Wear Red Day**, was well represented
at State and Federal Communications, Inc.