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Bill aims to reduce the amount lobbyists must report spending on lawmakers

One veteran Republican lawmaker only wants lobbyists to have to disclose the price of what it costs to feed elected officials at luncheons and other events, not the actual cost of admission to the event that the lobbyist paid.

Rep. John Kavanagh, R-Fountain Hills, has introduced [House Bill 2038](#) to do just that. The law currently requires lobbyists to disclose what was spent for a politician or government employee to attend. For instance, if a lobbyist buys a table of 10 seats at a business group's luncheon for \$5,000 and invites a legislator as a guest, the lobbyist is required to report spending \$500 on that lawmaker. However, Kavanagh's bill would change the law so that only the price of food and beverages would be disclosed.

"It's not really a transparency bill," Kavanagh told the *Mirror*. He instead said his goal is to fix inequalities in how this money is reported.

Others don't see it that way.

"We're very confused as to why anybody wants this," Joel Edman, executive director for Arizona Advocacy, a group that often lobbies for transparency, said. "Most of these events are not about the food and drinks, it's about who you're sitting with and who you're talking to."

Kavanagh introduced similar legislation last year, but it was [vetoed by Gov. Doug Ducey](#) because it included a provision that exempted educational events from the definition of "gift" under Arizona's gift clause.

This time, that provision is missing.

Tickets vs Food

Politicians are frequent guests at events where prominent speakers may be, usually with their admission paid for by a lobbyist or special interest group.

As Kavanagh sees it, it is unfair for two politicians who attended the same event as guests of lobbyists to have those lobbyists report spending different amounts on each politician, simply because one has a better seat, and thus a more expensive ticket.

A ticket near the stage may cost \$500 but one in the back may only cost \$100. So, instead of requiring disclosure of the amount the ticket cost, Kavanagh wants only the price of food and drinks reported.

"It's just fair," he said.

However, Edman sees it a bit differently.

Edman said it would be "misleading" if lobbyists reported spending only \$20 for food for a lawmaker when \$20 isn't even enough to get in the door at such events.

Additionally Edman took issue with calling the differences in table prices unfair.

“There’s a reason why the tables up front cost more than the tables in the back,” Edman said, adding that these sort of events are usually about access to VIPs and so politicians can see and be seen with political players.

“(Lawmakers) at the more expensive tables have more options than the ones at the cheaper tables, so it makes sense to know... what it really costs them,” Edman said.

Kavanagh’s bill also states that the person or lobbyist who invites the officials is the one responsible for tallying up the costs and reporting the expenses.

Kavanagh was asked to sponsor the bill by the Phoenix Chamber of Commerce. Mike Huckins, a lobbyist for the Phoenix Chamber of Commerce, said he hopes critics of the bill look beyond it.

“It creates uniformity in reporting amounts for elected officials who attend events,” Huckins said.

Huckins said sometimes tables that are right next to each other can have vastly different amounts due to member fees and other things that can come into play.

As for the issue of access?

“Access is not a reportable expenditure,” Huckins said, adding that the bill is “trying to get this objective nature out of this particular reporting requirement.”

The way these dinners and luncheons are reported is fairly new, as well.

In 2013, the [Secretary of State’s Office released a new lobbyist handbook](#) which detailed how lobbyists or groups are supposed to report these types of expenses.

The handbook gives an example of what to do if a lobbyist invited five members of the legislature to sit at her \$10,000 table of ten people.

The expenditure would include the actual cost of the table divided by each seat and not including non-legislators. So, each legislator would have \$1,000 attributed to their name, according to the handbook.

Prior to the 2013 change, there wasn’t much guidance for how lobbyists should report such spending.

Huckins also stressed that the costs of food won’t be “lowballed,” and said the average cost per person at the events his organization hosts is between \$50 to \$100.

[Last year, local governments shelled out \\$2.6 million for ‘ears on the ground’ in Alaska’s capital](#)

At least \$2.6 million in public money went to state lobbyists in 2018. That’s Alaska cities, boroughs and school districts hiring private contractors to represent them in the state capital.

Lobbyist John Walsh’s office is two blocks from the Alaska State Capitol. He said professional lobbyists are basically experts in the workings of government.

“It’s advocacy and it’s transparent, [it’s regulated](#) and there’s [reporting requirements](#),” Walsh said in his spartan office. “It’s no different than the advocacy that individuals can make on their own.”

[Filings with the Alaska Public Offices Commission](#) show in 2018 he made \$285,500 in lobbying fees. Nearly two-thirds of that came from taxpayer-funded governments or school districts.

He represents local governments in Skagway, Bristol Bay, and rural school districts off the road system whose challenges may be unfamiliar to lawmakers.

“This is a vast state. So just because you’re an elected official doesn’t mean you’ve been to Bristol Bay Borough or to Skagway or to Kaktovik,” he said.

Elected lawmakers represent multiple communities in their home districts.

“And so they can’t devote direct time per community that they probably wish they could,” Walsh said.

But lobbying is about more than just bridging physical distance.

“As far back as I can remember the City and Borough of Juneau has had a private lobbyist,” said Juneau City Manager Rorie Watt.

According to [Alaska Public Offices Commission](#) filings, Alaska’s capital city paid lobbyist [Kevin Jardell](#) \$55,000 each year from 2014 to 2018.

“A big part of what he does is just ears on the ground,” Watt said. “Tracking what’s happening and helping us know when to engage or if it’s not timely.”

[Boise State University political scientist Jaclyn Kettler](#) said it’s a puzzle for American democracy why local governments do this.

“Theoretically they already have representation in both state and national governments,” she said by phone. “So it’s kind of an interesting element for cities and municipalities to be spending taxpayer money on lobbying other governmental bodies.”

Kettler was a co-author of a [2014 paper](#) that tracked a decade of spending on federal lobbyists by nearly 500 cities. Her research found that economically challenged cities were more driven to lobby.

The payoff, so the reasoning goes, was their ability to bring money back to their client’s community. Which is what those in the business will tell you.

“Obviously you’re on the lookout for funding — that’s always been job one,” said lobbyist Larry Markley. He’s been Sitka’s municipal lobbyist for years.

He said he’s proud of the work he does for his clients and communities.

“I don’t call myself a government affairs consultant or a consultant,” he said. “I’m a lobbyist. That’s what I do.”

But what happens when the gravy dries up? In 2017, the state [drastically slashed the capital budget](#) that’s available for local projects.

Public filings show local governments in Bethel, Yakutat, and Haines all dropped their lobbyists.

“When the big cuts came down ... it seemed like they came down pretty heavy all over the state,” Haines Assemblyman Tom Morphet said. “There was no lobbyist that was saving any community from those cuts.”

Yakutat City Manager Jon Erickson said it didn’t pencil out to retain lobbyist Ian Fisk, either.

“He was an excellent lobbyist, very helpful,” Erickson said, “but we just couldn’t justify spending on a lobbyist.”

But overall, most local governments in Alaska continue to invest in the lobbying sector.

For example, Fairbanks North Star Borough continues to pay \$100,000 a year for its state lobbyist. Matanuka Susitna Borough has paid its lobbyist \$80,400 a year since 2013. Prior to that it had two lobbyists on retainer.

In Southeast, local governments in Ketchikan, Petersburg and Wrangell spent about \$168,000 combined on the same lobbyist: Raymond Matiashowski, a former cabinet member under Gov. Frank Murkowski.

Kettler said she's skeptical of lobbying's value for cash-strapped municipalities. But she said it's really a political question.

"What are cities getting for spending money on private lobbyists? What benefits are being brought?" she said. "I think it's something that taxpayers may want to know."

Walsh, the Juneau-based lobbyist, said cities often need outside funding for infrastructure projects. So they turn to lobbyists like him and he makes their case to lawmakers drawing up the budget.

"There are times when they just simply need the help of the state," he said, "much like the state needing the help of the federal government."

All told, public filings show Alaska cities, boroughs and school districts spent a combined \$2,623,976 on state lobbyists in 2018.

That number doesn't include the amount spent on federal lobbying in D.C.

Filings are underway as the legislature gears up for its 2019 session. Early indicators show that while some localities have trimmed back, most have opted to keep at least one lobbyist under contract.

[Georgia Senate limits window for bringing sexual harassment claims](#)

As one of the Georgia Senate's first orders of business Monday, senators passed rules making it less likely that lawmakers will investigate allegations of sexual harassment against their colleagues in the future.

In a resolution passed Monday, the first day of the 2019 legislative session, lawmakers voted to approve rules that require people who believes they've been harassed by a senator or Senate staffer to bring their allegations forward within two years of the alleged incident. Previously there had been no time limit.

The time limit would apply to all complaints about the conduct of senators, not just sexual harassment cases. The rule also says anyone who files a complaint and makes it public could see it automatically dismissed and face sanctions, including possibly fines.

The change would have ruled out [last year's complaint](#) against a former Senate leader, who was accused of sexually harassing a lobbyist in 2011. A panel of [Senate leaders meeting in secret ended up dismissing](#) the complaint, but the case hurt the political chances of then-state Sen. David Shafer, who lost the Republican primary runoff for lieutenant governor.

[Senate Majority Leader Mike Dugan](#) told lawmakers Monday that the intent of the rule change was to increase the level of scrutiny that goes into investigating claims of harassment or other poor conduct. He said complaints filed with the federal Equal Employment Opportunity Commission must be filed within six months of the alleged act occurring.

“We had to draw a line somewhere,” said Dugan, a Republican from Carrollton. “And we thought a year-and-a-half longer than what an EEOC complaint would be was a reasonable amount of time.”

But [state Sen. Nan Orrock, D-Atlanta](#), called it concerning that lawmakers voted to narrow the time for people to report harassment. All the chamber’s Democrats opposed the resolution.

“This change is very troubling when we had a leader in the Senate who had charges brought against him just last year,” Orrock said.

The changes also increase the burden of proof for making an allegation public, lifting it from the charge having “reasonable grounds” to requiring “substantial credible evidence exists.”

Of the 33 men in the majority Republican caucus, 32 voted for the new rules, as did [state Sen. Kay Kirkpatrick, R-Marietta](#). [Senate President Pro Tem Butch Miller, R-Gainesville](#), presided over the chamber and didn’t vote.

By contrast, on his first day in office, new Gov. Brian Kemp late Monday issued an executive order overhauling sexual harassment training and making Georgia’s inspector general the repository for state agency complaints, ending the current siloed system which allowed each department to handle allegations in its own way.

Late last session, a veteran lobbyist filed a complaint against Shafer, who was considered the front-runner in the race for lieutenant governor.

The lobbyist said Shafer retaliated against her and harassed her after helping her get a bill passed in 2011, and the case was the talk of the final few days of the 2018 session.

The Senate’s Ethics Committee hired an [Atlanta employment lawyer](#) to investigate the allegations. The group’s deliberations were held in secret, and the case against Shafer was dismissed after the lawyer investigating the case “failed to find credible evidence of sexual harassment or a violation of the Senate Rules.”

Shafer urged the Senate committee to make the investigative report public. But the Georgia General Assembly long ago exempted itself from the Georgia Open Records Act, so the file remained secret. The Atlanta Journal-Constitution, however, [was able to obtain a copy of the complaint](#).

Shafer was the choice of many Republican senators, Capitol lobbyists, special interests and institutional donors to win the lieutenant governor’s race. He narrowly missed winning the GOP primary outright, but then he lost the Republican runoff to former state Rep. Geoff Duncan after an [“independent group” spent \\$3 million](#) on mailings and ads that, among other things, raised the sexual harassment complaint as an issue.

Duncan went on to win the general election in November.

Under the new rules, the Senate ethics panel wouldn’t consider complaints if they are filed after a lawmaker qualifies to run for re-election or another office and before an election. The committee would wait until the results of the election are certified. The state ethics commission also doesn’t adjudicate complaints right before an election.

Democrats also took issue with changes in the way people are required to behave in the chamber or “Senate environs.” Democrats said the language was too vague.

The change prohibits any noise or signs in the “gallery, lobbies or hallways in the immediate environs of the Senate during any legislative proceeding.”

Orrock also questioned the timing of the change.

“Last November we saw a black female member of the Senate taken out in handcuffs,” she said, referring to the [arrest of state Sen. Nikema Williams, D-Atlanta](#), during a protest in the Capitol. “It’s outrageous and it has a chilling effect on our democratic rights.”

[Portland mayor to propose city-level Clean Election fund, lobbyist disclosure rules](#)

Portland Mayor Ethan Strimling said he will propose ambitious changes to city elections, asking for public funding for local campaigns and new lobbyist disclosure rules during a Monday night address.

Portland would likely be the first municipality in Maine to install a so-called Clean Election fund and demand its elected officials disclose meetings with lobbyists and other influencers if it does so.

Strimling is entering the final year of his four-year term and is scheduled to deliver his annual State of the City address Monday evening.

Since the annual speech was established seven years ago with the restoration of the publicly elected mayor position, it has served [as a platform for the mayor to launch new initiatives](#) in a community [that’s often a bellwether for the rest of the state](#).

This time, Strimling said he wants to localize elections programs already in place at the state level, in part.

“There’s a lot more we need to do to make our government as transparent as it should be,” he told the Bangor Daily News.

At the state level, candidates for governor, the House and Senate can use tax dollars to fund their campaigns for office as long as they reach minimum thresholds of individual campaign donations of between \$5 and \$100.

Portland City Council districts are about twice the size of Maine House districts. A House candidate can get about \$15,000 in public funding for a contested general election if he or she maximizes qualifying donations, so if a commensurate program is put in place in Portland, each council candidate could cost the city around \$30,000.

At-large candidates, who represent about as many constituents as one and a half state senators, would cost more.

Last fall, there were 10 total council and school board candidates running for office in Portland, although two ran unopposed. If all those candidates sought public campaign funding, the bill for City Hall could grow to be hundreds of thousands of dollars out of an annual budget of nearly \$250 million.

“I think for the payback in terms of getting big money out of politics, it’s well worth the investment,” said Strimling.

Campaign finance disclosures last October showed that while big individual donations were few and far between, there were wide disparities in fundraising among candidates in some races — most notably in an at-large council race between longtime incumbent Nicholas Mavodones, who raised more than \$35,000, and challenger Joey Brunelle, who raised less than \$6,000.

Overall, most candidates for district-level races raise less than \$10,000.

Strimling himself is among Portland's most prolific political fundraisers, raising more than \$100,000 for his 2015 mayoral campaign, more than twice as much as his closest competitor, then-incumbent Michael Brennan. Strimling [was sharply criticized by his opponents](#) at the time for taking more than \$30,000 in contributions from real estate developers and their supporters. He was by far the [top fundraiser during the 2011 mayoral campaign](#) as well, although Brennan won at the polls that year.

"I raise money with the best of them but I understand how money can be part of the system in a way that it shouldn't be," he said, adding that a local Clean Elections fund would not be in place by the fall.

"This will not impact [the upcoming] mayor's race," said Strimling, who has not officially announced whether he will run for re-election, but has filed the paperwork necessary to begin raising funds for a campaign. "I'm not asking to set it up so I can avoid raising money."

City Councilor Spencer Thibodeau [was the first to announce he'll run for mayor this year](#), while at least two other councilors have said they are considering running for the office.

Strimling said he will seek to work with the City Council and other stakeholders to develop the details of his proposals over the year. Although there's more money at stake in launching a public campaign financing program, there's likely more gray area in his lobbyist disclosure plan. Where would the city draw the line on who is considered a lobbyist? Who would be responsible for reporting interactions and where would that information be kept? Which public officials would be subject to the disclosure rules?

The mayor said questions like those would need to be answered through the development of the rules. When asked whether he believes lobbyists currently have undue influence on city-level decisions, Strimling said "I'm not seeing anything different here than any other level of government."

"If you're coming into City Hall and asking for something from the city, the public should be aware of it," he said. "I'm not sitting here saying 'Oh my god, there's somebody lurking around the corner.' I just think it's good government. I think that's how we should be doing it."

In addition to the local Clean Election fund and lobbyist disclosure rules, Strimling said he will reiterate calls to allow noncitizens living in the city legally the right to vote in local elections, as well as urge the city to implement ranked-choice voting in City Council and school board races.

Ranked-choice voting is already used in the mayoral elections, as well as in Maine's congressional races, where the voting method has been disparaged as unfair and unconstitutional by Republican leaders.

In Portland, where voters have overwhelmingly supported ranked-choice voting at the polls on multiple occasions, however, the expansion of the method to municipal races will likely be among the least controversial things Strimling pitches Monday.

The City Council was expected to approve a referendum last year seeking to give some noncitizens voting rights, [but delayed the move](#) after hearing concerns from immigrant advocates that it could backfire and confuse new arrivals who may think they can vote when they can't.

Some form of that proposal would likely return to the council to be placed on the ballot this year with or without Strimling's shout-out at the State of the City address.

Ethics proposal would mandate disclosure of 'indirect' lobbying donors

A state ethics rule proposal has created a debate over where transparency issues end and privacy issues begin.

The Oklahoma Ethics Commission [proposed an amendment in its regulations](#) Friday that would allow the agency to begin controlling so-called indirect lobbying and require the disclosure of those who donate money to those efforts.

Supporters of the change said the rule ends an arbitrary distinction.

Under current law, ethics officials are allowed to monitor spending on candidate campaigns, but they're not allowed to monitor spending on legislative issue campaigns. For example, organizers who place ads on television that urge residents to oppose a piece of legislation are not subject to financial disclosures.

Indirect lobbying has an extensive definition within the proposed rule change, but all of it pertains to activism regarding specific pieces of legislation. It includes paid advertisements in all media, hiring professional lobbyists or collecting more than \$500 in funds to advocate for or against legislation.

Under the rule change, if organizations collect money from individual donors for indirect lobbying, the donors' names, addresses, occupations and employers are required to be disclosed. Critics said that could have a chilling effect, especially for residents siding with the minority on an issue.

State Rep. Meloyde Blancett, D-Tulsa, has been working with the commission to implement the rule. She said she's been seeing several advertisements urging residents to oppose legislation. At the end of those ads, the narrator says the ad was paid for by a vaguely named dark-money group.

"You can't find out whose voice you're hearing," she said during the amendment's hearing. "When you know whose voice it is, then you understand better the objective."

She said the disclosure is important to protect general voters – people who don't spend all day following politics – from having their opinions affected by anonymous groups whose motives are hidden.

Many of the speakers at the hearing opposed the measure, raising concern that it's inappropriately regulated private political participation.

Trent England is the executive vice president of the Oklahoma Council of Public Affairs, a conservative organization in Oklahoma City. He said more than 2,000 people had signed the group's petition against the rule change. He said the measure was inappropriate because the Ethics Commission is designed to regulate public officials, not private voters.

Jonathan Small, president of the same organization, voiced a similar concern but in a broader context.

"Transparency is for government, privacy is for people," he said.

The rule proposal has already undergone significant changes since it was introduced in December. The commission had a public meeting with a comment period on it then. During Friday's meeting, the commission decided to continue the hearing process on the rule before taking a vote. Members will meet for more public comment on Jan. 25.

Number of Lobbyists and Advocates at State House on the Rise

The number of people and firms registered with the state as lobbyists—including those who advocate for nonprofits—has risen over the past few years, continuing a trend that long-time lobbyists say has been underway for decades and is making the State House a more crowded environment.

In the 2017–2018 biennium, a total of 1,145 lobbyists, lobbying firms, and employers with in-house lobbyists were registered with the state, up 7.8 percent from the number registered in the 2015–2016 biennium, according to figures on the secretary of state's online lobbying disclosure database. More and more businesses and nonprofit organizations believe they need to have advocates in the State House to watch out for their interests, insiders say.

As a group, the lobbyists registered with the state are paid millions of dollars per year, providing a big economic boost to the Montpelier area. In the 2017–2018 biennium, total compensation for lobbying reported to the secretary of state was \$33.2 million dollars.

The definition of lobbying in Vermont law includes those working on behalf of nonprofits as well as businesses. Among other things, it covers anyone attempting to influence legislative or administrative action and soliciting others to do the same if they receive at least \$500 in compensation for their efforts.

Lobbying is an activity protected by the U.S. Constitution. Among other things, the First Amendment protects free speech as well as the “right of the people...to petition the Government for a redress of grievances.”

Nevertheless, courts have allowed some regulation of lobbying, such as Vermont's requirement that lobbyists register, pay fees, and file financial reports, according to attorney Chuck Storrow, a veteran lobbyist with Leonine Public Affairs in Montpelier.

Storrow, one of six lobbyists at the firm, noted that citizens, local officials, and administration employees do not have to register to lobby, but said there seem to be more of them visiting the State House even as the number of registered lobbyists and lobbying firm swells compared with a couple of decades ago.

“The physical capacity of the State House is overtaxed, in my opinion” he said. “It can be brutal trying to get a seat in a committee room, and even the cafeteria can be busy.”

With so many people in the building, it is also getting more challenging for lobbyists to talk with lawmakers, he said. But in general, Vermont lawmakers are still very accessible, and it is usually possible to “get their ear or present testimony,” he said.

Because Vermont legislators work part-time and do not as a rule have their own staffs, the information and research lobbyists can provide is important. “Most legislators value input from lobbyists and advocates,” Storrow said. “But they take it with a grain of salt since they know we have a desired outcome we are pursuing and they factor that in.”

To retain the trust of legislators, it is important for lobbyists to be credible,” he noted. “You have to provide objective facts and put your cards on the table.” That means lobbyists and advocates must spend considerable time outside the State House researching issues, work that counts toward the lobbying compensation that must be reported, he said.

Another function of lobbyists is simply to watch what is going on so they can report to their clients or organizations about when a bill is going to be voted on or how sentiments are shifting

among legislators, according to Paul Burns, executive director of the nonprofit Vermont Public Interest Research Group (VPIRG). He is a registered lobbyist entering his 19th session.

“We specifically look for opportunities to connect with our members on issues being discussed so they can comment,” he said. “We might send an email to tens of thousands of our members and urge them to email or call their legislators. It is very hard for people to track what is happening in the State House—a difficulty exacerbated by the declining number of journalists in the State House—so we work to keep them informed.”

Burns said he has witnessed both an increase in the number of Vermont lobbyists and a decline in the number of journalists covering the Legislature. “On both counts, that’s challenging,” he said.

A half-dozen VPIRG employees are registered as lobbyists and are in the capitol on a regular basis keeping track of issues important to VPIRG, but several other VPIRG employees or contract lobbyists also register because they may lobby for VPIRG occasionally, Burns said. “We try to be hypersensitive about complying with the lobbying law, which we support,” he said.

“The public has a right to know who is working the halls of the State House and who works for whom,” Burns said. “That information should be easily accessible to the public.”

In Vermont, much of that information is online. The secretary of state’s office has a searchable database (sec.state.vt.us/elections/lobbying.aspx) that lists all lobbyists, lobbying firms, and employers with employees who lobby. The database also shows how much lobbyists spend on lobbying and how much they are paid. The state even publishes an online “photobook” that provides photos and contact information for all registered lobbyists.

There are lobbyists who are in the State House every day of the session, but many of Vermont’s registered lobbyists may only get there from time to time. The database includes out-of-staters who register when they are sent to testify on a bill as well as employees of businesses and nonprofits who only rarely visit the capitol or an administrative agency. But if more than \$500 of their pay comes from lobbying activities, they must pay to register and file financial disclosure forms several times a year.

With the Legislature just back in town, lobbying in Montpelier is in full swing. VPIRG’s Burns said it will be an interesting start to the year because there are about 40 new legislators this year, which he called a “big number.”

“It is a neat time at the beginning of the session,” he added. “There is goodwill and a feeling we can all work together. We’ll see how long it lasts.”