

MULTISTATE

Lobbying | Tracking | Compliance | Consulting

[Lawsuit seeks to knock gerrymandering issue off Missouri's November ballot](#)

A Kansas City attorney who helped draw the boundaries of Missouri's current legislative districts is trying to knock a question off the November ballot designed to end partisan gerrymandering.

In a lawsuit filed on behalf of Paul Ritter, a Miller County resident, attorney Eddie Greim said the proposed referendum violates a provision in the Missouri Constitution that prevents multiple subjects from being combined into one ballot proposal.

“One purpose of the prohibition on multiple subjects in a single ballot proposal is to prevent ‘logrolling,’ a practice familiar to legislative bodies whereby unrelated subjects that individually might not muster enough support to pass are combined to generate the necessary support,” the lawsuit says.

The referendum sponsored by the group CLEAN Missouri asks whether voters want to tighten campaign contribution limits, ban lobbyist gifts, institute a two-year “cooling off” period for lawmakers-turned-lobbyists, start a new redistricting system in 2020 and require lawmakers to adhere to the Sunshine Law.

Currently, state legislative [districts are drawn by two bipartisan panels](#). Under the model proposed by CLEAN Missouri, the state auditor would appoint a nonpartisan state demographer to draw new districts after the 2020 U.S. Census; a citizen commission would then review the lines.

Democrats for years have complained that under the current bipartisan model, Republicans received a built-in advantage over Democrats after the 2010 Census.

Republicans have controlled the House and the Senate chambers since 2003 and, in recent years, have tightened their grip by electing veto-proof majorities.

The ballot measure has won bipartisan support, but it also has drawn scrutiny from Republicans because it has received financial support from [labor unions, Planned Parenthood and scores of small donors](#).

The lawsuit calls on the court to direct Secretary of State Jay Ashcroft to remove the question from the ballot.

On behalf of CLEAN Missouri, Rev. Cassandra Gould, executive director of Missouri Faith Voices and a pastor at Quinn Chapel A.M.E. Church in Jefferson City, called the lawsuit a “desperate attempt from a few political insiders to protect a corrupt system where legislators take millions in lobbyist gifts while ignoring voters back home.”

“We expected a last-ditch effort like this, because they know what we know: Voters are fed up with what they’ve been seeing in Jefferson City, and are really excited about the opportunity to clean up state politics with Amendment 1 in November,” Gould said.

In November, a national expert on redistricting [told the Post-Dispatch](#) that the combination of so many different elements in the referendum could spell trouble.

“That’s a lot to put in one measure,” said Wendy Underhill, director for elections and redistricting at the National Conference of State Legislatures.

In 1990, the Missouri Supreme Court tossed out a proposed ballot initiative because it included too many subjects.

The court wrote that the ban on including too many elements in a ballot question “is intended to discourage placing voters in the position of having to vote for some matter which they do not support in order to enact that which they earnestly support.”

District lines for the House and Senate are redrawn every 10 years after completion of the United States Census. Districts must have nearly equal populations and must not discriminate on the basis of race or ethnicity.

In Missouri, the House and Senate set up special commissions to redraw the boundaries. If the new maps fail to win the support of 70 percent of the commissioners, the Missouri Supreme Court appoints a special panel of six judges to draw the lines.

In 2010, the commissions failed to approve their own plans, sending the matter to the special court panel. The House version was approved in November 2011, but the Senate version was challenged. A new [Senate map was not approved until March 2012](#).

CLEAN Missouri contends the current process has become dominated by “party insiders” who help craft district boundaries that favor incumbents or particular parties. The end result is that voters have few choices when they go to the polls because a majority of districts for the House and Senate are not competitive.

The proposed amendment would require a statistical test to measure partisan fairness in the redistricting process, and it would create a new position of state demographer to draw the new boundaries.

Under the proposed change, the auditor would get to choose three candidates to serve as the demographer. The legislative leaders would then select a finalist from that group.

[NRA, in legal battle with NY governor, claims it’s facing financial ruin](#)

The NRA may soon be shooting blanks.

The powerful gun-rights group claims it’s facing financial ruin because of a full-frontal assault from the administration of New York Gov. Andrew Cuomo.

In a recent court filing, the NRA said it suffered tens of millions of dollars in damages as a result of the state’s campaign to dissuade banks and insurance companies from doing business with the gun-loving group.

Cuomo and his state regulators “seek to silence one of America’s oldest constitutional-rights advocates,” the National Rifle Association said in the July 20 court filing. “If their abuses are not enjoined, they will soon, substantially, succeed.”

The governor fired back after the court papers came to light Friday.

“If I could have put the NRA out of business, I would have done it 20 years ago,” he said.

The state is preparing to file a motion to dismiss the suit, he added.

“New York will not be intimidated by the NRA's frivolous lawsuit to advance its dangerous gun-peddling agenda,” Cuomo said. “Donald Trump and Washington, D.C., may be bought and paid for by the NRA, but in New York, we are listening to the voices of people across the nation calling for action to keep our communities safe.”

The fierce back-and-forth marks the latest maneuvering in a case brought by the NRA in May. The firearm lobbyists took aim at Cuomo and the state Department of Financial Services, claiming the effort to persuade businesses to abandon the group violated its First Amendment rights.

The NRA filed suit a month after Maria Vullo, the state's top financial-services regulator, sent a letter to banks and insurers following the Feb. 14 mass shooting at a high school in Parkland, Fla., that left 17 dead and 17 wounded.

The letter warned of the “reputational risk” of doing business with the NRA and gun industry.

In the new filing, first reported by Rolling Stone magazine, the group says the pressure from the state has produced immediate results.

“As a direct result of this coercion, multiple financial institutions have succumbed to defendants' demands and entered into consent orders with (state regulators) that compel them to terminate long-standing, beneficial business relationships with the NRA, both in New York and elsewhere,” the NRA claims.

The filing does not give specifics on the NRA's financials. But in its latest disclosure form, from 2016, the group reported that it was nearly \$46 million in the red.

The NRA claims it has recently struggled to secure corporate insurance coverage, leading to the possibility that it will have to close its TV station and various print publications and magazines.

The group added that it had withstood boycotts in the past. But it claims it's now facing financial doom because the latest revolt is being led by a government entity.

“Unaided by the brute force of state power, activists never successfully persuaded the NRA's banking or insurance partners to sever ties with the NRA,” it wrote in court papers.

“This changed in 2017... Defendants specifically intend to undermine the NRA's ability to conduct its affairs in New York — and to advance Cuomo's anti-NRA political agenda,” the papers allege.

[Appeals court revives lawsuit targeting Texas Ethics Commission's power](#)

A state appeals court on Friday reinstated a lawsuit by Empower Texans, a prominent conservative advocacy group, that seeks to strip the Texas Ethics Commission of its power to regulate campaigns and political donations.

The lawsuit, part of a long-running legal battle pitting the commission against Empower Texans and its president, Michael Quinn Sullivan, had been dismissed in November 2016 by state District Judge Stephen Yelenosky, who said his court did not have jurisdiction to decide the matter.

Empower Texans and Sullivan appealed, arguing that the commission lacks authority under the Texas Constitution to enforce state election laws or issue fines against those who violate regulations governing campaign activities and political giving.

On Friday, the Austin-based 3rd Court of Appeals revived the lawsuit and returned it to Yelenosky, saying Empower Texans and Sullivan raised issues of constitutionality that the trial court has the power to address. The three-judge appeals court panel did not rule on the merits of the lawsuit's claims.

The case involves 2012 complaints filed with the ethics commission by two state representatives who are no longer in office — Vicki Truitt and James Keffer — alleging that Sullivan failed to register as a lobbyist as required by state law and that Empower Texans violated campaign finance law by failing to register as a political action committee.

The agency eventually fined Sullivan \$10,000, saying he lobbied state lawmakers without registering as a lobbyist, prompting a round of appeals that is currently before the Texas Supreme Court.

In a separate action on the failure to register as a political action committee complaint, the ethics commission filed a lawsuit in state district court in Travis County seeking to enforce subpoenas against Empower Texans and Sullivan, who filed a counterclaim that argued, among other things, that the agency lacked the authority to issue fines or enforce state election laws.

The commission dropped that investigation, however, and argued that Empower Texans' counterclaim was therefore moot. Yelenosky agreed and dismissed the counterclaim — prompting the appeal that led to Friday's ruling by the 3rd Court of Appeals.