



Judge: Facebook intentionally violated WA campaign finance law 822 times
(Washington)

Meta, Facebook's parent company, intentionally violated Washington's longstanding campaign finance law 822 times, a King County Superior Court judge wrote Thursday, opening the social media giant up to millions of dollars in potential fines.

Washington's transparency law, originally passed by voters through an initiative in 1972, requires ad sellers such as Meta to disclose the names and addresses of political ad buyers, the targets of such ads and the total number of views of each ad. Ad sellers must provide the information to anyone who asks for it.

Other sellers of political ads, including television stations and newspapers, have had to abide by the Washington requirements for decades.

State Attorney General Bob Ferguson first sued Facebook for violating the law in 2018. In response, Facebook agreed to pay a fine and [said it would stop selling political ads](#) in the state, rather than comply with the law. Google, similarly, said it would stop selling political ads in Washington.

But [they didn't stop selling political ads](#).

Ferguson [sued Facebook again in 2020](#).

Meta had [tried to have the case thrown out](#) and Washington's campaign finance law declared unconstitutional, arguing it "unduly burdens political speech" and is "virtually impossible to fully comply with."

But King County Superior Court Judge Douglass North, who [last month denied Facebook's attempt to invalidate the law](#), spelled out the social media giant's offenses in a [written order Thursday](#).

“Meta not only continued to solicit Washington Political Advertisements, but Meta was aware that its announced ‘ban’ would not, and did not, stop all such advertising from continuing to be displayed on its platform,” North wrote.

The company’s violations were found intentional, North wrote, because of its history of failure to comply with the law, its extensive experience with campaign finance law and its “lack of good faith and failure to acknowledge and take responsibility for its violations.”

Meta did not immediately respond to a request for comment Thursday.

The company had argued that it was impossible to comply with Washington’s law, but “failed to provide evidence” as to why it was unable to comply, North wrote.

From 2019 to 2021, three people requested information from Meta about the political ads it was selling (even as it said it had stopped selling ads in Washington).

But Meta never provided these requesters with the information required by Washington law, North wrote. When it did provide information, it was insufficient, redacted or weeks or months late, North wrote.

Each Washington political ad that Meta sold and then failed to fully disclose required information to a requester is one violation of state law.

North found that from 2019 to 2021, Meta violated the law 822 times, in failing to sufficiently respond to the three requesters.

Each violation is typically punishable by a \$10,000 fine but since North found that Meta intentionally violated the law, the fines can be tripled.

[Top New York lobbyists have kept their footprint through many scandals and shifts, most recently Gov. Kathy Hochul’s ascent](#) (New York)

ALBANY — In April 2020, as the coronavirus overran New York, former Gov. Andrew M. Cuomo’s team enacted measures to shield hospitals and nursing homes from liability associated with the treatment of patients infected by the deadly virus.

At the time, attention focused on more than \$1 million that the Greater New York Hospital Association had poured into Cuomo's campaign during his 2018 re-election bid. But the influence of seasoned lobbyists loomed large as the liability-waiver amendment was ushered into law in the bustling final days of the budget negotiations that spring.

Some lawmakers in the Senate and Assembly, where the measure passed, questioned last-minute updates from the governor's team, including the blanket immunity provision for hospitals and nursing homes that would later become a focus in a broader investigation by the U.S. Department of Justice that did not result in any charges. A news release that came on its heels credited lobbyists for the effort to secure "immunity for hospitals and workers from liability in connection with COVID-19."

The trade group, which has been among the top 10 spenders on lobbying in New York every year for the past decade, claimed it had "drafted and aggressively advocated for this legislation." GNYHA spokesman Brian Conway, who said the association stands by its advocacy given the "extraordinarily challenging circumstances," noted it's "common practice for advocacy organizations to submit draft legislative language." Indeed, the outcome was not unusual.

Lobbyists often are key in shaping or killing legislation and spending bills. Many are veteran lawmakers themselves or had prior jobs — including as agency leaders or legal counsel for top elected officials — that provide them connections and insight into the government's inner workings, which enable them to shape political outcomes for their clients. They are a constant presence in Albany, customizing pitches to assuage the differing concerns of key officials, strategically framing stories to steer media attention and using the hectic legislative calendar to their advantage.

While lobbyists from professional firms set up frequent formal meetings with lawmakers and agency leaders, they also get trade associations, subject-matter experts, labor coalitions and community leaders to join the chorus. And their relationship-building efforts include hosting

top-dollar campaign fundraisers for the same politicians they seek to influence — events that are crucial for lawmakers hoping to secure reelection.

The system's key players, such as well-known Albany lobbyist Giorgio DeRosa, defend the value of their work.

“We’re seen as being bad for the system by the ‘good government guys’ because we’re being paid for our services, which is just ridiculous — we all have a certain value based on our experience and track record,” said DeRosa, whose firm Bolton-St. Johns had 262 clients last year, the highest number in New York. “We play an enormously important role. We represent clients that have a wide variety of interests and we’re very often their voice, conveying their messages to elected officials or folks in the bureaucracy.”

Their influence is on full display as lawmakers debate the mammoth annual state budget, a Byzantine tangle of spending allocations and rulemaking that has become a vehicle for some of New York's most controversial legislation.

“Lobbying is all about access,” said Blair Horner, executive director of the New York Public Interest Research group, which advocates for transparency reforms.

“What makes a lobbying firm effective? They have knowledge of the issue and the law — a lot of the 6,000 lobbyists are technical people. Then, there’s the people who are present at the Capitol a lot, so they can be helpful to legislators,” he said. “And lobbyists are really the primary conduit for campaign contributions.”

State Sen. Alessandra Biaggi said that after being elected to the Senate in 2018, she “couldn’t even believe” the omnipresence of lobbyists in Albany. Many are “simply there to protect or expand the financial interests” of their clients, she said, adding that some push issues of public importance.

“Their outsized influence determines, sometimes, what kinds of bills are being passed, and the provisions that are in certain kinds of bills,” Biaggi said.

Still, she was shocked by their access. When first elected, she noticed a sergeant-at-arms regularly walked into the Senate chamber while lawmakers were voting or debating to hand them the business card of a lobbyist. That often would signal the paid advocate was waiting in the lobby, expecting the senator to step outside.

Any advocate who is paid or deploys more than \$5,000 a year to persuade public officials on an issue is considered a lobbyist. But the top professional, full-time firms pocket millions of dollars for their persuasive tactics. Many trade groups and large companies rely on them, even when the groups have lobbyists on staff. The 10 highest-earning firms brought in a combined \$100 million last year, over a third of the total lobbying spending.

Hochul pitched herself as ushering in a “new era of transparency” when Cuomo resigned last year. But the money that went to persuading officials on state matters has continued to rise on her watch — and she has outpaced the former governor in raising campaign donations, including from entities or individuals doing business with the state.

The hierarchy of professional lobbying firms at the center of that influence has also held fast through the leadership change: nine of the 10 highest-earning firms remained in the top tier between 2020, when Cuomo was in office, and 2021, after Hochul took over.

Those firms boast decades of experience lobbying both parties for myriad clients, ranging from companies and trade groups to nonprofits and local governments.

While most top firms have stayed out of legal trouble, in recent decades both parties’ leading politicians have found themselves roiled in corruption scandals that involve one or more professional lobbyists. Former state Senate Majority Leader Dean Skelos, a Republican, and deceased former Assembly Speaker Sheldon Silver, a Democrat, are two of many lawmakers whose careers were derailed by criminal cases in which they were accused of making decisions

that benefited particular companies in return for illicit compensation. Both were sentenced to federal prison terms.

Wining and dining

Even as the lobbying industry is thriving, calls for reform continue.

In years past, meetings between decision-makers and Albany insiders often included a car service sent to legislative offices, a lavish dinner at a political haunt like 677 Prime or Jack's Oyster House with a generous serving of wine — outings organized by lobbyists but funded by their clients. Now, they are required to ask for separate bills at in-person meetings, and many opt for Zoom.

“That was a cultural change in Albany,” said Richard Gottfried, a longtime Democratic assemblyman retiring this year. “A lot of lobbying used to get done over dinners that the lobbyist was paying for.”

But relationship-building by cashing in at mealtime isn't entirely off the table.

On a recent August day in Saratoga Springs, shortly before the state Senate primary election, cars piled into the parking lot of the gastropub 550 Waterfront, which sits on a dazzling marina packed with private vessels overlooking Saratoga Lake — one of many Capital Region venues selected for a string of election-year fundraisers.

Lobbyists and wealthy donors who fund the Senate's Democratic Campaign Committee poured in, gathering on the waterfront and in a private, sectioned-off portion of the restaurant with dim lighting and a security guard. Their dark suits stood out in the 86-degree heat, as typical patrons dined nearby in casual, expensive-looking pastels. The attendees each had shelled out between \$1,000 and \$25,000 for a ticket to the event, hosted by state Senate Majority Leader Andrea Stewart-Cousins and Deputy Majority Leader Sen. Michael Gianaris, two of the Legislature's most influential figures.

“If we have the resources, we will pick the right candidates, and we will be able to be the force for great policymaking,” Stewart-Cousins told the crowd.

Then, after noting that “service is all they know,” the majority leader pointed out the individual Senate committee chairs in attendance that the guests could talk to if they were “interested in” a variety of topics from insurance to agriculture, and even if “contracts aren’t working for (them),” an apparent nod to the direct access the lobbyists and business magnates had gotten for the ticket price.

The swanky lakefront affair, held in an inlet of high society at the height of the Saratoga thoroughbred racing season, was followed a day later by a nearby fundraiser for a rival: the Senate Republican Campaign Committee. A week and a half later, the latter committee held another Albany-area event where they presented the Joseph L. Bruno Leadership Award — a reference to the former state senator and Republican majority leader who ended his own tenure embroiled in scandal but ultimately was acquitted of federal criminal charges.

Besides the more restricted accounts that Republican and Democratic campaign committees can use to support individual candidates, the groups have “housekeeping” accounts without donation limits. But the watchdog Common Cause NY has shown that in the past they have routinely spent on individual races in spite of rules barring such activity.

And while some wealthy event attendees are party loyalists, a number of top lobby firms have made donations to opposing campaign committees in the past several years, as have their clients with business interests in the state. It’s an age-old practice akin to betting every horse in a race.

Verizon is one of those clients. According to state records, within days of the November 2018 election that handed the Republican-controlled Senate back to the Democrats, the company gave thousands of dollars in donations to the Senate housekeeping accounts of both Democrats and Republicans — after sending in repeated \$25,000 sums to each party before the election.

The New York City-headquartered company also was one of the top 10 lobbying spenders in 2017, shelling out \$1.03 million to sway lawmakers the year before the historic Senate flip.

Businesses like Verizon that lobby the government often contribute to individual politicians' fundraisers as well as to committees. Meanwhile, the lobbying firms and trade associations that represent them often host candidates' soirees.

Hochul has raised record levels of campaign contributions from fundraising events since being sworn in as governor last year, employing tactics like setting a \$250,000 fundraising minimum to secure her attendance at events organized by major lobby firms. In return, clients willing to donate large sums got to attend and make their case to the politician, sometimes in brief one-on-one meetings. She and her Republican challenger, U.S. Rep. Lee Zeldin, have both been making the rounds at Albany-area fundraising venues in advance of the November election.

State lobbyists made their way one rainy September evening to Zeldin's recent campaign event at the Fort Orange Club, a storied and exclusive membership clubhouse steps from the Capitol in Albany. Paid advocates could historically rely on the space for a private lunch with a politician, away from prying eyes.

This year, elected officials scheduled at least 120 in-person fundraisers in the area between January and early June, while lawmakers frequented Albany to deliberate on legislation. According to data collected by NYPIRG, May 24 was the session's most popular date. That Tuesday, three separate political fundraisers were scheduled at the Fort Orange Club; two each at the Renaissance Hotel, the Skinny Pancake and The Olde English Pub; and three in additional bars and restaurants. With entry fees ranging from \$100 to \$500, it would have cost an enterprising insider \$3,750 to show their face at all of the events.

Critics of the fundraising practice, including retiring Assemblywoman Sandy Galef, have attempted to outlaw it for years with little success. The Democratic assemblywoman also

sponsored stagnant legislation that would nix people moving directly from a campaign team to a job lobbying the person they just helped get elected.

“I think everybody likes the system as it is” since it got them elected, Galef said. But she sees the Capital Region fundraising gauntlet as an all-too-convenient lobbying tool.

“Who else is up in Albany to come to your events? They’re not your constituents from home. It is just (lobbyists delivering) checks one after the other,” she said.

Those proposals are not the only ones taking aim at perceived cronyism in state government. Chris Tague, a Schoharie County assemblyman, is one of several Republican lawmakers behind a push for elected officials to face term limits. He is also among a bipartisan set of officials who think oversight of lobbyist-politician relationships needs change.

“One of the problems in Albany is that the ethics commission is controlled by politicians,” Tague said, noting that commissioners have long been chosen by state government leaders. “Because that’s ridiculous. It should be independent.”

Selling experience and insight

For Steve Malito, who leads state-level lobbying for the firm Davidoff, Hutcher & Citron, lessons in government started early. His father worked closely with former New York City Mayor John V. Lindsay.

“My life was spent on Saturday afternoons in the now sadly removed tree house in Gracie Mansion,” Malito said. He could also be found with coloring books in the corner of Lindsay’s office, and later on, behind the bar during political fundraisers.

“A lot of (lobbyists) have done this in one way shape or another,” he said. “But for me, it’s truly been out of the womb and into politics.”

Mary Kopley, another longtime lobbyist, took a different route: while studying biology at Russell Sage College she got a “little job” in the Legislature to help pay for school, and fell in love with politics.

Kopley has been a corporate lobbyist since the 1970s, when she was one of few women in the role; now she works for Bolton-St. Johns. But while she sees herself as “an education and a resource tool,” the people in her life took some convincing.

“I really think that one of my immigrant grandmothers thought that I was going to be a prostitute,” Kopley said.

[New state ethics watchdog agrees to chew on old cases](#) (New York)

ALBANY - New York's ethics and lobbying commission is rolling over all pending investigations inherited from its predecessor, a move that increases the odds those inquiries will reach conclusions.

The seven sitting members of the Commission on Ethics and Lobbying in Government unanimously voted Thursday that "any pending matter or inquiry" not closed by the prior agency, the Joint Commission on Public Ethics, "shall be continued." According to the resolution, certain legally required steps taken during those investigations will remain "valid and effective," indicating that procedures will not have to be redone by the new body.

As of Sept. 23, the new ethics body had 32 "open investigations" in motion.

Before JCOPE was shuttered, former Gov. Andrew M. Cuomo had been scheduled to face an April ethics hearing related to the question of whether he'd violated the law by using state employees to assist in the production of his lucrative COVID-19 memoir.

But a presiding officer overseeing the hearing postponed the date until Sept. 15 - and by that time, JCOPE no longer existed, throwing the investigation's future into question.

In a May legal filing, Cuomo attorney Rita Glavin argued that unlike the law creating JCOPE in 2011, the law creating the new ethics body did not contain any provision that "expressly provides

for the survival" of JCOPE's pending actions and proceedings. As a result, Glavin argued, the new commission would have to take its own actions related to any such proceedings.

On Thursday, a Cuomo spokesman declined to say whether the ex-governor had received any correspondence from the new commission about its intentions for the inquiry.

On Sept. 12, interim executive director Sanford Berland said the new body had "authorized steps" in "several" investigative matters. On Thursday, Berland reiterated the panel had acted in "a number" of matters - though it's not clear whether those included the Cuomo inquiry.

The former governor won a legal victory against JCOPE in August, when State Supreme Court Justice Denise Hartman ruled the commission had improperly sought to make Cuomo repay \$5.1 million in book royalties without finishing the ethics inquiry. But in her ruling, Hartman left the door open for the new body to pursue the matter.

"If, upon review of JCOPE's actions, the new commission decides to pursue action against Cuomo, proceeds with the adjudicatory hearing and determines that a violation has occurred, the new commission may then impose a civil penalty against him." the judge wrote. "And the new commission would be able to seek enforcement of the penalty, if any and if necessary."

Cuomo says members of his government staff were "volunteering" to help with his 2020 book, "American Crisis: Leadership Lessons from the COVID-19 Pandemic" - and that he did not misuse taxpayer resources for the lucrative private venture. According to an Assembly report on the matter, however, some Cuomo aides felt the free assistance was not truly voluntary.

Cities consider forming new government agency for lobbying and grant-seeking (California)

Cities in Santa Clara County will decide whether to form a new government organization called a Joint Powers Authority, or JPA, in order to lobby on behalf of the cities and seek regional grants.

However, not all 15 members of the Cities Association of Santa Clara County are sold on making their partnership official.

"Not everyone is lining up behind this, based on the amount of questions and pushback we got from our city attorneys" association attorney Gary Baum told the association's executive board on Friday.

"I don't really understand the angst around this," Mountain View Councilwoman Margaret Abe-Koga said. "I feel like we're trying to protect all the cities."

Representatives of each city will discuss the proposal at a meeting on Thursday, and they can vote on whether to recommend becoming a JPA to their councils on Nov. 10.

One of the main reasons for forming a JPA is to protect individual cities from lawsuits, Baum said.

In June, each city pitched in to pay former Executive Director Andi Jordan \$180,000 to resign after she threatened to sue. The payments were based on a city's size: Los Altos paid \$6,336, and Mountain View and Palo Alto paid \$8,030.

Jordan, who is the wife of former Los Altos City Manager Chris Jordan, alleged that she was harassed by two Los Altos councilwomen — Anita Enander and Lynette Lee Eng — because they didn't like her husband.

Jordan said that as executive director she advised the Cities Association to become a JPA or individual cities could be sued, and she used that view to get her settlement.

In the wake of Jordan's threat, the association doubled its dues, gave the executive director position a 40% raise and quadrupled the pay for Baum.

Monte Sereno Mayor Javed Ellahie was the only representative to publicly question the need for an association, and he wanted small cities like his to pay less.

Supporters, including Abe-Koga and San Jose Vice Mayor Chappie Jones, told Ellahie that the association can lobby for state bills and regional grants, and its positions carry more weight than individual cities.

Another reason to form a JPA is to clarify that the association doesn't have to pay taxes, Baum said.

The JPA would be established after eight city council ratify the agreement, according to a draft of the agreement. If the association drops below seven members within the first two years, then the name would have to change, Baum said.

The JPA board would come up with a work plan and vote on projects that cost more \$50,000, the draft agreement says.

The Cities Association has a relatively small budget of \$258,062, funded by city dues.

Shali Sirkay is currently working as the interim executive director for \$100 an hour. Sirkay specializes in public health and is a board member for the Los Altos School District.

There are several other JPAs in the area, including the City/County Association of Governments of San Mateo County, which deals with issues like traffic, waste management, air quality and

abandoned vehicles. Santa Clara County cities are all in the Silicon Valley Regional Interoperability Authority, an agency dedicating to making sure that emergency radios work together.

Alaska campaign finance regulators set to determine if Dunleavy's campaign illegally coordinated with an independent group (Alaska)

Alaska's campaign finance regulators decided Wednesday to hold an emergency hearing to determine whether Gov. Mike Dunleavy has illegally coordinated with an independent expenditure group supporting him in his reelection campaign.

The Alaska Public Offices Commission scheduled the expedited hearing for Friday, after two watchdog groups filed a complaint against the reelection campaign of Dunleavy, a Republican, and an independent expenditure group, accusing them of illegal coordination. The attorney for the groups that filed the complaint, Scott Kendall, said they requested an expedited hearing after the independent expenditure group, A Stronger Alaska, declined to provide information requested by the commission in their staff-led investigation.

The commission found "there is reasonable cause to believe that A Stronger Alaska has expended money that was not independent of a campaign," Commission Chair Anne Helzer said.

The emergency hearing will be held Friday afternoon, when Kendall is expected to ask on behalf of the complainants that the commission stop A Stronger Alaska from spending the \$3 million it has in its account going into the final month before Election Day, Nov. 8.

The complaint was filed last month by the Alaska Public Interest Research Group and the 907 Initiative, who allege that Dunleavy schemed "to improperly subsidize his campaign" using public funds and coordinating with A Stronger Alaska, via Brett Huber. Dunleavy's campaign responded by asking that the complaint be dismissed.

Dunleavy faces three opponents in the race, including Democrat Les Gara and independent former Gov. Bill Walker, both of whom have repeatedly attacked Dunleavy's record throughout their campaigns. Kendall, the attorney representing the complainants in the case, previously served as Walker's chief of staff but said Wednesday that he had not been in touch with Walker about the complaint and had filed it after he was approached by AKPIRG and the 907 Initiative.

The \$3 million in the account of A Stronger Alaska came from the Republican Governors Association two days before a new law went into effect requiring the disclosure of the source of the funds. Kendall has asked that the independent expenditure group be disbanded and that the funds be returned to the contributors. Then, Kendall says, the donors could re-contribute the funds, but the sources would have to be disclosed under Alaska's new disclosure law that is now in effect.

The independent expenditure group recently moved to begin spending the funds, including more than \$300,000 in direct mail, according to [a September report](#).

The \$3 million in A Stronger Alaska's account dwarfs [the funds all four gubernatorial campaigns have combined](#) going into the final 30 days of campaigning, according to campaign finance reports filed this week. Kendall said that is part of why he favors holding an emergency hearing, rather than waiting for the commission to conduct an investigation that could drag on past election day.

"We just don't believe, given that a firehose of money is now pointed at our election, that we can sit back and wait until after Election Day," Kendall told commissioners Wednesday.

Richard Moses, the attorney representing A Stronger Alaska, accused the complainants of trying to restrict freedom of speech by attempting to stop the group from spending its \$3 million, saying it could "materially affect the outcome of the election" and would constitute "an egregious violation of the First Amendment."

At the Friday hearing, Kendall is expected to present the complainants' case "on the narrow question of whether there was coordination between A Stronger Alaska and the Dunleavy campaign." Attorneys for A Stronger Alaska, the Republican Governors Association, and Dunleavy's campaign, and Huber are all expected to appear at the hearing.

