



# M U L T I S T A T E

## [Whitmer looks forward to restructuring government, FOIA reform next year](#)

(Michigan)

In a wide-ranging, end of the year roundtable with reporters on Wednesday, Gov. Gretchen Whitmer said she is “optimistic” about the upcoming legislative session with a new Democratic majority.

She spoke about a variety of issues, from embracing government transparency reform to supporting the idea of Michigan becoming an early voting state.

It has been four years of near-constant contention between the Democratic governor and the GOP-controlled Legislature. With the somewhat unexpected Democratic sweep of state elections on Nov. 8, Whitmer said she is now looking forward to a “much more productive session” but is remaining committed to bipartisanship.

“We anticipate that, by and large, most of what we will do will continue to be bipartisan. And I think that’s important,” she said.

On reforming state laws in favor of more government transparency, Whitmer said she is supportive of both expanding the Freedom of Information Act (FOIA) and updating Michigan’s lobbying laws.

Currently in Michigan, both the executive office and the state Legislature are exempt from FOIA. Advocates have been looking to change this for years but have faced [roadblocks](#) from the Republican-led Senate.

“I did not trust the last Legislature to get done both pieces, and so that’s why we’re doing it in one fell swoop and we’re all going to play by the same rules,” Whitmer said.

There have been two main proposals floated to open the Legislature up to FOIA requests. One bipartisan measure sponsored by state Sen. Jeremy Moss (D-Southfield), would [create](#) the Legislative Open Records Act (LORA) that would be an offshoot of FOIA specifically for the Legislature.

The other proposal, supported by [Progress Michigan](#), would enact the [same FOIA standards](#) to the Legislature as all other state departments and the executive branch.

Whitmer said Wednesday that she supports the latter option.

“A separate standard for the Legislature doesn’t make a whole lot of sense,” Whitmer said.

Michigan’s lobbying laws will also be looked at, Whitmer said, specifically as it relates to some of the loopholes that may have contributed to former House Speaker Lee Chatfield (R-Levering) now being [investigated](#) for alleged financial crimes while in office.

Whitmer [proposed](#) reform to both FOIA and the lobbying act in 2018 but has yet to see either come to fruition with a GOP-controlled Legislature.

The Democrat said she is also considering a reorganization of state departments and agencies to “streamline” them, with the Liquor Control Commission, Michigan Department of Environment, Great Lakes and Energy (EGLE), Michigan Department of Transportation (MDOT), Michigan Economic Development Corp. (MEDC) and Michigan State Housing Development Authority (MSHDA) potentially being among them.

Whitmer had attempted early on to restructure EGLE, but was [shut down](#) by GOP lawmakers who opposed her efforts to get rid of what environmentalists called “polluter panels.” It marked the first time in more than 40 years that a Michigan Legislature had voted to reject a governor’s executive order.

“We are examining whether or not the early changes that we had hoped to make might still make sense,” Whitmer said Wednesday.

Despite the recent departure of former EGLE Director Liesl Clark, and mid-term departures of former state health chief Dr. Joneigh [Khalidun](#) and former Department of Health and Human Services (DHHS) Director Robert [Gordon](#), Whitmer said her administration during the last four years has seen “extraordinary” stability.

The fact that we’ve held on to a full cabinet for that full first four years with all this stuff that we’ve had to navigate, I think was pretty remarkable,” she said.

Looking ahead to 2024, Whitmer also spoke about the “so bizarre” current system of allowing certain states, like Iowa and New Hampshire, to vote first in an election.

“Those states calling the field before the most diverse battleground state in the country even has an opportunity to weigh in has never made a whole lot of sense to me,” she said.

There has talk about Michigan becoming an early vote state in recent years, and a Democratic National Committee (DNC) panel voted earlier this month to make Michigan the fifth state to hold a nominating primary in 2024. The proposal will need to be greenlit by the full DNC in February to go into effect.

“I do think that Michiganders’ voices should be heard earlier in the process until we have a national primary, which is something I think ultimately we should have,” Whitmer said.

” ... We’ve shown we are a microcosm of the nation, and what happens in Michigan impacts the whole country.”

## [Lobbying law could squeeze some Minnesota legislators](#) (Minnesota)

A [new lobbying law](#) could put some Minnesota legislators in a tight spot and also raise problems for regulators in determining who must register as a lobbyist.

The law approved in 2021 is set to take effect in January. It aims to bar legislators from working for entities that exist primarily for lobbying or government affairs work. The same prohibition would apply to legislators who take on certain roles at organizations that employ or contract with lobbyists.

State Rep. Kurt Daudt, a former Republican House speaker who was just elected to a seventh term, and DFL Rep. Ruth Richardson, who will begin a third term soon, are just a couple of legislators whose jobs away from the Capitol have drawn scrutiny.

Depending on how the statute is interpreted and enforced, it could require some lawmakers to choose between serving in the Legislature or continuing in their outside occupations.

While the effective date is Jan. 3 — the start of the new session — the law won't carry any real teeth until the House and Senate adopt enforcement rules. Both chambers traditionally police their own membership and are historically reluctant to challenge an elected official's qualifications to serve.

Daudt isn't registered as a lobbyist in Minnesota and hasn't been previously. But he is employed as director of public affairs for the [Virginia-based Stateside Associates](#), a government relations firm that says it operates in all 50 states. The company lists issue management, legislative tracking and lobbyist referrals among its client offerings.

Republicans have pointed to Richardson, who was named chief executive officer of Planned Parenthood North Central States in September and won a new term in the House in November representing a suburban district. She insists there is an established separation between health operations and the political involvement of the organization, including at the Capitol and in campaigns.

She told MPR News earlier this year that she won't oversee lobbying or political activities and would recuse herself from voting on policy where necessary.

“There is already a firewall between the nonprofit healthcare side and the political side,” Richardson said of Planned Parenthood. “And that will continue.”

The lobbying law passed in the closing hours of a 2021 special session as an amendment to an expansive tax-and-budget bill. The amendment brought by Rep. Steve Drazkowski, a Republican recently elected to the state Senate, passed on a 119-1 vote; the Senate accepted it as part of the broader package.

Drazkowski, of Mazeppa, said the law is an attempt to keep lawmakers from trading on their posts by taking paychecks from entities seeking access. He said flatly that Daudt's situation was his impetus for pushing the law.

“There's a gazillion other jobs out there. Why should a legislator be focusing on lobbying no matter what state or country or where they're located?” Drazkowski said in an interview. “Why would we in our rhetoric or discussion want to protect the ability of a legislator to do lobbying activity at the same time they're a legislator, wherever they're located.”

Some Republicans challenged the nature of the proposal and worked to temper it, saying other lawmakers could find their jobs under the microscope.

“I assure you I have a list and I don't think you want me to start going through that list,” Rep. Ann Neu, R-North Branch, warned during the late-night debate in June 2021. “I suspect this amendment would get real uncomfortable, real quick.”

Among the Legislature's incoming class is Sen.-elect Erin Maye Quade, DFL-Apple Valley. She [was a registered lobbyist](#) for the group Gender Justice until the day before her election last month. She said she is shifting to a role as a special projects adviser that doesn't intersect with the Legislature, but added that she hadn't planned to lead the group's Minnesota policy efforts anyway.

“I would never do that as a state legislator — new law or not. And so I terminated it just to make sure that my job was coming to an end,” she said. “At no point will I engage in policy work on behalf of Gender Justice. And so I didn't need to be registered anymore.”

The new law won't practically apply until the rules are adopted. If lawmakers balk, Drazkowski said he's prepared to build public pressure and potentially sue. It's also possible that lawmakers who are affected by the law could sue over the new standard for serving.

Minnesota's House already has a [revolving-door rule](#) that prevents members from registering as lobbyists within a year of leaving the Legislature. But that's sometimes ignored and there is no way for the House to enforce the ban on former lawmakers.

Meanwhile, the state's Campaign Finance and Public Disclosure Board has its own concern about the pending law. During a board meeting Thursday, executive director Jeff Sigurdson said one aspect of the law redefined who could fall under the lobbyist umbrella.

Currently, people must register with the board as a lobbyist if they spend at least \$3,000 contacting public officials or getting others to take steps to influence official acts. But the new law raises the prospect that the registration requirement could also apply to anybody employed by a company that provides government relations or government services whether they communicate with a public official or not.

Sigurdson said administrative or even building maintenance staff could find themselves listed as lobbyists.

“Under that definition, it could be read that if you're compensated more than \$3,000, that you should register as a lobbyist. That doesn't seem consistent with what the goal of lobbying disclosure is,” Sigurdson said. “And I think the unintended consequence is that you could see people who simply aren't lobbying being required to register.”

Sigurdson told the campaign board he intends to seek a revision to the law next year, while stressing that he'll stay out of the debate about whether the Legislature keeps the lobbying prohibition for its membership.

“The whole point here was to make it clear that there are certain activities they don't want members of the Legislature to participate in,” he said in a follow-up interview. “But as drafted, it ended up having a wider net.”

[Advocates want full funding of New York's public campaign financing system](#) (New York)

Officials overseeing the state's new system of publicly financed campaigns on Thursday approved \$114.5 million for its administration as well as money to match small-dollar donations to candidates running for elected offices.

The move is the latest development in the creation of the new system meant to reduce the influence of big money in New York's elections and campaigns.

The money approved Thursday includes \$14.5 million for program administrative costs and \$100 million for funds used to match donations.

Contribution limits for participating candidates will be capped at only a few hundred dollars. Donations given to a legislative candidate within the district will be matched with public money.

[Advocates have long hoped](#) a system, which is set to take effect this election cycle, will enable a more diverse array of candidates. But they also urged the public campaign finance board overseeing the new system to fully fund it.

“It is profoundly undemocratic for public office to be the purview of only the rich, especially given the recent assaults on the right to vote,” said Karen Wharton of the group Citizen Action. “Imagine how different our state government will be when everyday New Yorkers fill the seats in the legislature and the governor's mansion. It's critical that Gov. Kathy Hochul take the Public Campaign Finance Program seriously and fully fund it, so New York State politics can become more representative of and responsive to the needs of everyday New Yorkers.”

There are skeptics of publicly financed campaigns. Republican officials have questioned the cost of using public money to help fund campaigns and have pledged strict oversight of the system.

Money to pay for it will be drawn from the state's pot of unclaimed funds overseen by the comptroller's office.