



M U L T I S T A T E

[Legislative ball starts rolling on additional lobbying restrictions for former officials](#) (Florida)

Lawmakers have set in motion provisions to further restrict public officials like lawmakers from lobbying in the years after leaving office.

The House Public Integrity and Ethics Committee approved two proposed committee bills ([PIE 22-01](#) and [PIE 22-02](#)) to implement 2018's Amendment 12, which places business and lobbying restrictions on former lawmakers. Penalties under the measures include fines up to \$10,000 and forfeiting money earned from illegally lobbying. People could also receive public censure or reprimand for violating the law.

The first measure would extend, from two years to six years, the time in which lawmakers and state agency heads must wait after leaving office before lobbying legislators and other statewide elected officials. The change would also prohibit public officials, while in office, from lobbying government agencies for compensation or lobbying the Legislature on such things as policies, appropriations and contracts.

The second proposal also puts similar prohibitions on former judges and justices.

Tampa Republican Rep. Tracie Koster, a member of the committee, is carrying the provisions. During earlier committee meetings, the panel discussed the language — including definitions for lobbying, compensation, and legislative actions.

In the 2020 Legislative Session, lawmakers passed a bill ([HB 7009](#)) to help carry out the 2018 constitutional amendment, [intended to slow the revolving door](#) involving public officials and the private sector. The first part of the amendment took effect on New Year's Eve 2020.

The two parts of the amendment discussed Tuesday aren't set to become law until Dec. 31, 2022.

The Florida Commission on Ethics would be asked to investigate and determine whether former officials violated the lobbying restrictions.

In a budget workshop last month, Commissioners on the ethics panel agreed to ask lawmakers to continue its current funding level, which amounts to \$2.7 million. However, Commissioner Don Gaetz raised concerns that the team is understaffed, making it challenging to eat into the existing accumulation of ethics cases that will only grow as the lobbying amendment continues taking effect.

“In my conversations with Senate leadership this past week,” Gaetz said in October, “I believe our workload will increase based on where at least some in the Legislature, in the leadership, think that implementation will go.”

Aguiar refunds over \$15,000 in excess campaign contributions (New York)

Supervisor Yvette Aguiar has refunded over \$15,000 in campaign contributions that exceeded the legal contribution limit for her office, according to the final campaign disclosure report filed by her campaign committee with the State Board of Elections yesterday.

The excess contributions were refunded on Oct. 28, the day RiverheadLOCAL published an article about Aguiar’s campaign fundraising that noted her committee took in thousands in excess contributions from over a dozen contributors.

In the 2021 election cycle, the campaign election contribution limit for Riverhead Town candidates was set at \$1,185, per a statutory formula, which means a candidate for town office in Riverhead could not accept more than \$1,185 from any one donor.

In interviews on Oct. 26, Aguiar and her treasurer, Paul Carr, who is also her husband, insisted that corporations had a \$5,000 contribution limit and her campaign committee, Taxpayers for Aguiar, could accept up to \$5,000 from a corporation. They called RiverheadLOCAL’s inquiry into the subject and questions about her campaign contributors politically motivated. Carr denounced the inquiry as “a witch hunt.”

There is a \$5,000 limit on corporate contributions in New York’s campaign finance law, but the limit is the corporation’s limit, not the candidate’s. A corporation or limited liability company can contribute up to \$5,000 in campaign contributions in a calendar year. The corporation’s limit does not affect the maximum a candidate can receive. This is clearly stated in campaign finance instructional materials published by the State Board of Elections on its [website](#) and in a

[handbook for candidates](#) published by the state agency. RiverheadLOCAL confirmed this with a spokesperson for the New York State Board of Elections on Oct. 25.

On Oct. 27, the day before the refunds were made, according to the candidate's latest filing, Aguiar made a \$15,000 loan to her campaign committee. The total amount of donations refunded by the committee the next day was \$15,290.

Aguiar could not be reached today for comment.

In an interview this evening, Carr said he was transparent, always reported everything and returned the overages. "I saw the guidance of the New York State Board of Elections during the entire campaign and I refunded the contributions which would give over the allowable amount, and it's reflected in the 27-day report," Carr said.

On Oct. 28, the Aguiar campaign refunded excess contributions from Closet Quest Inc., Island Water Park Group, L.I. Drag Racing Club, Park Strategies Corp, Rand Industrial Group Inc, and Squad Security, so that the donors' contributions in the 2021 election cycle no longer exceed the candidate's \$1,185 limit.

Aguiar on Oct. 28 also refunded \$1,815 from Red Apple Group, a company owned by billionaire John Catsimatidis, owner of United Metro Terminal in Calverton and United Riverhead Terminal in Northville. Red Apple Group made a \$3,000 contribution to Aguiar's campaign committee on July 29, according to an amended 32-day pre-general election disclosure report filed yesterday, but the contribution was omitted from the original report filed on its Oct. 1 due date and from three subsequently filed amended reports for that disclosure period. The \$1,815 refund took Red Apple Group's contribution down to the candidate's \$1,185 election limit.

In addition to amending the 32-day pre-general report four times, the supervisor's campaign also amended its July periodic disclosure report four times. Seven of the eight amended reports were filed after the Nov. 2 election.

Both a candidate and a campaign committee treasurer face a civil penalty equal to the excess contribution amount plus a fine of \$10,000 for violating the contribution limits established by statute, according to New York State Election Law. In addition, they would also be required to refund the excess amount. A contribution is not considered in excess of the statutory limit until Election Day, State Board of Elections spokesperson John Conklin told RiverheadLOCAL last month.

Prior to the refunds and any post-Election Day amendments to prior reports, Aguiar had raised more than \$115,000 in campaign contributions this election cycle, including \$3,648 in the final reporting period (Oct. 18-Nov. 25.)

Aguiar was reelected Nov. 2 to a second two-year term by nearly 60% of the vote.

[Ohio Elections Commission set to offer guidance on use of Bitcoin, Venmo by state political candidates](#) (Ohio)

For the first time, the Ohio Elections Commission is set to offer official guidance to state political candidates on how they should handle Bitcoin and Venmo, two increasingly common ways of transferring money.

Candidates running for local or state offices can accept Bitcoin and other cryptocurrencies, but must guarantee that whoever gave it to them is eligible to make campaign contributions in Ohio, according to a draft legal advisory set to be approved by the elections commission on Thursday.

It also must be reported as an in-kind contribution -- a term that applies to non-cash contributions like food or services -- but subject to maximum contribution limits as if it were a cash contribution, the draft advisory says. The value of the cryptocurrency, which can fluctuate wildly based on market forces, would be calculated based on how much it was worth when the campaign received it. Individual donors in Ohio can give a maximum of \$13,704 annually to a single statewide or state legislative candidate.

And when it comes to Venmo or other similar smartphone apps that can be used to directly send someone money, candidates can use them, but must set up a separate account to keep their personal and campaign funds separate. There are similar rules for traditional bank accounts.

Phil Richter, the director of the Ohio Elections Commission, said the advisories are being issued mostly as a precaution, in response to isolated questions. Campaign finance attorneys consulted by cleveland.com and The Plain Dealer similarly said they weren't aware of the issue coming up in Ohio frequently.

"Venmo hasn't really come up, and Bitcoin hasn't either, but the concern was that it would become more of an issue, and the best approach was to stake out a position now before we got too far down the pike," Richter said.

The Ohio Elections Commission interprets state campaign-finance law, and also makes findings on potential violations, when necessary, reporting them for prosecution.

The Federal Elections Commission, which interprets and enforces campaign-finance laws for federal candidates, [first issued guidance regarding Bitcoin in 2014](#), at the time allowing candidates to accept up to \$100 in the digital currency from each donor. If the Bitcoin were to go

up in value -- \$100 in Bitcoin obtained in 2014 would be worth more than \$15,000 today -- the campaign could accept the profit, reporting it like any other investment.

The FEC also issued guidance regarding [the payment of political contributions by text message in 2012](#), requiring campaigns to track contributions to report the identifies of donors of \$200 or more, as long as that person provided their name, address, occupation and the name of their employer.

Former Missouri Gov. Eric Greitens hit with second campaign finance complaint by watchdog (Missouri)

A campaign finance watchdog group filed its second complaint against former Missouri Gov. Eric Greitens on Wednesday, alleging he broke state laws by improperly spending money on his campaign for U.S. Senate.

The complaint, which alleges Greitens failed to disclose money that his gubernatorial campaign fund spent on behalf of his U.S. Senate campaign, was filed with the Missouri Ethics Commission by [the Campaign Legal Center](#).

It stems from [an earlier complaint](#) the group filed with the Federal Elections Commission, alleging he improperly spent at least \$100,000 on his U.S. Senate Campaign.

“It violated both state and federal law for Greitens to spend \$100,000 in gubernatorial campaign funds on his U.S. Senate race without proper disclosure,” said Brendan Fischer, director of federal reform for Campaign Legal Center. “Missouri voters have a right to know where the money being spent to influence their votes is coming from.”

Dylan Johnson, campaign manager for Greitens, has denied the allegations, saying they are “ludicrous” and “have no basis in reality.”

“No Gubernatorial campaign funds were used for the Senate campaign,” Johnson said in October.

Greitens resigned from office in 2018 amid scandals involving allegations of sexual assault, blackmail and campaign finance violations. Still, after his resignation he kept his gubernatorial campaign fund active, re-filing paperwork with the Missouri Ethics Commission to remain an active candidate through 2024.

Under Missouri rules, keeping the account active allowed him to continue raising and spending money, so long as he was using it to promote a potential run at statewide office.

The Campaign Legal Fund alleges that instead of using the money to run for statewide office, Greitens was funding his Senate race. The group cites several expenditures, including \$18,750 for a campaign website that was later used for his U.S. Senate campaign, payments to Johnson for “strategic planning” and \$7,500 to a media firm that specializes in booking guests on Fox News less than two weeks before he announced his Senate campaign on the channel.

The Kansas City Star reported [on several of Greitens’ expenditures](#) after his first federal financial report, including the money Greitens’ gubernatorial campaign spent on consulting and the media firm.

The Campaign Legal Center alleges Greitens failed to disclose that those expenses were used toward his Senate campaign, which would be a violation of a law that says contributions made to other campaign committees must be reported to the ethics commission.

The Missouri Ethics Commission [already fined Greitens](#) \$178,000 for campaign finance violations in 2020. He agreed to pay \$38,000 and have the rest of the money forgiven so long as he did not commit any new campaign finance violations.

The allegations could potentially put that agreement in jeopardy, should the Missouri Ethics Commission rule in the Campaign Legal Center’s favor, which would result in Greitens having to pay another \$140,000.

Greitens has raised more than \$1 million since launching his U.S. Senate campaign in March, through a combination of his direct campaign account and a joint fundraising committee. As of October, he had \$200,802 left in the campaign account and \$143,428 in debts.

[Baraka fined \\$30,634 for 2014 campaign finance violations](#) (New Jersey)

The New Jersey Election Law Enforcement Commission (ELEC) released a final decision today on a large number of campaign finance violations committed by Newark Mayor Ras Baraka, fining him a total of \$30,634.

According to the ELEC report, Baraka committed a total of 264 campaign finance violations during his successful 2014 campaign for mayor, covering contributions and expenses that totaled around \$200,000. 258 of the violations were due to late, incomplete, or missing

reporting of contributions and expenses, while the remaining six were from receiving contributions that exceeded the contribution limit.

ELEC initially fined Baraka \$37,993, but because Baraka paid promptly, the fine was reduced by 20% – a common practice ELEC uses to incentivize efficient payment of fines.

The complaint was first brought against Baraka in October 2017, before Baraka had even been re-elected; now, with the final decision coming four years later, Baraka is gearing up for a [potential third term](#) and possible gubernatorial bid in 2025.

“The Baraka campaign is pleased to have resolved this matter amicably. While ELEC imposed modest fines for technical violations, all of which have since been cured by amendments to campaign reports, these fines are far less than might have been assessed,” said Angelo Genova, an attorney representing the Baraka campaign. “More importantly, this settlement acknowledges that the Mayor and his campaign committee, having denied any improper conduct on their part, were victims of the wrongful behavior of his campaign treasurer whose conduct precipitated this ELEC complaint. In fact, the federal court who sentenced the campaign’s treasurer in a separate prosecution of him alone, ordered restitution to the campaign of the- treasurer’s ill-gotten gains. This settlement, and the court’s earlier order, affirmatively eliminates any suggestion that the Mayor or his campaign was in any way complicit or did anything wrong.”

Baraka’s former treasurer, Frederick Murphy, Jr., was charged with embezzling over \$200,000 from the campaign.