



M U L T I S T A T E

**Election Bills Under Consideration: Expanding Public Financing, Limiting Lobbyist Contributions** (Maryland)

Public campaign financing in Montgomery County has propelled candidates into the highest echelons of power at the county government level. And now state lawmakers are considering a bill that could lead to public financing opportunities to candidates for courthouse positions and county boards of education.

Five Maryland jurisdictions have enacted local public campaign finance laws since the General Assembly passed legislation allowing them to do so in 2013; only Montgomery County's program has gone through an election cycle. Howard County's program is being utilized for the first time this year.

House Bill 488, sponsored by Del. Jessica M. Feldmark (D-Howard), would allow local governments to expand public campaign finance programs to include more elected offices after the program is available for at least one election cycle to county council and county executive candidates.

Two county executives testified in support of the legislation during a hearing of the House Ways and Means Committee on Tuesday: Howard County Executive Calvin B. Ball III (D) and Baltimore County Executive John A. Olszewski Jr. (D).

"Lack of access to raising campaign funds should not preclude candidates for other county offices who seek to serve their community," Ball said.

Proponents of public campaign finance programs, which provide public matching funds for candidate contributions and generally prohibit donations from corporations or special interests, say such programs make it easier for political newcomers to challenge incumbents.

"We know that this will make our elections more competitive," Olszewski said. "We also know this will encourage more women and minority candidates to run for offices."

Ball and Olszewski both had a hand in enacting campaign finance legislation in their respective counties. Ball voted for the legislation when he was a county council member, and Olszewski made enacting a public campaign finance program a key issue when he was running for office in 2018.

County governments are currently allowed to set up public campaign finance programs for county executive and county council candidates. Under Feldmark's bill, counties could expand their public campaign finance programs to include candidates for state's attorney, sheriff, register of wills, judge and clerk of the Circuit Court, judge of the Orphans' Court, or an elected member of the county's board of education.

Common Cause Maryland Executive Director Joanne Antoine noted that the bill would only allow counties to expand their public campaign finance programs after testing them with a smaller pool of candidates first.

"I think expansion after first use ensures that we've made fixes where needed and that we've got the proper funding in place," Antoine said. "And again, I think what's important here is that it's up to the jurisdiction and whether or not they want to expand."

Kevin Kinnally, the legislative director for the Maryland Association of Counties, said the organization supports the legislation.

Montgomery County became the state's first jurisdiction to enact a public campaign financing program in 2014, funding candidates four years later. Baltimore City, Baltimore County, Howard County and Prince George's county have all since enacted their own programs. Baltimore City will start funding candidates in the 2024 election; the programs in Baltimore and Prince George's counties will launch with the 2026 elections.

On Monday, Republicans on the Anne Arundel County Council [blocked a proposed charter amendment](#) that could have set up a public campaign financing system if approved by voters.

### *Banning "pay to play" in campaign contributions*

Lawmakers are also looking to crack down on "pay to play" donations, or the practice of lobbyists and corporations donating to campaigns in hopes of receiving benefits from politicians.

[House Bill 344](#), introduced by Del. Julie Palakovich Carr (D-Montgomery), would generally ban regulated lobbyists, or people acting on their behalf, from contributing from their personal funds to a candidate for governor, lieutenant governor, attorney general, comptroller, or the General Assembly “if the regulated lobbyist is registered to lobby and influence action in the same branch of government to which the candidate seeks election.”

Lobbyists would still be allowed to donate to candidates for the General Assembly in the district where they live.

“Lobbyists are being paid to do a job and their livelihood is directly dependent on their relationships with lawmakers,” Palakovich Carr said Tuesday at the House Ways and Means Committee hearing. “Contributions made by lobbyists are not just to support a candidate but also to curry favor with that candidate.”

Palakovich Carr said lobbyists are already banned from serving as a candidate’s campaign treasurer, and are also prohibited under current state law from forwarding a candidate’s solicitation for contributions.

“We need to ask ourselves why it’s okay under current law for lobbyists to write a check to a candidate, but it isn’t okay for them to forward an email and ask someone else to write a check,” she said.

The bill also bans businesses that have a state contract of at least \$200,000 from contributing to candidates for governor, lieutenant governor, attorney general or comptroller.

“Given that the members of the Board of Public Works directly decide on which state contracts are approved, such political contributions are a direct conflict of interest and would be considered by some as ‘pay to play,’” Palakovich Carr said.

House Minority Leader Jason C. Buckel (R-Allegany) questioned whether the bill would be constitutional, given that a majority of justices in the U.S. Supreme Court ruled in the 2010 [Citizens United v. FEC](#) decision that restricting independent political spending from corporations and unions violates the First Amendment right to free speech.

Palakovich Carr said Alaska, California, Kentucky, North Carolina and South Carolina all currently have similar laws. She said California’s original total ban of lobbyist contributions was overturned, but lawmakers in the state enacted a narrower version that her own bill is modeled after.

## [Special interests spend estimated \\$60 million every year to influence Tennessee state officials](#) (Tennessee)

Special interests spend an estimated \$60 million a year to influence state officials - almost a third of a billion dollars over the past five years - according to an analysis by NewsChannel 5 Investigates.

Because entities that hire lobbyists are not required to report the exact amount they spend on lobbying activities, those dollar amounts reflect a best possible estimate. Employers of lobbyists are required to report ranges of spending. The estimates were derived by picking the mid-point of each reporting range.

"If the interest groups are willing to spend that kind of money to make their voice heard and to sway the opinion of legislators, there are some very important things that might affect persons here in the state going on right here in the legislature," said former Republican lawmaker Martin Daniel from Knox County.

That analysis comes as NewsChannel 5 Investigates launches an on-going focus on who's attempting to influence your lawmakers.

The story of the Tennessee General Assembly is a story of power, a story of the powerful and the powerless, a story of those with connections and those without.

Like with the classic film *The Wizard of Oz*, where the image of the title character was orchestrated from behind a curtain, the real story of the Tennessee legislature is sometimes the story of who's pulling the levers of government from behind the scenes and the vast amounts of money they spend to do it.

"They are here advocating for their client; they are not necessarily here advocating for the best interests of the state and for the people," Daniel said.

Debby Gould, with the non-partisan League of Women Voters, said NewsChannel 5's estimate "takes my breath away - it really does."

"Obviously that much of an investment means somebody thinks they're getting value out of it," Gould said.

NewsChannel 5 noted, "They are not spending the money for no reason?"

"Exactly, exactly," Gould agreed.

Daniel said "that money buys access to legislators because those lobbyists are frequently in the Cordell Hull building" where legislative offices are located.

"It buys them awareness as to what's going on."

Former Democratic lawmaker Craig Fitzhugh of Ripley said the average person can have a voice, but it's more difficult for them to be heard.

NewsChannel 5 Investigates asked, "Does the average person have as much access as someone who has a big pocketbook?"

"I don't think so," Fitzhugh acknowledged. "I think that's always been the case. and it's not changed."

Take, for example, the first day of this year's legislative session.

The business on the House and Senate floors wrapped up after just 20 minutes.

As night fell, NewsChannel 5's cameras were there as lawmakers reconvened at the Tennessee State Museum for a private reception, where tables of food were free along with the wine and liquor - just one of the perks of power.

While the public was shut out, special interests cozied up inside to your lawmakers, even to the governor.

The tab, a whopping \$65,000, was picked up by the Tennessee Chamber of Commerce and Industry, along some of the state's largest corporations.

Some like Amazon and FedEx have received hefty tax breaks.

The next night, high atop the downtown Sheraton, our hidden cameras captured another reception offering an incredible view of the setting sun, along with free food and free drinks.

This tab was picked up by short-term lenders who rake in tens of millions of dollars every year charging sometimes exorbitant interest rates to the state's poorest residents.

And almost every night, there's some event from some group that wants to curry favor with your lawmakers.

"I think it's mostly designed to provide access to the legislators for those special interest groups," Martin Daniel said.

NewsChannel 5 Investigates noted, "They're doing it to try to influence legislation."

"In a subtle manner," Daniel acknowledged.

"You don't see a lot of overt lobbying at those receptions. It's more of a friendship, introduction type of thing."

Among the biggest spenders, according to NewsChannel 5's analysis, are the state's hospital industry, spending an estimated \$10 million over five years. That estimate includes the Tennessee Hospital Association, as well as individual hospital chains.

NewsChannel 5 Investigates provided those estimates to the Tennessee Hospital Association, which declined our request for an on-camera interview about what the industry views as the power of its money.

It's a group that Daniel took on, trying to force more competition that he argued could drive prices down.

"When you try to propose legislation that one might think is in the best interest of the state and of its people, you run into well-funded lobbyists who try to persuade legislators otherwise," he recalled.

We asked, "Does that money give them an unfair advantage?"

"It gives them an advantage. I wouldn't say it's unfair."

Among the other big spenders:

- Privatization groups pushing charter schools and school vouchers: just under \$8 million over the past five years.
- Roadbuilders and their allies who pushed for higher gas taxes a few years back: an estimated \$5.8 million.
- Payday lenders and other companies that make money by lending to the poor: just under \$5 million.
- And the nursing home industry; an estimated \$4.5 million on lobbying.

"One of the senior lobbyists on the Hill told me a few years ago that when he came in, alcohol and tobacco were the two moneymakers for lobbyists," Craig Fitzhugh recalled.

"Now, you just read the list. One of them was education, one of them was healthcare."

And why is that?

"Well, because these issues have become political."

Perhaps even more influential than spending on lobbyists are the millions of dollars donated to legislators' political campaigns by special interests.

NewsChannel 5 Investigates discovered a brochure from the Tennessee Realtors that says the group's political contributions "earn us a seat at the table."

The group's defeat of an impact-fee bill was heralded as example of "Your RPAC Dollars At Work!"

All of it is legal.

"It's interesting to see someone who explicitly say it is a quid pro quo," the League of Women Voters' Debby Gould said.

"You're saying that money buys you influence, very clearly. I mean, how else can you put it except money buys you influence - and that's just a distortion of how we think government should be operated."

[City would register Metro Council lobbyists under new ordinance](#) (Louisville, KY)

A proposed city ordinance would require people and organizations that lobby Metro Council members and other top Louisville officials to register with the city and publicly list the issues they seek to influence.

It defines a lobbyist as anyone who is “engaged” to influence decisions of city agencies or to shape nearly all aspects of legislation, from passage to defeat, through communications with elected leaders or their staffs.

The rules are “necessary and appropriate and will lead to a better governed Louisville Metro,” [according to the measure](#) filed Monday by Councilmember Bill Hollander, a Democrat who is not seeking reelection.

“I think it's a real gap in our ethics laws,” he said in an interview. “Certainly at the state level, there are laws that regulate lobbyists, require disclosures and registration for both the executive branch and the legislative branch. That's also true in many, many cities, including many of our peer cities.”

Citizens who testify at public meetings or submit comments would not be considered lobbyists or have to register with the city, nor would people who receive no compensation and give a “personal opinion.” Also excluded are officials of state, federal and local governments whose lobbying occurs in their official roles.

Hollander said he has been working on the measure for some time and emphasized that it would apply to the council's legislative branch as well as executive agencies in the mayor's administration.

It is not, he said, in direct response to the role developers allegedly played in influencing Democratic Metro Councilmember Brent Ackerson in a zoning case last year that is being challenged in court.

In that instance, developers are accused of lobbying Ackerson to “lead the charge” to get a property rezoned at the council after the Louisville Metro Planning Commission voted to recommend against the change, according to a lawsuit filed in Jefferson Circuit Court.

The lawsuit claims developer Scott Hagan used professional lobbyists and an attorney on the rezoning measure, with the work happening behind closed doors and out of public view.

Those connections only were revealed through public records requests that were included in a lawsuit filed by attorney Steve Porter on behalf of the Cedar Creek Gardens Homeowners

Association and others living near the planned apartment development in southeastern Louisville.

“I do think there is some community concern about those issues and about lobbying in zoning cases -- but lobbying goes way beyond zoning,” Hollander said. He said he has been lobbied on topics ranging from how to spend American Rescue Plan funds to cable television franchises.

His legislation would require a lobbyist, and the lobbyist’s employer, to disclose to the Louisville Metro Ethics Commission within seven days of the arrangement the ordinances or other actions that will be pursued. The disclosures would be updated quarterly.

Lobbyists also would have to file documents showing how much money is being spent on lobbying, as well as any financial transactions “with or for the benefit of any Metro Officer or any member of the staff of any Metro Officer.”

Hollander’s measure also would ban those officers – Metro councilmembers and a host of other elected and other officials – from serving as lobbyists for at least two years after leaving their position.

“That again is something that’s at the state level, the federal level,” he said. “The whole idea here is that when you have this kind of revolving door--and no cooling off period--Metro officers could really have undue lobbying access.”

The measure will get its first reading at Metro Council Thursday. Hollander said he has spoken to other members about signing on as co-sponsors.

“I think everybody wants to read it,” he said, “and we’ll see what support there is for it.”

### **[Michigan's lobbyists set a record; it's tied to billions of unspent dollars](#)** (Michigan)

As Michigan lawmakers weighed how to shell out billions of dollars in surplus funds and federal COVID-19 relief money, they encountered record spending of a different kind: lobbyists trying to influence their decisions.

The lure of government funds helped spur \$44.2 million in expenditures on lobbying in 2021, up 3% from the previous high set in 2019, according to disclosures due at the end of January.

The record spending came despite an ongoing pandemic and even though the Republican-controlled Legislature and Democratic Gov. Gretchen Whitmer in 2021 enacted the fewest laws in a year in Michigan since 1960.

In interviews, two lobbyists who spoke on the condition of anonymity connected the surge in spending to growing client lists bolstered by organizations seeking a portion of the cash available to the state.

Rich Studley, former president and CEO of the Michigan Chamber of Commerce, said he suspects groups last year were working the budget process but also the regulatory process, particularly guidelines for how to respond to COVID-19.

"That pattern seems reasonable to me," Studley said of the spending totals. "I would expect as we're moving from pandemic to endemic and restrictions are being lifted, you would see lobbying activity return to a higher but more normal level."

Lawmakers had the power to appropriate more than \$10 billion from the federal stimulus package signed into law in March 2021, the American Rescue Plan. On top of that, the state has experienced its own financial surpluses, [creating billions of additional dollars to allocate with few strings attached](#).

Senate Appropriations Chairman Jim Stamas, R-Midland, said he's noticed the financial requests he's received from organizations have gotten "substantially larger."

"There are a lot of groups (seeking the money). But there were a lot of groups before," Stamas said. "Before we were talking \$500,000 or \$1 million. Now, we're talking \$5 million, \$10 million. So the amount of the ask has gone up."

Lobbyist spending in Michigan is driven by multi-client firms that are paid to represent a variety of businesses, trade associations and other groups. The seven biggest spenders on lobbying in 2021 were multi-client firms, according to the new disclosures, which cover efforts to directly influence officeholders' actions.

Six of the seven top spenders reported more spending in 2021 than they did in 2020. The largest one, Governmental Consultant Services Inc., also known as GCSI, reported spending \$2.4 million last year, up more than 40% from \$1.7 million in 2020.

GCSI, based in downtown Lansing, added 22 clients in 2021, according to its public disclosures.

While weighing in on a policy proposal can be done easily at a public hearing, getting a project funded through the appropriations process usually requires more access to officeholders, lobbyists told The Detroit News.

House Appropriations Chairman Thomas Albert, R-Lowell, described his meeting schedule as "very busy" on Thursday. But Albert said he couldn't compare the intensity of the lobbying last year with previous years because 2021 was his first year as appropriations chairman.

Albert said he wants to remain focused on what can be done to bring the best return for Michigan residents.

In 2022, [that debate could center on whether to provide a broad tax cut — Senate Republicans have floated a bill to decrease the corporate and personal income tax rates — or invest the money available to the state in efforts](#) to boost education and economic development.

*'Unique opportunity'*

Whitmer's administration last week unveiled a \$74.1 billion budget proposal, which would represent a 6% increase from the budget initially enacted for the current year. She's called for targeted tax cuts to benefit retirees and low-income workers.

State Budget Director Christopher Harkins said Michigan is facing a "unique opportunity to transform our state for years to come" because of the dollars available from the federal government. And Democrats in Lansing have voiced concerns about the sustainability of a wide-ranging tax cut.

The Senate GOP's plan would lower Michigan's corporate income tax rate from 6% to 3.9%, decrease the personal income tax rate from 4.25% to 3.9% and allow people to claim a \$500 non-refundable credit for each dependent under the age of 19.

In fiscal year 2023, [the changes would trim \\$2.3 billion from state revenues](#), according to an analysis by the Senate Fiscal Agency.

James Hohman, director of fiscal policy at the free-market-oriented Mackinac Center for Public Policy, said there's enough money available to Michigan right now to do a broad tax cut, which his organization supports, and to fund projects individual organizations might be pushing.

The ultimate outcome will depend on how much of a priority legislators put on a tax cut, Hohman said.

"Lawmakers really care about their popularity, and if tax cuts are broadly popular, there's not enough lobbyist money to stop it," he said.

### *Less spending on food*

The upward trend with lobbyist spending in 2021 was spurred primarily by organizations hiring professional representatives in Lansing instead of those individuals financing lawmakers' outings, according to the latest disclosures.

Overall lobbyist spending had increased for two straight years before dropping from \$43 million in 2019 to \$41.9 million in 2020. Michigan detected its first COVID-19 infections in March 2020.

The 2021 total of \$44.2 million marked a 6% increase from 2020.

Meanwhile, lobbyists' disclosed purchases of food and drink for officeholders have plunged during the COVID-19 pandemic. In 2019, lobbyists reported \$843,523 in food and drink expenditures. In 2020, the food and drink spending dropped to \$344,187. For 2021, the food and drink total was \$438,652, which was 48% lower than the 2019 total.

Because of restaurant closures in Lansing, part of the economic fallout from virus, it's hard for people to ring up the tabs they used to, said Dennis Muchmore, a longtime Michigan lobbyist and former state government official.

"I think that will keep going down, especially in Lansing, because there's no place to take anybody," Muchmore said.

Still, 33 lawmakers received at least \$1,000 individually in lobbyist-funded food and drink last year, according to the filings. The top recipient was Rep. Pauline Wendzel, R-Watervliet, at \$5,919. Second place was Rep. Jim Lilly, R-Macatawa, at \$4,021. Both Lilly and Wendzel didn't respond to a request for comment.

Three of the four appropriations chairs — the top Republicans and Democrats on the House and Senate committees — received more than \$1,000 in free food and beverage provided by lobbyists. Albert did not. Rep. Joe Tate, D-Detroit, the minority vice chairman of the House Appropriations Committee, got the most of the four at \$3,628.

However, under state law, lobbyists only [had to disclose individual lawmakers they bought meals for if they spent more than \\$64 in a month and \\$400 in a year.](#)

Tate said he was sent to Lansing to find solutions for his constituents and the state. He's always willing to talk to stakeholders, he said.

The Detroit lawmaker said he couldn't compare the level of requests he's receiving this session to past years because he became the top Democrat on the House Appropriations Committee in 2021.

"There are a lot of people who do have good ideas," Tate said. "The challenge is sifting through these ideas and seeing, in my mind, where is the best return for my constituents and the residents of Michigan."

In November, for instance, an alliance of prominent Michigan health care organizations said they wanted the state Legislature to provide \$650 million in funding to counter staffing shortages.

Both the Michigan Health & Hospital Association, which advocates on behalf of hospitals, and the Health Care Association of Michigan, which represents nursing homes, have supported the idea. The hospital group reported \$335,099 in spending on lobbying in 2021, down from \$453,177 in 2020. The nursing home association reported spending \$63,309 on lobbying in 2021, which is about what it spent each year previously.

In December, business groups [successfully advocated for a \\$1.5 billion supplemental spending bill to draw economic development projects](#) and provide assistance for firms affected by the COVID-19 pandemic.

General Motors Co. is using a portion of the development funds for a \$7 billion investment in Michigan. The company disclosed spending \$66,265 on lobbying state government in 2021, its largest total since \$126,215 in 2017.

Another \$841 million spending bill that lawmakers approved at the end of 2021 included a series of one-time grants, including \$9 million for the North American International Auto Show and \$1 million for the St. Clair Convention Center.

*Fewer laws in 2021*

The heavy lobbying came as majority Republican lawmakers and the Democratic governor's administration struggled to reach consensus on many subjects.

They enacted 167 new laws through the traditional legislative process in 2021, the lowest total for a year since 1960, when there were 163, according to a review of state records.

Bill Ballenger, a former GOP lawmaker and longtime Lansing observer, credited the drop in legislative activity to the COVID-19 pandemic and the chilly relationship between Whitmer and the Legislature, which, he said, has been the most acrimonious in his memory.

"Obviously, the governor and the Legislature don't get along too well, just generally speaking, even though there have been some ups and downs," Ballenger said.

Republicans and Whitmer spent much of the pandemic publicly clashing over how to respond to it.

In recent months, however, they worked across the aisle more often, including to approve the economic development program [that helped attract GM's \\$7 billion investment](#).

### **[Republicans look to curb lobbying activities by cities, counties, school districts](#)** (Arizona)

Because cities and counties often oppose legislation they propose, GOP lawmakers are looking to ban them from hiring the contract lobbyists who fight those bills at the Capitol.

On a party-line 4-3 vote, with all three Democratic members opposing the proposal, the Senate Government Committee approved [Senate Bill 1198](#), which prohibits cities, towns, counties, school districts and other political subdivisions of the state from hiring outside lobbyists.

Any organization whose membership is primarily composed of public bodies would be barred from using any of the money they get from membership dues for lobbying. That would limit the lobbying activities of organizations like the League of Arizona Cities and Towns that frequently oppose legislation favored by the Republican majority at the legislature.

And the Arizona Association of Counties, which has prominently represented the interests of county elections officials this year, would not be allowed to tell lawmakers how proposals would affect election operations.

The committee approved an amendment that would exempt small cities with fewer than 75,000 people and counties with populations under a quarter million. Only Maricopa, Pima and Pinal counties have populations of more than 250,000.

Sen. Warren Petersen, the bill's sponsor and a member of the Senate Government Committee, said it was shocking to him when he first got the state Capitol that he'd speak to lobbyists from cities and counties about legislation, only to learn when he later spoke with the elected officials from those entities that they hadn't taken a position at all. Oftentimes, they'd be unaware that their lobbyists were even taking positions on various bills.

Petersen, a Gilbert Republican who previously served on the Gilbert Town Council, said it's the unelected administrators like city managers who dictate their lobbyists' activities, not the elected officials.

Public bodies would still be able to have their own employees lobby at the Capitol. But SB1198 would just ratchet down their "tremendous power and influence" by a couple notches, he said.

"It is absolutely disturbing to see the amount of taxpayer funds that is spent against the taxpayer. It's nauseating, actually. The reality is, this doesn't get rid of so much of their power and influence. It literally just edges it back a little," Petersen said.

Representatives of the public bodies that would see their lobbying abilities curtailed, some of whom were already at the committee to testify against numerous other bills, voiced their concern.

Longtime Capitol lobbyist Barry Aarons, who represents Apache and Greenlee counties and the cities of Prescott and Scottsdale, said Petersen's bill would actually result in local governments spending more on lobbying. Three of those four clients would still be permitted to hire him under the amendment the committee passed, leaving only Scottsdale without his services. Aarons explained how Scottsdale came to hire him about 12 years ago to illustrate his point.

Scottsdale had two full-time employees dedicated to intergovernmental relations. When one left, the city decided to hire Aarons instead of filling the position, which he said would have cost twice as much, not counting health care and other employee-related expenses. City officials remember that every year when they vote to continue his contract, Aarons said.

"I would suggest that what we're doing here might be philosophically something that sounds like a reasonable idea," Aarons said. "But on the other hand, you might actually be creating a higher cost to the political subdivisions that are involved."

Jennifer Marson, executive director of the Arizona Association of Counties, echoed that sentiment. Marson has been such a regular presence and reliable opponent of the Republican lawmakers' election bills this year that one committee member, Sen. Sonny Borrelli, R-Lake Havasu City, nicknamed her Negative Nellie. Marson suggested a better nickname might be Just Doing My Job Jen.

While her presence is felt most regarding the election bills the committee has heard this session, Marson reminded lawmakers that her association lobbies on a lot of other issues that affect counties, like property assessment and taxation, law enforcement and criminal justice, courts, document recordings and education issues. Arizona has 15 counties, 12 of which were represented by the seven committee members, Marson noted, and not one of them could hire someone to handle all of those subjects for the same price as the association.

"We're covering a lot of ground. And we think we are a bargain at twice the price, quite frankly. And I think we do a good job advocating for our members and being good stewards of information to the legislature, even when we disagree," Marson said.

Sen. Martin Quezada, D-Glendale, said he would hate to take away local governments' voices by barring them from hiring outside lobbyists. Governance is complex, he said, and sometimes lawmakers need input, both good and bad, from local governments. And those local governments often hire lobbyists because they don't feel like their voices are being heard at the Capitol. He said the Pendergast Elementary School District, whose governing board he serves on, is in the process of hiring a lobbyist for that reason.

"This is one of the bills where we completely miss the point of the purpose of the lobbyists who are coming to speak with us," Quezada said.

Other speakers shared Petersen's view. Jon Riches of the conservative Goldwater Institute likened SB1198 to an [executive order Gov. Doug Ducey signed in 2016](#), and [legislation that lawmakers passed the following year](#), prohibiting agencies, boards, commissions and other state government entities from hiring contract lobbyists.

"The legislature and Governor Ducey at the time recognized something that's fundamental in our republic – tax dollars should not go to support status quo special interests at the expense of taxpayers, small businesses and citizens who might not be able to afford a team of well-funded lobbyists, including lobbyists who often advocate against those taxpayers' interests," Riches said. "That problem is acute at all levels of government, not just the state level of government."

Amy Yentes, vice president of the conservative Arizona Free Enterprise Club and a member of the Gilbert Town Council, said it's properly the role of elected officials, not contract lobbyists, to lobby lawmakers on bills.

"They should be the ones who are representing their taxpayers' interests," she said.

The bill now moves to the full Senate.

### **[Bill filed by SC lawmakers would regulate lobbying at local level](#)** (South Carolina)

Right now, the people paid to influence your locally elected officials are not required to register as lobbyists in South Carolina.

Anyone doing this at the state level must register as a lobbyist.

Representative Seth Rose (D-Richland) and others filed a [bill](#) that would change that.

"This is something that has been important for a long time. There are certain issues that come up that highlight the need for this to be done." Rep. Rose also filed a similar bill in 2019.

The legislation would require anyone lobbying at the local level to follow the same [procedures and rules](#) if they were lobbying at the State House. Any individual or group lobbying at the State House has to register with the [State Ethics Commission](#).

Rep. Rose said this would increase openness and transparency at the local level.

"A city council may have 7 members. A county council may have 11 members," he said. "So literally a handful of people may direct millions of dollars towards something or an entity."

Rep. Rose's bill was referred to the House Judiciary Committee last year. No word on if lawmakers will hold a hearing on that legislation before the end of the session.

"The public should know who is getting paid to influence decisions made by county, municipal, or school board officials," Governor Henry McMaster told the General Assembly during his State of the State Address last month. "These paid advocates should be required to register with the State Ethics Commission as lobbyists, just like those who are paid to lobby the legislature."

His office said for the last five years the governor has proposed this in his Executive Budget sent to lawmakers. This year, the Governor is also suggesting lawmakers double the State Ethics Commission's budget.

### [How A State Lawmaker's Day Job Tiptoed into Lobbying](#) (Oklahoma)

She voted for and often co-authored legislation expanding school choice in 2021, earning her an ["A+"](#) in the grassroots lobbying group ChoiceMatters' ranking of state lawmakers.

Months later, that group's parent organization hired State Rep. Toni Hasenbeck, R-Elgin, for a paid position where she spent some of her time teaching parents how to advocate for school choice, including at the Legislature. ChoiceMatters regularly emails its members with messages to support certain legislation by contacting their representatives.

On her last day, Hasenbeck attended a parent leadership class at the Capitol. A photo posted to ChoiceMatters' Facebook page shows her presenting to the group, wearing her lawmaker ID.

Her work exemplifies the potential conflict of interest legislators' day jobs can have on the job voters entrust them with, according to [John Pelissero](#), a senior scholar at the Markkula Center for Applied Ethics at Santa Clara University.

It can be problematic for a legislator to have a job where they lobby for state legislation, said Pelissero.

"It does present a conflict of interest because, as an elected official, the legislator should be representing the public interest. And if you're working for a company or a nonprofit organization in which you are seeking to influence the outcome of legislation, then it'll raise questions about whether some private interest is first and foremost in the mind of the legislator, rather than the public," Pelissero said.

Hasenbeck and ChoiceMatters defended her employment. They said she actually worked for Scissortail Community Development Corporation, ChoiceMatters' parent organization and a nonprofit that, due to [federal tax laws](#), can not spend a substantial portion of its activities on lobbying.

"There are no laws or ethics rules preventing a lawmaker from working for a 501(c)3," said Alex Weintz, partner at Amber Integrated public affairs firm, whose client is ChoiceMatters.

Hasenbeck said she left because she grew tired of the commute, which is about 90 minutes from Elgin.

“My feelings about working for a nonprofit that helped families is: I’m doing everything at the House, using all of my years of experience in business and education, and I felt like if I could help families on the other side, that’s like somebody actually getting to make a difference in the world,” Hasenbeck said.

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“My feelings about working for a nonprofit that helped families is: I’m doing everything at the House, using all of my years of experience in business and education, and I felt like if I could help families on the other side, that’s like somebody actually getting to make a difference in the world,” Hasenbeck said.

#### *‘I Wasn’t Presenting Myself As A Representative’*

ChoiceMatters and Scissortail regularly post the same messages on social media. Both are led by Robert Ruiz, who is [ChoiceMatters’ executive director](#) and Scissortail’s president. He was a registered lobbyist from 2019 to 2021 but did not renew for 2022, records show.

Hasenbeck served as an associate director at Scissortail from Aug. 31 to Nov. 21.

“We were really careful so that I wasn’t presenting myself as a representative when I talked to families. I felt pretty strongly about that,” she said.

Scissortail’s purpose, according to its most recent federal tax form, is to “improve the physical and social infrastructures in blighted neighborhoods” in low-income communities across Oklahoma. It hosts several annual Hispanic cultural festivals and mariachi programs.

ChoiceMatters is one of its programs. Its mission is to educate, inform and provide resources to Oklahoma parents about educational options, according to its [website](#). It champions charter schools, programs that provide public funds for private school tuition, and voucher programs — like the one proposed this year by Senate President Pro Tem Greg Treat.

Scissortail’s main funder is the Walton Family Foundation, the philanthropic arm of the Walton family, heirs to the Walmart fortune. The Walton Family Foundation gave Scissortail [grants worth more than \\$2 million](#) from 2015-2000. The Waltons are staunch supporters of the

school-choice movement and in 2016, pledged to spend \$1 billion supporting charter schools and other choice initiatives, like voucher programs.

Some of Scissortail's work includes [grassroots lobbying](#), which is attempting to influence legislation by involving the public, such as urging people to contact their lawmaker. Messaging typically takes a position on a certain piece of legislation and what action to take, such as to email or call your legislator. The group sometimes provides form letters so supporters can quickly and easily contact lawmakers en masse.

For example, on Feb. 7, both ChoiceMatters and Scissortail posted messages to Facebook about Senate Bill 1647, which would create a universal education voucher system, using public education dollars to fund private school tuition and homeschool supplies. The posts encourage parents to email their lawmaker, ask them to support the bill, and provide a link that auto-generates a message.

### *What State Law Says*

To be sure, many nonprofit organizations and social media groups on all sides use grassroots lobbying to influence legislation. Hiring a sitting lawmaker, though, makes ChoiceMatters' situation unusual.

Pelissero, who has authored dozens of articles on politics and public administration and co-authored a book called "Managing Urban America," said ethical issues arise when there's an appearance of conflict, even if there's not a formal conflict.

"Members of the public would wonder, is this legislator looking out for the people of Oklahoma or for the nonprofit organization?" he said.

Lawmakers are prohibited from personally being lobbyists, but other employment situations can also be a conflict of interest depending on the circumstances, said Ashley Kemp, executive director of the Oklahoma Ethics Commission.

"Due to the varied nature of public service and personal circumstances, what may present a conflict for one position or individual may not be a conflict for another," she said. All complaints and investigations to the commission are confidential unless a lawsuit is filed, a settlement reached, or the commission deems the information in the public interest.

Rep. Meloyde Blancett, D-Tulsa, in 2019 requested commission rules to require certain nonprofits like dark money groups to report their spending, but [the effort failed](#).

Not speaking about Hasenbeck directly, Blancett said a lawmaker working for a nonprofit that lobbies for legislation or political candidates or state questions is problematic. Blancett works for a nonprofit, Creative Oklahoma, which does not lobby, directly or indirectly.

“They certainly have a right as a citizen to support their cause, but once you get paid to participate, that brings into question whether you are using your public office to benefit yourself financially,” she said.

Under state law, a conflict of interest exists when a lawmaker or state employee engages in activities or has interests that “conflict with the proper discharge of their duties and responsibilities.” Lawmakers, judges and statewide elected officials are required to disclose all material financial interests each year.

*Duties Included ‘Parent Leadership Development, Community Organizing’*

Hasenbeck’s 2020 report doesn’t list any financial interests. Reports for 2021, when she worked for Scissortail, aren’t due until May 15.

As an associate director for Scissortail, Hasenbeck’s duties included “parent leadership development, adult education and community organizing,” said Weintz.

He would not say how much Hasenbeck earned at Scissortail.

All Oklahoma lawmakers earn \$47,500 a year.

Hasenbeck was first elected to a two-year term in the Oklahoma House of Representatives in 2018 and is running for re-election this year. She supports better pay for educators but has [criticized](#) the tax increase passed by the Legislature in 2018 to increase teacher pay.

For the upcoming session, she’s proposed [a bill](#) to incrementally expand the Lindsey Nicole Henry Scholarship Program, which provides private school tuition to students with disabilities, as well as [a bill](#) to boost the bonuses to educators who earn National Board certification to \$7,500.

She has been an educator for nearly two decades and taught at Elgin Middle School.

In an interview with Oklahoma Watch, she said she left Scissortail because of the long commute but continues to admire the organization's mission of working to improve educational outcomes for students, particularly low-income or minority students.

In her time there, she never dealt with families whose children attended private schools and mostly counseled parents on how to improve their situation in public schools, Hasenbeck said.

Charles McCall, speaker of the Oklahoma House of Representatives, was unaware of Hasenbeck's work for Scissortail, according to his spokesperson.