



M U L T I S T A T E

Colorado campaign donation limits stand — for now — after federal court ruling
(Colorado)

Colorado’s 20-year-old campaign donation limits will remain unchanged — at least for now — after a federal judge late Thursday rejected a request from a group of Republicans for a preliminary injunction immediately suspending the limits.

Individual donors are limited to giving \$400 to state legislative candidates and \$1,250 to candidates for statewide office. Those limits are among the lowest in the nation.

Senior U.S. District Court Judge John Kane issued the ruling after a hearing that lasted eight hours between Wednesday and Thursday.

“There is no right to give or receive unlimited political contributions” under the First Amendment right to free speech or association, Kane wrote.

He said a full trial based on more extensive evidence must be held before the donation limits are rejected. “The public has a significant interest in not suffering the reverberations of a federal court order that declares a constitutional referendum unconstitutional on the basis of an incomplete record,” he wrote.

Still, Kane agreed that the donation limits are likely too low, leaving open the possibility they could be overturned after a trial in the coming months.

The Colorado Secretary of State’s Office and the Democratic majority in the Colorado legislature were preparing to quickly act to enact new limits had Kane overturned the current restraints. Concerns were building that a flood of campaign cash would be channeled to candidates the moment the limits were unwound, which could have reshuffled the 2022 political landscape.

Conservative nonprofit Advance Colorado and the national nonprofit Institute for Free Speech will continue their [efforts to overturn the limits set by voters in 2002](#) at a future trial. The

groups say the constraints violate First Amendment speech rights by limiting candidates' ability to get their messages to voters.

Dan Burrows, attorney for Advance Colorado, said the ruling could be appealed, but no decision has been made on that.

The plaintiffs in the lawsuit are Greg Lopez, who is running for governor, and state Rep. Rod Pelton, of Cheyenne Wells, who is running for state Senate, along with former Colorado Republican Party Chairman Steve House.

They each testified that the current law makes it difficult to raise money, though Kane noted that they were raising money or, in the case of House, donating, before the lawsuit was filed. Lopez opened his campaign account and started accepting contributions in 2019.

Advance Colorado argued that a provision allowing some candidates to accept double the contribution limits if they [agree to limit their spending](#) is unfair. Republican Heidi Ganahl, competing with Lopez for the gubernatorial nomination, accepted those limits and raised at [least \\$138,000 in higher contributions before changing her mind](#).

Burrows said the limits prevent challengers from running for office or hinder them when they do.

“To have any legitimate chance, a person has to be able to put some of their own money in,” Burrows said during closing arguments Thursday. “It disadvantages people from poor neighborhoods who tend to be racial or ethnic minorities, it disadvantages women.”

Burrows noted that despite inflation adjustments, the limits haven't kept up with rising costs. Most notably, the \$400 limit for state lawmakers hasn't changed since 2002.

“It significantly restricts the amount of funding for candidates to run an effective campaign,” he said.

Kane agreed that the donation limits are likely too low, and also noted that Advance Colorado presented evidence that the average cost of a competitive legislative contest rose from about “\$82,000 to \$232,000 in just 12 years.”

The judge agreed with the argument by Assistant Colorado Attorney General Michael Kotlarczyk that a full trial is needed on the issue.

“The preliminary injunction is a drastic remedy,” Kotlarczyk said in asking the judge to reject it. “The plaintiffs are seeking to disrupt the status quo that has prevailed in Colorado for the last 20 years.”

Seth Masket, a political science professor at the University of Denver who leads the school’s Center on American Politics, served as an expert witness for Advance Colorado. He began analyzing campaign finance data last summer, finding that Colorado’s limits favor incumbents.

“My impression is that the campaign finance limits make it somewhat harder for challengers to mount campaigns in Colorado,” he said during the hearing.

But Kotlarczyk noted that the attorney general’s legal team received Masket’s analysis late last week, and he questioned some of the numbers, including one table that said Republican state Senate candidate Suzanne Taheri (then known as Suzanne Staiert) spent \$2.6 million on the contest she lost in 2020. Taheri only spent about \$86,000, according to campaign finance reports.

It appears the number included outside spending, which has soared since the limits took effect in 2004.

“The (independent expenditure committee) money shows that the money is out there, that people are interested in spending in these races,” Burrows said. “It is the system that Colorado has set up that includes these limits that funnels that money into independent spending. And it’s independent spending that quashes the candidates’ messages and harms challengers.”

[House committee advances bill to close loophole for private lobbyist clubs during legislative session](#) (Minnesota)

A Minnesota House committee on Friday voted 10-2 to advance a bill restricting legislative party caucuses from forming [a private club of dues-paying lobbyists and other members during lawmaking sessions](#).

The legislation is in response to [a 2021 advisory opinion](#) requested by the Senate Victory Fund — the Senate GOP’s political arm — on whether a dues-paying club in a private meeting space offsite of the Capitol would violate campaign finance law.

The advisory opinion of the Campaign Finance and Public Disclosure Board said that as long as dues — which would be considered campaign contributions — are received before or after a

legislative session, the contributions would not violate a state ban on fundraising during the session.

Democrats said a “private club” with membership dues required of lobbyists to gain access amounted to unseemly influence peddling. Republicans abandoned the plan before setting up the club.

“It’s a good day for Minnesotans,” said state Rep. Ginny Klevorn, DFL-Plymouth, who is a sponsor of the bill. “I’m glad the majority of our committee understands that asking people to pay to play is wrong.”

While the bill received bipartisan support, Assistant Minority Leader Anne Neu Brindley, R-North Branch, voted against the bill after expressing concerns the language was too broad.

The bill has the support of groups like Common Cause Minnesota and Clean Elections Minnesota.

Senate Majority Leader Jeremy Miller, R-Winona, who became leader shortly before the opinion was published, has sought to distance himself from it, saying his caucus has no plans to create a private club for lobbyists to meet with lawmakers during the session.

According to the advisory opinion, the purpose of the private meeting space was “in part, to support the development of legislation that supports the party’s political agenda. Passage of legislation and development of policies that are in line with the party’s goals will directly support the election of party candidates.”

Lobbyists have been griping for two years that their access to lawmakers has been inhibited by pandemic restrictions.

The Senate version of the legislation has not received a hearing.

[\\$93.7 million spent by N.J. lobbyists in 2021, the third-highest total ever](#) (New Jersey)

New Jersey lobbyists spent [\\$93.7 million](#) last year, making 2021 the third-most expensive lobbying year on record but still falling well short of the \$106.8 million record spent in 2020.

According to New Jersey Election Law Enforcement Commission (ELEC) executive director Jeff Brindle, 2020 was an unusual year in many respects, and the onset of the Covid pandemic prompted a flurry of new legislation that in turn caused the highest lobbying spending on record; 2021 had no comparable influx of legislation and lobbying activity.

“Lobbying expenditures typically fluctuate year-to-year depending on the issues,” Brindle said. “[But] even in the down years, the business of lobbying remains a major enterprise in the Garden State.”

The biggest spender in 2021 was utility giant Public Service Enterprise Group, better known as PSE&G, which spent \$2.7 million. In second place was Horizon Blue Cross Blue Shield of New Jersey, the state’s largest health care provider, at \$1.9 million.

Surprisingly, the third-most expensive lobbying campaign came from the Fuel Merchants Association of New Jersey, a group that spent little in previous years but shelled out \$1.4 million this year to oppose the state’s Energy Master Plan, which would transition the state towards electric energy.

Rounding out the top five were the Engineers Labor Employer Cooperative at \$1.2 million and the New Jersey League of Municipalities at \$600,000. Notably missing from the list of the biggest spenders was the New Jersey Education Association, which spent \$6.2 million in 2020 but only \$400,000 last year.

Looking at multi-client lobbying firms, the Princeton Public Affairs Group had the highest receipts at \$10.5 million, trailed by Public Strategies Impact at \$7.4 million.

While 2021 didn’t set a new record in expenditures, it did mark the largest number of clients ever seen at 2,283, which the ELEC report attributed to the rise of a number of new issues like marijuana legalization, Covid, and wind energy. The number of lobbyists, however, fell slightly to 916, down from 920 in 2020 and far from the peak of 1,043 in 2008.

[Adams quietly undoes de Blasio-era lobbying disclosure requirement](#) (New York City, NY)

Mayor Eric Adams has dispensed with a de Blasio-era policy to voluntarily disclose meetings top administration officials take with lobbyists — further obscuring an already-opaque system of outside influence over government actions.

Two City Hall attorneys alerted administration employees of the change in a March 1 memo laying out rules governing communication with lobbyists, a lucrative line of work that brought firms \$104 million last year, according to a [recent report](#) from the city's lobbying bureau. The top firm, Kasirer LLC, took in north of \$15 million — nearly double the earnings of the second-place company, James F. Capalino & Associates, Inc.

The two-page memo, a copy of which was obtained by POLITICO, defines lobbying as “the attempt to influence certain government actions” and advises the staffers that they may be subject to this type of outreach.

The city lawyers go on to explain common motivations for lobbying — land use changes that impact multi-billion-dollar real estate deals, competitions to win city contracts, an effort to shape pending legislation.

“Mayor’s Office employees are not required to maintain or file any reports or documents in connection with their meetings with lobbyists,” the attorneys wrote, effectively undoing [a discretionary policy former Mayor Bill de Blasio instituted to mandate routine disclosure of lobbying meetings](#). The former mayor, [who had his own ethics problems during his tenure](#), demanded his deputy mayors and agency heads report their interactions with lobbyists and the information was made public through a city-run portal.

“It is nonetheless important to preserve communications with lobbyists,” the lawyers added. “You should not delete emails, texts, calendar entries, or voicemails related to lobbyist communications or meetings. As you engage in email and text communications with lobbyists, please remember that these communications may be disclosed in response to a FOIL request or a civil or criminal subpoena.”

Adams spokesperson Jonah Allon did not explain the reason for the change, instead providing a statement highlighting the new mayor’s commitment to ethics. Allon also declined to provide a list of lobbyists who have met with the mayor so far.

“Even before he took office, Mayor Adams made clear that everyone in his administration would be held to the highest ethical standards, and that is exactly the kind of administration he has run since day one,” Allon said.

He said the City Hall counsel’s office regularly trains staff about the “proper rules and regulations governing interactions with lobbyists,” who, by law, are required to report their meetings with government officials to the City Clerk’s lobbying bureau.

“The administration will continue to follow the law and make city government more transparent and accountable to all New Yorkers,” Allon said.

Several Adams aides privately attributed the change to de Blasio’s inconsistent approach to the lobbying disclosure, reasoning that scrapping it altogether would be better than improving it.

The move is the latest evidence that transparency may not be a priority for this mayor. During the Democratic primary last year, he did not consistently release a daily schedule but showed up to public events without notifying the media ahead of time, as is customary. Shortly after taking office, he threatened to stop taking reporters’ questions due to what he perceives as unfair media coverage, though he has yet to follow through with that warning.

One government watchdog questioned the wisdom of the policy in the first place, arguing that it was not properly adhered to because the city lacks a comprehensive and accurate database of lobbyists.

“I don’t have an outrage quote loaded here because I don’t know what the practical difference will be for New York City government,” said John Kaehny, executive director of government-reform group Reinvent Albany. “It all hinges on the definition of lobbyist and compliance of the definition of lobbyist, and that’s enforced by the city clerk’s office. And from what we can tell, they don’t really enforce it.”

Nevertheless, Kaehny called the change “bad optics.”

“Why not keep the policy? If the de Blasio administration, which was pretty lackluster, could do it for eight years then it surely can’t be that hard for [Adams] to comply with it — or not comply with as it were.”

After publication City Hall Counsel Brendan McGuire provided the following statement. “To continue to require city employees to report an incomplete and inaccurate inventory of meetings is unfair and pointless when even good government groups have repeatedly criticized the unclear and confusing characterization of lobbyists.”

“Rather than elevate form over substance based off of an ambiguous definition, what matters is that every employee must recognize that contacts with lobbyists, and those who appear to be lobbyists, should be handled thoughtfully and will be scrutinized,” McGuire said.