



M U L T I S T A T E

[Campaign finance probes of ex-speaker, ex-staffer head to DA](#) (Tennessee)

Tennessee campaign finance regulators voted Thursday to pass prosecutors their investigations surrounding a former House speaker and his then-chief of staff, who have been implicated in an alleged political consulting kickback scheme.

Another former lawmaker recently [pleaded guilty](#) to carrying out the scheme with the former House speaker and his ex-aide.

The Tennessee Registry of Election Finance's vote refers the probes about former House Speaker Glen Casada, his former chief of staff Cade Cothren and the Faith Family Freedom Fund PAC to the Williamson County district attorney's office, according to a recording of the proceedings.

The action comes the week after a [federal wire fraud charge](#) was unsealed against former Republican Rep. Robin Smith. She resigned and then pleaded guilty a day later, pledging her cooperation with authorities as the investigation unfolds.

Federal authorities say Smith, Casada and Cothren collaborated on a separate consulting firm, Phoenix Solutions, as a way to funnel money to themselves secretly and illegally through both campaign and taxpayer-funded work. Prosecutors have so far kept Casada and Cothren unnamed and haven't charged them with anything, but they described the two in easily identifiable terms in court documents.

Some fellow GOP House lawmakers [have said they feel betrayed](#) after Smith talked them into using the vendor. Prosecutors said the three claimed the firm was run by a certain "Matthew Phoenix." In fact, it was Cothren using an alias because they feared lawmakers and the House speaker's office wouldn't use the vendor if Cothren's involvement came to light, prosecutors allege. Casada and Cothren had been pressured into resigning as speaker and chief of staff in 2019 over swirling scandals, including revelations they exchanged sexually explicit text messages about women years beforehand.

State campaign finance regulators, meanwhile, have also sought to get to the bottom of another shadowy entity, the Faith Family Freedom Fund PAC.

Ahead of the 2020 GOP primary election, the PAC attacked then-Rep. Rick Tillis, the brother of North Carolina U.S. Sen. Thom Tillis. Rick Tillis lost to Republican Rep. Todd Warner, who was among those subject to FBI searches at the legislative building and other addresses in January 2021, alongside Casada, Cothren, Smith and others.

The registry decided to reopen its probe into the Faith Family Freedom Fund after the PAC's treasurer testified in January that she is Cothren's former girlfriend and opened the PAC because Cothren asked her to, saying Cothren assured her she was doing nothing wrong and that she took no further action, according to the [Chattanooga Times Free Press](#).

Cothren has informed the registry that he is invoking his Fifth Amendment right against self-incrimination and won't abide by a subpoena in an investigation surrounding a political action committee.

Casada, who was also subpoenaed, has told the registry he wasn't involved with the Faith Family Freedom Fund.

[Oregon Supreme Court ruling likely dooms campaign finance limits this year](#) (Oregon)

The Oregon Supreme Court has likely closed off any chance Oregon voters will limit political spending this year, declining on Friday to hear a challenge that might have paved the way for such a proposal on the November ballot.

In a 5-page ruling, the state's high court said it would not take up a challenge to a decision Secretary of State Shemia Fagan made last month. Fagan rejected three proposed ballot measures to institute limits on campaign contributions, saying [they did not meet technical requirements](#).

Three proponents of the measures – Jason Kafoury, James Ofsink and Rebecca Gladstone – [challenged the determination](#); they asked the Supreme Court to step in and rule that Fagan's interpretation of the state Constitution was incorrect. If justices had agreed, it might have given the group enough time to collect signatures and put one of their proposals before voters.

But the court ruled Friday that intervening in the case would not be appropriate. In the written decision, justices said that stepping in to rule on Fagan's decision – rather than allowing the

matter to first be heard in Marion County Circuit Court, as is the normal process – was not warranted.

“This is not a case in which exceptional circumstances persuade us that the issue that relators raise is so novel and significant, and that immediate resolution is so imperative, that we should exercise our discretionary mandamus jurisdiction on an expedited basis,” the justices wrote. They added that “petitioners’ efforts may be delayed, but they are not foreclosed.”

The decision is almost certainly a fatal blow to the effort to institute campaign finance limits this year, said Kafoury, a Portland lawyer and chief petitioner behind the measures. Even if he and other petitioners do opt to challenge Fagan’s decision in Marion County, there is no chance the matter would be resolved at the circuit and appeals court levels soon enough to allow them to gather signatures by the July deadline.

“The most likely outcome here is that we’re going to have to regroup and look at filing something for 2024,” Kafoury said.

Fagan, who had welcomed justices to weigh in on the matter, nevertheless cheered the decision Friday.

“I am one of the millions of Oregonians eager to see speedy, meaningful progress on campaign finance reform,” she said in a statement, adding: “If the petitioners decide to challenge the Constitution’s ‘full text’ rule in a lower court, my office will continue to make every effort to streamline the court’s decision process.”

Oregon is one of a handful of states that places no limits on how much an individual or entity can give to candidates, a fact that has helped campaign spending explode in recent elections. But voters have signaled they’re eager to end that trend. A ballot measure that altered the state Constitution to formally allow limits on campaign giving passed in a landslide in 2020.

Kafoury and others had submitted three initiative petitions in December, and they planned to ultimately pick one to put on the November ballot. The three proposals differed in their specifics, but all would have limited the amount that individual donors and other entities could contribute.

But Fagan ruled last month that the petitions suffered from a major flaw: They did not include the entire wording of a section of state law they sought to change. In their proposals, the petitioners changed a subsection of the state’s law against bribery by fewer than 20 words. But they failed to also include another subsection of the law that they didn’t want to touch.

Relying on a [2004](#) case, Fagan said that technical glitch meant the proposals did not pass constitutional muster, and so she rejected them. The decision was at odds with how some past secretaries scrutinized proposed ballot measures, but was consistent for Fagan, who last year rejected another proposal on the same grounds.

While Fagan said that the petitioners behind the campaign finance measures could re-file measures so that they comply with the Constitution, Kafoury and others argued that would not grant them enough time to collect signatures before the deadline. They instead asked the Supreme Court to weigh in.

In their ruling Friday, justices suggested that the campaign finance group should have left themselves more time.

“Relators could have begun the initiative process earlier, so that, if the secretary identified deficiencies, relators could have taken timely steps to contest or cure them within the same election cycle,” the opinion said.

The campaign limit advocates have the option of asking justice to reconsider their ruling by next week. Kafoury said Friday they would probably do so, though he acknowledged it was unlikely to change the outcome.

Since lawmakers [failed to address campaign finance limits](#) in their recent legislative session, and several other ballot proposals to create limits aren’t likely to move, the issue will likely be kicked to early 2023. House Speaker Dan Rayfield, D-Corvallis, and other lawmakers have pledged to take up the matter when lawmakers next meet, though the issue of political spending caps has repeatedly proven toxic in Salem.

“The really disappointing part is all Oregonians would like clarity on this full-text determination by the secretary of state,” Kafoury said. “There are many other petitions for 2022 and 2024 that need clarity on this issue.”

[Connecticut lobbyists back at Capitol after two years to influence legislation](#) (Connecticut)

Lobbying is the art of personal persuasion, reading body language, and making follow-up points.

That is very hard to do on the phone or on Zoom.

For the past two years, lobbyists disappeared from the state Capitol as the building was closed to the general public for fear of spreading the coronavirus. Now, mask-wearing lobbyists say they are happy to be back after having little personal access to lawmakers during the entire pandemic.

While it is impossible to roll back the clock, both legislators and lobbyists say that some legislation might have been changed over the past two years if the advocates could have lobbied more aggressively and in person as they always did in the past.

“I think there are a lot of bills that would have been different had the building been open,” said House Republican leader Vincent Candelora of North Branford. “I’m glad that the advocates are back in the building to be able to have their positions be heard so that we can make better legislation.”

Candelora cited the controversial police accountability bill that was passed largely on party lines by the Democratic-controlled legislature in July 2020 and signed into law by Gov. Ned Lamont. Advocates did not say they would have blocked the complicated, 71-page bill entirely but say they might have softened some provisions that officers believe were too tough on police.

Police unions were particularly concerned about changes in “qualified immunity” regarding civil lawsuits that could be brought against officers on a personal basis. Legislators still disagree about the impact of the provision with some saying it makes it easier to file lawsuits regarding split-second, on-duty decisions and others saying that the only major impact would be against officers who acted recklessly, rather than making a good-faith mistake. The issue was so close that a Republican amendment failed on a tie vote.

Candelora also cited the banning of “consent” searches that officers say lead to fewer guns and drugs being taken off the streets during routine traffic stops. Democrats, though, say that officers still have wide latitude on “consent” searches that would allow them to search a vehicle if they have probable cause because, for example, they saw a gun sticking out from under a seat.

House Speaker Matt Ritter of Hartford declined to comment about the police or other individual bills, but he said he is glad to see the lobbyists back in the Capitol because they provide a wealth of information about important bills that he personally needed to provide at times.

“During COVID, when we would have caucuses, it was hard because it really falls on the chair and in many cases myself [and other top leaders] too often have to answer every question because many members would say, ‘I’m not on that committee, and I’m not familiar with that bill, and I’m not sure what you’re talking about,’ ” Ritter said in an interview. “Emails are often

form emails, and they aren't always well-drafted. One of the hardest parts is not having a lot of different opinions that people can ask questions about."

Deputy Speaker Robert Godfrey of Danbury, one of the longest-serving legislators who was first elected in 1988, said he learns information from lobbyists in the hallways and the first-floor cafeteria in the Legislative Office Building that is connected by a tunnel to the Capitol.

"What we do for a living is schmooze, and not being able to do that for two years just crippled our thinking," Godfrey said in an interview. "Since the Citizens Election Program [that created public financing of campaigns], lobbyists are less influential, but they're still effective and necessary because that's where I and most of my colleagues go for real information. Taking it with a grain of salt and understanding it's one-sided, but then I get to talk to the lobbyist on another side of an issue and get the full information from the two differing points of view."

Godfrey added, "The advocates I need information from are back, and that's very helpful in my decision-making."

The lobbyists traditionally gather in a relatively small area on the second floor, outside the historic Hall of the House chamber and outside the caucus rooms. They work in spots around the entire building, but the second floor is the epicenter, where they stand behind velvet ropes that separate them from legislators.

Brian Anderson, a longtime lobbyist for the American Federation of State, County, and Municipal Employees, known as AFSCME, said being outside of the building made it more difficult to deliver his message over the past two years.

"Lobbying is a face-to-face business," Anderson said in an interview. "Something gets left out in Zoom. You can't read people's reactions. ... I can wait by a legislator's parking space. I can't wait on a cellphone."

With other colleagues, Anderson worked hard in representing police officers on legislation following the death of George Floyd, who was died handcuffed in police custody in Minneapolis.

"I think the police accountability bill would have been substantially different if we could have talked to rank-and-file legislators about it," Anderson said. "When you can't talk to rank-and-file legislators, the chairs become all-powerful."

Anderson declined to outline the specific points that might have been different, but said it was important to be back in the building with his lobbying colleagues.

Besides the police bill, Candelora says a multi-pronged recycling bill that passed in June 2021 would have been different if lobbyists could have worked the bill more. The measure, the largest expansion of the Connecticut bottle bill in decades, doubled the deposit on cans and bottles to 10 cents — starting in January 2024 — and widely expanded the items being recycled.

One of the problems, he said, is that the bill did not include enough safeguards to prevent residents from Rhode Island, where there is no bottle bill, from crossing over the state border and collecting deposit money when they never purchased the products in Connecticut.

Lawmakers and lobbyists also cited a complicated, 300-page bill that legalized recreational marijuana last year and set a high bar that makes it highly expensive for some entities to get involved in the newly legal industry.

Despite complaints, the pandemic did have a major impact on public hearings by vastly expanding the number of witnesses through Zoom. Previously, all witnesses needed to appear in person — with many speaking only for the limit of three minutes — in a system that forced them to wait many hours before speaking. Now, they could pass those hours at home before testifying by Zoom.

On the crowded, noisy area outside the House chamber, lobbyist Joelyn Leon of the state AFL-CIO said the hearings are quieter than the hurly burly of lobbyists trying to reach legislators for a few brief moments before they head to the second-floor caucus rooms.

“There were some benefits to it with Zoom,” Leon said with numerous lobbyists standing only feet away in each direction. “You had that one-on-one, and there was none of this chaos in the background.”

Josh Hughes, a longtime lobbyist who now works for a growing firm known as Capitol Consulting, said the business was drastically impacted by COVID-19.

“You look at robotics and see how technology can make things obsolete,” Hughes said in an interview. “It took a pandemic to change our business. ... Physical expressions are 60% of the conversation. Body language is a big part of the conversation, and you can’t get that over Zoom.”

State Rep. Greg Howard, a freshman lawmaker who has spent his short tenure in office under COVID conditions, said he has come to appreciate the hard work of lobbyists.

“There’s a stigma around lobbyists like they’re some sort of a crooked bunch of people,” Howard said. “But lobbyists bring to the legislator expertise in a specific area. ... Legislators are

part-time. It's not always easy to keep up with your emails and meetings in a virtual world, whereas somebody can grab you quickly in a hallway where you're passing through and can get your ear and you can then double-check whatever they're talking about. Lobbyists bring subject-matter expertise and opinions beyond what we all have."

Lobbyist Jean Cronin, the wife of legendary lobbyist Carroll J. Hughes, who died late last year after nearly 50 years at the Capitol, agreed that the police, recycling, and marijuana bills all could have been changed.

Some bills "wouldn't have passed or they would have passed differently," said Cronin, who has been lobbying for more than 30 years.

With about six weeks remaining in the session that ends May 4, Ritter expects that lobbyists will bring members of the general public to explain certain bills, such as members of the State Employees Bargaining Agent Coalition that has a pay-raise deal pending before the legislature.

"The SEBAC agreement — that's going to bring workers up" to the Capitol, Ritter said. "They'll tell you that they are more effective when they can bring up members from people's districts. You can talk all you want about pay raises, but 'this is me in the flesh and I'm telling you about my life and my personal story.' That, to me, is a big difference."

Ritter added, "Now, you have more voices in the Capitol, and I do think it will be helpful. When we do some of these bills and you hear personal stories from someone who lives in your hometown, that's impactful to people. That really does matter."

[Ethics complaint against Lt. Governor candidate Burt Jones ends with \\$1K fine](#) (Georgia)

Georgia Lt. Gov candidate Burt Jones was officially fined \$1,000 Monday after the Georgia Government Transparency and Campaign Finance Commission accepted a consent order in an ethics complaint.

The order says Jones paid the commission on March 18, and he also agreed to reimburse his state senate campaign \$8,000.

It's the end result of an ethics complaint filed by north Georgia attorney Daniel Laird III in late Aug. 2021.

The complaint goes back to a tweet from Senator Burt Jones on July 8, 2021, showing Jones and his family shooting what looks to be a campaign video.

Those same scenes seen in the tweet were featured in a campaign video tweeted on Aug. 10.

The problem? The complaint alleges the campaign video was filmed before Jones filed paperwork required to accept and spend campaign contributions.

Jones filed paperwork on Aug. 6, 2021, at least a month after the campaign video was shot.

The commission found Jones mistakenly accepted a campaign contribution before a declaration of intent to accept contributions had been filed.

The consent order also notes that Jones and his campaign staff "have gone out of their way to be communicative, transparent, and wholly forthcoming."

[San Jose looks to limit foreign influence in elections](#) (San Jose, CA)

San Jose is looking to limit foreign influence in campaigns and close some contribution loopholes.

On Tuesday, the City Council will consider prohibiting foreign-influenced corporations or donors, with no stake in San Jose, from making contributions to local elections.

"The intention is to close loopholes, increase transparency and create accountability," said Lam Nguyen, spokesperson for Councilmember David Cohen, who was not available for comment. "One of the primary influencing forces on politics at all levels is money and knowing where that money is coming from gives a clearer sense of the stake the donor has."

The foreign-influenced corporations proposal is coming before the council now so the new rules, if passed, can be applied to the general election in November, Nguyen told San José Spotlight.

Cohen, along with Councilmembers Pam Foley, Sergio Jimenez and Sylvia Arenas, want the city to define foreign-influenced corporations and ban them from donating based on various parameters that relate to foreign ownership and participation in political activities.

The effort is part of a larger discussion happening at council to make campaigns more fair and transparent following a [heated and costly 2020 election](#). San Jose has toyed with the idea of a

pilot program to [publicly finance campaigns](#) and [make campaign mailers disclose](#) who the top donors are in an effort to show who is paying for ads. These ideas will come before council at a later date.

Federal and state laws already prohibit foreign individuals—other than green card holders—governments, companies and other groups from making contributions or independent expenditures to candidates. However, foreign companies with domestic subsidiaries can make donations as long as the donations are made by a U.S. citizen or permanent resident.

Cities such as Seattle, Washington and St. Petersburg, Florida have implemented stricter campaign finance rules to limit outside influence. San Jose is looking to model its regulations after those cities.

It's not clear how much influence foreign corporations or entities have in San Jose politics, or which corporations these rules would impact. But even a small number of corporations could have an impact, said Garrick Percival, a political science professor at San Jose State University.

“In a democracy, we have an interest in promoting equal participation,” Percival told San José Spotlight. “When you have a disproportionate amount of influence from a small number of well-resourced actors or corporations, it can skew policy.”

In terms of the foreign-influence rules, the time to act is now, as Foley said each election “signifies the renewal of our democracy.”

“The laws by which our elections currently operate leave gaps for foreign entities to use and abuse our democracy against us,” Foley told San José Spotlight. “This effort seeks to fill that gap, secure our democracy and lay the foundation for stronger, more secure elections, free of foreign interference in the 21st century.”

The City Council will discuss these rules at its Tuesday meeting.

[Bill signed into law attempts to close dark money loopholes](#) (Wyoming)

Gov. Mark Gordon has signed into law a bill that attempts to close dark money loopholes through additional campaign finance reporting fees.

Dark money is defined in its anonymity, meaning organizations do not disclose their donors and concentrate on spending funds to influence voters.

Advocates for the bill shared with the Wyoming Tribune Eagle their concern for these kinds of independent expenditure organizations aggressively impacting Wyoming elections. They said House Bill 80 is a further step in the right direction to uphold voter power.

“Our whole mission is to create transparency in government and allow the voices of individual voters to be heard by the legislators, rather than the voice of big owners,” said Wyoming Promise Chair Ken Chetsek. “We think that people should be represented, and not corporate interests.”

This is not just an issue in Wyoming, but across the nation.

The Brennan Center for Justice has reported that politically active nonprofit groups have poured more than \$1 billion into federal elections since the Citizens United v. FEC Supreme Court ruling in 2010. The decision validated the idea that corporations are people and money is speech, allowing for unlimited spending without knowing who the donors are.

“Political speech is indispensable to decision making in a democracy, and this is no less true because the speech comes from a corporation, rather than an individual,” wrote Supreme Court Justice Anthony Kennedy.

A few examples of IRS tax code 501(c) organizations that fall under this protected category are the National Rifle Association, Planned Parenthood, U.S. Chamber of Commerce and the Heritage Foundation.

Opponents argue undisclosed funding sources from these organizations make it more difficult for citizens to trace expenditures, and to understand who is trying to persuade their vote in one direction or the other.

Wyoming Promise is pushing for an amendment to the U.S. Constitution to overturn the Supreme Court decision. Until then, bills such as HB 80 provide some form of relief at the state level.

The legislation amends Wyoming statute. The new law requires all campaigns, political action committees and organizations to file an itemized statement of contributions and expenditures. If there is a failure to file the reports with the secretary of state, there can be a final order imposing a civil penalty. The penalty can be up to \$500 a day beginning on the date of the final order and ending when the final report is filed. Previously, it was a one-time fee of \$500.

“We thought that was an easy loophole,” Chetsek said. “You can buy your way out of the reporting requirements for a pretty low price, especially when you’re probably spending tens of thousands of dollars in electioneering campaigns.”

According to the campaign finance reform advocate, the concern was justified just two years ago. In 2020, a gun rights group attacking Republican candidates during the election cycle failed to file and was challenged by the secretary of state. Instead of listing their donors, the resolution was for the group only to pay the statutory fine of \$500.

By imposing a daily fee, he said, it leaves little opportunity not to disclose.

“The fines can be crippling if they want to continue doing business,” he said. “They’ve got to file the report because the fines will just keep on accumulating, and, ultimately, they will not have enough money to do what they want, as long as the fines are enforced. There is a very strong incentive for them to file the report now.”

In order for the change to occur, legislators also had to be in favor of setting clear boundaries for organizations that could be donating to their campaigns. The bill passed through the House Corporations, Elections and Political Subdivision Committee unanimously, and by strong majorities in the House and Senate.

House Corporations Committee Chairman Rep. Dan Zwonitzer, R-Cheyenne, said although he considers it a First Amendment right to spend money how an individual chooses, he said the public has to be made aware of where it’s going and who it’s from.

“One of the things I’ve learned after 20 years of doing this is no matter how robust the laws are, the really bad actors will keep finding ways around them, and loopholes,” he said. “But I do think it’s important to have that framework in place, especially for transparency and accountability.”

[Political lobbyists denounce harassment by state senator](#) (New Mexico)

A Democratic state senator is coming under new pressure to resign or be removed based on new allegations of groping, sexist comments, and yelling and cursing at women, in an open letter Monday signed by 10 political lobbyists and advocates.

The letter urges leading state senators to move forward with an investigation against Democratic Sen. Daniel Ivey-Soto related to earlier allegations of sexual harassment by political lobbyist

Marianna Anaya, and summarizes eight additional episodes involving alleged mistreatment of women by Ivey-Soto in varying levels of detail.

The Associated Press generally does not identify people alleging sexual assault, but Anaya has been openly public about her allegations and prior advocacy against harassment. Anaya has accused Ivey-Soto of groping her at a hotel reception in 2015 and of recent aggressive and disrespectful behavior while discussing proposed legislation over drinks.

A preliminary investigation into probable cause is underway, Anaya's attorney has indicated. Legislative officials say rules prohibit disclosures about complaints without a probable cause finding.

The new letter from political advocates says women contacted their groups to voice additional complaints.

Reached by telephone Monday, Ivey-Soto declined to comment on the newly summarized allegations. He has said he has no recollection of touching Anaya and that their encounters were never sexual.

"The Legislature has a process to resolve allegations of harassment and bullying. I am and I will participate in any such process," said Ivey-Soto, chairman of a Senate committee that vets major legislative initiatives and political appointments.

One source of the new accusations is identified by name — a woman who says she was physically assaulted by Ivey-Soto when he was in graduate school at the University of New Mexico and she worked at a support association for students.

The letter says the woman, who could not immediately be reached by phone, says Ivey-Soto pressed and held her against a wall and screamed at her for disregarding a task.

The letter also says that Ivey-Soto while drinking at restaurants rubbed his hand up the inner thigh of a female lobbyist and asked another lobbyist inappropriate personal questions before inviting her to meet privately in his office. The letter also alleges that Ivey-Soto groped a female advocate at the Statehouse and yelled and cursed at female election regulators.

Heather Ferguson, a co-signor of the letter and executive director of Common Cause New Mexico, said that Ivey-Soto referred to her and a female colleague by the nickname "Lips and Hips" in 2016.

“We walked into a meeting with him,” Ferguson said. “He said, ‘Here comes Lips and Hips.’”

Ferguson said she told Ivey-Soto the nickname was sexist and degrading, and that he repeated it later.

She described a “toxic culture” at the Legislature, praised Anaya’s courage for filing a formal complaint and said greater whistleblower protections are needed.

Democratic Senate Majority Leader Peter Wirth of Santa Fe declined to comment through a spokesman.

“Allegations of misconduct are taken very seriously and are dealt with under the governing policies, procedures and statutes,” said Chris Nordstrom, spokesman for Senate Democratic leaders.