



M U L T I S T A T E

**[GOP Labor Commissioner candidate Bruce Thompson faces campaign finance complaint](#)** (Georgia)

A [Buford](#), Georgia woman has filed a campaign finance complaint accusing Republican Labor Commissioner candidate Bruce Thompson of violating [Georgia](#) campaign finance laws.

The [FOX 5 I-Team](#) examined the allegations and found Thompson spent some \$35,000 from his old state Senate campaign for his current Labor Commissioner race.

Jeri Tyler has two loves: boarding and feeding her current horses and reminiscing about the former horse races she followed, political horse races.

"I had a newspaper, and I was around politics a lot," said Tyler

Tyler was the heart and soul of the Hog Mountain Herald until 1996.

Reporter: "You were editor, publisher and owner?"

Tyler: "Yup."

Reporter: So, at heart you are a journalist?"

Tyler: ""Yup."

The former journalist is now stepping back into the political game she so loves.

Tyler has filed a campaign finance complaint against a statewide candidate running for Georgia Labor Commissioner, Bruce Thompson.

"I'm hoping the voters will have a chance to see what kind of person he is," Tyler said.

Thompson has been a Republican State Senator out of White, Georgia since 2013. But, when Labor Commissioner Mark Butler announced he was retiring, Thompson decided to run for his seat.

[The I-Team first reported on then State Senator Thompson](#) during the height of the [COVID-19 pandemic](#).

In March 2020, Senator Thompson posted a picture on [Facebook](#), telling people he'd been rushed to an intensive care unit with respiratory failure.

He said he was diagnosed with [COVID-19](#).

Thompson promised, on Facebook, on March 22, to "remain at home in self-quarantine for the immediate future."

Then Thompson drove to his beach house on St. George Island, off the coast of [Florida](#). Thompson told people on Facebook he had a clean bill of health.

"The audacity of a man, who had this disease a few days ago, and came into a community that has been virus-free is irresponsible. I'm just beyond words," Franklin County Sheriff A.J. Smith said.

An outraged Florida sheriff, A.J. Smith, said he would post a deputy outside Thompson's beach house to keep him inside and protect the local community.

Thompson decided to come home and never answered the FOX 5 I-Team's questions about the incident.

Now, Thompson faces criticism about how he is paying for his race for Georgia Labor Commissioner. Records that are easily found on the campaign finance website.

"If you know where to look it pops right up. Anybody could find it. Not just me. Anybody who wants to take the time and effort could do this," Tyler said.

Jeri Tyler's complaint alleges Thompson has illegally used donations from his state Senate campaign for his labor commissioner race.

The law seems pretty clear. A candidate can only use contributions for "that elected office for which those contributions were received"

In other words, Thompson can't take money people gave him for his state senate campaign and use it to run for labor commissioner.

"It looks clear the statute states one thing, and he's doing another," said Dr. Adrienne Jones.

Jones is an assistant professor of political science at Morehouse College. FOX 5 asked her to review the complaint. She said it appears Thompson is violating the statute. She worries about the enormous amounts of money it takes to run campaigns in the modern political world, still.

"For an office like labor commissioner, or any elected office, what people are looking for is someone who is going to abide by the law. If it's a violation of the rules, it is a violation which means he either does not know the law or is ignoring it consciously," said Jones.

When the I-Team reviewed Thompson's campaign disclosures, it looks like he spent some \$35,000 from his Senate account to pay three different people to work on his labor commissioner race.

"The point of the Labor Commissioner is to make sure Georgians are employed, so you don't want someone who isn't honest with money, isn't honest in their own business," said Jones.

Thompson did not want to do an interview but sent FOX 5 a statement calling the complaint a "baseless, last minute attack by a desperate opponent who has led the most ethically challenged and scandal plagued agency in Georgia."

When the I-Team wrote back asking point-blank why he used Senate campaign funds to pay for people working on his labor commissioner race, he referred it to his lawyer.

Jeri Tyler has a "Mike Coan for Labor Commissioner" sign in her front yard. He was deputy labor commissioner under Mark Butler and took a leave of absence to run for the job.

She said she filed the complaint because people in high places need to follow the law.

Reporter: "Did you file this for him. Did you file this on his behalf?"

Tyler: "Not really. Not really. I'm doing this because I'm ready for our government to be clean."

FOX 5 never heard from Thompson's lawyer. Republican candidate Mike Coan wrote FOX 5 to say he's calling on Bruce Thompson to return the contributions he used from his Senate account to their rightful donors and take responsibility for his misuse of campaign funds.

### [Supreme Court chips away at campaign finance regulation – thanks to Ted Cruz](#) (Federal)

The Supreme Court on Monday struck down a limit on the amount of post-election funds that can be used to pay back personal loans from candidates, further chipping away at federal campaign finance regulations.

In [a 6-3 decision](#) that split the court cleanly along ideological lines, Chief Justice John Roberts wrote for the majority that a cap that allowed federal political candidates to only use up to \$250,000 in post-election fundraising dollars to pay back a personal loan from the candidate was unconstitutional.

The case was brought by Sen. Ted Cruz (R-Texas), who intentionally sought to challenge the cap by personally loaning his campaign \$260,000 shortly before his 2018 reelection.

Roberts said neither Congress nor the Justice Department had offered an adequate rationale to justify the burden on the First Amendment which the court has previously found to be posed by campaign finance limits. The chief justice also argued that capping the amount of money a candidate can use to repay post-election loans could shrink the pool of candidates willing to run for office.

“The ability to lend money to a campaign is especially important for new candidates and challengers,” wrote Roberts, an appointee of former President George W. Bush. “As a practical matter, personal loans will sometimes be the only way for an unknown challenger with limited connections to front-load campaign spending. ... And early spending — and thus early expression — is critical to a newcomer’s success.”

The Justice Department contended that the law served anti-corruption interests that are particularly acute when donations to a newly-elected official’s campaign effectively flow directly into the official’s pocket.

However, Roberts said that concern made little sense because the donations are still capped at the federal limit of \$2,900.

“The extent of the burden may vary depending on the circumstances of a particular candidate and particular election. But there is no doubt that the law does burden First Amendment electoral speech, and any such law must at least be justified by a permissible interest,” the chief justice wrote.

Writing for the court’s liberal wing, Justice Elena Kagan said her conservative colleagues’ unwillingness to recognize the potential for corruption in such arrangements was baffling.

“The theory of the legislation is easy to grasp. Political contributions that will line a candidate’s own pockets, given after his election to office, pose a special danger of corruption,” Kagan wrote in dissent. “The candidate has a more-than-usual interest in obtaining the money (to replenish his personal finances), and is now in a position to give something in return. The donors well understand his situation, and are eager to take advantage of it. In short, everyone’s incentives are stacked to enhance the risk of dirty dealing.”

Kagan, an appointee of former President Barack Obama, also said the high court’s decision to strike down the provision was certain to increase public perceptions that money is effectively buying political results in the U.S.

“In allowing those payments to go forward unrestrained, today’s decision can only bring this country’s political system into further disrepute,” she wrote. “It takes no political genius to see the heightened risk of corruption.”

The cap is a product both of a Federal Election Commission rule and a federal law that was part of the Bipartisan Campaign Reform Act of 2002, better known as McCain-Feingold.

The Roberts court has long been hostile to BCRA, chipping away at the law in favor of less restrictions on political spending in the name of free speech. Despite Roberts increasingly straying from the rest of the conservative justices in other areas of the law, he has been an almost entirely reliable opponent of campaign finance restrictions during his time on the bench.

Most famously, the Supreme Court ruled in the 2010 Citizens United decision that the government was prohibited from limiting independent expenditures from corporations and unions.

That and other related decisions eventually cleared the way for a decade of free-spending super PACs, along with so-called “dark money” groups that have spent untold hundreds of millions on political activities without fully disclosing their donors.

However, Roberts and the other conservative justices did not completely gut what remains of BCRA in Monday's ruling, as some conservatives had hoped.

Senate Minority Leader Mitch McConnell (R-Ky.), who has long looked to eviscerate the law, had urged the Supreme Court to throw out the entirety of the law in light of the Cruz case.

“There is no need to keep what remains of BCRA on the books. This Court should wipe the slate clean,” Don McGahn, McConnell's counsel, who served as White House counsel to former President Donald Trump during his term in office and also as chair of the Federal Election Commission, wrote in [a friend of the court brief](#) filed late last year.

That is not a route the court took, with the conservative justices largely steering clear of that conversation [during oral arguments in January](#).

### **'Everyone was shocked': How WV's ethics laws allowed someone barred from lobbying to try to influence legislators anyway** (West Virginia)

Roughly two hours into the meeting of the House Banking and Insurance Committee, lawmakers turned to the final bill on their agenda. Typically, the committee is not a place for high-profile bills. But the next 45 minutes, and the bill being considered in them, would be among the most scrutinized of the entire 2022 regular session.

The bill aimed to repeal a provision known as “deliberate intent,” which allows injured workers to sue employers who knowingly exposed them to unsafe conditions. And the person who entered the room to advocate for it on behalf of his new private law client was Evan Jenkins — less than two weeks removed from his position as a justice on the West Virginia Supreme Court of Appeals.

Jenkins opened his testimony by reassuring lawmakers. He told them, “My appearance here is within the law.”

The law Jenkins referred to is the West Virginia Ethics Act, which bars certain public officials from lobbying for at least a year after they leave office. But as Jenkins' rapid flip from Supreme Court justice to timber company attorney highlighted, the law leaves plenty of wiggle room. He was able to speak directly to legislators, as well as propose specific language — all within weeks of holding a powerful position in government.

At committee meetings, Jenkins was allowed to speak on behalf of a client because of an exception that clarifies anyone is allowed to speak to lawmakers at public hearings, a free speech protection.

But in the following weeks, Jenkins continued to attempt to influence legislation. An email containing his signature and proposed amendments to another bill being considered was forwarded by his client's registered lobbyist to at least one lawmaker's inbox. The same document, minus Jenkins' signature, would wind up in other lawmakers' hands.

To be sure, Jenkins followed the law, and regardless of whatever influence his former judicial position gave him, he was unable to convince lawmakers to pass the legislation he was hoping for.

Delegate Barbara Fleischauer, D-Monongalia, co-sponsored the 2011 bill creating West Virginia's lobbying prohibition period after then-Gov. Joe Manchin's chief of staff left office to become a lobbyist. She said that the exemptions Jenkins used exist in part due to a lack of lawmaker imagination.

"I don't think anyone ever would have guessed that a Supreme Court justice would resign and then immediately start lobbying," she said. "Everyone was shocked."

Jenkins did not answer detailed questions about his employment and advocacy, but issued a statement via email. "Since stepping down from the bench and returning to the practice of law, a number of people have asked me to be their attorney on a wide range of issues," he wrote. "Like any attorney representing clients, West Virginia's lobbying law clearly states that your professional services in drafting legislation or in advising or rendering opinions to clients on proposed or pending legislation are exempt."

John Crites, the President of Allegheny Wood Products, who hired Jenkins, did not respond to a request for comment.

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So-called "revolving door" laws like West Virginia's are intended to prevent regulators and elected officials from seeking personal gains while in office by trading favors with potential future employers. They also prevent companies from hiring lobbyists with institutional knowledge of sometimes confidential matters.

“Hiring someone for lobbying immediately after leaving office is somewhat similar to having a nonvoting public official as your lobbyist,” said Pete Quist, the deputy research director at the nonprofit OpenSecrets, which tracks money in politics. “It creates unequal access for members of the public.”

While the Ethics Commission has never explicitly weighed in on the purpose of West Virginia’s ban on public officials lobbying for a year, commission Executive Director Kim Weber pointed to a 2005 advisory opinion, written before the broader lobbying prohibition was in place. It notes that these types of rules are as much about the appearance of impropriety as they are about preventing actual conflicts of interest. “The ‘revolving door’ provision is intended to prohibit a public servant from exploiting the personal prestige he may have established as a former official,” the commissioners wrote.

When Jenkins appeared at the Capitol, lawmakers were well aware of his credentials. Besides his time on the Supreme Court, he spent more than 20 years as a state lawmaker and was elected to two terms in the U.S. House of Representatives.

For committee chair Delegate Steve Westfall, R-Jackson, Jenkins’ history in powerful government positions assured him of the former justice’s ability to navigate murky waters ethically.

“I thought if anybody could tell the truth, it would be Evan Jenkins, for sure,” Westfall said.

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By late February, the deliberate intent bill’s future was uncertain in the Legislature. Injured mine workers and their loved ones had rallied against the bill at a public hearing, where its defenders included Jenkins and Crites of Allegheny Wood.

So Jenkins began working behind the scenes to amend another worker’s comp-related bill in a way that would have helped Allegheny Wood limit its financial responsibility to injured workers.

On Feb. 25, Jenkins emailed the company’s registered lobbyist, Phyllis Cole, suggesting changes to an uncontroversial bill that would have lessened his client’s workers’ comp burden in another way.

That bill updated language in existing workers’ comp laws, but made no substantive policy change. Jenkins’ proposed amendments would have allowed companies like Allegheny Wood to

avoid paying workers' comp to employees subcontracted through smaller outfits serving as middlemen, a common practice in the timber industry.

Within minutes, Cole forwarded the email to Hott, the deliberate intent bill's sponsor. Jenkins did not respond to a question about whether he was aware that Cole would forward his email to a lawmaker.

Cole did not respond to multiple requests for comment.

Jenkins' proposed changes were never introduced and, ultimately, the bill passed both houses of the Legislature unanimously.

Weber said that, while it might be considered lobbying for a lawyer to send proposed legislation benefiting their client directly to lawmakers, having suggestions sent through a third party likely wouldn't. A provision in the revolving door law allows former government officials barred from lobbying to take jobs that require legislative analysis for clients without having to register as lobbyists.

Still, the legal definition of a lobbyist in West Virginia includes someone who does that work indirectly through "an agent," but the Ethics Commission has never defined who qualifies as an agent.

Presented with them individually, Weber also said each action Jenkins took was legal. However, when asked about the totality of his actions, performed by a public figure barred from lobbying, she said the commission has never been asked to weigh in on such a case.

"It's really unresolved," she said. "I think that this just is a gray area."

### **[Rich donors take major advantage of a loophole in Portland's public campaign financing system](#)** (Oregon)

As the campaign season in Portland kicked off last year, many deep-pocketed investors and developers each gave as much as they legally could to City Council candidate Vadim Mozyrsky: \$250.

A part of Portland's publicly funded election program, Mozyrsky can't accept anything larger as he vies for the seat held by Commissioner Jo Ann Hardesty. The city program aims to reduce the influence of big money in Portland politics by limiting the contributions participating candidates

can accept. In return for capping donations at \$250, candidates get their small donations matched nine-fold by the city.

This means the region's wealthiest business owners and developers can spend no more than they would on a pricey dinner to back Mozyrsky, a candidate who is likely to give business interests a more sympathetic ear in City Hall than Hardesty. The head of prominent real estate firm TMT Development gave \$250. So did the co-presidents and vice-presidents of the Downtown Development Group, one of the biggest landowners in the city's core. The owner and president of real estate firm Killian Pacific, the investment director from Standard Insurance Company, and the head of recycling company Calbag Metals all maxed out at \$250.

But, as it turns out, they can — and did — give a lot more to support Mozyrsky.

That's thanks to a political action committee, or PAC, called Portland United, which began fundraising in April to support Mozyrsky and Commissioner Dan Ryan, who is up for re-election. Campaign finance records show about 70% of the roughly \$242,000 the PAC had spent on ads as of early May went to promote Mozyrsky.

The ability to give unlimited amounts to political action committees is, this year's election shows, a fundamental loophole in the city's efforts to curb campaign spending — and, in the process, broaden who can run for office. A side-by-side comparison of campaign finance records for Mozyrsky and Portland United shows the extent to which PACs threaten to undermine the small donor program, allowing candidates to claim they support donation limits while rich donors, ostensibly limited to \$250 donations, continue to utilize their deep pockets to shape the political process.

TMT Development's head gave \$20,000 to Portland United, 80 times more than she was legally able to give to Mozyrsky directly. Limited liability companies connected to the Downtown Development Group, whose four leaders had maxed out with total donations of \$1,000 to Mozyrsky, gave at least \$15,000. Killian Pacific, the Standard Insurance Company, and the president of Calbag Metals each gave \$10,000.

Since April, Portland United reported 32 contributions from individual donors and businesses. All but ten of those contributors had previously maxed their giving to Mozyrsky

A spokesperson for Portland United declined to comment for this story.

*The power of money*

The goal of Portland's small-donor program is simple: reduce the influence of big money in politics.

Accomplishing that has been a more complex endeavor. The city took its first stab at a publicly financed campaign system in 2005, but voters repealed the program five years later after a high-profile case of fraud. The city [tried again in 2016](#) with the Open & Accountable Elections Program (now called the Small Donor Elections Program), intended to amplify the voices of everyday Portlanders in politics.

To do that, the city uses taxpayer money to help a candidate get more mileage out of smaller donations. Under program rules, participating candidates receive a 9-to-1 match on the first \$20 they receive from an individual. That means a donation of \$20 could be turned into \$200, \$180 from the city plus the original \$20 donation. In return, participating candidates agree to several restrictions, including capping what they can take from an individual donor at \$250.

2020 was the first election year in which candidates used the program and the first year big money interests found the loophole.

That campaign, which occurred during the COVID-19 pandemic and in a summer marked by both wildfires and nightly political protests, was tough on Mayor Ted Wheeler, who faced a surprisingly tough reelection challenge from the left by Sarah Iannarone. With one month until election day, business and labor groups formed a PAC called United for Portland to help Wheeler. While many of the city's power brokers opposed her, Iannarone enjoyed significant [success fundraising](#) among the general public under the new financing system.

But she struggled to keep up with the PAC's last-minute spending on behalf of Wheeler. United for Portland ultimately spent half a million dollars to ensure her defeat, much of it going to bitter attack ads.

Iannarone lost with 40% of the vote to Wheeler's 46%. Iannarone says she believes the "eleventh-hour" spending by the PAC was a significant factor.

"If we want to have open and accountable elections that are transparent and accessible, what kind of bumpers are we going to have to put around our electoral process so that this can't happen — or is it even possible?" she said in a recent interview.

*It's happening again*

Portland United and United for Portland share more than a title. The two PACs have many of the same donors. They have used the same Chicago-based firm called Elevated Campaigns for radio and TV ads. And they both were created to prop up a centrist candidate at risk of losing to one considerably further to the left.

Pitching himself as a pragmatist laser-focused on building more shelter and hiring more police, Mozyrsky has lagged behind both of his prominent opponents in fundraising. Both Hardesty, the first Black woman elected citywide in Portland who has won over many of the city's progressives by pushing more civilian oversight of police and advocating for historically marginalized communities, and candidate Rene Gonzalez, who has earned praise from angry Portlanders with his promise to crack down on homeless camps and support the police, have outtraised him.

Under program rules, a candidate skilled at fundraising can receive up to \$200,000 in matching funds from the city during the primary — a solid indication of popularity among voters. Hardesty hit her limit in late February and Gonzalez hit his a few weeks ago. With a week until election day, [Mozyrsky is unlikely to hit his](#).

So far, the city has given his campaign a little over \$168,000 in matching funds. Portland United has spent a similar amount — roughly \$175,000 — on advertising supporting him. The PAC has spent another \$67,000 to support Ryan, who is also taking part in the small donor program.

People running against PAC-backed candidates say they understand this is legal and outside the city's control. The Supreme Court has ruled that wealthy interests can pump as much as they'd like into a race as long as they're not directly coordinating with a candidates, most notably with the landmark Citizen United decision that allowed corporations to spend unlimited amounts on elections. But the candidates say the consistent presence of PACs has made publicly financed campaigns feel somewhat futile.

It is perhaps the one policy point uniting Hardesty and Gonzalez, two candidates about as far apart from each other on the big issues as you'll find in Portland.

“It is absolutely being undermined,” Hardesty said.

“How can we not call this circumventing the small donor program? How can anyone with a brain ever participate in a small donor program again?” Gonzalez echoed. “Do we either believe in this thing or not?”

It is not hard to imagine Gonzalez getting the support of a business-backed group like Portland United. The longtime tech business owner and attorney counts a deep roster of wealthy Portlanders as supporters. But when it came time to speak with one voice, some of the city's

most prominent business owners chose Mozyrsky. Political observers say that may be because they believe Mozyrsky faces a better chance against Hardesty in the event of a November general election as Gonzalez's tough-on-crime talk could make it easy for critics to paint him as a conservative — a dangerous label in a very liberal city.

(Gonzalez has said he's a lifelong Democrat, though he's voted Republican on occasion in down-ballot races. Campaign finance records show he donated \$50 last year to WINRED, an online portal for Republican Party fundraising. He said it was a gesture of goodwill toward U.S. House candidate Nate Sandvig, an acquaintance who joined Gonzalez in his push to reopen schools to in-person learning during the pandemic.)

In a statement, Mozyrsky said he could not say how much impact Portland United was having on his race. But if the small donor program is to succeed, he said, there does need to be more scrutiny on the role outside forces play.

Mozyrsky isn't talking about PACs. Rather, he says the city needs to examine the "unfair advantage" incumbents often enjoy when it comes to endorsements and support from nonprofits that take government money.

"My opponent has received endorsements and direct support from organizations that did not even make the perfunctory effort of interviewing me, but are now spending considerable time and resources on my opponent's behalf," he wrote. "If the small donor program is to succeed in leveling the playing field, we need to provide real transparency on the outsized influence of outside groups that benefit from supporting the status quo."

*Is there an answer?*

Susan Mottet, the head of the city's small donor program, said it's too early to tell if independent expenditure campaigns are truly undermining aspects of public financing. She said the Portland Election Commission, a volunteer advisory body that oversees the program, is looking into the matter.

"There is a fear that that could be true. I think we don't know if that's true," she said. "I don't think one race tells us the story on that, but the Portland Election Commission is looking at it and isn't going to wait until we've had five races go badly."

Amy Sample Ward, the chair of the commission, said the group could potentially increase the match cap — the amount candidates can receive from the city — as one possible way to counter the impact of the expenditure.

Mottet explains the logic of a bigger match cap this way: An independent expenditure campaign will probably only be formed to save a candidate who is relatively unpopular compared with their opponents. If you raise the cap, the more popular candidates can continue fundraising and receive more matching funds from the city, while things remain the same for the less popular candidate. Ideally, the more popular candidates will have enough to counteract the money that the PAC is flooding the race with to ensure their defeat.

“Raising the cap for everyone doesn’t mean everyone hits the cap,” she said. “You have to be pretty popular to keep raising money.”

Hardesty has another idea: Make people choose.

“I think what we could do is we could say if any independent expenditure campaign actually publicizes that they’re going to gather money to spend on your behalf, and you don’t publicly disavow any interest in them doing that, then you’re going to be suspended from the program,” she said.

She says she plans to take this idea to the city attorney’s office when the election cycle is over.

But these are all minor tweaks. Jason Kafoury, a member of Honest Elections, the group that helped pass campaign finance limits in Portland and Multnomah County, said there’s little more Portland can do in the current legal landscape to reduce a PAC’s influence.

“The moment Citizens United said you can’t put caps on independent expenditures, there was never going to be a perfect campaign finance reform structure,” Kafoury said. “I think we’ve done basically all we can to have as healthy a local politics we can. ... I don’t know what else can be done.”