



M U L T I S T A T E

**Pa.'s unreliable lobbyist disclosure website is getting a user-friendly upgrade** (Pennsylvania)

Harrisburg, Pa. — An initiative to improve the online system that lobbyists use to disclose which organizations have hired them and how they spend money to influence policy got a major boost in this year's state budget.

A line item listed only as "Lobbying Disclosure" under the Department of State's general appropriations budget is funded at \$714,000 for the fiscal year that started in July — a 150% increase over the previous year. The money is a mix of dollars from the state's general fund and fees paid by lobbyists, principals, and lobbying firms for licensure.

According to a Department of State spokesperson, the money will fund an IT upgrade to a system that has been criticized as **lagging, unintuitive, and often down**.

"The new lobbying disclosure module will give the lobbying community new tools to register and manage lobbying records," the agency spokesperson said. "Development of the module is in its early stages, but it is the department's expectation that the user interface and the reporting functions will be more intuitive and user-friendly than the current system."

A 2019 **report** commissioned by the state House Government Oversight Committee found that Pennsylvania's lobbying disclosure laws make it easy to underreport expenditures and difficult to ensure compliance.

State Rep. Seth Grove (R., York), then chair of the committee, told Spotlight PA he's unsure if the report influenced the spending increase. "I'd like to think [the report] triggered it, but I don't think the administration gives a crap what the legislature does," he said.

Justin Fleming — president of the Pennsylvania Association for Government Relations (PAGR), a professional association for lobbyists — said the system desperately needs an update. He said lags when updating the website have resulted in inaccurate disciplinary action and delays that required multiple attempts for users to update the organizations or people that they worked with.

“It is something that we have talked about in PAGR for years. We certainly welcome the resources being allocated,” said Fleming. “Everybody’s time is wasted if the system isn’t working.”

### [Camden eyes lobbying contract with Steinburg](#) (North Carolina)

CAMDEN — Camden County officials said last week they are open to hiring former state Sen. Bob Steinburg to lobby on behalf of the county.

County officials said at a special meeting Wednesday that while they’re interested in a contract with Steinburg and his partner Jackson Stancil, they would like to aim for a shorter-term contract: one year instead of two years.

But Steinburg told The Daily Advance last week that would not be an option.

“There will be no one-year contracts,” Steinburg said. “The contract is two years. The reason for that is it is a two-year legislative session.”

County Manager Erin Burke told Camden commissioners at the special meeting that the county needs to consider hiring a lobbyist to represent Camden in Raleigh.

Burke and Camden Board of Commissioners Chairman Ross Munro recently met with Steinburg and Stancil about the prospect of Steinburg serving as a lobbyist for Camden.

Steinburg, a Republican who lives in Edenton, resigned from the state Senate July 31 following his loss in the May GOP primary to fellow Sen. Norm Sanderson, R-Pamlico, in the newly drawn

1st Senate District. Before serving in the Senate, Steinburg had served three terms in the state House.

While Steinburg is able to recruit clients, he can't officially begin lobbying efforts until Feb. 1. State law requires that state lawmakers spend a "6-month cooling off period" after leaving the General Assembly before becoming a lobbyist. Steinburg resigned in July so he could begin lobbying efforts in next year's session of the General Assembly.

Burke cited, as an example of an important source of state funding that a lobbyist might help the county access, grants for ambulances for rural counties. Camden needs to have 24-hour emergency medical service on both ends of the county, and eventually is going to need to establish its own EMS in order to accomplish that, she said.

"That's a big lift for us," Burke said.

The General Assembly usually has funds to help rural counties buy ambulances, she said.

"I'm using that as an example," Burke said, explaining that there are many sources of state funding that could be helpful for Camden.

Burke said she had spoken recently with Camden Schools Superintendent Joe Ferrell and he had mentioned that the school board had recognized Steinburg at a board meeting for his help in securing a \$10 million state grant to help build the new Camden County High School.

She said if she or someone else from the county staff goes to Raleigh to lobby for funds, that's a time-consuming and costly process for the county that takes a member of a small staff out of the office.

Commissioner Tiffney White asked what the cost would be to the county to hire Steinburg as a lobbyist.

Burke said the cost would be \$3,000 a month, for a total of \$36,000 a year. And Steinburg said he would need a two-year contract, she added.

City Council's Finance Committee in neighboring Elizabeth City has already approved negotiating a similar two-year, \$36,000-a-year contract with Steinburg.

Commissioner Tom White said the return on the investment could be significant for the county.

"He could pay for his salary in getting money for us for various needs," White said.

"If her gets one ambulance he has already paid for himself," Munro said.

Munro said the county could try the arrangement out for two years and see how it works.

But Commissioners Clayton Riggs, Randy Krainiak and Tom White all suggested negotiating for a one-year contract. When asked whether he thought Steinburg's contract term was negotiable, Munro replied that everything is negotiable.

Tom White said Steinburg's experience should serve the county well.

"He knows a lot of people and he knows the ropes," White said.

Munro and Burke said they would get back to Steinburg and let him know the county would like to look at a one-year contract.

[Ex-deputy chief of staff for Hutchinson asks to rescind registration as a lobbyist](#) (Arkansas)

Bill Gossage, the former deputy chief of staff for external operations for Gov. Asa Hutchinson, said Tuesday he has asked the secretary of state's office to rescind his registration last month as a registered lobbyist.

Gossage is vice president of governmental affairs for the Electric Cooperatives of Arkansas.

Act 486 of 2013 -- sponsored by then-state Sen. David Sanders, R-Little Rock -- bars an individual employed in the office of the governor, lieutenant governor, secretary of state,

attorney general, treasurer, auditor or commissioner of state lands from being eligible to be registered as a lobbyist until one year after the expiration of the individual's employment in that office.

Gossage registered as a lobbyist with the secretary of state's office Aug. 25 to represent the Arkansas Electric Cooperatives Inc. and Arkansas Electric Cooperative Corporation, according to the secretary of state's website. Gossage's resignation from the governor's office was effective Aug. 12, Hutchinson's spokeswoman said last month.

"It's 100 percent my fault," Gossage said Tuesday in a written statement to the Arkansas Democrat-Gazette after the paper questioned his registration as a lobbyist in light of Act 486 of 2013. "I made a mistake."

In addition, Gossage said to the best of his knowledge he has not spent \$400 or more on lobbying activities.

According to the Arkansas Ethics Commission's website, lobbyists are subject to registration and reporting if a person receives income or reimbursement in a combined amount of \$400 or more in a calendar quarter for lobbying activities; expends \$400 or more in a calendar quarter for lobbying activities, excluding the cost of personal travel, lodging, meals or dues; or expends \$400 or more in a calendar quarter, including postage, for the express purpose of soliciting others to communicate with any public servant to influence any legislative action or administrative action of one or more government bodies unless the communication has been filed with the secretary of state or has been published in the news media.

The secretary of state's office plans to remove Gossage's name as a registered lobbyist from its website today, said Kevin Niehaus, a spokesman for Republican Secretary of State John Thurston.

At the Electric Cooperatives of Arkansas, Gossage replaced Kirkley Thomas, who retired Aug. 1 after more than 24 years of service with the cooperatives.

Gossage served about six years as the governor's deputy chief of staff for external operations. He previously served in the state House of Representatives from 2013 until August 2016 and retired as assistant superintendent of the Ozark School District with 34 years of experience as an educator.

The Electric Cooperatives of Arkansas comprise 17 electric distribution cooperatives; Arkansas Electric Cooperatives Inc. (AECI), a Little Rock-based cooperative that provides services to the distribution cooperatives; and Arkansas Electric Cooperative Corp. (AECC), a generation and transmission cooperative, according to the electric cooperatives. The distribution cooperatives provide electricity to approximately 600,000 homes, farms and businesses in Arkansas and surrounding states.

[Watchdog group scored Indiana lowest for campaign finance integrity](#) (Indiana)

(The Center Square) – Indiana ranks last among all states in campaign finance integrity according to **report** by government watchdog group Coalition for Integrity.

Rankings for The State Campaign Finance Index 2022 is based on questions related to campaign finance laws for statewide elections, including the scope, independence and powers of state agencies that regulate campaign finance, laws on campaign coordination, campaign contributions, disclosure of contributions, transparency of funding for political advertisements and the availability of campaign finance information.

Against a possible total score of 100, Indiana scored 38.33. Washington scored highest with 83.99. California and Maine both scored above 80.

Indiana scored high on oversight for having an independent agency with subpoena power charged with governing campaign finance. The state also scored highly for requiring disclosure of all campaign contributions and making those reports available to the public online.

Problem areas identified by the report included having no requirement that contributions spenders not directly associated with the politician be reported, having an appointed rather than an elected official leading the oversight body, having no rules defining the types of campaign spending that indicate coordination between campaigns and independent committees, and having only partial ability to levy fines against campaigns for late filing and other offenses.

Campaign financing for state office has increased dramatically in recent campaigns, according to the report. In 2020 contributions to gubernatorial and state legislative candidates totaled a record nearly \$1.9 billion, a 15% increase from 2016. In 2021, candidates in Virginia's governor's race took in over \$130 million in contributions.

This year 36 states will elect governors and 88 of the nation's 98 state legislative chambers will hold elections.

As of July, Republican candidate for Secretary of State Diego Morales has raised \$354,463.

Democrat Destiny Scott Wells has raised \$118,333.

Republican Tara Klutz has raised \$221,582 in her bid for reelection as State Auditor. Democrat ZeNai Brooks has raised \$7,541.

Republican candidate for Treasurer Daniel Elliot has raised \$42,351. Democrat Jessica McClellan has raised \$3,633.

Top fundraisers who are not on this year's ballot include Republican Lt. Gov. Suzanne Crouch with \$881,672, Attorney General Todd Rokita with \$395,125, Gov. Eric Holcomb with \$341,571 and current Secretary of State Holli Sullivan with \$146,794.

Crouch and Rokita are not up for reelection in 2022. Sullivan was defeated in the Republican primary, and Holcomb, whose term expires in 2025, is not eligible for reelection.

[Appeals court sides with Texas Ethics Commission over lobbying fine against GOP activist Michael Quinn Sullivan](#) (Texas)

A Texas appeals court this week upheld a nearly decade-old fine by the state ethics agency against former Empower Texans CEO and conservative activist Michael Quinn Sullivan for failing to register as a lobbyist.

The ruling reaffirmed the agency's authority to enforce election laws, which Sullivan had called into question in the suit.

Sullivan, who is the publisher of Texas Scorecard, a hardline conservative blog, had registered as a lobbyist from 2001 to 2009 but did not in 2010 and 2011. The registration fee during those years was \$100.

He was later fined \$10,000 by the commission after a two-year investigation spurred by a complaint from two Republican state lawmakers.

A three-justice panel of the Third Court of Appeals in Austin, made up of two Democrats and one Republican, dismissed Sullivan's arguments that ethics agency was unconstitutionally exercising both legislative and executive branch powers.

The panel reversed the trial court's judgment on the amount of the fines, however, saying Sullivan is owed a jury trial on that question.

The court found "undisputed" evidence that Sullivan, acting on behalf of Empower Texans in 2010 and 2011, had sent more than a dozen communications to lawmakers and their staffs that encouraged them "to support or oppose specific legislation or other matters pending in the legislature — consistent with Empower Texans' stated priorities — and to contact him with any questions about the organization's positions."

Empower Texans, formerly led by Sullivan, was active from 2006 to 2020 and was known for threatening moderate Republicans with primary election challenges and using strong-arm tactics and large campaign contributions to help candidates loyal to their positions win state office.

Neither Sullivan nor his lawyer responded to a request for comment. Eric Nichols, who represented the ethics commission in court, said the agency was "pleased" with the ruling.

The case, along with another similar case in the 8th Court of Appeals in El Paso, has cost taxpayers more than \$1 million since 2014 after Republican Attorney General Ken Paxton refused to defend the Texas Ethics Commission.

The attorney general is required by law to defend state agencies, but a spokesman said at the time the case conflicted "with our duty to uphold the Constitution." Paxton had by then received

almost \$800,000 from Sullivan's group and affiliates since 2014, plus a \$1 million loan to his campaign from Empower Texans in 2014.

### **Corruption conviction is no bar to lobbying, ex-lawmaker tells Massachusetts high court** (Massachusetts)

BOSTON (CN) — Grappling with a state lobbying statute that seems to go easy on politicians convicted of accepting bribes, the Massachusetts Supreme Judicial Court debated Wednesday whether they could write off the discrepancy as a drafting error.

Associate Justice Scott Kafker noted during oral arguments that the 2009 legislation specifically mentions state law violations, and it removed the secretary of the commonwealth's discretion when it comes to blocking the registration of certain lobbyists. It was passed after a state senator who faced federal corruption charges pleaded guilty.

"The Legislature characterizes this as a reform — designing to increase protections against this type of lobbying by convicted officials — but it seems like they did the opposite," said Kafker. "They've narrowed who's covered to such an extent it's actually providing much less protection than the law before."

Participating by telephone, Kafker asked if all of the reforms simply amounted to a "sheep in wolf's clothing."

The challenge to the law has been led by Salvatore DiMasi, a Democrat who in 2011 became the third consecutive speaker of the Massachusetts House of Representatives to be criminally convicted for crimes committed while in office. Prosecutors showed that DeMasi collected \$65,000 over two years in exchange for working to direct state funding to a Canadian software company.

Briefing in the case said some of the work awarded to the company, a division of Cognos ULC, included a contract with the state Department of Education to aggregate its data. Its two contracts with the commonwealth totaled \$17.5 million, according to a FBI [press release](#).

While DiMasi was sentenced to eight years imprisonment, he served only five after he developed neck, prostate and tongue cancer, and a judge reduced his sentence.

Fast-forward to March 2019, and DiMasi sought once again to tread the halls of power, this time as a lobbyist. But four days after he filed a registration, the secretary of the commonwealth

rejected the application, citing a law that barred him from engaging in lobbying for a decade following his conviction.

When DiMasi challenged the rejection of his lobbying registration, the trial court sided with him, saying the state law should be read narrowly: Because the statute discusses state convictions only, it said a federal corruption conviction does not prevent a former official busted by the feds from lurking in the statehouse lobby.

Assistant state Attorney General Julie Green argued Wednesday the law was written ambiguously, and that the Massachusetts Supreme Judicial Court should adopt an expansive reading of it.

“The narrow reading tends to defeat the purpose of the statute by excluding a whole swath of crimes where there’s no evidence the legislature intended to exclude,” Green said.

Green did not agree with Kafker’s questions regarding whether the legislature wanted to protect corrupt officials, saying there was no basis for that conclusion but rather lawmakers sought to “penalize felonies that are related to the legislative process.”

DiMasi’s attorney Meredith Fierro said, in the last legislative session, Massachusetts lawmakers considered a bill that would have disqualified officials convicted of federal corruption offenses from going onto a career as a lobbyist. The lawmakers sent the bill to study, Fierro said.

“I think we know what that means. And that tells us all we need to know about the Legislature's intent in this regard,” she added.

Fierro said the Legislature made a policy judgement, one that removed the discretion the Office of the Secretary of the Commonwealth had in registering lobbyists.

“What the secretary is really attempting to do here in this case is to reclaim discretion the Legislature took away by injecting ambiguity into an unambiguous statute,” Fierro said.

She ended by urging the panel to exercise judicial restraint regarding the policies set by the lawmakers.

In the meantime, as this question has matriculated through the commonwealth’s courts, more than a decade passed since DiMasi’s conviction. According to the secretary of the commonwealth’s [website](#), DiMasi registered to become a lobbyist on Dec. 14, 2021.

It is unclear when the seven-member court will rule.

