



M U L T I S T A T E

[Oregonians vote to end their era of free-flowing money in politics](#)

Tuesday's election yielded two wins and one probable loss for those who say that curbing the influence of money in politics is key to a better democracy.

By far the most significant victory for that cause was in Oregon, which voted overwhelmingly to allow the state to limit campaign contributions and spending — and reverse some of the nation's most permissive campaign financing rules. And a couple of symbolic new limits were approved Tuesday in Missouri. But a package including new curbs on gifts to campaigns was facing rejection in Alaska.

The Supreme Court's landmark [Citizens United](#) ruling a decade ago said corporations, nonprofits and unions have a First Amendment right to spend as much as they want to help elect or defeat candidates for Congress or president. But since then, more than a handful of states have moved to tighten the flow of cash coursing through their own campaigns for statewide, legislative and local offices.

Here are the details on the three measures on the ballot this week:

Oregon

There was no organized opposition to the ballot referendum, which secured 79 percent support — ending decades of stalemate on the issue.

The measure adds language to the state Constitution making plain that restrictions on contributions and spending are permitted at all levels of government — as are rules requiring campaigns to be transparent about who is funding them.

Its approval will make campaign finance legislation a high-profile topic in the Legislature next year. Proponents of the ballot measure say that, if strict new rules to curb big money and favor

small-dollar donations are not produced fast, they will try to force Salem's hand with another referendum two years from now.

Oregon is one of just five states that sets no limits on how much money candidates can receive from donors, the result of a state Supreme Court decision in 1997 that political contributions are a form of free speech under the state Constitution. Twin proposals to change that were rejected by voters in 2006, but the campaign was revived two years ago after a not very competitive race for governor was fueled with more than \$40 million in gifts.

The arguments over the measure were familiar. Advocates talked about the overdue need to combat potential corruption and reduce the power of the wealthy and special interests. The grassroots opponents said the result would stifle political debate.

Missouri

Two marginal curbs to political money in Jefferson City were appended to a ballot measure [that was mainly focused on](#) changing the rules for redistricting — by reversing the voters' 2018 demand that the lines be drawn to ensure partisan fairness. It was approved with just 51 percent of the vote.

The measure will ban even the token gifts from lobbyists that are now permitted — just \$5 to buy legislators a soda or maybe a ticket to a pancake breakfast. It will also lower the limit on donations to candidates for the 34 state Senate seats — but by just \$100, to \$2,400. And the new curb does not touch the contribution ceiling for the 163 state House races.

Alaska

The outcome of the broadest democracy reform initiative on the ballot this year remained grim if uncertain Thursday, and will stay that way until next week. With votes cast in person early and on Election Day tallied — almost three-fifths the expected total -- the proposal was being rejected by 65 percent of Alaskans. The 55,000 vote gap could shift and potentially be reversed, however, when 152,000 mailed ballots are opened and counted starting Tuesday.

In addition to [open primaries](#) and [ranked-choice voting](#), the initiative would also require advocacy groups that make contributions for or against candidates for state offices to disclose their donors. These types of "[dark money](#)" groups currently don't have to reveal their funding sources. And it would require disclaimers on campaign advertising by organizations funded by mostly out-of-state money.

Strengthening these disclosure requirements, proponents say, will help bolster transparency around the groups or individuals influencing Alaska's elections.

[With coronavirus cases on the rise, Maryland General Assembly to limit public access again in 2021](#)

When Maryland's 188 lawmakers return to Annapolis in January, they'll see plastic booths around desks in the Senate chamber, half the state delegates shipped off to a second location and no lobbyists or activists prowling the halls.

With [the coronavirus pandemic continuing unabated](#) — but with the legal requirements to meet in the state capital and approve a state budget — leaders of the General Assembly are planning a legislative session like none other in 2021.

“There's been a lot of thought of contingencies and possibilities,” said Senate President Bill Ferguson, a Baltimore Democrat. He said the legislature faces an “extraordinary moment.”

House of Delegates Speaker Adrienne A. Jones wrote in a memo to delegates on Thursday that she hopes to strike a balance between public health and public policy.

“The main goal of this plan is to allow all of us to execute our constitutional responsibilities to the fullest extent possible, in the safest way possible, for the full 90 days of the regular session,” wrote Jones, a Baltimore County Democrat.

For months, legislative leaders have met with members and stakeholders, including lobbyists and members of the press corps, as they crafted a plan for what they hope will be a safe — yet still productive — legislative session.

In addition to their basic legal obligation of approving a state budget, leaders hope to tackle issues relating to education, public health and [policing reform](#).

The guidelines for the General Assembly session mean that members of the public will be kept out of the State House, hearing rooms and offices. The lack of in-person access also applies to activists and registered lobbyists.

The balconies in the House of Delegates and Senate chambers, where normally anyone can observe floor sessions, will be closed to the public. Lawmakers will use some seats in the balcony, and a few seats there will be reserved for journalists, who are being moved from their typical zones on the floor of the chambers.

Anyone else who wants to watch the legislative sessions, where bills are introduced and final debates and votes are held, will have to tune into a video stream on the General Assembly's website.

The legislature's technology staff has been working the last several months to upgrade the stream, which had a rocky debut during the pandemic-shortened 2020 session.

At first, the livestream ran periodically in the House of Delegates only. But [as the public was shut out in March](#) due to the coronavirus, the House began streaming daily. However, bandwidth issues meant that the feed faltered for many who were following at home.

For 2021, legislative leaders believe they've solved the technical issues, and the House and Senate both will stream every time they hold full sessions, as well as all committee hearings and voting sessions.

The sessions of the full House and Senate will look different. Both chambers are setting a two-hour limit on floor sessions and aren't planning the typical daily sessions for at least the first weeks.

Half the members in the 141-member House of Delegates will be sent to the House Office Building where a "chamber annex" is being set up with desks, a video feed and the ability to offer amendments, debate and cast votes simultaneously with the members in the House chamber.

The House is also changing its rules so that some routine work, such as introducing bills and assigning them to committees, can be done with less than a majority of members present.

In the Senate chamber, plexiglass screens are being set up around desks, which are being pushed farther apart. With just 47 members, the Senate has enough room to seat all senators about 4½ feet apart.

Committee hearings — where much of the legislative work is done — and committee voting sessions will be held via video meetings and streamed online.

The Senate plans to limit live video testimony on bills to just a handful of proponents and opponents who largely would be designated by lawmakers. The House will allow people to sign up for speaking slots the day before hearings.

Sen. Bryan Simonaire, the new minority leader of the Senate, said he thinks Ferguson thoughtfully weighed access and health concerns, although he has some reservations.

“Any time you lock out the people from coming in the state capital, I have concerns,” said Simonaire, an Anne Arundel County Republican. He said he hopes that the use of technology will result in lawmakers still getting meaningful input on the bills they are considering, and he encourages Marylanders to write their lawmakers.

The limits on who can testify might disadvantage those without expensive lobbyists or long-standing relationships with lawmakers, said Larry Stafford Jr. of the advocacy group Progressive Maryland.

“It’s going to be hard for a regular person or a small-business owner trying to get their case heard in Annapolis to talk to lawmakers and have some influence,” Stafford said.

Stafford said his group will try creative strategies to get its messages heard, since Progressive Maryland supporters won’t be able to hold rallies or walk the halls.

“One thing I am looking forward to is taking new approaches to making sure people’s voices are heard,” he said.

Those allowed in the State House complex — lawmakers, limited staff, journalists — must wear masks. Lawmakers will have an screening app to answer questions about their health. Delegates are encouraged to take coronavirus tests, while senators must be tested every Monday and Thursday.

The General Assembly session opens Jan. 13.

[Ethics Complaint Filed After Honolulu Lobbyist Fails \(Again\) To Register](#)

Longtime local lobbyist David Arakawa hasn’t registered to lobby at the city despite advocating against recent legislative proposals to reshape Honolulu’s parking and urban-planning policies.

Arakawa is the executive director of the Land Use Research Foundation, a group that lobbies on behalf of landowners and developers in Hawaii. Marti Townsend, who leads the Hawaii chapter of the environmental group Sierra Club, filed a complaint with the city ethics commission Friday highlighting Arakawa’s failure to register to lobby.

The filing comes ahead of the Honolulu City Council's Tuesday [hearing](#) on [Bill 2](#), which aims to make the city's rules on off-street parking and building design [more flexible and environmentally friendly](#).

Lawmakers have recently softened language in the measure to ease developers' concerns. Specifically, developers have [pushed back](#) against the proposed mandatory "unbundling" of future parking spaces from residential units, as well as proposed distances for building setbacks.

Those changes followed the Department of Planning and Permitting's [regular meetings earlier this year](#) with LURF, which Townsend cited in her complaint as an example of Arakawa's lobbying activities. She noted Arakawa's name is missing from the [city's list of 2020 registered lobbyists](#).

It's not the first time Arakawa has run afoul of city ethics rules. [Civil Beat reported in 2018 that Arakawa had failed](#) to register as a lobbyist. After the story, Arakawa registered. But Arakawa's name is [also missing from the city's 2019 list of registered lobbyists](#). And despite registering in 2018, he does not appear to have filed a required annual report detailing his spending that year.

Arakawa [paid a \\$2,000 fine to the Hawaii State Ethics Commission](#) for failing to register as a state lobbyist between 2008 and 2014. He paid another \$2,000 on behalf of LURF. He is currently registered to lobby with the state.

Arakawa didn't respond to a voicemail and email from Civil Beat on Monday seeking comment for this story.

No Penalties For Failure To File

Jan Yamane, executive director of the Honolulu Ethics Commission, said she can't comment on Townsend's complaint due to confidentiality requirements. Typically, however, she said the commission investigates complaints and sends cease and desist letters to lobbyists who are out of compliance.

Achieving compliance can be difficult in part because the city ethics commission doesn't have much power to force people to follow the rules.

Yamane said the commission has the power to suspend or revoke lobbyist registrations for people who violate the rules. But there are no fines for people who fail to register to lobby. She doesn't know of any lobbyists who have had their registration revoked or suspended.

The lack of penalties is in contrast with the Hawaii State Ethics Commission, which [can fine lobbyists \\$1,000 per violation for up to three years](#). The Campaign Spending Commission also has [a schedule of fines that it can levy](#) against candidates and organizations who fail to file or file late.

More than three years ago, [Yamane told Civil Beat she wanted to overhaul the city lobbying rules](#) and get rid of unnecessary barriers to filing, such as a requirement that annual reports be notarized. She wanted to move the process online instead of the paper filings that are uploaded as pdfs.

But that hasn't happened. Yamane said Monday that the reason is lack of resources.

"We've been so cash-strapped that it's very difficult to make any kinds of changes because we simply don't have the capacity to do it," she said.

Over the past three years, Yamane has worked to get ethics trainings online and to get funding for additional staff. She said the commission has only two attorneys — and no investigators — working along with support staff. Yamane is trying to hire an investigator and is waiting for approval to hire additional budgeted positions.

The requirement to notarize forms has been extra tough for lobbyists during the pandemic, where there are fewer notaries available, Yamane said.

Yamane said the commission has set up a permitted interaction group to analyze potential changes to the lobbying rules.

Townsend says the lack of enforcement power is disappointing.

"There's no point in having laws on the books if we're not going to put any teeth behind them," she said. "This contributes to the overall eroding of public faith in government."

[Lobbyists prepare for challenges with Md. General Assembly as COVID-19 pandemic continues](#)

For decades, State House advocacy in Annapolis has looked largely the same: Well-resourced entities sign up a plugged-in lobbyist — often an ex-legislator or top-ranking former government staffer — to plead their case, while nonprofits and activist groups rely as much on grass-roots organizing or in-house lobbyists as on high-paid hired guns.

The lobbying industry has grown exponentially and become far more remunerative and competitive in the past 20 years: Between Nov. 1, 2019 and April 30 of this year, according to [the Maryland State Ethics Commission](#), which monitors lobbying activity, six registered State House lobbyists topped \$1 million in billings; seven reported earning between \$500,000 and \$999,000; and another 57 earned between \$100,000 and \$499,000.

But with the General Assembly's presiding officers making [public and internal declarations](#) in recent days about what the first full legislative session in the age of COVID-19 is going to look like when lawmakers return to Annapolis, advocates for corporate interests and activist groups alike are coming to grips with the idea that their daily routines are going to change drastically, at least for the three-month confab that will begin on Jan. 13.

"First and foremost, we're telling clients that nothing's going to be normal, nothing's going to be usual," said Ann Ciekot, a partner at the firm Public Policy Partners and president of the Maryland Government Relations Association. "The preparation, with the folks we're working with, is 'don't make any assumptions.'"

The primary challenge to advocates of all economic strata will be access to legislators and other key decisionmakers during the 90-day session. Public access to the State House and legislative buildings will be curtailed dramatically. House and Senate floor sessions will be closed to the public, and committee hearings will be held virtually.

Gone for lobbyists will be the days of buttonholing lawmakers in the State House lobby, or flagging them down when they're walking from their offices to daily floor sessions, or roaming the halls of the House and Senate office buildings, popping into members' offices or picking up valuable intel.

"These 'I just need three seconds' conversations with lawmakers in the hallways are the foundation of what we do," lamented Kristen Harbeson, political director of the Maryland League of Conservation Voters.

Though floor sessions and committee meetings and voting sessions will be livestreamed, lobbyists will miss out on the opportunity to read the crowd during hearings, evaluate the lawmakers' body language and monitor the activities of their rival lobbyists — essential tools of the trade that they cannot practice online.

The formal wining and dining of lawmakers by special interests — accomplished by taking committees or delegations (but not individual legislators) to dinner, or sponsoring receptions for

the entire General Assembly – will be verboten in 2021. The lawmakers themselves will not be hosting receptions for their constituents.

And while outdoor rallies aren't expressly being banned, interest groups may not want to bring busloads of supporters to Annapolis to rally outside the State House – and there will be no packing of committee hearing rooms with people waiting to provide testimony or show support for a particular piece of legislation.

That reality will especially require adjustments from organizations that rely on members to flex their political muscles by turning out.

“Our members do like to show up,” said Ricarra Jones, the political director at 1199SEIU, the regional health care workers' union.

Lobbyists got a taste of the limitations they will face in 2021 during the last several days of this year's session, which ended three weeks early due to COVID-19.

On the next-to-last week of session, the public was banned from all legislative buildings, though lobbyists could still move around freely. During the final half-week, lobbyists were also forbidden to enter the legislative complex. Several waited outside the State House at strategic moments to catch senators and delegates walking to and from their floor sessions. But it isn't clear whether that time-honored ritual will take place during another coronavirus surge.

“In hindsight, we were taking risks that we shouldn't have been taking,” Ciekot recalled.

What's more, she said, if everyone is masked and keeping at a social distance, even outdoors, a lobbyist will no longer be able to whisper in a lawmaker's ear. “If I have to resort to shouting, everybody could hear my business.”

Advocates said they are scrambling to meet – at a social distance – or chat by Zoom with as many lawmakers as they can before the start of session. One lobbyist tells a story of walking outside the James Senate Office Building recently, seeing a senator in an open window, and initiating a conversation on the spot.

Jones said her union members and other grass-roots activists are trying to virtually duplicate the sensation of organizing a big Annapolis rally on Zoom calls with policymakers.

“An impressive number of people participate in our virtual press conferences and rallies,” she said.

And now that lawmakers are ramping up their pre-session fundraisers after half a year of almost no money-raising activity, special interests can curry favor, as usual, with a well-timed campaign contribution.

“You are going to get access if you want,” said Sushant Sidh, a partner at the lobbying firm Capitol Strategies LLC. “Most members have been good about making themselves available.”

Sen. Sarah K. Elfreth (D-Anne Arundel) is more likely than most of her colleagues to run into State House lobbyists during her everyday travels, due to the fact that her district takes in Annapolis. She said that while she’s open to meeting advocates and constituents outside while the weather is decent, “I’m not comfortable eating indoors so I don’t want to meet anybody indoors.”

But Ciekot said that even if lawmakers are trying to be conscientious about making themselves accessible during the weeks leading up to the legislative session and during the session itself, “there’s going to be some yet-to-be defined limit on public input” for the 90 days.

Harbeson, of Maryland LCV, said that as advocacy groups plot their strategy for the session, they are coming to realize that the lawmakers themselves will have to spend more time working their colleagues to promote their bills.

“We’ll have to rely on our sponsors to be the chief advocates for our legislation,” she said. “That’s not ideal, but we’re lucky to have so many environmental champions in the legislature.”

‘The battle of the Rolodexes’

Several advocates said they will miss the collegial atmosphere in the halls of legislative buildings – the ability to see old friends, make new ones, and gossip.

“On a personal level, I’m going to miss the conversations, the networking, when we’re hanging out in the hallway,” said Jones.

But lobbyists and lawmakers expressed the hope that in an unexpected way, a virtual Annapolis might become more accessible to a broader swath of Marylanders than is usually the case, because individuals will be able to testify during bill hearings from the comfort of their homes.

“If there’s a way for them to be part of the process remotely, it could actually improve access,” Harbeson said.

“This is an opportunity to bridge that access divide,” Elfreth asserted.

But most well-wired lobbyists are going to have some advantages that average citizens don’t – like lawmakers’ cell phone numbers, which will become a very valuable commodity.

“They will be at a premium,” Sidh said.

“It’s going to be a test of who has whose number,” Harbeson said. “It’s going to be the battle of the Rolodexes.”