



# M U L T I S T A T E

## [A Maine Legislature changed by the pandemic could challenge lobbyists in 2021](#)

Tim Roche, the Wells High School football coach newly elected to the Maine House of Representatives, had a few weeks of post-election peace before the lobbying started.

The Republican got a trickle and then a deluge of emails and mailers from interest groups after securing a narrow win over a Democratic incumbent. Some were congratulatory. Others meant to tell Roche about their positions. A few advocates invited him to introductory Zoom meetings to talk about legislative priorities.

“I don’t think a day goes by where I don’t get a piece of mail that isn’t addressed to Rep. Roche,” he said.

Lobbyists always try to get to know lawmakers when a new session starts, but the coronavirus pandemic may alter how relationships are built and negotiations handled as the 2021 session set to begin in earnest this January looks like it will take place more on Zoom and less in the State House.

Details are still being worked out, but the Augusta Civic Center is [likely to serve as the main site of business](#). The State House has been closed to anyone who is not a lawmaker, staffer, delivery or contract worker or reporter since the pandemic hit. Lawmakers [approved an order last week](#) allowing committees to cast votes and the public to participate in meetings electronically, giving them more flexibility next session.

Such a regime would relegate lobbyists to non-essential status in 2021. Part of a maligned class, they play major roles in a Legislature subject to term limits, gathering between the chambers of the State House to oversee floor sessions for clients, testifying in hearings, detaining lawmakers in sidebar conversations, gossiping and affecting high-stakes work.

The pandemic could level the playing field as electronic access opens the political process to those who might not have the time to travel to Augusta. But it could also be harder to convene

and affect negotiations that could become more complicated as those wanting to meet with lawmakers may need to set up phone or video meetings.

Sen. Mark Lawrence, D-Eliot, a sixth-term lawmaker, said he can usually go to Augusta and have “30 to 40 conversations” before noon or run down to the House chamber for input on a bill. Setting up virtual conferences can take time that stretches days out even longer, he said.

Bruce Gerrity, a senior partner at lobbying powerhouse Preti Flaherty who has represented auto dealers and insurance companies, said lawmakers working more from home or separated from the lobby will challenge him and his colleagues in connecting and getting points across.

“Even if you’re doing your best to focus on the Legislature, other things intrude,” Gerrity said over the whine of Errigal, a German Shepherd puppy he recently acquired who was determined to leave the room his owner was working in.

Jim Mitchell of the lobbying firm Mitchell Tardy Jackson and a former Maine Democratic Party chairman, said the “vast majority” of his communication with lawmakers is informal — on elevator rides or in line for coffee. Without that, he said lobbyists will struggle to respond to the fast-paced nature of the Legislature, where policy can sharply shift over a few hours.

“It’s going to be a great detriment to us,” he said.

Clients pay big for that access. Lobbyists reported \$2 million in compensation during the [shortened 2020 session](#), according to [Maine Ethics Commission](#) data that does not capture all compensation. By comparison, lobbyists reported \$4.5 million in 2019.

Mitchell and his partners are among the biggest lobbying names in Augusta, having represented Walmart, PhRMA, Central Maine Power Co. and numerous other big-name clients. Mitchell, Chris Jackson and former House Republican Leader Josh Tardy brought in nearly \$500,000 in reported compensation in 2020 — nearly a quarter of lobbyists’ entire sum.

CMP reported \$43,000 last year in part and will face a complicated political season in 2021 as a new crop of legislators [look more hostile to the embattled utility](#) fighting on multiple fronts against opponents of its proposed \$1 billion hydropower corridor who are [pushing a referendum](#) and [lawsuits looking to blunt the project](#).

David Flanagan, CMP’s executive chairman, said the tough political situation, along with future climate talks, will make contact with lobbyists more crucial this session.

“We have to be innovative, no matter what the mechanism is,” he said.

But Becky Smith, a legislative liaison for the Maine Community College System and the Maine Maritime Academy, said the electronic format could also be a boon for the people she represents. Her role often finds her fighting corporate lobbyists for lawmakers’ attention and speaking for students and workers who cannot travel to Augusta during budget talks.

In a year when [a massive virus-related revenue shortfall](#) will be a major driver of conversations around a new two-year budget, those people can now work while waiting for their turn to speak on a Zoom call.

“Me retelling a story is not as effective as having a person speak to the policymakers themselves,” Smith said.

### **[Pandemic times place hardships on legislative lobbying, particularly for ordinary citizen advocates](#)**

Suppose your livelihood depends on persuading policymakers to draft legislation and adopt regulations to favor an interest or a client. It’s called lobbying, defined in dictionaries as organized efforts to influence legislators. It’s been around since the inception of the Republic, and it has historically required proximity and access to people in power. The very name derives from advocates who would crowd the corridors of power — lobbies — for some fleeting face time with policymakers.

Now, imagine that the whole in-person proximity part vanishes.

That’s exactly what has happened to Virginia’s corps of lobbyists accustomed to their midwinter encampments on Capitol Square thanks to the coronavirus pandemic and the General Assembly’s decision to largely meet virtually in the 2021 session that convenes in less than a month.

While seasoned veteran lobbyists who’ve plied the hallways, galleries, committee rooms and offices for decades have negotiated the shift to varying degrees, rookies with few connections and resources and particularly ordinary Virginians with pressing, poignant causes are at a serious disadvantage.

Gone, at least for the coming socially distanced session, are the days when a lobbyist could saunter by a lawmaker’s Capitol Square office and pop in for an intricately rehearsed impromptu pitch for or against an obscure clause in a bill that could mean millions to a client’s bottom line.

In its place is a numbing profusion of texts, emails, livestreams, videoconferences and phone calls unfathomable a year ago.

The challenge it creates to effective advocacy on behalf of clients, say several longtime lobbyists interviewed over the past week, is getting noticed among the hundreds of emails that pack the inboxes of legislative leaders and senior administration officials in an hour when the legislative session is in full throttle. That's where longtime personal relationships — the ability to shoot a text to a committee chairman's private cell phone alerting him or her to an urgent, just-emailed document and setting up a conference call with industry experts the next day — pays decisive dividends. Information and access are the currency of the realm, and those who have it start every inning on third base, nobody out and the clean-up batter stepping to the plate.

Unlike most of the economy, the pandemic has left the lobbying industry largely unscathed. Solo practitioners and those connected to prestigious firms say business is good. Turns out that monied interests will pay what it takes, particularly in challenging times, to secure effective advocacy for their priorities, according to the lobbyists, none of whom could discuss client work or finances for the record.

For causes that rely heavily on compelling face-to-face interaction between real, everyday folks and their delegates and senators, the pandemic has created daunting obstacles. These are groups in need of help from their government but unable to pay platoons of elite lobbyists to shepherd their causes through the legislative gauntlet.

I've seen the real-people approach applied by a number of movements. They include textile and furniture workers whose jobs disappeared when their Southside factories shut down and headed overseas thanks to global trade deals in the 1990s. I saw it in anguished parents of autistic children who pleaded for years to have their children's conditions covered by insurance before [they finally succeeded](#). I have seen members of gun rights groups noisily assert encroachments on their Second Amendment rights even as they freely prowled the grounds with war weapons slung from their shoulders. I've seen it from mothers and fathers who lost children to a heavily armed madman on April 16, 2007, at Virginia Tech, weeping as they begged legislators for commonsense restrictions on the commonwealth's permissive firearms laws.

Sometimes, it is enormously effective when hundreds of ordinary people meet their legislators and speak firsthand of personal grief and hardship. Sometimes, it's counterproductive. I have seen lawmakers' reactions range from teary eyes and sympathetic hugs to clenched fists and sharp words.

No group finds more sympathetic ears at the General Assembly when its officers and members turn out for their in-person lobby day than those which represent military veterans — the

American Legion, the Veterans of Foreign Wars among the better known. Together, they present a united front every year behind a handful of proposals under the auspices of an umbrella organization known as the Joint Leadership Council of Veterans Service Organizations. They're very effective.

In November, Virginia voters resoundingly approved an amendment to the state Constitution that affords disabled veterans a break on personal property taxes they pay on an automobile. That measure had to win passage in two consecutive legislative sessions separated by a House election to make it onto last month's ballot. A similar constitutional amendment a few years earlier gave disabled vets a real estate tax waiver. And last year, the General Assembly passed a new law that allows additional time for the ballots of active-duty troops posted overseas to arrive after an election. Income tax breaks for disabled vets remains a priority carried over from last year.

How do they advocate for their current priorities?

"It's very different trying to Zoom (videoconference) with individual delegates and senators. We have to do it but it's not satisfactory," said Dan Boyer, an unpaid lobbyist representing the VFW on the JLC, who drives four hours each way from his home near Galax to Capitol Square four or five times most sessions. Probably not so many in 2021.

"When we would have our lobby day, I'd stop in and meet with maybe 16 people — delegates, senators or their aides — and they had seen those VFW and American Legion hats everywhere up and down the halls all day, and it made a difference," said Boyer, an Air Force veteran who served three tours in Vietnam in the 1960s.

Lobbyists are, by necessity, keeping their wish lists lean, focusing on clients' priorities because of the limitations of remote lobbying but also because of new bill pre-filing deadlines and a change that will likely make the already short 2021 session even briefer.

Sessions in even-number years run for 60 days, longer than odd-number sessions because new biennial budgets have to be built from scratch in years evenly divisible by two. Odd-number years, without the heavy lifting of budget writing, traditionally run for 46 days.

The state Constitution, however, prescribes only 30 days for the odd-year sessions while giving the House and Senate the option of adding 15 days on a two-thirds vote of each chamber. Since the last overhaul of the state Constitution in the early 1970s, the vote to extend was a foregone formality. For 2021, however, Republican leaders of both chambers say GOP members will oppose the 15-day extension, leaving the House and Senate well short of their two-thirds majorities and possibly setting up an unprecedented final adjournment before Valentine's Day.

No matter the metric, 2021 will be a wildly different winter session as lobbyists do what they can from a distance and long for a post-COVID world and whatever that new normal will be. They know that a pandemic hangover is going to last a while, but that this too shall pass — maybe like a kidney stone, but it will pass.

### [Seattle City Council to vote on registration, disclosure by public lobbying groups](#)

Groups that spend money to build public pressure on Seattle politicians could soon be required to register with the city and disclose their finances.

Such groups have [emerged repeatedly](#) in recent years, using social media to rally people around their views and using tactics such as email blitzes to influence decisions at City Hall.

They've made noise over 2018's "head tax" and this summer's debate on police spending. There also has been public lobbying around a proposal that would allow judges and juries to dismiss misdemeanor crimes committed due to poverty, the news website PubliCola has [reported](#).

People who lobby politicians directly already must register with the city and report who they're being paid by and how much. But groups that lobby City Hall indirectly, through the public, can operate in the dark. The people behind the groups don't have to record who they are, nor do they have to reveal where their money is coming from.

The City Council is scheduled to vote Monday afternoon on [an ordinance](#) with new rules meant to shine a light on such activities. [Recommended](#) in January by the Seattle Ethics and Elections Commission, the rules would apply to groups that spend at least \$750 in a month (or \$1,500 in three months) on "presenting a program to the public" to affect legislation.

The individuals behind a group would need to identify themselves and their contractors, and the group would be required to identify its donors (for contributions of \$25 or more). The group also would be required to describe its purpose and would need to record its spending in monthly reports. Similar rules were adopted in Washington at the state level decades ago, SEEC executive director Wayne Barnett told Seattle council members last week.

"This for many years has not been regulated" at the city level, SEEC chair Nick Brown added. "There are a number of ways that large amounts of money get spent to lobby, to influence legislation."

The new rules could apply to a group such as Move Seattle Forward, which popped up this summer as the council was considering cuts to the Police Department. The group opposed the cuts. Its website featured a tool to help residents email council members, and it spent more than \$5,000 on Facebook ads, according to Facebook's ad transparency portal. But neither the website nor the group's Facebook page spelled out who was behind the effort.

The address associated with Move Seattle Forward's Facebook ads in the ad transparency portal was the address of the Downtown Seattle Association. When The Seattle Times asked about that, the association said it was an active participant in the group but declined to name other participants.

The new rules also could apply to a group like King County Equity Now, were it to cross the spending thresholds, Barnett has said. A community coalition that took shape during this year's Black Lives Matter protests, King County Equity Now rallied public opinion behind Police Department cuts this summer and secured city funding for a research project.

The spending thresholds should allow ordinary residents and some grassroots groups to organize petitions and other efforts without having to register, Brown said. "If a group of volunteers is organizing a phone tree" the new rules wouldn't apply, he said.

But professional-level volunteers likely would count as spending, Barnett has noted. When a candidate for office receives professional-level help for free, that work must be reported as an in-kind donation, Barnett has noted.

The SEEC would need to hire additional staff to track and enforce the new rules, with an estimated cost of \$155,000 to \$168,000 per year, according to the council's fiscal note.

The SEEC considered recommending registration fees to offset the cost but decided against that because such fees could chill organizing by "grassroots organizations, particularly organizations serving Black, Indigenous, People of Color, and low-income communities."

Council President M. Lorena González is sponsoring the new rules, which she and Councilmembers Debora Juarez and Dan Strauss voted to advance during last week's [committee meeting](#). Councilmember Teresa Mosqueda abstained, saying she wanted more time to discuss the rules with stakeholders.

"I really do see this as an important policy" that would increase transparency, González said. "We are certainly subjected to a lot of indirect lobbying ... and sometimes it's a little unclear where it's coming from."

Monday's ordinance also would make some changes to how Seattle regulates direct lobbying. Today, lobbying is defined as an attempt to influence legislation through communications with council members, the mayor and the mayor's staff. With the changes, communications with the directors of city departments and their top staffers also would be covered.

Further, lobbyists who are hired by city election campaigns would have to disclose that work in their lobbying reports. The SEEC discussed the issue [last year](#), after The Seattle Times [wrote about](#) a firm that has helped to elect mayors and then lobbied their administrations on behalf of various clients.

### **Nonprofit groups put new independent expenditure law to the test**

After a decade-long effort, New Mexico lawmakers passed new campaign reporting requirements in 2019 to force nonprofit groups, which can spend money on political campaigns without registering as political committees, to disclose their spending as well as the names, addresses, and contribution amounts of their donors who fund such "independent expenditures."

Outside campaign spending by groups or individuals not affiliated with a particular campaign have long been a target of reformers seeking to rein in the influence of money on politics. Without disclosure, nonprofits can spend unlimited amounts of "[dark money](#)" without the public knowing where the money comes from.

In 2020, two nonprofit groups immediately put the new law to the test by refusing to disclose donors despite enforcement efforts by both the Secretary of State and the New Mexico State Ethics Commission.

"I'm not at all surprised," said Sen. Majority Leader Peter Wirth, D-Santa Fe, who championed the transparency measure for a decade. "Anytime you're trying to rein [dark money] in, you know, there's going to be groups that are going to push the limits."

The challenges by the nonprofit groups represent a key test for both the law itself and for the enforcing power of the state's [newly created ethics commission](#), also established in 2019 after several decades of ongoing debate and setbacks.

Approved by voters and given powers by the Legislature, the commission can subpoena records and enforce state statutes that cover campaign spending, lobbying, and government conduct.

“They are a set of statutes that protect representative democracy,” said Jeremy Farris, the commission’s executive director.

The two groups are demonstrating the challenges that confront the new agency.

One group has disclosed its expenses — but not its donors — after [settling](#) with the State Ethics Commission following the agency’s conclusion that the group’s activities were political. The group argued that contributors asked in writing that the funds not be spent on political advocacy, and in the statute such written requests make the contributions exempt from disclosure regardless of how the funds are actually spent.

In the other case, the group has taken aim at the definition of “contribution” in the state statute, arguing that since none of its donors were solicited specifically for political activities, their donations don’t count as political contributions even if the money was later used for political campaigning.

On Dec. 14, the State Ethics Commission [announced it had filed a lawsuit](#) against that second group — the Council for a Competitive New Mexico — in New Mexico’s 2nd Judicial District Court. The commission is seeking to force the group to register as a political committee, disclose its donors, and pay fines for its prior refusal to disclose.

#### *The Committee to Protect New Mexico Consumers*

In August, the Committee to Protect New Mexico Consumers (CPNMC) spent over \$260,000 on mailers to New Mexico voters about constitutional amendment 1, which would make the state’s Public Regulation Commission an appointed rather than elected body. Voters approved the measure in November.

The group claims the purpose of the mailers was merely to educate voters.

“501(c)(4) organizations such as the Committee to Protect New Mexico Consumers (CPNMC) are allowed to do educational outreach and communication,” the group’s treasurer, Noah Long, wrote in an email, maintaining the mailers weren’t political.

But Farris disagrees.

“As we looked at these four mailers, we thought that there was no other reasonable interpretation other than as an appeal to vote for that ballot question,” said Farris.

In September, the commission authorized staff to send the group a letter demanding they comply with the new reporting requirements.

Ultimately, CPNMC settled with the commission, agreeing to disclose how it spent the money but continuing to hide its donors.

An exemption in the law gives groups the opportunity to claim that they don't have to disclose donors who request in writing their donations not be used for political purposes. The group invoked that language to claim its donors had requested that their money not be used for political purposes, shielding them from the new law even if the mailers were found to be political.

“If that request in writing is made, then the identity of the contributor is not subject to disclosure under the law,” said Farris. “It's a proviso clause that enables contributors to get out of disclosure requirements when the purpose of the statute is to provide for disclosure.”

In a press release, the commission explained that the settlement led to important disclosure about the group's spending before election day.

On the same day that CPNMC agreed to file an [independent expenditure report](#), Long created a PAC called “Vote Yes to Reform the New Mexico PRC.” It has [disclosed almost \\$750,000 in contributions](#) from a handful of [mostly opaque sources](#), including other political nonprofits like America Votes and the League of Conservation Voters, demonstrating yet another challenge to tracking money in politics, known as [gray money](#).

### *The Council for a Competitive New Mexico*

Meanwhile, last May a nonprofit called the Council for a Competitive New Mexico (CCNM) reported spending over \$130,000 on mailers and robo-calls to voters in the lead up to the June primary election. The spending paid for negative attacks on several Democratic candidates who were challenging more conservative incumbent Democratic state senators. While the group filed a report describing its spending, it didn't disclose who funded the efforts.

Following an [ethics complaint](#) against CCNM in August and a lack of response by representatives of the nonprofit, the Secretary of State's office gave the group 10 working days to voluntarily disclose its donors or face penalties and fines.

Enter [Charles Spies](#), a D.C.-based lawyer who serves as legal counsel for CCNM with a background in national Republican politics. A proponent of outside spending by super PACs, he was once quoted as saying “as long as we have a Constitution, outside money’s not going anyplace.” In both 2012 and 2016, Spies helped establish super-PACs supporting Republican presidential candidates Mitt Romney and Jeb Bush.

Spies [sent a letter](#) to the Secretary of State’s office on October 2nd arguing that the nonprofit was not required to disclose its donors because no money had been solicited to fund independent expenditures.

Arguing that the term “contribution” in the state’s campaign reporting act applies only to donations explicitly made for political purposes, the letter describes a series of “oral solicitations” made in March of 2020 in which a “broad group of tools” including “policy research and advocacy, issue advocacy, and independent expenditures” were presented.

“Well after donations were received, the CCNM team determined that part of its strategy to achieve its policy goals would be to make certain independent expenditures,” reads the letter.

Correspondence between the group and state authorities reveal the involvement of several prominent local figures.

Doug Turner, CEO of the public relations firm Agenda and a former Republican candidate for governor, served as a strategic communications consultant for the group. Local commercial real estate developer Adam Silverman is listed as the group’s secretary, while Laura Sanchez-Rivet, chief of staff of public policy at PNM Resources, Inc, served as the group’s legal counsel. Lobbyist Chevonne Alarid is listed as the nonprofit’s president.

In an interview, Turner said that he made a series of five to 20-minute phone calls soliciting donations over a period of roughly two weeks. Turner insisted that the group maintains broader policy goals, pointing to a digital ad campaign emphasizing the importance of safe voting during the pandemic. But Turner denied knowledge or involvement with the outside spending in June’s Democratic primary, despite his role overseeing strategic communications.

Sanchez-Rivet did not respond to New Mexico In Depth requests for an interview. Charles Spies wrote in an email that, “CCNM has complied with New Mexico law and its filings with the Secretary of State speak for themselves in answering your questions.”

Following Spies' letter, the Secretary of State's office referred the case to the State Ethics Commission, stating that it was "unable to conclusively determine that a violation has occurred." On December 4th, the State Ethics Commission unanimously voted to authorize its staff to send a demand letter to CCNM enforcing the state's campaign finance law, giving the group until Thursday, December 10th to respond.

### *State Ethics Commission files suit*

Despite the ethics commission's demand letter, the Council for a Competitive New Mexico continued to refuse to disclose its donors.

"Their response was brief, and more or less followed the lines of how they responded to the Secretary of State's office — that their contributions weren't received for a political purpose," said Farris.

As a result, Jeremy Farris and Walker Boyd, the commission's legal counsel, [filed a civil complaint](#) on behalf of the commission in New Mexico's 2nd Judicial District court in Albuquerque. The complaint asks that the Council for a Competitive New Mexico be declared a "political committee" in order to enforce disclosure of the group's donors. The civil complaint alleges that despite CCNM's arguments to the contrary, the "primary purpose" of CCNM was to make independent expenditures, meaning more than 50% of either time or money was spent on political activity. It also asks the court to find that contributions to CCNM were political, and that the campaign reporting act compels the group to disclose its spending on its independent expenditures.

Additionally, the complaint asks that CCNM be penalized for its prior refusal to comply, fines that could add up to \$20,000.

Ultimately, the strength of New Mexico's laws on outside spending hang in the balance. If CCNM's challenge to the disclosure law is allowed to stand, other groups might use the same arguments put forward by Charles Spies to shield donors from public disclosure in the future.

### *Clarifying campaign laws in 2021 may be risky*

Upon settling with CPNMC, Farris said in a [press release](#) that the ethics commission looked forward to working with the Legislature to close the loophole that "allows donors behind independent expenditures to remain anonymous by making a pro-forma request that their contributions not be used to fund independent expenditures."

But concerns about the mostly virtual nature of the upcoming legislative session due to the COVID-19 pandemic have given the commission and some reformers pause.

“The upcoming session might not be the session to get into the disclosure provisions of the Campaign Reporting Act,” said Farris. Because the law is “tightly-knitted,” he said, one change can lead to unintended consequences. Amendments require “a lot of public attention and focus,” he said, “and I think there are concerns that it would be harder to achieve that in a largely virtual session.”

Other reform advocates, including Common Cause New Mexico, have gone even further.

“We are very concerned that if these statutes were opened up for amendment during a session in which full public participation and expert input was not available, the outcome might well be unfortunate,” the organization said in [public comments](#) submitted to the state ethics commission.

“It is such a tightly woven sweater,” said Heather Ferguson, executive director of Common Cause New Mexico. “All they have to do is pull one thread and change one term, and that can create loopholes the size of a Winnebago.”

Making such amendments in a way that allows for “thoughtful and deliberative” public participation would be challenging during a remote session, Ferguson said.

But in an interview, Wirth, the Senate majority leader who championed the 2019 law, sounded more upbeat about the public being able to effectively participate. While the public likely won’t be allowed to enter the Roundhouse, he expects much more access online than in years past.

“With respect to campaign finance, and ethics issues, I think you’re going to see bills, and I certainly will encourage everyone to participate, and to do so via the virtual process that’s going to be available,” said the Santa Fe Democrat. “I do think that having committee hearings online will open up the process in a way that it hasn’t been before.”

“If we need to fix this, this is the window to do it,” he said.

“We’re headed right back into another election cycle, and what we’ve learned is that trying to wait for a 30 day session is really tough, because people are already campaigning under a set of rules.”

He also noted the change in the composition of the Senate.

“It’s going to be a very different Senate than it’s been,” said Wirth. “We have seven new members on the Democratic side and four new members on the Republican side. So more than 25% new members.”

As for the ethics commission, Farris said it won’t put forward a bill to change the campaign reporting act this year. The agency will instead issue recommendations that the commission would support, including the use of a separate bank account for contributions whose donors have made requests that they not be used for outside spending.

“The idea with this particular recommendation is to try to ensure that such contributions can’t be used for independent or coordinated expenditures by requiring that they be placed in a segregated bank account.”

### **Path from Legislature to lobbyist well traveled**

Jennifer Shilling resigned as the state Senate's Democrat leader in May and registered as a lobbyist weeks later. She left the Senate to become an executive with Dairyland Power Cooperative.

Expect that same revolving door—legislator to lobbyist—to swing again in January, when ex-Republican Rep. John Nygren registers as a lobbyist for the 2021-22 legislative session.

Nygren resigned from the Assembly on Dec. 2, one month after being re-elected for an eighth term and weeks after he was reappointed cochair of the budget-writing Joint Finance Committee.

In a WisconsinEye interview, Nygren hinted that he expects to register as a lobbyist after his new job with a statewide health-care consortium is formally announced. The private-sector official who retired whose job he will be taking was a registered lobbyist.

"We all lobby the Legislature in a lot of different capacities, either as a private citizen or somebody working representing an industry," Nygren said.

Nygren also said he regretted not knowing he would get the job before running for re-election. He said he applied for the position in February, but directors of the organization chose not to fill it, unsure of how the COVID-19 pandemic would change its needs.

When the organization recently decided to fill the job, Nygren reapplied. At 56 years old, he said, he didn't want to be serving in the Legislature, commuting from Marinette, at age 60.

If Nygren registers as a lobbyist this month, he would be the 24th ex-legislator to join the lobbying corp, according to Ethics Commission records.

A 25th state official, former Republican Attorney General J.B. Van Hollen, who did not seek re-election in 2018, is also a registered lobbyist.

Of the 24 ex-legislators, 17 were Republicans and seven were Democrats. No surprise there, because that balance shifts depending on which party controls the Legislature. Republicans have controlled both Assembly and Senate since 2011, and will again in the 2021-22 session.

Three former Assembly speakers—all Republicans—are lobbyists: Jeff Fitzgerald, speaker during the Act 10 controversy of 2011; John Gard; and Scott Jensen. Two former Assembly majority leaders—Republicans Scott Suder and Steven Foti —are also lobbyists.

Two former Senate majority leaders—Republican Mary Panzer and Democrat Joe Strohl—try to influence state government decisions on behalf of their clients, as does a former Senate President, Republican Brian Rude, who is also a Dairyland Power executive.

The ex-legislator who has lobbied the longest is former Democratic Sen. Gary Goyke, who lost a re-election bid in 1982. Goyke's son, Evan, represents a part of Milwaukee in the Assembly and serves on the Finance Committee.

Ethics Commission records also show that about 75 lobbyists once worked as Capitol aides to legislators or governors and cabinet secretaries. Of the 708 registered lobbyists, about 100 are former legislators or Capitol aides.

Why does the Legislature-to-lobbying door swing so often?

Legislators, especially those who had leadership positions, sell the personal relationships they built up in the Capitol to prospective clients or statewide trade and industry organizations. “I know the speaker, the majority leaders. They’ll take my calls.”

Many private-sector executives don't understand—and don't want to understand—how the Capitol works and the locations of its many trap doors. So, they pay lobbyists to tell them where, when and how to apply pressure.

And legislators, now paid \$52,000 a year, can make many, many times that as lobbyists or corporate executives.

“Wisconsin has long lacked a reasonable ‘cooling off’ period that our neighboring states such as Iowa (two years) and Minnesota (one year) have long had,” said Jay Heck, executive director of the nonprofit Common Cause in Wisconsin and a registered lobbyist.

Even members of Congress and their aides have to wait before they can lobby in Washington, Heck noted.

When legislative leaders like Shilling and Nygren go through the revolving door, it “sends the message to citizens that it’s fine to immediately ‘cash in’ on your power and influence,” Heck added. “It’s one of the things that make Wisconsinites so cynical and distrustful of politicians.

Legislators should have to wait at least a year before they can lobby, Heck said

Once, Heck recalled, he testified before an Assembly committee on the need for a “cooling off” period. One legislator disagreed, asking “what else would he be qualified to do to earn a living?”

### **[City Council passes disclosure rules targeting ‘indirect lobbying’ like Move Seattle Forward](#)**

This summer, the Move Seattle Forward group helped organize opposition to the City Council’s efforts to cut back on police spending in the city. it was a slick effort. And it probably helped shape the final budgets that followed.

Monday, the City Council passed new rules based on recommendations from the Seattle Ethics and Elections Commission to clamp down on so-called “indirect lobbying” efforts that shape public opinion without having to disclose who was calling the shots and where the money was coming from.

“Indirect lobbying happens unfettered without knowing who is responsible for organizing a campaign, how much was spent, and who paid the bill. With this legislation, we have the opportunity to align our city’s lobbying rules with better practices, including those currently spelled out at the state level and other big cities nationwide,” citywide member Lorena González said about her bill approved by the full council on Monday.

The new indirect lobbying regulations will apply to lobbyists that spend at least \$750 in a month or \$1,500 in three months to carry out a campaign and require lobbyists to register with the city and disclose how the efforts are financed.

The legislation will eventually bring civil penalties for failing to comply but the SEEC will spend the first six months of 2020 finalizing the rules and a community education effort “that will encourage awareness of the new lobbying regulations and compliance.”

The SEEC will hire additional staff to track and enforce the new rules, with an estimated cost of around \$160,000 a year.