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Lynn Jenkins sets up lobbying business — but she's still a Kansas congresswoman

Lynn Jenkins hasn't left Congress yet, but the Kansas Republican has already launched a new lobbying firm.

Jenkins' term in the U.S. House doesn't officially end until the first week of January and she still faces major votes on the farm bill, homeland security budget and other legislation. But her new business, LJ Strategies, LLC, has already registered with the state of Kansas.

Ethics watchdogs say the situation makes a mockery of the rules restricting lawmakers from working as lobbyists until they've been out of office for at least one year.

"This is an egregious abuse of the revolving door," said Craig Holman, the lobbyist for Public Citizen, a group which advocates for stricter ethics rules.

"I suspect she's being coached as to how to dance around the law, but it certainly violates the spirit of the revolving door law itself," he said.

And, Holman warned, "She's opened herself up to being bought."

Jenkins' office said in a statement that the congresswoman consulted with the House Ethics Committee before forming the business.

"In an abundance of caution, Congresswoman Jenkins has been working closely with the House Ethics Committee throughout this process," said Jenkins' spokesman Lee Modesitt. "She discussed with them the potential formation of the business prior to doing so and has subsequently reported the actual formation. The business has no clients and will not be actively seeking them until she leaves office."

The committee declined to comment on the matter.

The five-term congresswoman shocked political observers in Washington and Topeka last year when she announced her plan to retire from Congress at the end of this term and her decision to forgo a run for governor despite buzz in GOP circles that she'd be the frontrunner.

In a Facebook post last month, Jenkins unveiled her plans for her post-congressional career. She announced that she had formed a consulting firm that would provide "strategic analysis, comprehensive federal and state government relations, political consulting, and association management."

Jenkins' Nov. 20 post went up the same day LJ Strategies, LLC, was registered with the Kansas Secretary of State's office by Pat Leopold, her former chief of staff in Washington. The business' formation was first reported by The Sunflower State Journal.

Leopold managed the campaign of Jenkins' successor, Republican Steve Watkins, who will be sworn in next month. Watkins campaigned on a platform of draining the swamp in Washington.

Jenkins' endorsement and appearance in television ads played a key role in the political newcomer's victory over Democrat Paul Davis in the tight race.

The liberal watchdog group Citizens for Responsibility and Ethics in Washington said Jenkins' consultation with the ethics committee does not resolve the conflict of interest of her continuing to serve in Congress while setting up the new firm.

"It seems clear that she is advertising what appears to be a lobbying firm," said Donald Sherman, CREW's deputy director.

"Until she resigns, she is a member of Congress representing the constituents of her district… I assume their expectation is she is working on their behalf and not spending time setting up a business for her private benefit," he said.

Meredith McGehee, executive director of the nonpartisan ethics reform group Issue One, said Jenkins' decision to set up the firm before her term ends helps reinforce public distrust of politicians of both parties.

"To put up a lobbying shingle while you're still serving — maybe it's happened before — but it's very unusual and unfortunate because it plays into the public perception that the interests of the public aren't first and foremost," McGehee said.

Federal rules restrict Jenkins, but not her firm, from lobbying at the federal level for one year after her term ends.

Leopold, however, would only face a prohibition against lobbying Jenkins' office, which will cease to exist after January

Leopold will face no similar prohibition against lobbying Watkins, who he worked for a campaign rather than official capacity. Reached by phone, Leopold declined to comment on the business beyond Jenkins' Facebook post.

Holman said Public Citizen has crafted legislation that would tighten the loophole that enables Jenkins to form the business while still serving in Congress, but its prospects of passing are slim.

He said Jenkins' votes in the final weeks of her term should be closely scrutinized as she prepares to embark on her lobbying career. Lawmakers will still consider major budget and policy bills this month.

"Lynn Jenkins will immediately pull in hundreds of thousands from clients who want to tap in her network. This is exceedingly disconcerting," Holman said.

Jenkins won't face any prohibition on lobbying right away in Topeka, where she has deep connections after serving in both the state legislature and as state treasurer.

The state's current treasurer, Republican Jake LaTurner, began his career working in Jenkins' congressional office. LaTurner said Jenkins worked hard to maintain relationships with individuals in Kansas while she was in Washington.

LaTurner said he doesn't know the details of her operation, "but I have total confidence, knowing Lynn, that it's absolutely appropriate."

Kansas Senate Democratic Leader Anthony Hensley, who served in the state Senate with Jenkins, condemned her efforts to begin setting up a firm while she's still a member of Congress.

"I don't think that is appropriate," said Hensley, the longest-serving member of the Legislature and a close ally of Governor-Elect Laura Kelly.

Hensley has previously introduced legislation to bar state elected officials from becoming registered lobbyists for at least two years.

He said he is unsure whether such a ban could also apply to members of Congress, but that he plans to consult with the legislature's attorneys to determine whether the bill can include a provision that extends the cooling-off period to members of Congress.

Judge voids key pieces of Arizona law gutting campaign finance rules

The cost of running a political campaign has skyrocketed. Where do campaigns get the money to operate? Let's examine contributions and "dark money." William Flannigan, azcentral

A judge has ruled that Arizona lawmakers violated the state Constitution on multiple fronts when they passed a sweeping overhaul of campaign-finance laws in 2016.

Those changes illegally limit the power of the voter-approved Citizens Clean Elections Commission to police campaign-finance laws and illegallycreate loopholes for spending limits, the ruling states.

Maricopa County Superior Court Judge David Palmer ruled that the changes are unconstitutional and cannot be enforced.

Victory for election transparency

The ruling is the latest twist in a fight over Senate Bill 1516, a major rewrite of campaign- finance laws that the Republican-controlled Legislature and Gov. Doug Ducey pushed in 2016.

At the center of the dispute is the voter-approved Clean Elections Act of 1998.

Voters approved the act to limit the influence of money in politics. The act created the Clean Elections Commission, which runs a public financing system for candidates and enforces financial reporting rules.

SB 1516 significantly shrank the commission's power so it could police only candidates who receive public financing.

The Arizona Advocacy Network, an open-election watchdog group, Democrats and the commission challenged the law in court, arguing it illegally gutted the act's meaning.

Palmer, in his ruling, agreed: "The commission and the plaintiffs are correct."

Attorney Jim Barton, who argued against SB 1516, said the ruling is a victory for transparency in elections. He said the Clean Elections Commission has shown it is more willing to enforce rules than state elections officials.

"It's very clear that that watchdog isn't going to be restrained," Barton said Thursday.

Joel Edman, executive director of the Arizona Advocacy Network, cheered the ruling in an email: "As Arizonans, we know Clean Elections is the best tool we have to fight corruption, dark money, and undue corporate influence."

Secretary of State Michele Reagan, the state's top elections official, was a key architect of the law. Although an appeal is likely, her office hasn't commented in detail.

"We're taking a look and determining next steps," spokesman Matt Roberts said in a text message.

Ruling also impacts party spending

Palmer's ruling also overturned a controversial provision of SB 1516 that allowed political parties to spend unlimited amounts of money in coordination with candidate campaigns.

That loophole played a key role in this year's elections, with Republicans spending millions in coordination with Ducey and the Democratic Party doing the same with Secretary of State-elect Katie Hobbs.

Under the 2016 law, the parties didn't have to disclose how much was spent on behalf of each candidate, making it impossible to track their spending.

Barton said the ruling will change that because money a party spends in coordination with a candidate's campaign will once again fall under traditional limits for in-kind expenditures.

Impacts to some unlimited donations

The ruling also strikes down a portion of SB 1516 that allowed unlimited contributions if they specifically paid for a campaign's legal or accounting services.

Palmer ruled that the disputed portions of the act violated a portion of the Arizona Constitution that prohibits changes to voter-approved initiatives unless the changes are supported by three-fourths of the Legislature and further the purpose of the act.

"One cannot determine in this case, given the purposes behind the (Clean Elections Act), that voters intended that the Legislature would in essence eradicate the very core of the act," he wrote.

However, the ruling didn't undo a portion of SB 1516 that largely ceded Arizona's authority to police anonymous campaign spending, or so-called "dark money," to the federal government.

The legality of that portion of the law wasn't addressed in Wednesday's ruling.

Lawsuit seeks to block New York's sweeping new lobbying rules

A lawsuit filed Wednesday seeks to dismantle New York's sweeping new lobbying regulations, which are set to go into effect in January.

The suit, which was provided to the Times Union, was filed in state Supreme Court in Albany by three petitioners including David Grandeau, the state's former top lobbying enforcement official who is now a top private lobbying compliance attorney.

The respondent in the matter is the state Joint Commission on Public Ethics, New York's ethics and lobbying watchdog entity, as well as its commissioners.

In April, JCOPE's commissioners — appointed by Gov. Andrew Cuomo and legislative leaders of both parties — unanimously passed the regulations overhauling the rules that cover New York's sprawling lobbying industry.

The lawsuit, York Group Associates LLC v. Joint Commission on Public Ethics, argues that JCOPE's commissioners lack the authority under New York law to create the 92 pages of new regulations. The plaintiffs argue those rules would unduly burden lobbyists and their clients, and infringe on their free speech rights.

"This is a case about bureaucratic overreach," states the suit. "(JCOPE) does not have the authority to issue comprehensive regulations, let alone regulations that expand and amend the Lobbying Act."

The new rules, developed by JCOPE staff over a period of more than two years, are among the most substantial pieces of work produced by the ethics watchdog panel since its creation in 2011.

The petitioners want to see the regulations struck down in state Supreme Court, and are seeking an injunction disallowing JCOPE from enforcing them in the interim.

The rules were intended to define as lobbyists a class of political consultants that has wielded influence with elected officials through close relationships, without the consultants themselves actually engaging in traditional arm-twisting.

While JCOPE's staff have said the new rules largely codify decades of existing state ethics opinions, the regulations were meant to update New York's lobbying rules for the 21st Century, as modern lobbying campaigns emphasize the application of public pressure on lawmakers separate from more traditional person-to-person lobbying.

Lobbyists have also recently been at the center of a number of major federal corruption trials in New York — and JCOPE has been criticized for not doing more to uncover the wrongdoing.

Under the new definitions in the regulations, the parameters of traditional lobbying are expanded: A person's presence at a lobbying meeting or on a lobbying phone call with an elected official, for instance, can trigger the requirement to register as a lobbyist – even if that person does not personally ask an elected official to take government action.

Using one's relationship simply to set up a lobbying meeting or phone call with an elected official would now count as lobbying, as would introducing a client to an elected official. So would certain types of social media activities meant to influence New York politicians.

A major plank of the rules creates more disclosure around so-called "grassroots lobbying," in which well-funded interest groups seek to sway public and elected official opinions through campaign-style lobbying efforts.

The rules also include explicit requirement that lobbyists disclose the names of the lawmakers that they lobby. Currently, lobbyists and their clients often simply list "Senate," "Assembly" or "Executive" as the entity that they have lobbied, making it difficult for the public to know who exactly is being influenced.

The petitioners' lawsuit singles out that provision for particular criticism, arguing that nowhere in state law is there actually such a requirement to disclose the names of individual officials who are lobbied.

The lawsuit also takes aim specifically at the new "grassroots lobbying" rules; JCOPE's broad new definition of the term "lobby day" (a term for the days in which a particular interest group swarms the Capitol for rallies and meetings); and a new, broader requirement that unpaid members of boards of directors register as lobbyists.

The lawyer who filed the lawsuit for the complainants is Joshua Seifert, whose Manhattan-based practice has focused on commercial litigation. The plaintiffs include Grandeau, a frequent JCOPE antagonist who has maintained a colorful, critical and often-profane blog on his law firm's website documenting the panel's activities.

The petitioners also include the New York City-based lobbying firm York Group Associates, as well as Voters for Animal Rights, a nonprofit that sprung out of the initial well-funded effort in New York City to ban horse carriages in Central Park.

York Group Associates has previously run into trouble with JCOPE: In August, the firm reached a $2,500 settlement with the watchdog over allegations that its principal, Tiffany Raspberry, had failed to file various required lobbying disclosures.

In an interview, Grandeau said that bigger New York lobbying firms were scared away from joining the lawsuit due to fears of retaliation.

"I would certainly hope JCOPE would not retaliate, but after watching how JCOPE handles things for seven years, I would say it's not an unreasonable concern," Grandeau said.

Grandeau maintains that while JCOPE has the authority under law to write opinions, it has the power to write regulations only in very specific circumstances. The Legislature never passed a law authorizing JCOPE to broadly reinterpret the state's lobbying rules, the lawsuit maintains; instead, the commission's job is primarily to administer and enforce existing laws.

Grandeau had previously threatened to file a lawsuit if JCOPE passed the regulations. At a hearing in late 2017, JCOPE Executive Director Seth Agata seemed to backtrack from them, stating that the new regulations were merely "advisory" and would not create "new" possible legal violations if enforced.

JCOPE Chairman Michael Rozen, however, clarified at a subsequent meeting that the regulations would indeed have the force and effect of law.

At the April 2018 meeting where the regulations were finally approved, JCOPE Commissioner Marvin Jacob raised the question of whether the lobbying regulations would face a legal challenge. Agata responded that no one had made a "well-founded" argument against either the substance of the regulations or JCOPE's ability to issue them.

JCOPE spokesman Walter McClure said at the time that JCOPE was empowered to create the rules because New York law says the commission has the sole authority to "administer and enforce" the law.

On Wednesday, McClure said the agency does not comment on litigation.

In a statement in April, JCOPE chairman Rozen also said the regulations were "an important step in the commission's efforts to ensure public transparency regarding who spends money to influence government, and where and how lobbyists and their clients spend that money."