

# MULTISTATE

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## [Michael Bennet pushes sweeping plan to remake political system](#)

Sen. Michael Bennet sprang onto the national stage in January, when the usually low-key Colorado Democrat went viral shouting about the 35-day federal government shutdown and Ted Cruz's "crocodile tears." Now, Bennet, a 2020 presidential candidate, is out with a plan to fix that system he once ranted about.

Bennet is calling for a constitutional amendment to overturn Citizens United, a lifetime ban on members of Congress becoming lobbyists, a prohibition on political gerrymandering and a push for ranked choice voting. Bennet is also supporting a laundry list of long-desired Democratic reforms, including automatic voter registration, D.C. statehood and greater transparency around super PAC fundraising and spending.

Many of his proposals are already popular with other Democratic presidential candidates. But Bennet says he's setting himself apart by putting these plans at the center of his campaign, arguing that reforming the American government is essential because "so much of what we want to get done, from climate to health care to changing the tax code, is going to require us to reform the way this democracy works," Bennet said in an interview with POLITICO.

"There's not an alternative mechanism for us to resolve our disputes and move the country ahead," Bennet said. "If we need to clean it up the way Teddy Roosevelt cleaned it up when he became president, before we can do a lot of this work, that's something we need to do."

Bennet joined the 2020 presidential primary in April, after he received a clean bill of health following a cancer diagnosis earlier this year. His late entry put him months behind much of the rest of the field in fundraising, staffing and building a campaign infrastructure in the early states.

But Bennet, unlike Montana Gov. Steve Bullock, who also jumped into the race this spring, did make the stage for the Democratic National Committee's first debates next week. He will appear with fellow Coloradan John Hickenlooper, the former governor, on the second of two debate nights.

Bennet's proposal, which he says aims to "put people back into politics," stemmed from his frustration over the Supreme Court's decision on Citizens United, after which the cost of elections skyrocketed. Bennet believes that decision, coupled with intensified gerrymandering and the elimination of elements of the 1965 Voting Rights Act, allowed Senate Majority Leader Mitch McConnell and the House Freedom Caucus to play "shutdown politics."

"We've made almost no progress over the last 10 years," Bennet said, citing his work on the "Gang of 8" immigration bill as a prime example: bipartisan legislation that passed the Senate and promptly died in the GOP-controlled House without coming up for a vote.

“I don’t want to be here 10 years from now, we wasted another decade of the American people’s time, and that’s why I’m running for president,” Bennet continued.

But Bennet isn’t the only Democrat preaching unification to distinguish himself in the crowded Democratic primary. Former Vice President Joe Biden put his bipartisan pragmatism at the heart of his presidential bid, while Sen. Amy Klobuchar (D-Minn.) and Bullock, who both hail from states where Democrats aren’t guaranteed electoral wins, have made similar tell-it-like-it-is pitches.

But in an indirect reference to a well-used Biden line, Bennet said that “this idea, somehow, that Donald Trump is the problem, and if we just get [rid of] Donald Trump, it’ll all go back to the bipartisan work that was done here, some people are saying. That’s clearly incorrect.”

It’s a contrast Bennet and other 2020 candidates have sharpened in recent weeks, as Biden continues to lead national and early-state polling. But this week, Biden came under strong criticism for recalling his work with two segregationist lawmakers, Georgia Sen. Herman Talmadge and Mississippi Sen. James Eastland, and telling donors “at least there was some civility” at that time.

Bennet said that Biden was looking through “rose-colored glasses,” adding that it’s unproductive to focus on “how politicians did their work in Washington 30 years ago or 40 years ago.”

One part of Bennet’s proposal, a lifetime ban on members of Congress becoming lobbyists, puts him on the same side as an old foil: Cruz. The Texas Republican and Rep. Alexandria Ocasio-Cortez (D-N.Y.) recently agreed over Twitter to work together on a lobbying ban, which Bennet said he was “really happy to see” they both came in favor of it.

“For a long time, I couldn’t get anyone on that bill,” said Bennet. He has introduced a bill that would ban that practice in several legislative sessions, even running on it in his [first campaign ad](#) in 2010.

“I don’t know if they’ve got their own plan, but I hope they look at my plan,” he added.

But Bennet isn’t on board with other reforms tossed out by fellow 2020 candidates. He doesn’t support eliminating the Senate filibuster, a move some of his Senate colleagues are open to. On adding judges to the Supreme Court, Bennet shakes his head.

“Nobody has said to the American people, ‘Oh, here’s why we need to pack the Supreme Court,’” Bennet said. “They’re just ignored in the [glare] of the cable television lights and in the competition to try to raise money to satisfy the DNC.”

South Bend, Ind., Mayor Pete Buttigieg has suggested expanding the Supreme Court from nine justices to 15, with the bench including five justices affiliated with Democrats, five affiliated with Republicans, and the final five chosen by the first 10. Several of Bennet’s Senate colleagues have also indicated they would be open to considering such a plan, including Sens. Cory Booker (D-N.J.) Kirsten Gillibrand (D-N.Y.), Elizabeth Warren (D-Mass.) and Kamala Harris (D-Calif.).

Bennet suggested that Buttigieg’s proposal stems from his inexperience in Washington. “I think if he had seen it up close, he might have a different approach,” he said.

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### [Lobbyists earning more for access to Nebraska state senators](#)

Lobbyists striving to influence state lawmakers earned a record \$17.8 million in 2018, up from \$13.8 million in just four years.

Common Cause Nebraska, in its annual lobby report, said while the growth is due in part to growth in the number of lobbyists and lobbying firms, "it has become generally accepted that if you want something done at the Capitol, you should hire a lobbyist."

In a two-year session, the Nebraska Legislature works on more than 1,000 bills. In 2017-18, 1,136 bills were introduced, 667 in the first session. This year, that first-session list of bills grew to 739.

The number of compensated lobbyists, 391, has increased each year since at least 2015. The number of people and firms hiring lobbyists has also increased to 573.

People and businesses often hire professionals, who are at the Capitol daily, to advance their agendas, the lobby report said. "And those who have the money expect to have better access and influence — and there's the rub," said Jack Gould, issues chairman for Common Cause Nebraska.

The insider game that allows for wining and dining and entertaining puts the average citizen at a disadvantage, Gould said.

One of the problems, he said in an interview, is that the public can't track who is benefiting from that entertainment money. Entertainment is a tool to get access to senators and to have influence, he said.

"They're doing a lot of entertaining, but they don't tell you who they're golfing with, they don't tell you who they're taking out to eat," he said. "If you could pin it down to the lobbyist and the senator, then the public could really see how much time is being spent with certain senators."

Lobbyists are also spending a lot on campaign fundraising, both during the session and outside of the session, Gould said. Some make direct contributions and some direct their clients to make contributions. They want access to all candidates.

"We're seeing more and more lobby-directed money, and actually lobby money going to the Legislature, and we're seeing a decrease in the percentage of small donors," he said. "When you allow the lobby to become major players in who gets elected, that isn't in the best interest of the public."

Those organizations and government groups spending the most on lobbying include the University of Nebraska, the city of Lincoln, the Nebraska Association of County Officials, the Nebraska Chamber of Commerce, the Nebraska State Education Association and Altria Client Services.

Altria owns cigarette, smokeless tobacco and wine companies, and recently invested nearly \$2 billion in Cronos Group, a Canadian cannabis company with both medicinal and recreational brands. It spent the most among lobbyists within the Nebraska Legislature in 2018 at \$181,818.

That year, the company contributed \$38,000 to political campaigns, the bulk going to the Nebraska Republican Party (\$16,000) and the Committee to Elect Pete Ricketts for Governor (\$10,000). In addition, as of April, Altria gave \$1,500 to the campaign committee of Sen. Lou Ann Linehan, and \$1,000 each to Sens. Ben Hansen, Laura Ebke, Brett Lindstrom, Mike Hilgers, Robert Clements, Jim Scheer and Theresa Thibodeau. Matt Deaver for Legislature also received \$1,000. And \$500 each was given to Sens. Anna Wishart, John Lowe, John Murante, Suzanne Geist and Justin Wayne.

Altria media relations directed the Journal Star to several websites for response on its contributions.

"Altria Group and its companies advocate on a wide range of public policy issues that affect our businesses. We do this through responsible and constructive engagement with government officials, retailers, wholesalers, adult consumers and other stakeholders," the company wrote.

Participation in the political and public policy processes is vital to its business, serves the best interests of shareholders and adult consumers, and is a necessary component of good corporate citizenship, it said.

The top compensated lobbyist firms include Mueller Robak, Radcliffe & Associates, O'Hara Lindsay, Peetz & Co., American Communications Group, and Kissel, Kohout, ES Associates.

Sixteen school districts and one learning community have hired or employ lobbyists, including Lincoln, Omaha, Westside, Bellevue, Adams Central, Fremont, Grand Island, Millard, Papillion and Ralston.

"The question is, do those school districts do better with the school funding formula, which has never been fully funded with all the tax problems and concerns," Gould said. "In reality, the state has the responsibility to provide decent funding for rural schools as well as urban schools. ... There is an equity question."

More than 200 other districts don't have lobbyists, he said, many of them smaller, rural and really in need and suffering from the property tax situation, in which 85 percent of school funding is coming from property taxes, mostly from farmers.

The University of Nebraska, which competes for tax dollars, employed former Sen. Heath Mello in 2018 and also hired Peetz & Co. That year, according to the report, it spent nearly \$40,000 on entertaining state officials and provided \$1,335 in gifts. It also distributed \$14,248 worth of tickets to events, including NU football and basketball games and Omaha hockey games.

"They wine and dine a lot, too," Gould said.

The university has spent progressively less money on lobbying over the past five years, going from \$160,000 in 2014 to \$131,000 in 2018.

University of Nebraska spokeswoman Melissa Lee said that with the exception of Mello's salary, those lobbying expenses are paid with private funds from the NU Foundation.

"We value the opportunity to spend time with state senators and advocate for our students," Lee said. "These activities are part of building relationships with state senators and it's an opportunity to share our story, share the story of the university."

Common Cause Nebraska said it continues to advocate for a two-year distance between serving as a lawmaker and becoming a lobbyist. In 2018, 20 former state elected officials were registered lobbyists, including former Speaker Greg Adams, former Attorney General Jon Bruning, and nine who were senators within the past five years.

Gould said the organization would also like to see an end to fundraisers during sessions and greater transparency from lobbyists and who they are representing.

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## **[‘Do we care?’: Utah lawmaker questions blank campaign disclosures for city election candidates](#)**

During the 2017 election, there was at least one candidate for municipal office in Salt Lake County who purportedly ran a campaign without spending a single penny, according to [an analysis of public disclosures](#) by the Utah Lieutenant Governor’s Office.

And that’s a problem, according to West Valley City Republican Sen. Daniel Thatcher, because any municipal candidate in the county would have been required to pay a filing fee.

“How do you send out a mailer? How do you put up a sign?” Thatcher said. “How do you file to run for office and have no expenditures?”

Thatcher on Wednesday raised the issue for the second time in as many months, urging his colleagues on the Government Operations Interim Committee to take seriously the issue of incomplete and inadequate municipal campaign disclosures.

He said it’s likely that some candidates — particularly in rural areas that don’t charge a filing fee — can make it to Election Day without fundraising or campaign spending. But anecdotes and state figures suggest others are failing to disclose political activities that the law mandates be made public, he said.

“The issue before us is, do we care?” Thatcher said. “And I think we need to. I think if someone is running for office we need to know where those contributions are coming from.”

Thatcher first called for a review of disclosures last month during a hearing in which the senator raised [anonymous and unsubstantiated accusations that a city-employed lobbyist in Utah was paying kickbacks](#) in the form of campaign contributions to members of their city council.

Thatcher said a resident had alerted him to these suspicions of the lobbyist’s actions. While he was unable to either prove or disprove the allegations, Thatcher said he checked the council member’s public disclosure forms, only to find them blank.

“It’s pretty damning if it’s true,” Thatcher said at the time, “and there’s absolutely no evidence.”

During Wednesday’s hearing, Thatcher shared a breakdown of disclosure sampling prepared by Derek Brenchley, Deputy Director of the Office of the Lieutenant Governor. The sampling showed that blank disclosures were particularly common in lower population areas, with three-fourths of candidates in Utah towns reporting zero spending and zero contributions.

Brenchley said that it’s common for a candidate to recycle materials — like yard signs — from prior campaigning, cutting down on expenses, while others mistakenly believe that they need not disclose spending for self-funded campaigns.

“It looks worse than it probably is,” Brenchley said.

And Cameron Diehl, executive director of the Utah League of Cities and Towns, said that Utah frequently sees “candidates in name only” who file their candidacy but do not actively campaign.

Diehl suggested that it is up to city and county governments to ensure that candidates are keeping the rules of city and county elections. It would be inappropriate, he said, for the state to intervene in those municipal affairs.

“It’s the responsibility of local governments to run local elections,” Diehl said.

But while Thatcher did not repeat the allegations from last month's meetings, he questioned the ability of election officials in smaller cities and towns to hold their employers accountable for election law violations, especially in areas where "the nepotism rules don't apply."

"If you're the city clerk, you're probably going to have some concerns going to the mayor and telling them, 'Mr. Mayor, I could remove you from the ballot if you don't do your disclosures,'" Thatcher said.

Rep. Phil Lyman, R-Blanding, suggested that rural campaigns don't involve the big-money politics of their urban counterparts. A rural city or county candidate, he said, might campaign by sending mass emails for free, or borrowing a neighbor's wagon and decorating it with toilet paper to appear in a parade.

"That's just not their mindset, they're not thinking about spending a bunch of money to get a political office," Lyman said. "They're willing to serve and they go out and throw their name in."

Lyman said there are lots of problems with Utah political campaigns, like "dirty" advertisements and dark money from undisclosed sources. But he suggested that blank disclosures in small city and town elections is not a pressing concern.

"It seems like there's a lot of problems much more serious than what we're talking about here," he said.

Thatcher said he'd like the committee to continue discussing the issue, adding that even self-funded campaigns are required to identify the sources of their capital, and what it's being used for.

"If there is someone who is expending money to convince us to support a measure or an issue or a candidate," he said, "then I believe the public has a right to know who is lobbying, who is paying for that work."

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### **[Montana Lobbyist Spending Reports Now Harder To Access](#)**

At least \$6.5 million dollars was spent on lobbying during the state's 2019 legislative session. That's according to the [spending reports](#) that groups trying to influence state lawmakers are legally required to file.

Montana Public Radio dug into the reports, which this year got harder for the public to make sense of.

They document everything from how much lobbyists got paid, to when interest groups picked up the tab for a steak dinner or drinks with a lawmaker, or gifted them things like Bobcat football tickets.

In the past, Montana's commissioners of political practices have devoted a lot of staff time to translating the paper forms lobbyists are required to file into a single electronic document, which the public or the press could then search and sort.

But this year, Political Practices Commissioner Jeff Mangan, who was appointed in 2017, chose to not require his staff to do that.

"It's not their jobs to input, or data input, information for the lobbyists," Mangan said.

Mangan said doing so took too much staff time. Time needed to run the compliance side of the office and work through political complaints.

Both lobbyists and government watchdog groups say Montana's lobbying disclosure laws are better than most other states. But, Denise Roth Barber, managing director at the National Institute on Money in State Politics in Helena, says the lack of consistent electronic filing is a weakness.

"In Montana, for somebody like the average person or a reporter, for them to want to know how much was spent, they cannot go and find a digital file and easily access that information," Roth Barber said. "They have to open up all these reports, monthly reports, filed by all of these clients who have filed on paper. And that is 1950s technology."

Political Practices Commissioner Mangan says part of the problem is that, unlike campaign finance reports, Montana law does not require lobbyists to file their disclosure reports electronically.

He says it's time lawmakers take a look at updating lobbying disclosure laws in the state that at times cause confusion about what information lobbyists do and don't disclose.

"I'll probably spend the next couple of years of my tenure as commissioner of political practices asking the legislature to take a look at strengthening our lobbyist statutes," Mangan said.

But for now, the only way to get a big picture look at how much is being spent to lobby state lawmakers is to go online and view each individual scanned report.

Doing so for the last legislative session means going to the commissioner of political practices [website](#) and clicking the 2019 Legislative Session and Lobbying [link](#). That gives two options for databases of lobbyist disclosure documents. One is electric and one is hard copy. There are hundreds of them. To get a big picture view of lobbyist spending, you'd have to open each up individually to see who spent how much and then process the data from each individual file.

It took me hours of going through the reports to arrive at the total amount lobbyists reported spending in 2019 session — that was around \$6.5 million.

They show that the most spending was reported by PPL Services Corporation. The Pennsylvania-based utilities company that spun off some of its holdings into Talen Energy, which operates the Colstrip coal-fired power plant. It spent roughly \$160,000.

Other big spenders, although not necessarily the biggest, included the Montana Association of Counties, at \$106,000, the Montana School Boards Association at more than \$82,000 and the Lehrerleut Hutterite Colonies, which spent nearly \$78,000.

Making information like this easier for the public to access would require legislation or giving Montana's political practices commissioner more funding.

That's not likely, says Jen Hensley.

"It's like asking foxes to adequately fund the construction of a well-made hen house," said Hensley, a lobbyist for PacificSource Health Plans. She also served briefly as Montana's commissioner of political practices in 2011.

"When there's not enough money to create these very complex online databases, something's got to give," she says.

Hensley says the legislature and Commissioner Mangan have decided to prioritize policing potentially shady election campaign and lobbying practices, and not spend a lot on a lobbyist spending database.

And, Hensley says, even a great spending database wouldn't tell the whole story of how lobbyists influence how bills are written, become laws, or are killed. She says money can't buy the kinds of personal relationships that can really count.

"It's Sunday afternoon at the ballgame or Tuesday night at the brewery when you happen to run into somebody and say, 'Oh hey, about this, x,y and z.' It's where these passing conversations happen that much of the real quality work gets done."

Hensley says it's hard to account for those interactions in lobbying disclosure forms.

Nor does she think they necessarily should. To her, Montana's lobbying disclosure laws hit a sweet spot between giving the public information about what lobbyists are doing and allowing them the flexibility to work.

And, she says, if lawmakers decide they want tougher regulations, they don't operate in a vacuum.

"Quite frankly, when you're trying to regulate and change the system of lobbyists you have to know that, lobbyists are better than anybody at how to get policy killed," Hensley said. "So if you don't have the lobbyists on board with it, good luck."

It's been nearly two decades since Montana significantly changed its lobbying laws. Political Practices Commissioner Jeff Mangan said during this year's legislative session he hoped lawmakers would look at the issue during the interim.

Lawmakers have not indicated that they will.

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### **Maine bill would limit lobbyist contributions year-round**

Maine could place a year-round ban on political candidates accepting contributions from lobbyists outside their districts under a bill facing Democratic Gov. Janet Mills.

Such bills have failed in past years but are gaining ground under the newly Democratic Legislature. The Senate sent the bill to Mills on Monday, and she has until next Friday to veto it, sign it or let it go into law. She hasn't said what she'll do.

An Associated Press review of state campaign finance reports shows that self-identified lobbyists gave at least \$25,000 to legislative candidates and legislator-run political action committees last year. Maine's biggest lobbying firms gave over \$47,000.

Currently, lawmakers can accept contributions from lobbyists or their employers only when the Legislature is not in session. Supporters of the bill who want to restrict money in politics say Maine's existing law leads to a situation in which lobbyists jump to donate to lawmakers the moment the legislative session ends.

The latest bill would prevent gubernatorial and legislative candidates from accepting contributions at any time from lobbyists outside their districts. The bill wouldn't apply to lobbyists who are eligible voters in a candidate's district, or to contributions from these lobbyists' employers.

Democratic Sen. Justin Chenette's original bill, introduced in January, would have banned all contributions from lobbyists or their employers year-round. But the bill received pushback from the Democratic attorney general's office, which warned lawmakers the original bill could infringe on lobbyists' freedom of political association.

Attorney General Aaron Frey said year-round bans on all lobbyist contributions have been struck down in at least two states, Connecticut and Kentucky. Frey said it's unclear whether such a year-round ban would stand up to potential litigation in Maine.

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### **Does Sal DiMasi have to register as a lobbyist? The state says he already lobbied — illegally**

State officials opened a new front in their fight against former House speaker Salvatore F. DiMasi's attempt to register as a lobbyist, alleging Thursday that he illegally acted as one in 2006 and 2007 when, as the House's top-ranking elected official, he schemed to help a software company win two state contracts.

An attorney in Secretary of State William F. Galvin's office said DiMasi's actions were in effect lobbying, and that by not registering he violated state law.

Prosecutors have said that in 2006 and 2007, DiMasi helped steer contracts to the company Cognos in exchange for \$65,000 in kickbacks, leading to his [2011 conviction on public corruption charges](#).

The argument added another wrinkle — and for Galvin, a potential backup plan — in the high-profile dispute. Galvin's office had already rejected DiMasi's application to register as a lobbyist, asserting that his federal conviction includes “conduct in violation” of state lobbying and ethics laws, which automatically bars him from lobbying for 10 years, or until June 2021.

DiMasi appealed, contending that the federal counts — including mail fraud, wire fraud, and extortion — aren't specifically included as disqualifying convictions in state statute and that he should be allowed to register. Lobbying, he said in his appeal, is [a constitutional right](#).

But when the two sides appeared for a pre-hearing conference Thursday, Galvin's office unveiled the second layer to its case.

Should it lose its argument that DiMasi be automatically disqualified for 10 years — thus allowing him to register as a lobbyist — attorney Marissa Soto-Ortiz said, the office would open another proceeding to determine whether DiMasi's actions that “resulted in his conviction” also constituted executive or legislative lobbying.

Soto-Ortiz said it's the office's contention that they, in fact, did, and his failure to register could allow Galvin to suspend or revoke DiMasi's registration for three years or more.

“It's an alternative theory on why he would be unable to lobby,” Soto-Ortiz told the presiding officer, Peter Cassidy, an attorney in Galvin's office whom the secretary appointed to hear the case.

That stance surprised DiMasi and his attorney, Meredith G. Fierro, who said they believed the hearing was only going to involve arguments over whether he should be automatically disqualified under the 10-year rule.

“We did not expect that this proceeding would be a fact-finding [mission] by the secretary,” she said.

Fierro later told the Globe that she plans to file a motion seeking to stop Galvin from opening the second proceeding. She argued that by raising the second argument the way it did, the secretary's office violated the legal procedure for launching an inquiry.

DiMasi and Galvin's office were ordered to file an outline of their legal arguments by August and are scheduled to appear again before Cassidy on Sept. 17.

Soto-Ortiz, however, left the door open to resolving the case outside the hearing process, though under what terms was not clear. “I’m open to discussions with counsel regarding settlement,” Soto-Ortiz said.

DiMasi, who appeared with his wife, Debbie, did not speak during the hearing. He declined to comment as he left the room crammed with more than a dozen reporters and photographers.

Even before Thursday’s developments, DiMasi’s case was treading on rare ground. Galvin’s rejection of his registration was the first time he has barred a lobbyist applicant because of a federal conviction since the Legislature rewrote state ethics and lobbying laws a decade ago.

Soto-Ortiz said that while lawmakers didn’t include federal statutes within the violations that disqualify someone from lobbying, she believes what DiMasi did was still in “direct violation” of the state law.

“The intent of the Legislature . . . was to impose penalties for this specific type of conduct,” Soto-Ortiz said. “It was not, however, to limit these penalties to persons solely based on a state conviction.”

Fierro, however, contends the statute was narrowly written and shouldn’t apply to DiMasi. “The word that does not appear in that section is ‘conduct,’” she said.

Neither aides to House Speaker Robert A. DeLeo nor Senate President Karen E. Spilka responded to questions Thursday about whether DiMasi should be allowed to lobby. Governor Charlie Baker declined to comment, calling it “a question for the courts to answer.”

DiMasi wielded outsized influence during his four-plus years as speaker before resigning under an ethics cloud in 2009. Two years later, he was convicted on charges of taking kickbacks in exchange for using the power of his office to help Cognos win \$17.5 million in state contracts.

According to testimony, DiMasi knew in 2006 that Cognos was being considered for a software contract. He then ensured that an earmark dedicating \$4.5 million solely for the product was not trimmed so that Cognos would get all the money.

In 2007, witnesses said DiMasi flexed his political muscle to have language inserted into an emergency bond bill that would provide money for performance management software. He then pushed for officials in the Patrick administration to sign a contract for the software, knowing it would go to Cognos. Then-Governor Deval Patrick had testified DiMasi lobbied him for the contract directly.

DiMasi served five years of his eight-year sentence before earning early release in November 2016 amid a battle with throat and prostate cancer. He said that as of the end of last year, his cancer was in remission.