



COMPLIANCE NOW

E-News from State and Federal Communications, Inc.

October 2016

You Have One Job...VOTE

Here is what has happened so far...And what will happen.

The states in these United States held primaries and caucuses. We had months and months of elections around the country. And, we had a lot of debates...Maybe more than we needed. In the end we also had a lot of candidates "suspend" their respective campaigns.

Both the Republican National Convention and Democratic National Conventions were held and we have two candidates running on these platforms. There are others who will be on the ballot, but of other parties.

We had one debate already...WOWOWOWOW!!! I happened to be there...but I was sitting on my hands because it was 63 degrees in the room.

Plan on watching the Vice Presidential Debate on October 4, the second Presidential Debate on October 9, and the final Presidential Debate on October 19.

Check out the ballot for your county. Trust me, there is more on the ballot than our Presidential candidates...These folks also need your vote.

Early voting is very helpful for people who want to avoid the lines on Election Day, which is November 8. Do it and proudly wear your I VOTED sticker.

November 8...Stock up on your snacks and beverages and make sure your gadgets are charged. You can follow me on Twitter @elizabethbartz and @stateandfederal to see what is going on with the candidates and ballot issues.

One other thing to do on November 8, take a break every hour to tune into the Cleveland Cavaliers vs. Atlanta Hawks game.

Go to work the next day prepared to share with your organization how your contributions and candidates fared the night before.

Plan to attend State and Federal Inauguration activities in 2017. We will keep you up-to-date on how you can participate...And, as it relates to the President's Inauguration Day... It is Friday, January 20, 2017, at noon. Again, snacks and beverages should be ready and gadgets charged. There will be a lot to watch.

In the meantime, think about how lovely November and December will be with only holiday movies to watch...And 2017/2018 elections to ponder.

[Elizabeth Z. Bartz](#)
President and CEO
@elizabethbartz

Legislation We Are Tracking

At any given time, more than 1,000 legislative bills, which can affect how you do business as a government affairs professional, are being discussed in federal, state, and local jurisdictions. These bills are summarized in State and Federal Communications' digital encyclopedias for lobbying laws, political contributions, and procurement lobbying and can be found in the client portion of our website.

Summaries of major bills are also included in monthly email updates sent to all clients. The chart below shows the number of bills we are tracking in regard to lobbying laws, political contributions, and procurement lobbying.

	Total bills	Number of Jurisdictions	Passed	Died	Carried over to 2016
Lobbying Laws	357	43	23	221	6
Political Contributions	626	49	51	412	15
Procurement Lobbying	361	43	28	195	0

Summary of Changes UPDATE

Note Recent Changes to Compliance Regulations

by Michael Beckett, Esq., Research Manager

Update

AUSTIN, TEXAS: New provisions in the city's campaign finance laws took effect on September 1. Ordinance No. 20160623-020 increases disclosure requirements for non-profits and independent groups making political contributions or expenditures in excess of \$500. These organizations are required to report the identities of contributors unless the donation was directed to not be used for political purposes. Contributions for investments and commercial transactions also do not require disclosure of the contributor. Another part of the ordinance, not effective until February 1, 2017, requires intermediaries transferring more than \$500 for political campaign purposes to disclose details of the transfers, including the occupation and employer of the person making the transfer and the purpose and description of each transfer.

BROWARD COUNTY, FLORIDA: Broward Health, the county's hospital system, has implemented a decade-old lobbyist registration policy through a new website. The website contains information about the requirements and procedures for registration and expenditure reporting. Lobbyists engaged to lobby the North Broward Hospital District, its Board of Commissioners, or its employees must register with the vice president for government relations prior to engaging in lobbying. There is a registration fee of \$40 for each client represented, and registrations must be renewed by July 1 each year. Registered lobbyists must also file an annual statement of expenditures by July 30, covering July 1 of the prior year through June 30. The policy also outlines requirements for lobbyists hired to represent the district before certain state, county, and local government units.

MAINE: On August 31, 2016, the Commission on Governmental Ethics and Election Practices adopted a rule clarifying the "house party" exception to the definition of contribution. Following complaints the exception amounted to undisclosed contributions, the commission adopted a rule stating the costs of food and beverages are exempt only if they relate to the personal services provided by the volunteer and only if paid for by a single volunteer.

SASKATCHEWAN, CANADA: The Lobbyist Act is officially effective after more than two years since the bill was passed in 2014. People who are paid to lobby elected Saskatchewan government members and civil servants must now register and report activities. Lobbyists have 30 days to register with the new online database launched on August 23, 2016.

WASHINGTON, D.C.: Mayor Muriel Bowser returned an unsigned bill to reform the District's procurement processes, signaling the bill can become effective without her signature. On August 24, the legislation was sent to Congress for the 30-day congressional review period needed for enactment. The bill will make procedural changes and establish the Office of the Ombudsman for Contracting and Procurement. As introduced, the bill included a pay-to-play provision banning campaign contributors from bidding on contracts over \$100,000 for a year after making a donation to a District candidate. The pay-to-play provision was defeated in a District Council vote and is not part of the final bill.



W E B S I T E T I P



Remember to take advantage of the website's bookmarking function from your dashboard. Any publication in a given jurisdiction can be bookmarked by clicking on the translucent bookmark pennant on the upper right-hand side of your chosen jurisdiction's screen. The bookmark will turn red when activated. When you return to your dashboard page (by clicking on your name at the top of the screen), you will see your chosen bookmarks listed under the "Bookmarks" heading. Clicking on a bookmark will bring you directly to the bookmarked jurisdiction without needing to select a publication or a jurisdiction. Clicking on the red bookmark will remove the jurisdiction from your list of bookmarks.

Tempe, Arizona Passes Lobbying Law

by *George Titoras, Esq., Research Associate*

You
Should Know

On January 1, 2017, the city of Tempe, Arizona, will begin requiring paid lobbyists to register and report lobbying activity. Ordinance No. O2016.46, passed by City Council in August, creates the city's first lobbying law.

The ordinance defines lobbyist as any person who is compensated to lobby for a person or organization other than himself or herself. Lobbying is a communication for the purpose of influencing official action made with any city official, hearing officer, or person appointed or serving on a board or commission. This includes the mayor, vice mayor, and council members, whether serving by election or appointment.

Registration with the Office of the City Clerk is required within 10 days of first lobbying and must be renewed annually. The registration must include disclosure of all clients for which the lobbyist is compensated to lobby. Amendments to the registration must be made within 10 days of any changes.

Lobbyists are required to annually report lobbying expenditures unless the lobbyist has declared in his or her registra-

tion the lobbyist intends to make no expenditures reportable during the registration period. Expenditures over \$50 must be itemized separately, listing the date, amount, nature of the expenditure; name of the public official receiving or benefiting from the expenditure; and the client on whose behalf the expenditure was made.

The ordinance prohibits making a gift or expenditure for a public official through another person to conceal the identity of the person making the gift or expenditure. Additionally, individuals are prohibited from giving a gift to a public official for the performance of official duties or if it may reasonably be interpreted to be offered in order to influence an action or decision of a public official.

Any person claiming to have knowledge of a violation of the lobbying ordinance may file a complaint with the Office of the City Clerk within 45 days of the alleged violation. A first violation is punishable by a civil fine. Second and subsequent violations occurring within 12 months of a prior violation are Class 1 misdemeanors.



See Us in Person

Plan to say hello at future events where **State and Federal Communications, Inc.** will be attending and/or speaking regarding compliance issues.

Events

- | | |
|----------------|--|
| October 3 | Akron Roundtable 40th Anniversary Program, Akron, Ohio |
| October 19-21 | Public Affairs Council Fall Board Meeting, Laguna Beach, California |
| October 20 | Akron Roundtable, Akron, Ohio |
| October 27 | PAC Webinar: Pay-to-Play and the Procurement Process, Washington, DC |
| November 10 | Professional Women in Advocacy, Washington, DC |
| November 16-18 | NABPAC Biennial Post-Election Conference, Breakers Palm Beach, Florida |
| November 19-22 | SGAC Leaders' Policy Conference, Dana Point, California |

ASK THE EXPERTS

State and Federal Communications' Experts Answer Your Questions -

Here is your chance to "Ask the Experts" at State and Federal Communications, Inc. Send your questions to experts@stateandfed.com. (Of course, we have always been available to answer questions from clients that are specific to your needs, and we encourage you to continue to call or email us with questions about your particular company or organization. As always, we will confidentially and directly provide answers or information you need.) Our replies are not legal advice, just our analysis of laws, rules, and regulations.

Q

Our company has several employees engaged in a variety of lobbying activities. Many of these employees do not want to register as a lobbyist. They think if they don't have any direct contact with a covered official, they don't need to register. Is that right?

A

Yes, that is correct but there are some important caveats to understand. In order for an individual to meet the statutory definition of "lobbyist," and therefore be required to register, there are two criteria that must be met.

First, their lobbying activities need to constitute at least 20 percent of their time over any three-month period. Lobbying activity includes efforts in support of others' lobbying contacts, including . . . "background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others." Essentially, if the intent of their activities is to support ongoing and future lobbying, then it should be included when determining if the 20 percent threshold has been met.

The second criterion that must be met to mandate registration is that the same individual must also make more than one lobbying communication to any covered official. There is no set time period in which the contacts must be made to qualify – if one contact is made today and the second next year – this threshold is met. Therefore, as an example of how this might work, if you have employees that spend 40, 50, or 60 percent of their time engaged in lobbying activities, but they never make lobbying contacts, they don't satisfy registration requirements and do not need to register. If you have employees that meet both thresholds, regardless of their desire to do so, they are required to register.



Rebecca South, Federal Compliance Associate



Jurisdiction Added to our Website

The number of municipalities and regional governments our research associates track continues to grow. We now cover almost 300 municipalities and local governments. This is part of a continuous effort to better serve the needs of our clients.

In that effort, we have added abridged jurisdictions to our website. These entries, condensed due to the limited number of relevant local laws, provide the core information our clients need for their government relations work.

The new jurisdiction is:
Broward County School District, Florida

Scrapbook

State and Federal Communications, Inc. Celebrates Employee Anniversaries



Each month at our staff meeting, Elizabeth acknowledges the employment anniversaries of the staff.

In September we celebrated the following:

George Ticoras, Research Associate, 6 years;

David Jones, IT Assistant, 1 year;

Joseph May, Manager, Client Analytics, 9 years;

Emone Smith, Administrative Assistant, 3 year; and

Jon Spontarelli, Compliance Assistant, 5 years.

These employees are essential members of the staff. Congratulations to you all.

Akron Urban League 91st Gala



Elizabeth Z. Bartz with her
State Representative Em Sykes at the
Akron Urban League Gala.



Attending the 91st Akron Urban League Gala with great Americans
-- Akron Mayor Dan Horrigan and Summit County Council candi-
date David Hamilton.

State and Federal Communications, Inc. Sponsors the Akron Marathon for IOCC



State and Federal Communications, Inc. is a mile marker sponsor for the Akron Marathon held on Saturday, September 24. The dollars raised for the Akron Marathon go to the Cleveland Clinic - Akron Children's Hospital. This marathon is also the vehicle for local Orthodox Christians to raise money for the IOCC. We proudly sponsor the IOCC in their efforts.

[Pictured is Elizabeth Z. Bartz, President and CEO of State and Federal Communications, Inc., with Rev. Fr. Andrew Lentz, assistant priest from Annunciation Greek Orthodox Church in Akron and chief local representative of the IOCC.

The Akron Rubber Ducks Game was a Great Place for our Grassroots Efforts to Encourage the Community to Vote



Elizabeth Z. Bartz with Emma Lieberth.



Around The Country Scrapbook



During the 2016 Eastern League All-Star Game on July 13, 2016, at Canal Park, home of the Akron Rubber Ducks, Elizabeth Z. Bartz had the pleasure to meet Cleveland Indians great, Carlos Baerga.



Tennessee Secretary of State Tre Hargett stopped by the AM session and our booth during NCSL in Chicago, Illinois.