



Sponsorship for the **2017 Cherry Blossom Princess** for The Ohio Society of Washington, D.C., *as part of National Cherry Blossom Festival*



State and Federal Communications is once again the sponsor of the 2017 Cherry Blossom Princess of The Ohio Society of Washington, D.C. This year, Nmahawa (Mawa) Konate is the Ohio winner of the National Conference of State Societies (NCSS) Cherry Blossom Event and will be feted with the other princesses at a number of festivities, dinners, and a parade in Washington D.C. in early April.

I have the honor of presenting Mawa at the “NCSS Cherry Blossom Premier Event – Celebration of States and Territories,” on April 3. Did you know, since 1948, state and territorial societies, as well as the international embassy community, have selected more than 3,000 accomplished young women for their academic achievement; exceptional poise and appearance; leadership; interest in social, civic, community, and world affairs, with a strong desire to serve others through community service; maturity and responsibility to represent their respective states/territories as “Cherry Blossom Princess.”

The week-long National Cherry Blossom Festival allows the ladies to participate in a number of activities, community service, and cultural exchange events. The week culminates by selecting one Cherry Blossom Queen, who is then invited by the Japan Cherry Blossom Association (JCBA) to visit Japan.

The Cherry Blossom Princess program is a wonderful event, which State and Federal Communications is so proud to sponsor. These young women have outstanding backgrounds and have already achieved much in their early careers. Our support empowers them to fuel their dreams of future leadership positions. We look forward to Mawa representing The Ohio Society of Washington, D.C., at many events this season. Mawa is a 2013 graduate of Independence High School in Columbus and a current student at The Ohio State University. She is majoring in public affairs and is currently interning with the Peace Corps as a fellow in the John Glenn Washington Academic Internship Program.

Prior to moving to Columbus, she spent her childhood in Conakry, the capital and largest city in the West African country of Guinea. She has a passion for public service and working to eliminate poverty, hunger, and illiteracy around the world. In her current position, she is working on the Let Girls Learn initiative, which seeks to create equal opportunities for girls in more than 35 developing countries by helping them overcome traditional barriers to education. She previously interned with Unchained, a Columbus, Ohio non-profit organization helping to raise awareness and combat human trafficking.

While at The Ohio State University, she has served as treasurer and vice president for the African Youth League, was a national delegate on the Social Matters Committee for the Model African Union, and has volunteered with the Columbus Metropolitan Library.

With Mawa's strong background and interest in making a difference in this world, we think she would be an excellent choice for the Cherry Blossom Queen award. We hope she is chosen for this unique honor!

Thank you.
Elizabeth Z. Bartz, President and CEO
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Summary of Changes UPDATE

Note Recent Changes to Compliance Regulations

by Michael Beckett, Esq., Research Manager

Update

FEDERAL: Commissioner Ann M. Ravel has resigned from the Federal Election Commission (FEC). In her February 19 resignation letter to the president, Ravel urged the prioritizing of campaign finance reform, additional disclosure requirements, and a reduction of reliance on the wealthy. Without Ravel, the FEC will have three registered members of the Republican Party and two registered members of the Democratic Party. The FEC requires at least four commissioners to agree for any official action. Ravel's replacement will be selected by President Trump and will need confirmation by the U.S. Senate. While not more than three members of the commission may be registered with the same political party, the president is not obligated to nominate a registered member of the Democratic Party.

MISSOURI: The Ethics Commission recently released a series of advisory opinions related to Constitutional Amendment 2. The amendment, passed by the voters in the November election, amended state campaign finance laws. The new advisory opinions address issues not fully articulated in the constitutional amendment. Opinions confirm: contribution limits do not apply to local candidates; the definitions of continuing and political action committees are substantially the same and are interpreted to be the same; and contribution limits only apply to continuing or political action committees if a contribution to the committee is designated for a specific candidate. Another opinion finds a limited liability company (LLC) to be a corporation for the purpose of the corporate contribution ban if the LLC is an eligible entity electing to be classified as a corporation under the federal tax code. Other opinions relate to the eligibility of foreign corporations contributing to Missouri PACs, the application of the \$25,000 per election aggregate limit to be received by a political party, and the applicability of contribution limits to state legislative campaign committees.

NEW JERSEY: The state Appellate Division recently upheld two state agency decisions related to contractor pay-to-play

violations. Della Pello Paving, Inc. lost two contracts totaling roughly \$7 million and was barred from contracting with the state for the remainder of Gov. Chris Christie's second term because it made a \$500 contribution to the Somerset County Republican Organization. State pay-to-play laws prohibit a contractor from receiving a contract exceeding \$17,500 if it contributed more than \$300 during the previous 18 months to a county political party committee. Della Pello challenged the state agency decisions claiming the contribution was intended for Sheriff Frank Provenzano's campaign and not for the county political committee. The inadvertent contribution needed to be returned within 30 days to avoid a pay-to-play violation. Della Pello did not request and receive reimbursement until more than a year after making the donation; moreover, Provenzano was not running for re-election the year the contribution was made. Following the decision of the appellate court, Della Pello's attorney sought emergency review by the state Supreme Court, but the court refused to hear the case.

NORTH CAROLINA: The North Carolina Supreme Court issued an order blocking Senate Bill 4 from taking effect while the legal challenge to the law is pending. This order halts the merger of the State Board of Elections with the State Ethics Commission. Gov. Roy Cooper is currently challenging Senate Bill 4 on the basis the General Assembly overstepped its state constitutional authority when it adopted the law establishing an eight-member board to oversee elections and consider ethics complaints and issues.

VERMONT: Gov. Phil Scott issued an informal directive to staff and administrative personnel to stay clear of legislators and lobbyists in social situations. The governor is taking aim at the after-hours restaurant and bar scene in Montpelier, where staff, lawmakers, and lobbyists are typically seen comingling. Those in favor of the governor's directive welcome the crackdown, while others believe forbidden fraternization is impossible to avoid given the small-town nature of the state capital. Others are concerned the rule will hurt business owners who rely on these social outings for revenue.

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 2018
Lobbying Laws	236	38	9	5	0
Political Contributions	339	44	5	17	0
Procurement Lobbying	316	43	11	6	0

South Dakota Repeals and Replaces Voter Approved Ethics Measure

You
Should Know

Renae Bpmba, Esq.
Research Associate



South Dakota Gov. Dennis Daugaard signed a raft of campaign finance and lobbying laws to preserve the spirit of Initiated Measure 22 (IM 22) after lawmakers repealed the voter approved measure earlier this session.

IM 22 was a ballot measure approved by voters in the November 2016 election to enact an ethics and campaign finance overhaul. The measure created a publicly funded campaign finance system and lowered contribution limits. The measure also provided new gift limits and revolving door restrictions for former state officials. Lawmakers challenged the constitutionality of IM 22 and won a temporary injunction blocking the law from taking effect. After the 2017 regular legislative session commenced, the Legislature quickly passed House Bill 1069 to repeal IM 22.

After the repeal of the voter approved measure, many pieces of legislation were introduced by lawmakers to

calm citizen criticisms and replace provisions of the now repealed IM 22. Senate Bill 54, Senate Bill 131, and House Bill 1073 were among the introduced IM 22 replacement bills making significant changes to campaign finance and lobbying laws signed into law by Daugaard this session.

Senate Bill 54 allows organizations, such as corporations and labor unions, to contribute directly to candidates and restricts candidates from using campaign funds for personal expenses. Senate Bill 131 prohibits elected officers and officials from lobbying in the two-year period after termination of service in the state government, and House Bill 1073 was approved to set a \$100 annual cap on gifts from lobbyists to elected officials. The new laws become effective July 1, 2017.

[The details for this article have been updated on our website in the Contribution section of the Political Contributions Compliance Laws and the Gift and Important Features sections of the Lobbying Compliance Laws for South Dakota.]



WEBINAR Website Tour

Each month, State and Federal Communications, Inc. conducts a webinar on how to use our website and its many features.

The next scheduled tour dates are:

- Wednesday, May 3, 2 p.m.
- Wednesday, June 7, 2 p.m.

Register to participate in the tour by clicking our orange webinar logo. Any questions, contact marketing@stateandfed.com

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 is a registered lobbyist employer in many states, and we regularly do business with universities. Can my company give gifts to university officials and employees?

A

Gifts to university officials and employees fall under the purview of state ethics laws in a majority of states. Additionally, universities will often have more restrictive gift policies with respect to vendors. It is especially important to understand what your company can and can't do at this level, because university employees (especially professors) are sometimes unaware of potential restrictions. Potential penalties can include loss of contracts with a university and/or state fines. Further, if your company is registered as a lobbyist employer, some gifts will need to be disclosed on appropriate reports.

The first step to determine whether a gift to a university official or employee will be permissible is to determine the scope of a state's gift restrictions. You will need to review the state's definition of "public official" or "public employee" to determine whether an official or employee is covered. Each state treats this differently, and unfortunately, there is no one-size-fits-all approach. In some states, the scope of coverage only includes high level university officials, including presidents, provosts, and board of governors members. In other states, this can broadly include all professors and faculty members.

After determining coverage, the next step is to determine if the proposed gift will be permissible under the state's restrictions. It's important to note that a gift isn't just a physical item such as a plaque or company-branded swag - it can include food and beverages, transportation, conference passes, outings, tickets for entertainment, or even discounts not afforded to members of the general public. Some gifts may be restricted or outright banned. In many states, there are exceptions for benefits associated with attendance or participation in an educational conference or seminar (including the cost of attendance or associated travel), sometimes after meeting specific criteria or with advance approval from a designated ethics officer. Generally speaking, benefits afforded to an entire class of individuals are more often permitted, vs. one-on-one benefits, such as private dinners or personalized gifts.

One final consideration is the permissibility of honoraria, or payments to university personnel, especially for appearances or participation in an event. State university officials and employees may be prohibited from receiving honoraria, including stipends for articles written, or participation in talks or demonstrations related to their duties. However, some states, such as Florida or Georgia, have exceptions for actual and reasonable expenditures related to speaking events. Other states, like Minnesota, have specific exceptions permitting honoraria or expenses paid for papers, talks, demonstrations, or appearances made by employees on their own time for which they are not compensated by the state.

In sum, each proposed gift to a university official or employee will need to be reviewed carefully.

[You can find more information in the Gift Laws sections of the Lobbying Compliance Laws and Procurement Lobbying Compliance Laws online publications. Please feel free to contact us for additional information.]

Myra Cottrill, Esq., Compliance Specialist



Scrapbook

State and Federal Communications, Inc.



Senator Paul Sarbanes with Elizabeth Z. Bartz at the American Hellenic Institute Gala, Washington, DC.



Chad Wilson from Nationwide won the PAC Award at the National PAC Conference, Miami Beach, FL.

Scrapbook

State and Federal Communications, Inc. Celebrates Employee Anniversaries



Megan Huber-Kovachik,
Marketing Communications Associate
celebrating her ninth year.



Amber Fish Linke, Esq.,
Director, Client and Product Operations
celebrating 12 years on staff.



Becky Campbell,
Compliance Assistant
now in her sixth year.

Each month at our staff meeting, Elizabeth acknowledges the employment anniversaries of our staff.
In March we acknowledged three team members.
These employees are exceptional members of the staff. Congratulations to you all.

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

April 7, 2017	2017 PACS, Politics, and Grassroots Conference, Washington, DC
April 11, 2017	WGR Toastmasters, Washington, DC
April 11, 2017	WGR Leadership Program Final Session, Washington, DC
April 13, 2017	Montgomery County Council - African Affairs Advisory Group Meeting, Silver Spring, Maryland
April 21, 2017	You-Too Social Media Conference, Kent, Ohio
April 25 - 26, 2017	Public Affairs Council Spring Executive Meeting, Washington, DC
April 25, 2017	Public Affairs Council Annual Member Dinner, Washington, DC
April 25, 2017	WGR Toastmasters, Washington, DC
April 26 - 27, 2017	Campaign Tech East Conference 2017, Washington, DC
April 26, 2017	Public Affairs Council Board Meeting, Washington, DC



W E B S I T E T I P

Our Lobbying Compliance Laws and Procurement Lobbying Compliance Laws have extensive information addressing the restrictions on giving gifts to public officials and employees. To date, this information has emphasized rules specific to gifts given by lobbyists and those given by non-lobbyists. Frequently, subscribers are interested in rules specific to a third category of donors: lobbyist employers. Depending on the jurisdiction, lobbyist employers may be treated the same as lobbyists, the same as non-lobbyists, or could be subject to additional rules aimed directly at entities employing a lobbyist. To address all of these possibilities, we are adding a question to the Gift Law section in the Lobbying Compliance Laws and Procurement Lobbying Compliance Laws titled "Restrictions specific to lobbyist employers." Subscribers will now be able to easily locate gift rules applicable to lobbyist employers.

