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COMPLIANCE NOW

E-News from State and Federal Communications, Inc.
February 2018

Celebrating 20 Years of Dedication

Small business owners spend a lot of time thinking of ways to make things happen. We are not expert at everything and nothing grows if staff is not added to help move things along.

Twenty years ago, I was in that position.

We were jumping on the new information superhighway and working with a local company to take all the pages from our publications—which was a multiple binder and loose-leaf behemoth—and put them on our website. Guess what...it was not happening as fast as we wanted for our clients.

What to do?

I spoke with Renold Koozer, my brother-in-law, who at the time was a stay-at-home dad raising his four-year-old son in Alexandria, Virginia. He was looking for work to do either at night or weekends and I knew he was savvy with computers. He was interested, and we made things happen fast!



Do you remember Gateway PCs? The computers that arrived in big cow boxes? I sent the computer to Ren, made arrangements with DC-based Triad Communications, a company expert at putting items on the Internet, and he began editing our new website text.

After a few years, I found the need for a full-time website person in our Akron office. He and his little family moved, and he began his career here. Initially, he spent hours dealing with the organization of our website. As the years went on, he took responsibility for all computers, printers, typewriters, fax machines, and anything else with a cord. In an office that constantly updated products, the position of an I.T. Manager was necessary. As time continued he now has a great staff and Ren deals with operational issues at the company and introduces us to programs to help with our work—including our CRM, databases for our consulting work, databases for our online subscribers, coding, and pretty much anything I toss over to him.

I know what I can do...I run a company and the primary marketing person for our consulting services. Everyone has responsibilities to provide quality work for our clients. But, nothing gets done if we don't have lightning-fast internet connection, quality computers that can take a beating, updated software, a network to store our compliance and research work, a CRM to market, and a calm Executive Director who gets things done. We are a team. He is—as Jean-Luc Picard would say—my #1.

Happy 20th Anniversary with State and Federal Communications, Inc., Ren Koozer. Your abilities and skills make it easy for everyone on staff and our clients to do the work.

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

Summary of Changes UPDATE -- Note Recent Changes to Compliance Regulations

by Michael Beckett, Esq., Research Manager

Update

FEDERAL: The Federal Election Commission published its civil monetary penalty amounts adjusted for inflation in the Federal Register. The potential fine for civil violations of federal campaign finance laws now ranges from \$5,817 to \$68,027. The amounts are calculated each December through a statutory formula applying the most recent cost-of-living adjustment multiplier issued by the Office of Management and Budget. The amended civil monetary penalties took effect on the publication date of December 27, 2017.



FORT WAYNE, INDIANA: City Council overrode Mayor Tom Henry's veto of a pay-to-play ordinance. Opponents of the ordinance are concerned about the constitutionality of the new law. The ordinance prohibits contractors who have donated more than \$2,000 a year to an elected official's campaign from bidding on city projects. The restriction includes natural or legal persons with a 7.5 percent or more interest in the bidding entity and extends to a bidder's spouse and any children living in the same household. The ordinance became effective January 1.

NEW HAMPSHIRE: Lobbyists received a letter from the General Court confirming they are covered by the Legislature's sexual harassment policies and procedures and should report any

harassment they experience. According to the letter, the State House is not only a workplace for legislative staff, senators, and representatives, but also for lobbyists and there is a duty to protect all individuals working there. The letter follows a story by New Hampshire Public Radio about routine sexual harassment and casual sexism at the State House. State House staff and lobbyists can report harassment by following procedures established by the Legislative Ethics Committee.

PHOENIX, ARIZONA: The Office of City Clerk has launched an online lobbyist database for 2018 registration and reporting purposes available at <https://lobbyist.phoenix.gov>. The website can also be used to search for lobbying efforts of registered organizations.

SOUTH DAKOTA: Secretary of State Shantel Krebs certified the South Dakota Voter Protection and Anti-Corruption Amendment as Constitutional Amendment W for the November 2018 ballot. If passed, Constitutional Amendment W would create an independent ethics commission, decrease limits on campaign donations, bar gifts from lobbyists to many public officials, and prevent the Legislature from altering or rejecting laws approved by ballot question without returning to the ballot. More than 51 percent of voters supported a similar initiative in November 2016, but lawmakers repealed it in early 2017, citing constitutional concerns.

We are providing a series of three newsletter articles over the coming months presenting a region that is covered in our newest online publication 'I COMPLY European Political Compliance Laws.' This first article features Republic of Ireland.

Political Compliance Laws in Republic of Ireland

George Titoras, Esq.,
Research Associate

The requirement to register as a lobbyist is relatively new in the Republic of Ireland, only coming into effect with the passage of the Regulation of Lobbying Act 2015.

Generally, registration is mandatory if a person is communicating either directly or indirectly with a designated public official about a relevant matter and that person is either a third party being paid to communicate on behalf of a client; an employer of a company with more than 10 employees; an employee communicating on behalf of a certain representative or an advocacy body; or a person communicating about the development or zoning of land. Relevant matters are matters relating to the initiation, development, or modification of any public policy or of any public program; the preparation or amendment of an enactment; or the award of public funds, with certain exceptions.

ALERTS

The new law also mandates periodic reporting of lobbying activities. The type of activities required to be reported include where communications were made on behalf a client; the designated public officials to whom the communications were made; and the subject matter of those communications. The reports, called returns, are due every four months by January 21, May 21, and September 21.

The regulator of lobbying in Ireland is the Standards in Public Office Commission (SIPO), which monitors registration and reporting. Since receiving investigative and enforcement powers in 2017, SIPO has issued more than 500 fixed payment notices (i.e., fines) for reporting violations.

Spokane, Washington Passes Campaign Finance and Pay-to-Play Law

Kelly Parker, Esq.,
Research Associate

You
Should Know

On January 8, 2018, Spokane City Council overrode a mayoral veto of the Spokane Fair Elections Code instituting campaign contribution limits, pay-to-play provisions, and disclosure requirements.

Contributions are limited to 50 percent of the state limits set biennially by the Washington State Public Disclosure Commission. Local election contribution limits under the ordinance are now \$500 per election to mayoral and council candidates and \$1,000 to municipal court judge candidates. The time period for when contributions are permitted is also limited. Candidates may accept a contribution only during an election cycle, defined as the first day of January in the year prior to the general election for the office the candidate is seeking, until 14 days after the date of the general election or until the election results are certified.

The ordinance also adds pay-to-play provisions. Any contractor participating in a contract award period and contractors who have received an aggregate of \$50,000 or more in contracts from the city are prohibited from making contributions. Bidders must affirm and certify they will comply with the ordinance and will notify their principals and subcontractors of these provisions. If a contribution is made violating the rule, the candidate or elected official is subject

to civil penalties. In addition to regulating contributions by city contractors, the ordinance requires collective bargaining units to disclose contributions to elected officials prior to approval of their bargaining unit contracts.

Finally, in seeking to increase transparency in the political process, the ordinance requires disclosure of the top donors to independent expenditure groups. Incidental Committees, which include any nonprofit organization, must file a statement of organization with the city. These statements of organization must be updated to reflect a list of the ten largest aggregate contributions of \$500 or greater received in the current calendar year from a single person. Additionally, any political advertisement must now disclose the top three individual or entity donors of \$500 or greater in their political advertisements, instead of disclosing other political committees or incidental committees. The law is effective February 7, 2018.

[The details for this article have been updated on our website in the British Columbia and Surrey, British Columbia Contributions section of the Political Contribution Compliance Laws.]

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' online Compliance Laws for Government Relations Professionals. They can be found on a jurisdiction's home page.

Summaries of major bills are also included in the monthly Summary of Changes email update 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	251	34	1	1	133
Political Contributions	418	40	0	0	220
Procurement Lobbying	348	37	0	1	173

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

These registrations and reports generate a lot of paperwork. How long do I have to keep all of this and what should I keep?

A

As with all questions regarding state lobbying, the answer depends on the state. The overwhelming majority of states require you to retain your documentation between two and five years. The outliers are the federal government, New Hampshire, and Alaska, which require documents to be retained for six years, and Wyoming, which requires 10. You should count the due date of the report as the start of the retention period. Special care should be taken in states that audit lobbyists and principals, as you may be called upon by the state to substantiate the information you placed in your report at any time during the retention period.

As to the question of what you keep, again, it depends on the state. At a minimum, you should keep the report you filed, as well as any amendments you might file, as well as whatever proof of filing the state provides. Any documentation supporting the information you have entered into the report should also be kept, including personal notes, emails, records of phone calls, and the like. If the state is one requiring reporting of salary information, you will need to have support for the time you are stating you spent lobbying in the state as well as how you determined your hourly salary. If contract lobbyist payments are reported, you will need copies of checks and invoices. If expenditures are reported in the state, you will need receipts for any expenditures listed. In states requiring reporting of non-lobbyist employees, you will want to have support for how you chose whose time you are reporting and how they determined the amount of time and salary they reported.

A good document retention plan will help prevent problems down the road and ensure that you can say "I Comply."

Additional information regarding document retention can be found in the U.S. Lobbying Compliance Laws section of the State & Federal Communications website, under Important Features of the Law.

John Cozine, Esq.,
Compliance Manager



[Click here to read the full article](#)



WEBSITE TIP

As 2018 legislative sessions begin, don't forget to check whether ethics legislation is pending, passed, or dead using the State and Federal Communications website. To access a list of pending bills, choose the state (or the federal government) you are interested in from the pull-down menu and select the U.S. Lobbying Compliance Laws, U.S. Political Contributions Compliance Laws, or U.S. Procurement Lobbying Compliance Laws entry. The "Legislative Updates for 2018" page provides the bill number along with descriptive titles. Clicking on the bill number will bring up a brief summary of the bill and the important parts of the bill's history showing how it has moved through the legislative process. Clicking on the bill number at the top of this screen will bring up the text of the entire bill. Bill status updates are also included in the Summary of Changes sent out each month.

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

February 5 - 8	The Advocacy Conference, Orlando, FL
February 8	Frederick Douglass: Self-Made Man, Washington, DC
February 9	Akron Rubber Ducks Hot Stove Banquet with Roberto Alomar, Akron, OH
February 13	15th Annual Friends of National Service Awards, Washington, DC
February 13	Akron Press Club State of the Schools with David James, Akron, OH
February 15	Akron Press Club--Annual Media Panel Discussion, Akron, OH
February 16	Akron Roundtable, Akron, OH
February 20	United Way Campaign Celebration, Akron, OH
February 22	Political Speech at the Polling Place, Washington, DC
February 23-26	The National Governors Association - Winter Meeting
February 23	WGR Governors Reception, Washington, DC
February 27	The Business Technology Forecast, Akron, OH
February 28	Mayor Horrigan's State of the City Address, Akron, OH

February 2018



Elizabeth Z Bartz, President and CEO of State and Federal Communications, Inc. with a couple former US Presidents - George Washington and Abraham Lincoln.



Wishing all the best to @livlife_ as her internship has ended at @StateandFederal and she has the rest of this semester before graduation from @KentStateJMC .
Rock it, Olivia.