

In the States: Lobbyists Beware—Traps Abound for the Unwary Contributor

March 2011

In most cases, individual contributions to state candidates are a straightforward matter. But the rules are not so simple for registered lobbyists, who must carefully scrutinize additional restrictions before contributing to state candidates and committees. These restrictions range from outright contribution prohibitions to reduced contribution limits and a myriad of reporting requirements. In total, and in varying degree, more than 23 states restrict lobbyists' ability to make campaign contributions. Here are some examples:

Prohibition on Contributions. Some states prohibit registered lobbyists from making contributions to state candidates altogether. In North Carolina, for example, lobbyists may not contribute to a candidate's campaign committee if the candidate is currently a legislator or constitutional officer. Kentucky has taken a slightly different approach; there, no legislative lobbyist may make a campaign contribution to current legislators or to candidates for the legislature. Other states, including California and Alaska, have adopted similar-but narrower-limitations. In California, lobbyists are prohibited from making campaign contributions to a candidate seeking the office of an agency the lobbyist is registered to lobby. In Alaska, a lobbyist may not make a political contribution to a legislative candidate outside of the lobbyist's home district until one year after the lobbyist has terminated lobbying.

Lower Contribution Limits. Even when not prohibited from contributing, lobbyists may be subject to lower contribution limits than other individuals. In Massachusetts, for example, lobbyists are limited to contributing only \$200 per year to candidates. Non-lobbyist individuals are permitted to contribute \$500 during this same time period.

Legislative Session Restrictions. Several states prohibit lobbyists from making campaign contributions while the state legislature is in session. Maine is one example. There, state law prohibits lobbyists from making campaign contributions to the governor, a constitutional officer or a member of the legislature while the legislature is in session. In some instances, this prohibition exists not just during the session, but also during the time period surrounding a legislative session. For example, in Nevada, a lobbyist may not make a contribution to the governor, the governor-elect, the lieutenant governor, the lieutenant governor-elect or a member of the legislature from 30 days before a regular legislative session until 30 days after the regular session. Special sessions often trigger separate restrictive periods.

Reporting. Even if not prohibited, registered lobbyists are often required to report campaign contributions. In Washington, lobbyists must disclose political contributions made by the lobbyist or delivered by the lobbyist on its regular lobbying reports. Maryland requires a lobbyist to file a special report, in addition to its regular report, with the State Ethics Commission if he or she makes a contribution to the governor, lieutenant governor, attorney general, comptroller, member of the general assembly or candidate thereof.

Other Unique Rules. Several states place additional unique restrictions on lobbyists. In Pennsylvania, a lobbyist making a contribution becomes subject to the same registration and reporting rules as a political committee. In Louisiana, a lobbyist may not make a contribution to a legislator resulting from a fundraising function during a regular session of the legislature and may not hold a fundraising function for a legislator unless the legislator notifies the board of ethics 30 days in advance of the function.

Lobbyists must carefully review all of these-and other-types of restrictions before making a political contribution.