

Changes to Arkansas and New York Lobbying and Gift Laws

May 2015

Below is a summary of recent changes to state lobbying and gift rules.

Arkansas

On the heels of a citizens-initiated constitutional amendment to strengthen Arkansas's gift laws, the state legislature has tweaked the new constitutional provisions in several important ways. At last year's general election, Arkansas voters approved Constitutional Amendment 94, which prohibits certain public officials from accepting gifts from lobbyists and lobbyist employers.

In April, state lawmakers made a number of changes to that regime. For example, the class of public officials subject to the state gift restrictions has been expanded to include a range of judges and prosecutors. In addition, the legislative changes have altered and clarified a number of the exceptions to the gift ban. To give just one example, Constitutional Amendment 94 drew an exception for "[f]ood or drink available at a planned activity to which a specific governmental body is invited." The new legislation elaborates what types of "planned activities" are covered by the exception, as well as limiting the number of times a lobbyist or lobbyist employer can claim the exception.

The legislation also empowers the Arkansas Ethics Commission to exercise regulatory and enforcement jurisdiction over the gift provisions. (Constitutional Amendment 94 directed the legislature to pass this sort of authorizing provision.) Given the Commission's new power over these gift provisions, further regulations may appear in the coming months.

Practice Areas

Election Law & Government Ethics

New York

Effective April 13, 2015, New York made a significant change to the state's lobbying law. Until now, contacts with municipal personnel qualified as "lobbying" only if the political subdivision had a population of more than 50,000 people. This meant that communications with small municipalities would not be governed by state lobbying law (though municipalities might enact their own lobbying rules).

With last month's amendments, the population threshold has been cut to 5,000, meaning that a much broader class of local lobbying is regulated under New York state law. Not only do these amendments require more individuals to register and report as lobbyists with state regulators, they also expand the reach of New York's lobbying-specific gift laws by defining more covered donors and donees.