

What's New in State Lobbying Law

January 2021

State lobbying law is a changing landscape that lobbyists and their employers should keep up to date on in order to ensure legal compliance. Some recent changes in state lobbying law include the following:

The **Hawaii** Ethics Commission promulgated a set of administrative rules, effective November 28, 2020, that largely formalizes guidance the Commission previously issued via memoranda and advisory opinions. Of note, clients, lobbyists, and lobbyist employers may now file joint statements of contributions and expenditures to remedy the duplicity of the prior practice of requiring each to file. Additionally, the rules require lobbying expenditures to be reported on an accrual basis, beginning with the first report covering a 2021 reporting period, and provide guidance for making such calculations.

Maine amended its lobbying statutes, effective December 1, 2020, to make several significant changes. The new lobbying laws revise the definition of "grassroots lobbying"; reduce the threshold for reporting grassroots expenditures on Monthly Session Reports from \$15,000 in a calendar month to \$2,000 in a calendar month; and require non-lobbyists to file Grassroots Lobbying Reports when they make or incur expenditures in excess of \$2,000 during a calendar month for purposes of grassroots lobbying. In addition, lobbyists and lobbyist agents must now file Lobbyist Expenditure Reports in certain circumstances.

In **Montana**, the lobbyist registration threshold increased from \$2,600 to \$2,650 effective January 1, 2021.

In light of the COVID-19 pandemic, the **Ohio** legislature passed legislation that moves the expiration date for current lobbyist registrations from December 31, 2020, to June 30, 2021. If an

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employer's lobbyists will not continue to lobby on behalf of the employer in 2021, the employer should ensure that the lobbyists terminate their registrations.

New York State made several changes to its Lobbying Application to reflect new lobbying regulations that became effective January 1, 2021. These changes include new reporting requirements for coalitions, new lobbying agreement forms, and enhanced functionality to report itemized expenses and lobbying activities. Consequently, the Joint Commission on Public Ethics (JCOPE) extended the deadline for any filings due in January 2021 – namely, lobbyist bimonthly reports, client semiannual reports, and registration renewals – to January 29, 2021.

Wiley's *State Lobbying & Gift Law Guide* provides a comprehensive summary of lobbying, gift, and relevant ethics laws in all 50 states plus the District of Columbia. Revised in full annually and updated throughout the year, our Guide provides an invaluable reference for corporate counsel and others in determining whether your organization's contemplated state-level activities are permissible and what registration and reporting requirements might apply, in addition to pertinent gift rules. Unlike many other products on the market, our in-depth Guide includes citations to relevant authority as well as analysis based on advisory opinions and relevant interpretations of law issued on a state-by-state basis. The Guide is available for purchase either as a subscription service by jurisdiction or as a complete set.

For more information on our *State Lobbying & Gift Law Guide*, please contact Carol A. Laham at 202.719.7301 or claham@wiley.law.