

Recent Developments in State Lobbying and Gift Laws

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Kentucky

Last month, U.S. District Judge William Bertelsman struck down several provisions of Kentucky's campaign finance and ethics laws as unconstitutional. Among the most consequential aspects of the decision, the court held that the ban on gifts from legislative lobbyists and lobbyist employers unconstitutionally infringes the First Amendment. The court concluded that the gift ban constitutes a content-based restriction on speech without being narrowly tailored to combat quid pro quo corruption.

The court also held that the state's total ban on campaign contributions from legislative lobbyists was similarly unconstitutional. The court upheld, however, the ban on campaign contributions from lobbyist employers during a legislative session.

The Kentucky Legislative Ethics Commission has voted to appeal the decision to the Sixth Circuit, and the law is currently being enforced pending post-judgment motions and a final order. If the Sixth Circuit upholds the district court decision, it could have far-reaching implications for gift laws in other states.

Hawaii

Hawaii recently made several changes to its lobbying laws. The state clarified its definitions of "lobbying" to exclude certain communications related to grant applications and "expenditure" to exclude some expenses related to intrastate travel. The legislation also added some additional registration thresholds, such as a \$1,000 compensation threshold and a ten-hour lobbying threshold measured

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over a calendar year. Additionally, the law narrowed the reporting requirements that apply to lobbying reports filed after a special session of the legislature.

Oklahoma

A number of changes to the Oklahoma ethics rules recently went into effect. Among the changes are new deadlines for lobbying registration and reporting. The deadline for new and renewed registrations is now January 15, rather than December 31. Deadlines for legislative lobbyist reports for January and July are now the fifteenth of the month. (The deadline for reports submitted in February, March, April, May, and June remains the fifth of the month.) Executive lobbyists now have until the fifteenth of each month to file their quarterly reports.

Oklahoma has also strengthened its lobbyist gift rules. For gifts that involve meals or attendance at an event, it is now required that lobbyists attend the meal or event. For gifts that fit into the exception for "infrequently occurring occasions of personal significance," it is now required that the gift be given and received contemporaneously with the occasion or at times when such gifts are traditionally given. Further, the price limit on such gifts has been reduced to \$100 in the aggregate in a calendar year, and such gifts must be reported to the Ethics Commission. These new gift laws go into effect on January 1, 2018.