

Nationwide Political Law Ballot Measure Roundup

November 2018

The November 6 election saw voters in several states adopt statewide ballot measures related to ethics, campaign finance, and lobbying. A few cities also adopted measures, including Portland, OR (campaign contribution limits); Phoenix (increased disclosure for persons making expenditures in connection with city elections); and New York City (decreased contribution limits, increased public matching funds). Below is a summary of the most notable changes at the state level.

Missouri – Broad Ranging Changes

Missouri voters passed Amendment 1, which enacts changes to the state's redistricting process, post-employment lobbying restrictions, campaign finance law, and gift rules. Most notably, the measure prohibits members and staff of the General Assembly from accepting any gift exceeding \$5 in value from a lobbyist or lobbyist principal. This is a dramatic shift from existing law, under which lobbyists face few restrictions on providing gifts to Legislative branch personnel.

Separately, Amendment 1 lowers the state's existing contribution limits to \$2,000 per election to a state representative candidate, and \$2,500 per election to a state senate candidate. It also prohibits candidates from accepting contributions from a federal political action committee (PAC) unless the committee has filed the same reports required for a Missouri political action committee. It is not yet clear whether this prohibition will affect regulations, adopted by the Missouri Ethics Commission earlier this year, setting forth the requirements for federal PACs making contributions in Missouri.

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Amendment 1 will become effective on Dec. 6, 2018, according to the Missouri Secretary of State's office.

North Dakota – Affects Gift Rules

Constitutional Measure 1 passed in North Dakota, adding a new article to the state constitution to establish the North Dakota ethics commission. The measure also contains a new prohibition on gifts from lobbyists to public officials, directing the new ethics commission to adopt gift rules within two years. The measure's general effective date is in January 2019, but the lobbyist gift ban will not take effect until two years thereafter, to allow for the adoption of the commission's gift rules.

South Dakota – Affects Contributions

In South Dakota, voters approved Initiated Measure 24, which prohibits out-of-state persons, political committees, and organizations from making contributions to statewide ballot question committees. Prior to the measure's passage, state Attorney General Marty Jackley issued a formal statement warning that the measure was likely to be challenged as unconstitutional if enacted.

A comprehensive campaign finance reform measure, Amendment W, also appeared on the South Dakota ballot, but voters rejected it by a margin of 54.9% to 45.1%.