

# Recent Development in State Lobbying and Ethics Law

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July 14, 2021

**Colorado.** The Colorado Secretary of State recently adopted permanent rules regulating lobbying of its independent redistricting and reapportionment commissions. The new permanent rules replace a set of temporary rules that were adopted earlier this year. Effective immediately, any person who is contracted or compensated to communicate with a redistricting commission member, staff, or contractors for the purpose of influencing or aiding the commission will be required to register as a redistricting commission lobbyist. Notably, those currently registered as professional lobbyists must separately register and file disclosures as redistricting commission lobbyists within 72 hours of agreeing to lobby a redistricting commission.

**Illinois.** The Illinois General Assembly recently passed a major omnibus ethics reform bill. Senate Bill 539 was sent to Governor Pritzker on June 30 and is currently awaiting approval. If approved, the bill would extend the state's lobbyist registration requirements to the municipal, county, and township levels. Lobbyist registration would be required for persons lobbying certain local government officials, such as mayors, aldermen, commissioners, county and township board members, and countywide and township elected officials. All local lobbying ordinances would be preempted by the state law, except Chicago, which has its own comprehensive lobbying ordinance and is exempted from the new requirements.

The bill would also expand what is considered lobbying and who is required to register. Soliciting others to communicate with officials, known as grassroots lobbying, would be regulated along with direct communication with officials. The list of state officials for whom lobbying would trigger registration would be expanded to include

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## Practice Areas

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deputy officials for statewide offices. Further, consultants hired by lobbyists or lobbying entities to communicate with officials to influence official action or to make expenditures on behalf of officials would be required to register as lobbyists before any consulting services are performed.

Other notable features of the bill include a new revolving door policy prohibiting members of the General Assembly and executive officers from lobbying for six months after leaving office, an expanded prohibition on those who participated in the fiscal administration of contracts from accepting employment with persons or entities awarded contracts over \$25,000 for one year after termination of state employment, and a ban on fundraisers being held anywhere in the state for members of the General Assembly and executive officers during the legislative session.

**Maine.** New legislation in Maine will prohibit business entities and PACs from directly contributing to candidates or leadership PACs. However, business entities may contribute to candidates via the entity's separate segregated fund PAC. A business entity's PAC must establish a separate "campaign account" in which to deposit all funds contributed or received for the purpose of influencing a campaign. The campaign account must be segregated from the general treasury funds of the business entity.

Maine also passed legislation that will require independent expenditure video communications posted to the internet to contain a disclaimer displaying the top three funders of the communication's sponsor.