



Political Law Alert

Contacts

Ki P. Hong
Partner
202.371.7017
ki.hong@skadden.com

Kenneth A. Gross
Partner
202.371.7007
kenneth.gross@skadden.com

This memorandum is provided by Skadden, Arps, Slate, Meagher & Flom LLP and its affiliates for educational and informational purposes only and is not intended and should not be construed as legal advice. This memorandum is considered advertising under applicable state laws.

Four Times Square
New York, NY 10036
212.735.3000

1440 New York Avenue, N.W.
Washington, D.C. 20005
202.371.7000

Recent Political Law Developments in Missouri and Maine

This mailing summarizes Missouri’s new requirements for certain federal PACs and Maine’s new requirement that lobbyists attend in-person anti-harassment training.

Missouri Campaign Finance

The Missouri Ethics Commission (Commission) recently promulgated emergency rules that, among other things, require federal PACs participating in Missouri elections to register, report and comply with requirements similar to those applicable to state PACs. Historically, the Commission has not required federal PACs to register in the state or comply with such requirements.

Effective August 8, 2018, a federal PAC must register in Missouri if:

1. it contributes and spends more than \$1,500 in total to support or oppose candidates or ballot measures in the state in a calendar year; or
2. more than 20 percent of its total receipts in the prior 12 months were received from persons domiciled in Missouri.

The PAC must register at least 60 days before the election to which it contributes.

Registering as a state PAC in Missouri subjects a federal PAC to a number of burdensome requirements. The PAC must have Missouri residents as treasurer and deputy treasurer (if it has a deputy treasurer). It must also have an in-state bank account as its sole depository. We have been informally advised by the Commission that all federal PAC operations must be run out of that in-state account.

Many federal PACs will not be able to satisfy the above requirements. However, one may establish a separate state PAC and fund it with transfers from the federal PAC. Indeed, the federal PAC may make unlimited transfers to such state PAC without the federal PAC triggering registration in the state. Nonetheless, a federal PAC that contributes to a Missouri state PAC must file an initial report with the Commission at least 14 days before making a contribution to the state PAC, and thereafter must file reports on out-of-state committee forms. The federal PAC may not make such transfers to a state

Political Law Alert

PAC within the 29-day period before an election. Please note that Missouri state law also prohibits the state PAC from making contributions to other state PACs. However, this ban has been enjoined by the courts and is pending appeal in the 8th Circuit.

Maine Lobbying

On July 4, 2018, the Maine Legislature enacted S.P. 695 – L.D. 1842. The law requires lobbyists to attend and complete a course of in-person training regarding harassment, including sexual harassment, at the beginning of each regular session of the Legislature. Lobbyists must certify that they have completed the training at the time of registration and must retain proof of completion for two years following the training. The Commis-

sion on Governmental Ethics and Election Practices may provide a limited extension to lobbyists who cannot complete the training prior to registration due to circumstances beyond their control and may exempt lobbyists with a very limited physical presence in the State House and the Burton M. Cross Building. However, the law does not describe how to obtain such an extension or exemption.

It is worth noting that a person need only register as a Maine lobbyist if he or she attempts to influence legislative and executive officials regarding legislative action. No registration, and thus no training, is required for attempts to influence regulatory or procurement matters.

Additional Contacts in the Political Law Group

Melissa L. Miles

Counsel
202.371.7836
melissa.miles@skadden.com

Charles M. Ricciardelli

Counsel
202.371.7573
charles.ricciardelli@skadden.com

Jeremy F. Regan

Associate
202.371.7073
jeremy.regan@skadden.com

Matthew Bobys

Counsel
202.371.7739
matthew.bobys@skadden.com

Tyler Rosen

Associate
202.371.7035
tyler.rosen@skadden.com

Samuel Levor

Associate
202.371.7921
samuel.levor@skadden.com

Shayla K. Parker

Associate
202.371.7534
shayla.parker@skadden.com

Kelvin Reese

Head Political Reports Analyst
202.371.7498
kelvin.reese@skadden.com