

Political Law Compliance Counseling

Federal & State Campaign Finance

Recognized by *Chambers USA* as the “leading election law practice,” Wiley has “formidable experience in campaign finance and ethics laws.” Our attorneys routinely advise on the application of federal and state campaign finance requirements to our clients’ political activities. We also keep clients informed of the latest policy and regulatory developments that may impact their participation in the political process.

Federal Campaign Finance Compliance Counseling. At the federal level, we help corporations and trade associations understand the complex laws governing political action committees (PACs), workplace political activity, independent expenditures, electioneering communications, and other forms of independent political advocacy. Our firm also has extensive familiarity with the campaign finance law’s more nuanced provisions, including those affecting foreign nationals and their U.S. subsidiaries, government contractors, financial institutions, media outlets, and Internet websites and related technologies.

We also counsel numerous federal candidates, political parties, super PACs, politically active 501(c) organizations, and individual donors on federal campaign finance and related tax compliance issues. Our attorneys and reporting specialists review many of our clients’ campaign finance disclosure reports before they are filed with the Federal Election Commission (FEC). Our team also reviews large volumes of political advertising every election cycle to ensure compliance with applicable campaign finance, copyright, and defamation laws and requirements. And we regularly represent clients before the FEC in enforcement actions, audits, and other matters.

State & Local Campaign Finance Compliance Counseling. Clients rely on our attorneys’ extensive knowledge of state and local campaign finance laws to assist them in navigating these ever-changing rules. We regularly advise corporations, as well as trade associations and other nonprofits, on:

- State and local contribution limits and prohibitions, including the application of pay-to-play laws;
- The disclosure and reporting requirements triggered by participating in state and local elections;
- The ability of federal PACs to make state and local contributions; and
- The compliance issues associated with establishing state and local PACs.

Each of the 50 states (and the District of Columbia) has a unique set of campaign finance laws that we catalogue in broad-ranging surveys and in a database containing more targeted insights. We offer guidance around the nation on complying with these challenging requirements.

Federal & State Lobbying

Wiley regularly advises clients on compliance with federal, state, and local lobbying laws. These capabilities have been highlighted in *Chambers USA*, which recognized that our Election Law & Government Ethics Practice “[o]ffers expertise across a range of areas, including state and federal lobbying regulations.”

Federal Lobbying Compliance Counseling. We routinely advise corporations, trade associations, nonprofit organizations, and lobbying firms regarding compliance with the Lobbying Disclosure Act (LDA) and the Honest Leadership and Open Government Act of 2007 (HLOGA). We regularly lead compliance training sessions for our clients and also perform compliance audits to ensure our clients are satisfying the requirements of the LDA and HLOGA. Our attorneys and reporting specialists assist clients with preparing and filing federal lobbying registrations, as well as quarterly and semi-annual reports. In addition to assisting clients in complying with the registration, reporting, and recordkeeping obligations of the LDA and HLOGA, we represent clients during U.S. Government Accountability Office (GAO) audits and enforcement proceedings brought by the U.S. Department of Justice (DOJ). Our attorneys and reporting specialists have particular experience regarding the LD-1, LD-2, and LD-203 lobbying reporting forms required by the LDA and HLOGA.

State & Local Lobbying Compliance Counseling. Lobbying regimes at the state and local levels present a wide variety of challenges, and our attorneys offer unparalleled knowledge and insight into the state lobbying laws and their interpretations by state regulators. We regularly advise corporations, trade associations, nonprofit organizations, and lobbying firms on whether particular activities are regulated as “legislative lobbying,” “Executive branch lobbying,” “procurement lobbying,” or “grassroots lobbying,” as well as whether and when lobbying registration or reporting is required. As a full-service practice, our attorneys and reporting specialists regularly assist clients with preparing and filing state and local lobbying registrations and reports in jurisdictions across the country. We identify the information each state requires in order to properly register and report, as well as the recordkeeping requirements for each state. In addition, our annual *State Lobbying & Gift Law Guide* provides a comprehensive overview of the lobbying and gift laws in all 50 states plus the District of Columbia. Wiley also represents clients before state and local agencies and boards that enforce lobbying laws.

Federal & State Ethics

Wiley advises clients on compliance with all federal, state, and local ethics laws.

Our Practice offers a variety of services to help corporations, trade associations, lobbyists and lobbying firms, government officials, candidates, and private individuals navigate the complex array of federal ethics laws, including the Honest Leadership and Open Government Act of 2007 (HLOGA) and congressional and Executive branch ethics rules. Notably, our Practice includes Robert L. Walker, former Chief Counsel and Staff

Director of both the Senate and House ethics committees, who has extensive experience in this area. We provide guidance on congressional and other government gift rules, personal financial disclosure reporting requirements, conflict of interest and post-employment restrictions, and other issues implicated by federal ethics laws. We also represent Members of Congress, congressional employees, and Executive branch political appointees in seeking advice from the congressional ethics committees and the Office of Government Ethics. In addition, we represent clients in sensitive investigations by the Senate Select Committee on Ethics, the House Committee on Ethics, and the Office of Congressional Ethics.

Wiley also advises clients on state- and local-level ethics issues. Every state, the District of Columbia, and many municipalities have their own, often overlapping, ethics laws governing interactions with government officials. Our guidance covers all aspects of state and local ethics from gift, travel, and honoraria rules to conflicts of interest and post-employment restrictions, as well as other rules unique to each state or municipality. Our annual *State Lobbying & Gift Law Guide* provides a comprehensive overview of the lobbying, gift, and ethics laws in all 50 states plus the District of Columbia. Wiley's expertise in this area is national in scope, and we are available to provide prompt advice on these issues in any state or local jurisdiction.

Federal & State Pay-to-Play

"Pay-to-play" laws regulate political contributions made by persons seeking or holding government contracts. In many cases, these laws also cover contributions made by individuals and entities who are affiliated with government contractors, such as officers, directors, salespersons, and family members. The number of jurisdictions and public entities that have adopted "pay-to-play" laws or policies is ever-growing. Wiley advises clients regarding compliance with these complex pay-to-play laws at the federal, state, local, and agency levels. Failure to comply with these laws can result in violations that are potentially severe and may result in the loss of valuable business with public entities.

At the federal level, we routinely counsel companies in the financial services industry, trade associations, and their political action committees (PACs) regarding Municipal Securities Rulemaking Board (MSRB) Rules G-37 and G-38, Securities and Exchange Commission (SEC) Rules 206(4)-5 and 15Fh-6, Financial Industry Regulatory Authority (FINRA) Rules 2030 and 4580, and Commodity Futures Trading Commission (CFTC) Rule 23.451.

We also assist financial services and other companies and organizations in complying with the pay-to-play laws that have proliferated at the state and local levels. These laws, which impact all types of government contractors, often reach beyond corporate and PAC contributions and apply to contributions by directors, officers, and sales employees, and even their spouses. Many companies that may not think of themselves as government contractors, but that do business of even a relatively modest amount with public entities, may be subject to pay-to-play laws without realizing it. Compliance requirements include pre-contract certifications and contribution reports – as well as periodic contribution reports, such as in New Jersey and Maryland.

We have helped numerous clients develop and implement pay-to-play compliance programs, which often involve political contribution pre-clearance processes. Our semiannual *State and Municipal Pay-to-Play Survey* provides a comprehensive overview of the pay-to-play laws in states and major municipalities, as well as the

pay-to-play policies that many public entities and retirement funds have adopted.

Contact Us



Michael E. Toner

202.719.7545 | mtoner@wiley.law