

# ETHICS REPORTER

## December 2024



Kentucky Legislative Ethics Commission  
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### [New Email Application Being Used](#)

As you may have noticed, we are now using the Constant Contact application to send out our newsletter and reminder emails. When sending out bulk emails, it is a safer option to use an application for this purpose for us and for you as recipients of these emails. We hope you like this new application and please let us know if you have any issues or questions.

### [Legislative Fundraising Reminder](#)

The Code of Legislative Ethics impacts legislative campaign fundraising, and includes several provisions that apply specifically during a **regular session of the General Assembly**. Here's a summary of key ethics law provisions as they apply to legislators, legislative candidates, lobbyists, and employers of lobbyists.

Lobbyists and employers, as well as legislators and legislative candidates, need to pay particular attention to the Ethics Code requirements regarding campaign contributions.

Members of the General Assembly, and candidates for the General Assembly, are **prohibited from accepting a campaign contribution from a registered lobbyist at any time**. Lobbyists are prohibited from making a campaign contribution to a sitting member of the General Assembly, a candidate for General Assembly, or their campaign committee, may not serve as a campaign treasurer, and may not directly solicit, control, or deliver a campaign contribution for a legislative candidate or legislator.

Legislators and legislative candidates are prohibited from accepting a campaign contribution from an employer of a lobbyist or from a PAC during a regular session of the General Assembly. During a regular session, an employer of a lobbyist shall not make a campaign contribution to a legislator, candidate, campaign committee for a legislator or candidate, or caucus campaign committee. The prohibition applies during the entire session, including the time period between Part I and Part II of the regular session.

The Commission has viewed caucus campaign committees as groups of legislators, so any ethics restrictions on an individual legislator's ability to solicit and receive campaign contributions also applies to caucus campaign committees.

The in-session prohibitions do not apply to legislative candidates for a special election held during the regular session, or to sitting legislators who are candidates for statewide office.

Although prohibited from making a campaign contribution to a legislator or legislative candidate, a lobbyist is permitted to express political views in many other ways, including speaking in favor of a legislator or candidate, displaying yard signs, or volunteering for a campaign in a capacity ***that does not involve providing services for which the lobbyist would ordinarily be paid***, or fundraising for state or local candidates who are not sitting legislators or legislative candidates.

While legislators are prohibited from soliciting contributions from a lobbyist, a lobbyist is free to contribute to a political party so long as the contribution is to the party generally and is not earmarked for a particular legislative campaign or legislator. A lobbyist may attend campaign and party fundraisers, so long as the lobbyist does not contribute to a legislator or legislative candidate, and does not purchase a ticket that is actually a campaign contribution to a legislator or legislative candidate.

***Additionally, legislative lobbyists or employers who state or imply that campaign contributions given to legislators are in return for legislative action, that contributions are in direct consideration of legislation, or who speak with legislators about offering campaign or political support during meetings about legislation, particularly in the legislative offices, not only run afoul of the Legislative Ethics Laws, but may also violate campaign finance and federal corruption laws. These actions may create the impression that a quid pro quo type arrangement is being sought. If you have any question about whether a particular activity may violate the Ethics Code, please contact Commission staff prior to taking such action.***

### **[Lobbying Report Deadlines](#)**

This is not a re-registration year. If you are currently registered, your registration ends December 31, 2025. We've had several questions about this issue and wanted to clarify that re-registration will be in December, 2025 for the January, 2026 regular session.

**Wednesday, January 15, 2025** is the next reporting deadline for lobbying entities, and all lobbyists and employers are required to file Updated Registration Statements by that date, for the period of **September 1** through **December 31, 2024**. This reporting period will be open for filing these reports on January 1, 2025.

The easiest and quickest way for lobbyists and employers to file is to visit the Commission's website <https://apps.klec.ky.gov/lec/onlinefiling.aspx> and file online.

### **[Newly-Registered and Terminated Lobbying Employers](#)**

The following businesses and organizations recently registered to lobby in Kentucky: **Earnin, Flock Safety, Gold Leaf Management, LLC, Major League Baseball and Parents for School Options.**

There are no recently terminated employers in Kentucky.

## ***“Save The Date” - Training For Legislators!***

The Ethics Code requires every legislator to have 2 hours of current issues training per year. The annual current issues training will be held on **January 8, 2025 from 9-11 a.m.** for all legislators.

Legislators should be sure to put this required training on their schedules, and bring any questions that they have about the Ethics Code.

## ***Ethics & Lobbying News from around the U.S.***

### **N.Y. ethics commission faces new constitutional challenge**

By Brendan J. Lyons - **TIMES UNION** - Nov 29, 2024

ALBANY — Two lobbying firms have joined David Grandeau in a lawsuit filed against the state Commission on Ethics and Lobbying in Government challenging new regulations that prohibit lobbyists from hiring a third-party designee to prepare and submit their mandatory disclosure statements.

Grandeau, who served as the executive director of a prior state ethics commission from 1995 through 2007, has a Niskayuna firm that prepares and files lobbying disclosure forms for more than 60 firms.

The lawsuit was filed recently in state Supreme Court in Albany and notes that the commission requires lobbyists to submit forms indicating a client has authorized them to represent their interests before government officials. But the new regulations, set to take effect next week but already posted on the commission's website, prohibit lobbyists from authorizing a representative to file their disclosure reports.

Grandeau's lawsuit alleges the regulations would interfere with lobbying firms' right to do their work and increase their exposure to civil fines and penalties.

The new rules indicate the filer must be an employee or member of the lobbying organization, and lists numerous examples of positions that would meet that standard, including a chief executive officer, president, vice president, associate director, or general counsel.

But the lawsuit asserts the ethics commission, which was created in 2022 to replace the beleaguered Joint Commission on Public Ethics, had no authority to issue the new regulations, in part, because courts have ruled the Executive Act that empowered the commission to amend its regulations has been held to be unconstitutional.

That allegation is based on a decision issued two years ago by state Supreme Court Justice Thomas Marcelle, who had ruled in favor of former Gov. Andrew M. Cuomo in finding the new ethics commission was formed and assigned enforcement powers in violation of the state constitution. Marcelle's ruling, which was unanimously upheld 5-0 by a state appellate court, noted

the commission was not formed through a constitutional amendment that would have required a vote “of the people.”

Marcelle also highlighted in his ruling that the 11 ethics commissioners are effectively selected by an independent panel of law school deans who have sworn no oath to public office and pick the nominees through a secretive process. The deans from accredited New York law schools review three nominees selected by the governor, two each by the Senate majority leader and speaker of the Assembly, and one each from the attorney general, state comptroller and the Senate and Assembly minority leaders.

Cuomo’s attorneys had argued that since most of the appointees to the new commission were nominated by the Legislature, comptroller, and attorney general, it violated the separation of powers doctrine and is not truly an executive branch commission.

The state has filed an appeal of the appellate division's decision with the Court of Appeals, New York's highest court, in a case that's expected to be adjudicated next year. Oral arguments in the case are scheduled for Jan. 7.

Officials with the ethics commission have noted that a stay remains in effect that has enabled them to continue doing their work.

But the court cases challenging the constitutionality of the commission are piling up. In addition to the cases filed by Grandeau and Cuomo, former state Sen. Jeffrey D. Klein filed a similar legal challenge in May.

Klein has been the subject of a long-running investigation by the state ethics commission into allegations he forcibly kissed a female staff member nine years ago. His case, which cited the rulings in Cuomo's case, also seeks a court order declaring that the panel lacks the constitutional authority to prosecute him.

Klein's case has been stayed pending the outcome of Cuomo's case before the Court of Appeals. Cuomo has fought the ethics commission’s efforts to investigate a \$5 million deal that he received for writing a book about his administration’s handling of the pandemic. The ethics investigation has centered on allegations that Cuomo improperly used on-duty government staffers to help him research and write the book — accusations he denies.

Klein led the Independent Democratic Conference, a group of Democratic senators who aligned with the minority Republican conference, from 2011 to 2018, when he was voted out of office.

Klein in late 2020 began his legal bid to scuttle an investigation by the former state Joint Commission on Public Ethics — which was later disbanded — and tried unsuccessfully to have a judge seal the records of his attempt to stop that now-defunct commission from conducting a hearing on the matter.

The allegations of Klein’s accuser, Erica Vladimer, were made public more than six years ago. Klein, at that point still the influential leader of the Senate’s Independent Democratic Caucus,

immediately wrote a letter to the ethics commission in January 2018 urging the panel to conduct an “independent investigation” of Vladimer’s allegations. The former lawmaker released a copy of that letter as he held a news conference proclaiming his innocence.

Vladimer previously issued a statement saying it is “truly astonishing to witness the sheer amount of energy and resources Klein is investing in evading an investigation that he himself requested. It’s a clear case of leveraging Cuomo’s situation for personal gain, a move that should not go unnoticed.”

Vladimer never filed a formal complaint against Klein, and quit her IDC job a month after the alleged encounter. She went on to co-found the Sexual Harassment Working Group, an organization comprised of former legislative aides who say their complaints of sexual harassment on the job were mishandled.

## **Legislative policy watchdog challenges Georgia conservative nonprofit over lobbyist filing dispute**

By Ross Williams – **GEORGIA RECORDER** - November 25, 2024

Cole Muzio is a common fixture at the Georgia Capitol, where he supports conservative Christian causes, but the SPLC says he needs to register as a lobbyist before he tries to influence lawmakers.

The Frontline Policy Council is a conservative Christian nonprofit that holds a lot of sway around the Georgia Capitol.

In 2024, Frontline representatives testified in state committees around 60 times, supporting legislation on issues like school vouchers, limiting transgender participation in girls’ sports and banning controversial school library materials.

But Frontline’s president and founder Cole Muzio and general counsel Chelsea Thompson have come under fire for allegedly lobbying Georgia elected officials without properly registering with the state, according to a complaint filed by the Southern Poverty Law Center last week. The Center’s complaint to the state ethics commission alleges that Muzio has not registered as a lobbyist since 2022 and Thompson has never registered. Another Frontline employee, Taylor Hawkins, has registered to lobby on Frontline’s behalf.

The complaint cites photographs, social media posts and promotional material describing Muzio and Thompson’s efforts to influence legislation, including a section on the organization’s website that describes Muzio as having registered as a lobbyist. The SPLC designates Frontline as an anti-LGBTQ hate group.

Frontline Policy Council is a 501(c)(3) nonprofit. According to the IRS, a 501(c)(3) may lose its tax-exempt status if it engages in too much lobbying activity. Under the same Frontline umbrella is Frontline Policy Action, a 501(c)4 that is freer to lobby.

R.G. Cravens, a researcher with the SPLC, said all citizens have the right to testify at public hearings and express their demands to lawmakers, but Frontline enjoys access that regular folks do not.

Thompson was seen in the Capitol as recently as Thursday, speaking with GOP senators after a Senate committee hearing on transgender sports participation.

“The level of access is completely different for somebody like a Frontline and for the mom of a trans kid, the level of access to lawmakers is way different,” Cravens said. “The level of influence, I think, is probably different too for groups that have the money and capacity to do it.”

The Frontline Policy Council spent nearly \$526,000 in the state fiscal year ending in June 2023, according to tax filings.