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April 16, 2024

Michigan House Ethics & Oversight Committee
The Hon. Erin Byrnes, Chair
Anderson House Office Building
124 North Capitol
Lansing, MI 48933

Dear Members of the Committee:

On behalf of our 19,954 members and activists residing in Michigan, Public Citizen submits this testimony in strong support of the seven transparency and governmental ethics bills that make up the BRITE Act.

Each of these bills separately clarifies and strengthens limits on gifts to lawmakers, transparency of gifts of travel and entertainment, campaign enforcement, and reins in revolving door abuses. When put together as the BRITE Act, these bills provide a giant leap forward in governmental ethics, transparency and accountability for lobbyists, electioneering groups and lawmakers alike.

Below are the updated bill numbers, links and brief descriptions of the bills that comprise the BRITE At:

- HB 5584 (Rep Hill) Strengthen Gift Limits
- HB 5581 (Rep Wilson) Establish Legislative Staff as Lobbyable
- HB 5586 (Rep Hope) End Revolving Door
- HB 5585 (Rep Coffia) Travel & Ticket Disclosure
- HB 5580 (Rep Brixie) 501c4 & 527 Registration
- HB 5582 (Rep Morgan) 501c4 & 527 Definitions
- HB 5583 (Rep Byrnes) Real-Time Campaign Enforcement

Though these measures propose a comprehensive improvement in ethics and transparency of government, these measures are not unduly overbearing for those who participate in governmental operations. These are tried and true ethics and transparency measures implemented in the federal government and states across the nation.

The measure on gift limits extends the same limits currently in place for executive branch personnel to legislators and legislative staff. Another measure extends the lobbying disclosure requirements to those lobbying legislative staff. The revolving door restriction follows the widely-accepted pattern of a one-year cooling off period for former public officials and lawmakers to receive compensation for, or make expenditures for, lobbying the state government. (*See*, the attached "Slowing the Federal Revolving Door" for a state-by-state

description of revolving door policies.) And the other components of the BRITE Act extend disclosure requirements and enforcement of violations of the campaign financing laws.

Altogether, the BRITE Act provides an impressive foundation for transparency and accountability in Michigan state government.

Public Citizen strongly encourages the House Ethics & Oversight Committee to move this legislation forward.

Sincerely,

Craig Holman, Ph.D.
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Attachment

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Slowing the Federal Revolving Door

Reforms to Stop Lobbying Activity by Former Public Officials and States that Lead the Way

By Craig Holman, Ph.D., and Caralyn Esser, Public Citizen

Public officials are charged with creating policies or fulfilling duties that serve the public interest of the American people. Increasingly, however, these public officials are leaving government service to work for private interests, as well as their own, as lobbyists or strategic consultants on behalf of lobbying campaigns for special interests. This is known as the "revolving door" in which government officials swing back and forth between public service and lucrative private-sector employment. The revolving door muddies the mandate of public officials, overlapping it with special and personal interests.

The states offer some valuable lessons on how best to rein in revolving door abuses. To date, federal efforts to restrict the revolving door have been extensive but ineffective. As laboratories of democracy, the experiences of the states can teach the federal government the failures and successes of enforcing and creating stronger public protections.

While the revolving door swings both ways between government and special interests in the private sector – and it is critically important to address the issue of the "reverse revolving door" of lobbyists and special interests moving *into* government – the focus of this research is the **Government-to-Lobbyist Revolving Door**: This is the movement of former lawmakers and executive-branch officials to jobs as well-paid advocates, often on behalf of the same special interests that previously had business pending before them, and who are able to use inside connections from their former place of employment to advance the interests of their clients.

The government-to-lobbyist revolving door threatens the integrity of government in at least three ways:

- Public officials may be influenced in official actions by the implicit or explicit promise of a lucrative job in the private sector with an entity seeking a government contract or to shape public policy.
- Public officials-turned-lobbyists will have access to lawmakers that is not available to others, access that can be sold to the highest bidder among industries seeking to lobby.
- The special access and inside connections to sitting government officials by former officials-turned-lobbyists comes at a hefty price tag, providing wealthy special interests that can afford hiring such revolvers with a powerful means to influence government unavailable to the rest of the public.

As business interests have become more intertwined with government regulations and other official actions, the revolving door has become a bigger problem and so pervasive that it seriously threatens the integrity of the legislative process. One academic study of members of Congress between 1976 and 2012 found a dramatic growth in the revolving door over just the last few decades. Relatively few members became lobbyists in the 1970s (fewer than 10 percent for both the House and Senate). The trend accelerated dramatically in the 1990s and 2000s, with 50 percent of former House members and 60 percent of former Senators becoming registered lobbyists in 2012.[1] A more recent study by Public Citizen found that in 2019 nearly two-thirds of former members of Congress have moved into jobs working for lobby firms, consulting firms, trade groups or business groups that seek to influence federal governmental policies.[2]

There are a few incentives that have caused this drastic increase, all of which are connected to money. Special interest groups are willing to make the investment in well-connected lobbyists because the regulatory and legislative stakes are so high.

A. Efforts to Rein In the Revolving Door

The federal government and all but seven states have some form of restrictions on the revolving door between government service and employment in the private sector designed to protect public policymaking from undue influence. Generally these restrictions involve: (i) a "cooling off" period in which former officials are prohibited from influencing governmental policies for a period of time after leaving public service; (ii) a specification of the types of influence-peddling activities that are prohibited during that cooling-off period; and (iii) a designation of which offices are covered by the revolving door restrictions and which offices are off-limits for lobbying by the former officials.

But most of these restrictions at the federal level are sorely inadequate.

1. The Cooling-off Period

One of the problems is that the "cooling-off" period for some former officials is far too short. "Cooling-off" periods are set lengths of time during which former public officials and are prohibited from lobbying their former colleagues after leaving office. At the federal level, there is a one-year ban for members of the House, their senior level staff and senior senate staff, and a two-year ban for Senators. Members of Congress are prohibited from making lobbying contacts in both chambers of Congress, though they may lobby the executive branch and state governments. In the executive branch, there is a two-year cooling-off period for those of a "very senior" level (including the Vice President, cabinet officials and their top deputies) from lobbying the executive branch, and a one-year cooling-off period for "senior" officials from lobbying their former agencies.[3]

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[1] Jeffrey Lazarus, Amy McKay, and Lindsey Herbel, "Who walks through the revolving door? Examining the lobbying activity of former members of Congress, *Interest Groups and Advocacy* 5, no. 1 (January 2016): 8-9.

[2] Alan Zibel, "Revolving Congress: The revolving door class of 2019 flocks to K Street" (May 30, 2019), available at: https://www.citizen.org/article/revolving-congress/

[3] Jack Maskell, "Post-employment, 'Revolving Door,' laws for federal personnel," Congressional Research Service (January 14, 2014).

Both presidents Barack Obama and Donald Trump have imposed longer cooling-off periods for senior executive branch employees on lobbying the administration after leaving public service. Under Executive Order No. 13490, Obama required that all senior employees sign an ethics pledge agreeing that upon leaving public service they would not lobby the Obama administration for the life of the administration. Trump has also imposed his own ethics Executive Order No. 13770 which imposes a five-year ban on former presidential appointees lobbying any executive agency in which they served after leaving the Trump administration. Unlike Obama's revolving door restriction, however, there is little evidence that the Trump administration is enforcing its own ethics rules or that many presidential appointees are even aware of the additional ethics restrictions.[4]

As shown in the appendix, cooling-off periods at the state level range from as short as six months to up to two years. Florida is about to impose the longest policy to-date, a six-year cooling-off period for both former legislative and executive officials. Some states also impose a permanent ban on former officials working under government contracts that the officials were personally and substantially involved in while in public office. Most states with revolving door restrictions (33 states) impose a one-year cooling-off period.

The intent is to keep former officials and employees from tapping into their inside connections in government for private gain. One year is clearly too short. One year does not even cover a single legislative session during which there is little turnover in officers and employees. It also takes time for inside connections through friendships and acquaintances to fade. Two-years is a minimum because it at least covers one entire legislative cycle, after which there will be some turnover, especially among staff. When the cooling-off period for U.S. senators was expanded from one year to two years beginning in January 2008, the additional time restriction was enough to prompt Sen. Trent Lott (R-Miss.) to resign from the senate on December 18, 2007, so that he could join the lucrative world of lobbying after only one year.[5]

Several studies show a direct correlation between the extent of connections inside government by a former official and the salary paid by clients and lobbying firms.[6] The more those inside connections fade, the less able the former official or staffer is able to command an extraordinary salary from clients and lobbying firms. For example, another study found that former senate staffers who have become revolving door lobbyists suffer an average 24 percent drop in generated revenue when their previous employer leaves the senate.[7]

A longer period of time than two years may also be appropriate. Proposals range from five years to a lifetime ban. A national public opinion poll conducted by the School of Public Policy at the

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[4] Craig Holman, "Lobbyists, more lobbyists, but few waivers: Trump's inconvenient ethics," *Huffington Post* (Aug. 7, 2017), available at: https://www.huffpost.com/entry/lobbyists-more-lobbyists-but-few-waivers-trumps_b_59888eece4b0aedb751c5865?guccounter=1

[5] Matt Corley, "Lott resigns to join 'lucrative' world of lobbying that he worked in the senate to protect," *ThinkProgress* (Nov. 26, 2007), available at: https://thinkprogress.org/lott-resigns-to-enter-lucrative-world-of-lobbying-that-he-worked-in-the-senate-to-protect-f6a3edc1c3b3/

[6] See, for example, Joshua McCrain, "Revolving door lobbyists and the value of staff connections," *Journal of Politics* (Aug. 6, 2018), available at: https://www.journals.uchicago.edu/doi/full/10.1086/698931

[7] Jordi Blanes I Vidal, Mirko Draca and Christian Fons-Rosen, Revolving Door Lobbyists, CEP Discussion Paper No. 993, Centre for Economic Performance (Aug. 2010), available at: http://eprints.lse.ac.uk/31546/1/dp0993.pdf

University of Maryland found that an overwhelming majority of respondents (73 percent) favored a five-year cooling-off period, while a significant plurality (49 percent) also favored a lifetime ban on lobbying by former public officials.[8]

At the very least, an effective cooling-off period should be set for one legislative cycle or longer – two years or more. The knowledge and relationships that one builds up while in public service, however, can last well beyond two years – even a lifetime.

Some lawmakers have sought to address the issue by proposing lifetime bans, from Republicans such as Sens. Rick Scott (R-FL) and Mike Braun (R-IN) to Democratic 2020 presidential candidates Elizabeth Warren and Michael Bennet. Public Citizen's recent study on the revolving door in 2019 sparked an agreement between Rep. Alexandria Ocasio-Cortez (D-NY) and Sen. Ted Cruz (R-Texas) on Twitter to work together on a bipartisan bill for a lifetime ban for former members of Congress. While desirable, a lifetime ban on lobbying may well be politically impractical and constitutionally suspect.[9] A more realistic approach might be for a multi-year ban, as Trump called for while a 2016 presidential candidate, or specifically a six-year ban like the one that Florida is going to impose.[10]

2. Lobbying Contacts v. Lobbying Activity

The single most common shortcoming of revolving door restrictions – a shortcoming that is so pervasive as to render most revolving door policies as little more than an inconvenience to lawmakers – is widely known as the "strategic consulting" loophole.

This loophole occurs when a revolving door policy specifies that they type of lobbying activity banned during the cooling-off period is only lobbying contacts and communications with government officials. Such a narrow category of prohibited activity means that former public officials may immediately upon leaving government join a lobbying firm, design a lobbying campaign on behalf of paying clients, organize and direct the lobbying team – but simply avoid picking up the telephone and making the lobbying contact. Any and all strategic consulting activities are permitted, and in all likelihood the sitting lawmakers will even know that the former official is behind the lobbying campaign.

The strategic consulting loophole is so prevalent at the federal level as to make a mockery of the federal revolving door restriction. In Public Citizen's study on the revolving door class of 2019, about two-thirds of members of Congress have gotten around the restrictions on influencing federal policy by taking private-sector jobs at lobbying firms, consulting firms, and business or trade groups to manage their lobby campaigns.[11] As long as the former official avoids direct lobbying contacts,

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[8] Nielsen Scarborough, "Government Reform, Wave 2 Questionnaire," School of Public Policy, University of Maryland (Oct. 2017), available at: http://www.publicconsultation.org/wp-content/uploads/2017/12/Lobbying_PastPresidents_Slides_1217.pdf

[9] Russell Berman, "The most unrealistic proposal in the Democratic presidential primary," *The Atlantic* (May 28, 2019), available at: https://www.theatlantic.com/politics/archive/2019/05/lobbying-ban-bennet-warren-2020/590182/

[10] West's F.S.A. Const. Art. 12 § 38 & West's F.S.A. Const. Art. 2 § 8.

[11] Alan Zibel, "Revolving Congress: The revolving door class of 2019 flocks to K Street," *Public Citizen* (May 30, 2019), 1,3, available at: https://www.citizen.org/article/revolving-congress/

such lobbying activity is not prohibited under the federal revolving door restrictions.

The most needed revolving-door reform at the federal level and among many states is one that would extend the current ban beyond lobbying contacts to include lobbying activities, including "strategic consulting." Pending in Congress, the For the People Act (H.R. 1) has provisions in it that would do just that. The measure would expand the threshold of lobbyist registration under the Lobbying Disclosure Act to include counseling services on behalf of a lobbying campaign, with or without lobbying contacts. This would bring strategic consulting and lobbying activity under the federal revolving door restrictions.

Some in Congress and on K Street, however, argue that sweeping lobbying activity as well as lobbying contacts into the revolving door restrictions would make ethics rules overly broad and impractical. The experience of many states proves otherwise. As shown in the appendix below, there are a dozen states with various forms of revolving door restrictions that include both lobbying activity as well as lobbying contacts.

Iowa, for example, prohibits public officials from "acting as a lobbyist" for two years after public service. In Louisiana and Maryland, former public officials shall not "assist" another person for compensation in any transaction before the government for a period of time after leaving public service. In Maryland, interpretive rules by Maryland's Joint Committee on Legislative Ethics go even further to provide a broad prohibition against assisting or representing another party for compensation to include "both direct lobbying and compensated 'behind the scenes' assistance to others doing advocacy work on matters before the General Assembly."[12] In Missouri, former public officials shall not perform "any service for consideration, during one year after termination of his or her office or employment, by which performance he or she attempts to influence a decision of any agency of the state…." "Service," as a broad term, is applied to any type of activity to influence decisions, from contact lobbying to the behind the scenes work of conducting research, preparation, planning and supervision of lobbying efforts in addition to the aforementioned activities banned by some states. In other words, when these states wrote into their laws that former officials shall not lobby the government during the cooling-off period, they meant it.

3. Which Offices Are Captured Under the Revolving Door Restrictions

Many revolving door restrictions at the federal and state levels target more senior officials with decision-making authority by restricting their access to specific branches or agencies of government. For example, under federal law, former members of Congress may not make lobbying contacts with either chamber of Congress, and senior congressional staff are restricted from contacting their former offices or committees. In addition, "very senior" executive officials may not make lobbying contacts with any agency in the executive branch, while "senior" officials are prohibited from contacting their own former agencies for compensation. Both legislative and executive officials may still immediately lobby *other* branches of government.

At the state level, some states apply revolving door restrictions only to the legislative branch (9

[12] Maryland Joint Committee on Legislative Ethics, *Maryland General Assembly 2018 Ethics Guide* (2018), 25.

states), and some apply the restrictions only to the executive branch (5 states), but most apply the restrictions to both branches of government (29 states). More than half the states (26 states) also apply some form of revolving door restrictions to senior-level government employees in a decision-making capacity rather than just elected officeholders and heads of agencies.

Similar to federal law, many states target their revolving door restrictions to particular offices, agencies or branches of government. Alabama, for example, would have a rather strong and sweeping revolving door law that captures both legislative and executive branch officials and prohibits them from serving as a lobbyist for two years after leaving public service. Alabama law, however, prohibits former officials from lobbying their own legislative body, which means that former legislators may immediately lobby executive agencies. Worse yet, the Alabama Ethics Commission has opened up a "legislative body" loophole in state law. The Commission has interpreted "legislative body" even more narrowly to designate the House and the Senate as two separate legislative bodies, meaning that former House members may immediately lobby the Senate and former Senate members may lobby the House.[13]

Many other states do a better job avoiding this loophole. Colorado for example, requires that "no statewide elected officeholder or member of the general assembly shall personally represent another person or entity for compensation before any other statewide elected officeholder or member of the general assembly, for a period of two years following vacation of office." Connecticut prohibits former legislators from becoming professional lobbyists before any state governmental body, as does Delaware, Georgia, Iowa, Maine, New Jersey, North Carolina, Oregon, South Carolina, Tennessee, Utah, Vermont and West Virginia.

This loophole is problematic because legislators and executive branch officials do not interface solely with their own branch of government. Legislators work with, and network with, executive branch officials and vice versa. Undue influence peddling through the revolving door is as problematic when a lawmaker lobbies an executive branch official, or when a statewide-elected official lobbies the legislature or Congress. While it is certainly reasonable to limit the lobbying restrictions for congressional staff and executive employees to their own office or agency, an effective revolving door policy should also prohibit elected officers and very senior heads of agencies from lobbying for compensation any office, agency or branch of the government for a period of time.

B. Conclusion: Lessons from the States

Many states have been implemented ethics policies to address revolving door abuses. Nearly all states have recognized that the revolving door between government and the private sector, if left unaddressed, can lead to undue influence peddling that favors wealthy special interests over the public interest and lead to government corruption.

The federal government has recognized the same issue, but despite ostensibly having restrictions in

[13] Brandon Demyan, "Legislators must close the revolving door," Alabama Policy Institute (Jan. 13, 2014), available at: https://www.alabamapolicy.org/2014/01/13/legislators-must-close-revolving-door/

place, the revolving door continues to spin at an alarming speed, raising serious concerns about "regulatory capture" of agencies by the same business interests they seek to regulate, and creating an uneasiness about in whose interests Congress is defending.

Some states have done far better than others in restricting the revolving door, and the federal government can learn from their experiences.

While most states cling to a one year cooling-off period in which former officials are prohibited from lobbying, others such as Missouri and North Carolina fall even shorter than this with just a six-month cooling off period. More than a dozen states have decided that a two year cooling-off period – a full legislative cycle in which there is significant turnover of elected officials and staff – more appropriately breaks down the inside connections that some former officials cash in on. Florida has determined that even two years is not long enough and has opted for a six-year cooling-off period that takes effect at the end of 2022.

More importantly, 13 states have taken measures to close the "strategic consulting" loophole that runs rampant at the federal level. Under federal revolving door restrictions, former officials are only required to avoid making "lobbying contacts" during the cooling-off period. Federal officials remain free to advise, design and run lobbying campaigns on behalf of paying clients or lobbying firms immediately after leaving public office as long as they do not personally contact government officials – a loophole that is heavily exploited by many officials and staff. Furthermore, these same former officials may often lobby officials at agencies of a branch of government in which they did not serve. Several states address these problems by banning "lobbying activity" as well as "lobbying contacts."

Finally, most states the regulate the revolving door do so for both the legislative and executive branches of government as well as for senior staff in a decision-making capacity. Just as importantly, some states have closed the loophole at the federal level that allows former lawmakers to lobby the *other* branch of government immediately after leaving office. These states prohibit former officials from lobbying any agency of the executive branch or legislative body for a period of time after leaving office.

Overall, Iowa and North Dakota have the "best" revolving door policies, with a two-year cooling off period that applies to both legislative and executive officials, and broadly prohibits both "lobbying activity" as well as "lobbying contacts" during the cooling off period. Maryland is a close runner-up, except that its revolving door restriction only applies to legislators and has a short one-year cooling off period. Nevertheless, in Maryland former legislators may not seek to influence the official actions of anyone in government for compensation for one year after leaving public office.

On the books, Louisiana would appear to be among the "best" states as well, with a two-year cooling off period for both the legislative and executive officials and prohibiting "lobbying activities" during the cooling off period. For Louisiana, however, it only looks good on the books. In reality, the law is not being stringently enforced. More than a third of recent ex-lawmakers in Louisiana continue to try to influence their old colleagues, lobbying other branches of government or serving

as "consultants" on behalf of lobbying campaigns.[14]

The "worst" states in terms of revolving door policies are easier to identify: Idaho, Illinois, Michigan, Nebraska, New Hampshire, Oklahoma and Wyoming have no restrictions whatsoever on lobbying and influence peddling by former public officials and staff.

As several states have shown, an effective revolving door law should be more comprehensive than the narrow ban on lobbying contacts currently in play under the cooling-off period at the federal level, a cooling-off period frequently as brief as a single year. Following the example of the states, the federal revolving door laws should be strengthened by:

- Extending all cooling-off periods to a minimum of two years – at least a full congressional cycle – and preferably even longer, so as to allow the inside connections to sitting government officials and staff to fade.
- Banning compensation for "lobbying activity," such as of conducting research, preparation, planning and supervision of a lobbying campaign, as well as banning "lobbying contacts" during the cooling-off period.
- Applying the ban on lobbying by former elected officials and very senior staff across the board to all agencies and both the legislative and executive branches of government during the cooling-off period.

These three improvements to the federal revolving door restrictions would transform a loophole-ridden system into an ethics policy capable of achieving its stated goal: to prevent former officials from cashing in on their special access to government officials by lobbying on behalf of paying clients or business interests for a significant period of time after leaving office.

[14] Andrea Gallo, "In Louisiana, more than a third of ex-lawmakers continue to try to influence their old colleagues," ProPublica (Dec. 19, 2018), available at: https://www.propublica.org/article/in-louisiana-more-than-a-third-of-ex-lawmakers-continue-to-try-to-influence-old-colleagues

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Revolving Door Restrictions by State, 2019

Generally, a revolving door policy prohibits a former officeholder or governmental employee from lobbying the same governmental agency or the same official actions for a reasonable "cooling-off period" after leaving public office. Most states (33 states) have some form of revolving door policy that restricts lobbying activity for one year or less. More than a dozen states impose at least a two-year ban on lobbying by some or all of its officials. Five states have different cooling-off periods for different types of officials. A number of states, such as California, New Mexico, New York, Mississippi and Texas, impose a permanent ban for working on identical official actions and/or contracts that the government officer was personally and substantially involved in while in public service.

Some states apply revolving door restrictions only to the legislative branch (9 states), some apply the restrictions only to the executive branch (5 states), but most apply the restrictions to both branches of government (29 states). More than half the states (26 states) also apply some form of revolving door restrictions to senior-level government employees. Another 7 states have no revolving door policy at all.

The lobbying restrictions vary in how narrow they are. Most states with restrictions (24 states) only prohibit former officials and employees from contacting current people and agencies in the government through oral or written communications and appearances ("lobbying contacts"), but allow all other activities such as strategic work behind a lobbying campaign, negotiating contracts and so forth ("lobbying activities"). More than a dozen states have stricter restrictions that ban these lobbying activities to varying degrees.

1. Prohibition applies to legislative officeholders only (9 states)

Alaska (1-year restriction) [§24-45-121(c)]
Connecticut (1-year restriction) [§§2-16a, 1-84b]
Delaware (1-year restriction) [§ 5837][1]
Hawaii (1-year restriction) [§84-18][2]
Indiana (1-year restriction) [2-7-5-7][3]
Maine (1-year restriction) [§1024]
Maryland (1-year restriction) [§5-504]
Minnesota (1-year restriction) [Minn. H.R. 9.35][4]
North Carolina (6-month restriction) [§163A-308]

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1 Delaware – limited to the members of the General Assembly.
2 Hawaii – restriction applies only to involvement in any contract funded while serving in office.
3 Indiana – limited to the members of the General Assembly.
4 Minnesota – restriction only applies to Members of the Minnesota House of Representatives.

2. Prohibition applies to executive officeholders only (5 states)

Arkansas (1-year restriction) [§21-8-102]
Nevada (1-year restriction) [§ 281A.550][5]
New Mexico (1-year restriction) [§10-16-8]
Texas (2-year restriction) [§§572.054, 572.069][6]
Wisconsin (1-year restriction) [§19.45(8)]

3. Prohibition applies to both legislative and executive officeholders (29 states)

Alabama (2-year restriction) [§36-25-13]
Arizona (1-year restriction) [§38-504(a)(b)]
California (1-year restriction) [§87406(b)]
Colorado (2-year restriction) [Colorado State Const. Article XXIX, Section 4]
Florida (2-year restriction) [§112.313(9)][7]
Georgia (1-year restriction) [§ 21-5-75]
Iowa (2-year restriction) [§§68B.5A, 68B.7]
Kansas (1-year restriction on contract lobbying) [§46-233(b)(c)]
Kentucky (1-year restriction for executive officeholders on particular matters, 2-year restriction for legislative officeholders on lobbying) [§§6.757, 11A.040]
Louisiana (2-year restriction) [§42:1121]
Massachusetts (1-year restriction) [§268A][8]
Mississippi (1-year restriction) [§25-4-105(2)(3)(e)][9]
Missouri (6-month – 1-year restriction) [§§105.454(5)(6), 105][10]
Montana (1-2 year restriction) [§§ 2-2-105(3), 5-7-310][11]
New Jersey (1-year restriction) [§ 52:13C-21.4]
New York (2-year restriction) [§73(8)(a)]
North Dakota (2-year restriction) [N.D. Const., Sec. 2]
Ohio (1-year restriction) [§102.03(A)][12]
Oregon (through next legislative session – 2-year restriction) [§244.045(6)][13]
Pennsylvania (1-year restriction) [§1103(g)]
Rhode Island (1-year restriction) [§36-14-5]
South Carolina (1-year restriction) [§8-13-755][14]
South Dakota (2-year restriction) [§2-12-8.2][15]
Tennessee (1-year restriction) [§3-6-304(l)]

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5 Nevada - former public officers or employees of a board, commission, etc. shall not solicit or accept employment from a business or industry whose activities are governed by regulations adopted by the board, commission, etc.

6 Texas – 2-year lobbying contact ban applicable to Former Board Members and Executive Directors and 2-year employment ban with people that contracts were negotiated with/procured for applicable to involved former officers.

7 Florida-restriction will be extended to 6 years on December 31, 2022 [§ 38, Art. 2 § 8].

8 Massachusetts – restriction applies only to issues upon which the official worked during the last two years while in office.

9 Mississippi –permanent restriction contracts upon which the officials worked while serving in office.

10 Missouri – 6-month restriction on registering as a lobbyist; 1-year restriction on performing any services for consideration to influence a decision related to a matter they over which they had supervisory power.

11 Montana – 1-year restriction for voluntary termination of employment.

12 Ohio – restriction applies to matters in which the public official participated in.

13 Oregon – 2-year restriction applies to public officials who invested public funds. Legislators are restricted through the next legislative session; this will be extended to 1 year as of January 1, 2020.

14 South Carolina – restriction applies only to issues upon which the official worked while serving in office.

15 South Dakota – restriction applies only to lobbying for a private entity.

Utah (1-year restriction) [§67-24-103][16]
Vermont (1-year restriction) [§266][17]
Virginia (1-year restriction) [§§2.2-3104, 30-103]
Washington (1-2 year restriction) [§ 42.52.080][18]
West Virginia (1-year restriction) [§§6B-2-5(g), 6B-3-2]

4. Prohibition also applies to staff in a decision-making capacity (26 states)

Alabama (2-year restriction) [§36-25-13]
Arizona (1-year restriction) [§38-504(a)(b)]
Arkansas (1-year restriction) [§21-8-102]
California (1-year restriction) [§87406(b)]
Connecticut (1-year restriction) [§§2-16a, 1-84b]
Florida (2-year restriction) [§112.313(9)][19]
Hawaii (1-year restriction) [§84-18]
Iowa (2-year restriction) [§§68B.5A, 68B.7]
Kentucky (1-year restriction for executive official only) [§11A.040]
Louisiana (2-year restriction) [§42:1121]
Massachusetts (1-year restriction) [§268A][20]
Mississippi (1-year restriction) [§25-4-105(2)(3)(e)][21]
Missouri (6-month – 1-year restriction) [§105.454(5)(6), 105][22]
Montana (1-year restriction) [§ 2-2-105(3)]
New Jersey (1-year restriction) [§52:13C-21.4]
New Mexico (1-year restriction) [§10-16-8]
New York (2-year restriction) [§73(8)(a)]
Ohio (1-year restriction) [§102.03(A)][23]
Pennsylvania (1-year restriction) [§1103(g)]
South Carolina (1-year restriction) [§8-13-755][24]
South Dakota (2-year restriction) [§2-12-8.2][25]
Texas (2-year restriction) [§§572.054, 572.069][26]
Virginia (1-year restriction) [§2.2-3104, 30-103]

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16 Utah - exceptions: lobbying on behalf of oneself or a business with which one is associated, unless the primary activity of the business is lobbying or governmental relations.

17 Vermont - exceptions: lobbying solely by testifying before committees of the General Assembly and agencies [§262]

18 Washington – 1 year restriction applies to employment with entities if the officials worked on contracts with them in the last two years while serving in office; 2-year restriction applies to interest in a contract or grant authorized or funded by legislative or executive action in which the former officer participated.

19 Florida-restriction will be extended to 6 years on December 31, 2022 [§ 38, Art. 2 § 8].

20 Massachusetts – restriction applies only to issues upon which the official worked during the last two years while in office.

21 Mississippi – restriction only applies to contracts upon which the officials worked while serving in office.

22 Missouri - 6-month restriction on registering as a lobbyist; 1-year restriction on performing any services for consideration to influence a decision related to a matter they over which they had supervisory power.

23 Ohio – restriction applies to legislative officials lobbying the legislature; executive officials lobbying issues upon which they had worked while in office.

24 South Carolina – restriction applies only to issues upon which the official worked while serving in office.

25 South Dakota - restriction applies only to lobbying for a private entity.

26 Texas – 2-year lobbying contact ban applicable to Former Board Members and Executive Directors and 2-year employment ban with people that contracts were negotiated with/procured for applicable to involved former employees

Washington (1-2 year restriction) [§42.52.080][27]
West Virginia (1-year restriction) [§6B-2-5(g)]
Wisconsin (1-year restriction for executive official only) [§19.45(8)]

5. Prohibition against lobbying contacts only (24 states)

Alaska (1-year restriction) [§24-45-121(c)]
Arizona (1-year restriction) [§38-504(a)(b)]
California (1-year restriction) [§87406(b)]
Colorado (2-year restriction) [Colorado State Const. Article XXIX, Section 4]
Delaware (1-year restriction) [§ 5837]
Florida (2-year restriction) [§112.313(9)][28]
Georgia (1-year restriction) [§ 21-5-75]
Hawaii (1-year restriction) [§84-18]
Kentucky (1-year restriction for executive officeholders, 2-year restriction for legislative officeholders) [§§6.757, 11A.040]
Maine (1-year restriction) [§1024]
Massachusetts (1-year restriction) [§268A]
Montana (1-2 year restriction) [§ 2-2-105(3), § 5-7-310][29]
New Jersey (1-year restriction) [§52:13C-21.4]
North Carolina (6-month restriction) [§163A-308]
Ohio (1-year restriction) [§102.03(A)]
Oregon (through next legislative session – 2-year restriction) [§244.045(6)][30]
Pennsylvania (1-year restriction) [§1103(g)]
Rhode Island (1-year restriction) [§36-14-5]
South Carolina (1-year restriction) [§8-13-755][31]
South Dakota (2-year restriction) [§2-12-8.2][32]
Texas (2-year restriction for former Board Members and Executive Directors) [§§572.054]
Utah (1-year restriction) [§ 67-24-103][33]
Virginia (1-year restriction) [§§2.2-3104, 30-103]
West Virginia (1-year restriction for legislative officeholders) [§§6B-3-2, 6B-2-5(g)]

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27 Washington – 1 year restriction applies to employment with entities if the officials worked on contracts with them in the last two years while serving in office; 2-year restriction applies to interest in a contract or grant authorized or funded by legislative or executive action in which the former officer participated.

28 Florida-restriction will be extended to 6 years on December 31, 2022 [§ 38, Art. 2 § 8].

29 Montana – 1-year restriction for voluntary termination of employment.

30 Oregon – 2-year restriction applies to public officials who invested public funds. Legislators are restricted through the next legislative session; this will be extended to 1 year as of January 1, 2020.

31 South Carolina - restriction applies only to issues upon which the official worked while serving in office.

32 South Dakota - restriction applies only to lobbying for a private entity.

33 Utah - exceptions: lobbying on behalf of oneself or a business with which one is associated, unless the primary activity of the business is lobbying or governmental relations

6. Prohibition against other lobbying activities (13 states)

Alabama (2-year restriction) [§36-25-13] [34]
Arkansas (1-year restriction on regulatory matters) [§21-8-102]
Iowa (2-year restriction) [§§68B.5A, 68B.7] [35]
Kansas (1-year restriction on contracts issued) [§46-233(b)(c)]
Louisiana (2-year restriction) [§42:1121]
Maryland (1-year restriction) [§15-504]
Mississippi (1-year restriction on new contracts) [§25-4-105(2)(3)(e)]
Missouri (6-month – 1-year restriction) [§105.454(5)(6), 105][36]
New Mexico (1-year restriction) [§10-16-8] [37]
North Dakota (2-year restriction) [N.D. Const., Sec. 2 "Lobbying and Conflicts of Interest"]
Texas (2-year restriction for former executive officers and employees) [§572.069]
Washington (1-2 year restriction on contracts issued) [§42.52.080][38]
Wisconsin (1-year restriction) [§19.45(8)] [39]

7. No revolving door policy (7 states)

Idaho, Illinois, Michigan, Nebraska, New Hampshire, Oklahoma, and Wyoming

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34 Alabama – prohibits "represent or serve for a fee."

35 Iowa – prohibits "act as a lobbyist."

36 Missouri - 6-month restriction on registering as a lobbyist; 1-year restriction on performing any services for consideration to influence a decision related to a matter they over which they had supervisory power.

37 New Mexico – prohibits "represent for pay."

38 Washington – 1 year restriction applies to employment with entities if the officials worked on contracts with them in the last two years while serving in office; 2-year restriction applies to interest in a contract or grant authorized or funded by legislative or executive action in which the former officer participated.

39 Wisconsin – prohibits "negotiating" legislative matters.