

Fight Against Sexual Misconduct Bringing Regulations, Protections for Lobbyists

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As sexual abuse, assault, harassment, and other misconduct have dominated national headlines, state capitols and lobbyists have not escaped scrutiny. Amidst a [spate of allegations](#) and member resignations, some state legislatures and ethics commissions are taking action. While a variety of measures are being considered, including tightening gift rules, it is apparent that lobbyists and their employers in some states will face new regulations, new protections, or both. Lobbyists and their employers should watch closely for developments, which may impose training and policy requirements or offer opportunities to report and prevent misconduct.

[Illinois](#), one of the first states to enact a comprehensive program, adopted elements of both regulation and protection. SB 402 requires many agencies and state officials, including legislators, to adopt sexual harassment prohibition and reporting rules; requires training for state officials and employees; requires training for lobbyists; requires lobbyists and their employers to adopt sexual harassment prohibitions and reporting rules; and adopts a scheme of reporting, investigating, and penalizing sexual harassment by lobbyists and their employers. Lobbyists and their employers must confirm in their registration that they have adopted the required policy, agree to make it available on request to any individual, agree that any person may contact the registrant's agent to report harassment, and recognize the state's authority to regulate in this space. The state has adopted [emergency regulations](#) implementing the new law.

[Oregon](#) is also among those states protecting both government employees and lobbyists. The state is expanding its regular legislative anti-harassment training on a voluntary basis to both the executive branch and lobbyists.

Some states remain more focused on protecting lobbyists from harassment and coercive situations. After reports of legislators harassing and abusing lobbyists in [Minnesota](#), state legislators are pushing for a formal reporting system to be used by lobbyists and others, with an independent investigative body. California is also working on this aspect of the issue, where the legislature is considering parallel efforts to protect legislative staff and lobbyists from harassment by lawmakers.

Other states have focused more on regulation. [New Mexico](#) has offered trainings for lobbyists, and will be asking lobbyists to disclose whether they have sexual harassment policies in place and if they have attended the training. The Secretary of State plans to push to make the training mandatory.

While [Utah](#) rejected a proposal to require anti-harassment training for lobbyists late last year, there are plans to introduce a bill on the topic in this session.

The issue has also rekindled a proposal that [North Carolina](#) and [Missouri](#) have previously rejected — whether sex between legislators and lobbyists is a “gift” regulated by state ethics laws. [Florida](#) is now the latest state to consider the question, anticipating that, along with a contemplated sexual harassment claims panel and other changes, defining sex as a prohibited lobbyist gift will disrupt an allegedly hostile culture in Tallahassee.

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National Law Review, Volumess VIII, Number 19

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