



IN COMPLIANCE

HOLTZMAN VOGEL'S MONTHLY ROUND-UP



President Trump Issues Executive Order on Election Integrity

On March 25, 2025, President Trump issued an Executive Order titled “**PRESERVING AND PROTECTING THE INTEGRITY OF AMERICAN ELECTIONS.**” This far-reaching Executive Order requires federal and state authorities to implement numerous changes to voter registration and election administration processes, and it directs new measures to prevent foreign nationals from voting in or otherwise influencing U.S. elections, secure voting systems and equipment, ensure that all votes in federal elections are counted on or before Election Day, and prioritize the enforcement of federal and state election laws, among other requirements. This new Executive Order, if it survives legal challenges that have already been threatened, would significantly impact voting processes and the enforcement of voting laws. More information about the Executive Order is [available on our website](#).

Treasury Department Eliminates Beneficial Ownership Reporting Requirements for U.S. Companies

On March 2, the Treasury Department **announced** that it was suspending enforcement of the Corporate Transparency Act's beneficial ownership reporting requirements against U.S. citizens and companies while it developed a narrower rule. The announcement came after **two nationwide injunctions were stayed** and the reporting rules were set to come back into effect on March 21.

On March 21, the narrower rule was unveiled in the form of “an **interim final rule** that removes the requirement for U.S. companies and U.S. persons to report beneficial ownership information (BOI) to FinCEN under the Corporate Transparency Act.” Under the new rule, beneficial ownership reports are only required from companies formed outside the U.S. The Treasury Department’s Financial Crimes Enforcement Network (FinCEN) **explained** that “through this interim final rule, all entities created in the United States — including those previously known as ‘domestic reporting companies’ — and their beneficial owners will be exempt from the requirement to report BOI to FinCEN.”

Sens. Grassley and Peters Introduce Foreign Agents Transparency Act to Require Retroactive FARA Registration

Senate Judiciary Committee Chairman Chuck Grassley (R-IA) and Homeland Security and Governmental Affairs Committee Ranking Member Gary Peters (D-MI) recently introduced the **Foreign Agents Transparency Act** to amend the Foreign Agents Registration Act (FARA). The bill would allow the Department of Justice (DOJ) to require an individual who previously acted as an unregistered foreign agent but longer represents a foreign principal to retroactively register under FARA. The bill would also require the Attorney General to submit annual reports to Congress on DOJ’s FARA enforcement efforts.



The legislation responds to a **2022 federal court decision** that held that a foreign agent’s obligation to register under FARA ceases once the agent’s relationship with a foreign principal concludes. The result is that DOJ may compel FARA registration only while a person is acting as an agent of a foreign principal. Once the agency relationship ends, however, so does the duty to register.

In introducing the Foreign Agents Transparency Act, **Senator Grassley** stated: “Foreign agents who fail to register their service to a foreign government or enterprise have an ongoing obligation to transparency, even after they’ve left their lobbying or policy-related job. Our bill restores the original intent of FARA by making foreign agents show their work to the American people.”

Lobbying Disclosure Act Registration Thresholds Revised

Effective January 1, 2025, the Lobbying Disclosure Act ("LDA") **registration threshold** for organizations employing lobbyists has increased from \$14,000 to \$16,000 per quarter, and for lobbying firms, it has risen from \$3,000 to \$3,500 in client income per quarter.

Under the LDA, an organization or lobbying firm must register if it employs an individual who meets the definition of a "lobbyist" and if its expenses or income for lobbying activities meet certain monetary thresholds. These thresholds are adjusted every four years. An individual qualifies as a lobbyist if he or she: (1) makes at least two federal "lobbying contacts" (direct communications with covered government officials for lobbying purposes); and (2) spends at least 20% of his or her time on "lobbying activities" (direct communications plus supporting activities) for an organization or client in any three-month period.



If this individual is an "in-house" lobbyist, the lobbyist's employer must register within 45 days if its spending on lobbying activities exceeds \$16,000 in the quarterly period. If the individual is an "outside" lobbyist (generally someone who works for a lobbying firm), the outside lobbyist must register for each client that pays his or her firm \$3,500 or more during the quarterly period.

New Lawsuit Challenges Federal Conduit Reporting Rules for Small Donors

On February 18, 2025, a donor represented by the **Institute for Free Speech** filed **suit** against the Federal Election Commission in the U.S. District Court for the Northern District of Texas, challenging the constitutionality of federal conduit reporting requirements that require small donors who give less than \$200 to campaigns through online platforms like ActBlue and WinRed to be publicly disclosed.

While the Federal Election Campaign Act requires most political committees to disclose on their public FEC reports only those donors whose aggregate contributions exceed \$200 in a calendar year, conduits like ActBlue and WinRed must publicly disclose the name and address of every contributor of earmarked funds, regardless of how much is contributed. The Complaint argues that this conduit reporting scheme infringes small donors' First Amendment rights to privacy and political association while serving no sufficiently important interest, such as the prevention of corruption.

In recent years, FEC Commissioners have **repeatedly called on Congress** to amend federal law's conduit reporting threshold to bring it in line with the itemization requirement for other contributions.

The Many Challenges of DEI Law and Policy for Corporate Counsel

Holtzman Vogel attorneys Mark Pinkert, Jonathan Lienhard, and Jonathan Fahey wrote in ***Corporate Counsel*** about the sweeping public policy effort to dismantle diversity, equity, and inclusion (DEI) programs and the challenging issues it presents businesses and their in-house counsel.

DOGE Comes to the Empire State

Holtzman Vogel attorney Joe Burns **wrote for the Federalist Society** about efforts to establish a DOGE-like commission in New York.

The Property Line – Florida’s Rural and Family Land Protection Plan

Holtzman Vogel’s Randall Raban **authored** "The Property Line - Florida's Rural and Family Land Protection Plan" for The Florida Bar's *Environmental and Land Use Section Reporter*.

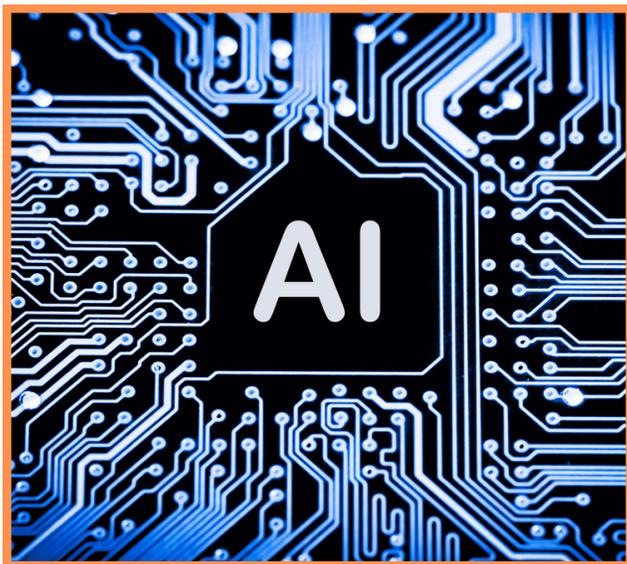
Virginia Expands Restrictions on Personal Use of Campaign Funds

This month, Governor Youngkin signed **S.B. 1002**, which prohibits the conversion of a candidate’s campaign funds to personal use. Previously, state law only prohibited the personal use of campaign funds when disposing of a candidate’s surplus funds when terminating a committee. The terms of S.B. 1002 closely follow the longstanding federal prohibition against personal use of a candidate’s campaign funds, and the bill generally defines “personal use” to mean any use of campaign funds “to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the person’s seeking, holding, or maintaining public office.” The bill also lists specific expenses that constitute *per se* personal use, including mortgage or rent payments, vacations or other non-campaign travel, and admissions to sporting events, concerts, or other entertainment events unrelated to a campaign. The legislation’s provisions will take effect on July 1, 2026.



Virginia Gov. Youngkin Vetoes Disclaimer Requirements for Political Ads with AI-Generated Content

On March 24, 2025, Virginia Governor Glenn Youngkin vetoed **S.B. 775**, which would have required certain political advertising with artificially generated images or audio to carry an additional disclaimer. Under the legislation, any “electioneering communication” that contained “synthetic media,” including “artificially generated images or audio . . . of an identifiable individual's appearance, conduct, or speech,” would have to feature the following statement in the communication: “This message contains synthetic media that has been altered from its original source or artificially generated and may present conduct or speech that did not occur.”



The legislation also authorized any registered voter in Virginia to initiate a civil lawsuit, which would be given “priority over all pending matters” before a court, to block distribution of electioneering communications that failed to comply with the new disclaimer requirements, and violations would be punishable by fines of up to \$25,000.

In a **veto statement**, Governor Youngkin explained that “this legislation imposes an impractical enforcement structure that lacks clear, workable mechanisms and raises significant constitutional and logistical concerns.”

Utah Governor Signs Election Reform Bill Requiring Voter Opt-In to Receive Mail Ballot

On March 26, 2025, **Utah Governor Spencer Cox signed** into law **H.B. 300**, an expansive election reform bill that includes several election integrity provisions, including a requirement that voters affirmatively request mail ballots rather than receive them automatically. Since 2019, every registered voter in Utah has automatically received a mail ballot each election. However, starting in 2029, Utah voters will need to “opt in” to receive a mail ballot. Once they do, voters will continue to get mail ballots for eight years, after which they will need to request one again.

The new law will also require individuals voting by mail to include the last four digits of their driver’s license, state identification card, or Social Security Number on the return envelope for their ballots. Voters lacking these forms of identification may either provide alternate documentation (such as a current utility bill, a bank statement, or a vehicle registration) or vote in person.

Other H.B. 300 reforms include:

- Requiring mail ballots to be received no later than 8 p.m. on Election Day to be counted;
- Directing the Lieutenant Governor (the state's chief election officer) to (1) develop procedures for identifying potential anomalies in voter registration records and investigating the validity of voter registrations when ballots are returned as undeliverable and (2) enter agreements with the federal court system to notify the state about individuals who are disqualified from jury service due to criminal convictions or non-citizen status; and
- Phasing out signature verification by 2029.

The Utah Senate **passed H.B. 300** by a 19-10 margin, while the House voted 56-15 in favor the measure.



New Jersey Eliminates “County Line” Ballot Design

New Jersey has historically used a ballot design system that allowed for the grouping of candidates with the formal backing of their county political party. This so-called “county line” system was unique to New Jersey and served to advantage the local party's preferred candidates while empowering local party “bosses.” This month, New Jersey Governor Phil Murphy signed into law a bill that ended the county line system.

In 2024, Rep. Andy Kim and two congressional candidates sued to enjoin the use of the county-line system, arguing that it gave candidates backed by county political parties a nearly insurmountable advantage that “outsiders” could not overcome. The U.S. District Court for the District of New Jersey and the Third Circuit Court of Appeals agreed and granted a preliminary injunction banning the use of the system in the June 2024 Democratic primary. With the signing of this month's bill, the county-line system has been eliminated entirely.

Wyoming Bans Foreign Funding in Ballot Measure Campaigns

On March 6, 2025, Wyoming Governor Mark Gordon signed **H.B. 337** to prohibit foreign national spending in connection with ballot measures. The final bill prohibits “foreign nationals” from controlling, directing, or directly or indirectly participating in the decision-making of any political committee or other organization that supports or opposes a statewide initiative or referendum. In addition, the bill requires committees and organizations to certify when filing their campaign reports that they have not knowingly solicited, accepted, or spent any funds provided by a foreign national. “Foreign national” is defined by reference to the federal definition of “foreign national”, which includes non-U.S. citizens, foreign governments, foreign political parties, and other foreign entities. The new law takes effect July 1, 2025.

Washington Supreme Court Upholds Mail-In Voting Signature Matching Requirement

In a **unanimous decision**, the Washington Supreme Court upheld the signature matching requirement found in the state’s laws relating to mail-in voting.



The plaintiffs contended that the state’s signature verification requirement facially violates state constitutional due process and privileges and immunities protections, as well as the freedom of elections clauses, because it results in some lawfully cast ballots not being counted when voters do not or cannot cure their ballot in a timely manner. The defendants – the Secretary of State and other local officials in charge of the elections process – argued that signature verification is constitutional and an integral part of the state’s election system.

The state Supreme Court concluded that the State had a compelling interest in protecting the integrity of the voting system and individual voting rights, and in upholding public confidence. In addition, the law was narrowly tailored to accomplish that interest because it reasonably balanced the security of ballots without losing accessibility for voters. Thus, even under strict scrutiny review, the provision survived.

The Court also highlighted that Washington had implemented an expansive cure system for challenged ballots. Plaintiffs’ arguments that the State had not shown that the signature matching requirement improves election security and prevents fraud were unavailing as the Court reasoned that states are not required to gather empirical evidence before taking steps to secure their elections.

HV Making the Rounds

- Mike Bayes, Matt Petersen, Austin Graham and Alex Lee wrote "President Trump Issues Executive Order on Election Integrity."
 - Joe Burns authored "Tips on Filing Objections and Judicial Proceedings Against Designating Petitions in New York State."
 - Holtzman Vogel hosted the Republican Strategy Lunch at the Reed Awards Conference. Jonathan Lienhard presented "Meet the Resistance: Democratic AGs and the Second Trump Administration."
 - Erielle Davidson spoke at the Federalist Society's "A Seat at the Sitting" which covered upcoming Supreme Court oral arguments.
 - The Department of Education opened investigations into two higher education institutions following Holtzman Vogel clients' complaints about antisemitism.
 - Jason Torchinsky and Matt Petersen presented a one-hour CLE for the Practising Law Institute entitled "The Practical Lawyer's Guide to FARA: Scope, Consequences, and Recent Proposed Rulemaking of the Foreign Agents Registration Act."
 - Mark Pinkert, Jason Torchinsky, Andy Gould, Ed Wenger, Daniel Tilleman, and Jared Bauman, filed a Supreme Court amici brief on behalf of U.S. Senators. The brief urges the Court to protect Americans' fundamental right to religious liberty and reaffirm its recent precedents.
 - Mark Pinkert, Jonathan Lienhard and Jonathan Fahey authored "The Many Challenges of DEI Law and Policy for Corporate Counsel," which appeared in *Corporate Counsel*.
 - Andy Gould spoke to *Fox News*, *KJZZ* and *AZ Big Media* about the lawsuit against the Arizona Department of Water Resources over its Alternative Path to Designation of Assured Water Supply regulation, alleging it is an "unlawful groundwater tax."
 - Joe Burns authored "DOGE Comes to the Empire State" for the Federalist Society's blog.
 - Randall Raban authored "The Property Line - Florida's Rural and Family Land Protection Plan" for The Florida Bar's *Environmental and Land Use Section Reporter*.
 - Oliver Roberts, co-head of the firm's AI practice, has presented multiple CLEs for attorneys and law schools on the use of AI in the legal profession.
 - Jason Torchinsky and Susan Greene filed a lawsuit on behalf of American and Israeli victims of October 7 in the SDNY against four organizations and their leaders for aiding and abetting acts of international terrorism by terrorizing and assaulting Jewish students and fomenting chaos on Columbia University's campus and throughout New York City.
 - Joe Burns was named as a "Top 100 Power Lawyer" by City & State.
 - Andy Gould appeared on Fox News to discuss Venezuela deportations of Tren de Aragua gang.
 - Jan Baran spoke with Brody Mullins, co-author of "The Wolves of K Street" on his *Early Returns* podcast.
- ## Welcome New Attorneys
- Former FEC Attorney, **Austin Graham**, joined as a senior associate on our political and election law compliance team. A William & Mary Law grad, Austin will focus his practice on Campaign Finance, Government Ethics and Investigations. Austin worked directly for the former FEC Commission Chair, Sean Cooksey.
 - **Kellen Dwyer**, a former DOJ Assistant Attorney General and Assistant U.S. Attorney for the Eastern District of Virginia, joined as partner. A Yale Law grad, he is an experienced trial and appellate lawyer who litigates criminal, civil, and regulatory cases in a variety of areas, including cybersecurity & privacy, constitutional law, complex fraud, and national security.

This update is for informational purposes only and should not be considered legal advice. Entities should confer with competent legal counsel concerning the specifics of their situation before taking any action.

Please reach out to one of the following compliance partners or your personal Holtzman Vogel contact with any questions.

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