

# Political Law Compliance and Investigations

Skadden

Skadden's Political Law Compliance and Investigations Group is nationally recognized as a leading resource for companies seeking to navigate the complex laws regulating their interactions with federal, state and local governments and the political process. For over 30 years, our attorneys have provided practical, creative and strategic legal advice on issues ranging from campaign finance and lobbying to anti-corruption and strict liability pay-to-plant laws.

**Unique in the field.** Skadden's Political Law Compliance and Investigations Group is strictly nonpartisan and does not represent political candidates or parties. We focus exclusively on helping businesses and trade associations address the critical, and often time-sensitive, legal issues that arise under laws governing the full spectrum of their government affairs and procurement activities. We also have extensive experience advising companies and individuals facing politically sensitive and high-profile investigations and enforcement actions, as well as conducting internal investigations, involving such political laws.

**Serving clients in every industry.** Our group represents a broad range of clients, including major banks, investment advisers, insurance companies, national security and defense contractors, telecommunications and media companies, pharmaceutical and medical device manufacturers, airlines and energy companies, among others. The breadth and depth of our experience allows us to provide practical, market-tested advice quickly and efficiently.

**Market leader.** We are consistently ranked as a Band 1 practice in *Chambers USA: America's Leading Lawyers for Business* and routinely recognized by clients for our responsiveness and ability to provide thoughtful and actionable advice.

Below are descriptions of just some of the areas of law on which we frequently advise and the services we regularly provide.

## Lobbying Compliance and Reporting

We advise clients on compliance with the federal Lobbying Disclosure Act, as well as state and local lobbying laws across the United States. We help clients implement programs to identify and streamline their registration and reporting obligations in these jurisdictions. These programs not only address compliance with regard to traditional

lobbying (such as efforts to influence legislation or formal executive branch agency rulemaking), but they also identify employees who may be required to register as a result of commercial or procurement activities. As part of our services, we maintain various detailed and user-friendly summaries of these lobbying laws for clients' legal and compliance groups to use as a reference.

**Reporting Services.** As a complement to our legal services, our team of non-attorney reports analysts are experts in preparing and filing lobby registrations and reports, and regularly handle such filings for dozens of clients at the federal level, in every state and in numerous localities across the country.

**International Lobbying Compliance.** As countries around the globe continue to ramp up the regulation of lobbying by implementing U.S.-style registration and reporting regimes, we have developed the capability to assist our multinational clients in centralizing their compliance efforts. This includes directly advising and filing reports in those international jurisdictions where Skadden practices, as well as coordinating the efforts of an international local counsel network.

## Campaign Finance Compliance and Reporting

Skadden helps companies comply with federal, state and local campaign finance laws that impose prohibitions, restrictions and requirements on political contributions made by the company, its political action committees (PACs) and its executives. We help our clients maximize their giving potential while maintaining strict compliance with these laws. Our services include maintaining user-friendly surveys of state campaign finance limits and requirements, including detailed guidance on the permissibility of using a company's federal PAC in each state. In addition, we offer a web-based platform through which many of our clients pre-clear contributions to ensure compliance with campaign finance limits and other restrictions and requirements.

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**Reporting Services.** As described above, we maintain a team of non-attorney reports analysts. In addition to assisting clients with lobby reports, our analysts also focus on handling all aspects of our clients' PAC and company registration and reporting obligations, including preparing and filing reports with the Federal Election Commission, as well as state and local campaign finance regulators, and conducting monthly bank reconciliations and assisting with periodic audits. We also provide related administrative services for company PACs, such as writing and mailing PAC checks.

## Pay-to-Play

Federal, state and local pay-to-play laws can automatically disqualify a company from government business for years as a result of political contributions made by the company; its affiliates; its PACs; their officers, directors or covered employees; or their family members. These laws also may impose burdensome disclosure requirements as a result of such contributions.

Skadden has designed practical policies and procedures to ensure compliance with these rules without unduly restricting the ability of the company or its covered personnel to make political contributions. As noted above, we also offer a web-based platform through which many of our clients preclear contributions to ensure they do not trigger these strict liability bans on government contracts, in addition to ensuring compliance with campaign finance laws. We also maintain detailed and user-friendly summaries of these pay-to-play laws to support companies that vet contributions internally.

**Reporting Services.** Our team of reports analysts also has expertise filing reports required by state and local pay-to-play laws, including those in Illinois, Maryland, New Jersey and Pennsylvania.

## Gifts and Entertainment

We advise companies on, and help them design compliance programs to address, federal, state and local laws that restrict or prohibit the gifts and entertainment that a company or its employees may provide to public officials. Our services include making available up-to-date, detailed and user-friendly surveys of federal and all state gift laws, including those that specifically apply to lobbyists, lobbyist employers and government contractors.

## Conflicts of Interest

Skadden regularly advises companies on federal, state and local conflict of interest laws that can, among other things, prohibit them from doing business with government entities as a result of their employees holding elected or appointed public positions. We also assist clients with complex post-employment (or "revolving door") restrictions when hiring executives who are leaving the government.

## ESG and Shareholder Proposals

Due to our large and diverse client base, Skadden's Political Law Compliance and Investigations Group has a unique vantage point that permits us to identify developing issues and help industries respond by implementing best practices early on. Skadden is often the first firm companies call upon to help them address high-stakes, cutting-edge areas of political law, such as the recent focus on environmental, social and governance (ESG) issues in the government affairs and corporate political giving space. In addition, our attorneys regularly counsel the world's largest public corporations on inquiries and proxy proposals issued by shareholder groups regarding not only transparency in corporate political spending and lobbying, but also substantive restrictions on such activity.

## Political Law Matters Impacting Corporate Transactions

Given Skadden's position as a global leader for mergers and acquisitions, it is no surprise that our team has significant experience advising companies on important political law matters that arise in the context of all varieties of corporate transactions, including mergers, acquisitions, spin-offs and joint ventures. This work includes conducting critical political law diligence on targets, especially those with significant government affairs activities and/or government contracts, as well as assisting in the structuring of transactions to avoid the impact of pay-to-play laws and to ensure the smooth integration of PAC and government affairs operations.

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They are constantly adapting to best serve us, making the partnership so efficient and seamless. Their expertise is unmatched.

— *Chambers USA 2024* (client statement)