



IN COMPLIANCE

HOLTZMAN VOGEL'S MONTHLY ROUND-UP



President Trump Removes Longtime FEC Commissioner Ellen Weintraub from Agency

In a letter dated January 31, 2025, President Trump **informed** FEC Chair Ellen Weintraub that she is "hereby removed as a Member of the Federal Election Commission, effective immediately." Weintraub made the letter public in the evening of February 6. On February 7, Weintraub was **removed from the FEC's website** and her position listed as "vacant." In her **initial comments**, Weintraub questioned the President's authority to remove her in this manner, but to date she has not indicated she will take legal action.

Weintraub was recess appointed to the FEC in December 2002 following passage of the Bipartisan Campaign Reform Act of 2002, which amended federal campaign finance law to limit FEC Commissioners to a single, six-year term. Prior to 2002, it was common practice to renominate Commissioners to a new term, in some cases repeatedly. Weintraub was renominated and confirmed by the Senate in early 2003 to a term that expired April 30, 2007. She served on the FEC as a "hold over" member for nearly 18 years because no replacement was nominated and confirmed. In 2009, President Obama **nominated** John Sullivan to replace Weintraub, but Sullivan's nomination was **withdrawn** the following year. Since then, Democrats have not put forward another name to replace Weintraub. In recent years, **Republican Commissioners attempted to draw attention** to the issue of Weintraub's seemingly indefinite tenure.

With the removal of Weintraub, a bare quorum of four Commissioners remains at the FEC.

FinCEN Beneficial Ownership Reporting Returns; Government May Further Modify Deadlines

The U.S. Treasury's Financial Crimes Enforcement Network (FinCEN) has restarted the clock on beneficial ownership reporting after **the Supreme Court stayed the Fifth Circuit's nationwide injunction** on January 23 and a district court in Texas **stayed its separate nationwide injunction** on February 18. FinCEN **posted on its website** that the "beneficial reporting requirements ... are back in effect. However, because the Department of the Treasury recognizes that reporting companies may need additional time to comply with their BOI reporting obligations, FinCEN is generally extending the deadline 30 calendar days from February 19, 2025, for most companies." FinCEN also advised that "during this 30-day period FinCEN will assess its options to further modify deadlines, while prioritizing reporting for those entities that pose the most significant national security risks. In addition, "FinCEN also intends to initiate a process this year to revise the BOI reporting rule to reduce burden for lower-risk entities, including many U.S. small businesses."

Entities that are subject to FinCEN reporting should be aware that reports that were previously due by January 1, 2025, are now due March 21, 2025, but further deadline modifications may be forthcoming. Entities that were created on or after February 18, 2025, must file their initial reports within 30 days.

Legislation to delay the initial reporting deadline one year, to January 1, 2026, passed the U.S. House, and is pending in the Senate. Separate legislation to repeal the Corporate Transparency Act entirely is also pending.

President Trump Issues Executive Order Asserting New Controls Over Executive Branch Agencies

On February 18, President Trump issued an **Executive Order** asserting Presidential authority over all federal agencies, including the "independent regulatory agencies," which includes the Federal Trade Commission (FTC), Federal Communications Commission (FCC), the Securities and Exchange Commission (SEC), National Labor Relations Board (NLRB), and the Federal Energy Regulatory Commission (FERC), among many others.



The order asserts that "these regulatory agencies currently exercise substantial executive authority without sufficient accountability to the President" and they "have been permitted to promulgate significant regulations without review by the President" which "prevent[s] a unified and coherent execution of Federal law." The order declares that "it shall be the policy of the executive branch to ensure Presidential supervision and control of the entire executive branch" and instructs "all executive departments and agencies" to "submit for review all proposed and final significant regulatory actions to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President before publication in the Federal Register." The order directs "independent regulatory agency chairmen [to] regularly consult with and coordinate policies and priorities with the directors of the [Office of Management and Budget (OMB)], the White House Domestic Policy Council, and the White House National Economic Council" and "establish a position of White House Liaison in their respective agencies."

President Trump's executive order also amends a 1993 order issued by President Clinton to include the FEC in the process by which the OMB exercises oversight of agency activities. If fully implemented, the FEC would be required to submit "significant regulatory actions" to OMB for review, although it is unclear precisely what authority OMB might exercise.

FEC Releases Increased Contribution Limits for the 2025-2026 Election Cycle



On January 30, the Federal Election Commission ("FEC") released **increased contribution limits for the 2025-2026 election cycle**. The increased limits apply to contributions from individuals and non-multicandidate PACs to federal candidates and national party committees, as well as to certain specialized accounts established by national party committees.

The limit on contributions made by individuals and non-multicandidate PACs to federal candidates increased to \$3,500 per election, an increase of \$200 per election from last cycle. The new candidate limit applies to the two-year cycle leading up to the 2026 general election. Couples making joint contributions may now contribute up to \$7,000 per election to a federal candidate, or a combined \$14,000 for the primary and general elections.

The limit on contributions made by individuals and by non-multicandidate PACs to national party committees increased to \$44,300 per year, up \$3,000 since last cycle. The previous limit was \$41,300 per year. Additionally, the limit on contributions made to separate **accounts** established by national party committees related to presidential nominating conventions, election recounts and other legal proceedings, and headquarters buildings was increased to \$132,900 per calendar year. The limits to national party committees apply to contributions made during the 2025 and 2026 calendar years.

Fahey & Bauman: Foreign Corrupt Practices Act Gets Much-Needed Pause

Holtzman Vogel's Jonathan Fahey and Jared Bauman published an **op-ed in *The Washington Times*** discussing President Trump's temporary pause on enforcement of the Foreign Corrupt Practices Act as updated guidelines and enforcement policies are prepared.

Attorney General Bondi Refocuses FARA Enforcement

On February 5, Attorney General Bondi issued a **memorandum** addressing charging, plea negotiation, and sentencing policy in the new administration. The memorandum includes a brief section on enforcement of the Foreign Agents Registration Act (FARA) that signals a refocusing of FARA priorities. Bondi announced the Foreign Influence Task Force would be disbanded, while criminal FARA charges will be brought only in "instances of alleged conduct similar to more traditional espionage by foreign government actors." The FARA Unit will continue to "focus on civil enforcement, regulatory initiatives, and public guidance."

New York's Highest Court Upholds the Constitutionality of State Ethics Commission

In a **4-3 decision**, the New York State Court of Appeals upheld the constitutionality of New York State's Commission on Ethics and Lobbying in Government (COELIG). The commission's constitutionality had been challenged by former Governor Andrew Cuomo. Previously, two lower courts agreed with former Gov. Cuomo that the commission's structure unconstitutionally vests the Governor's executive powers in the commission.



COELIG was established in 2022 during the administration of Gov. Kathy Hochul. It oversees and regulates compliance with New York State's ethics and lobbying laws. Commissioners of COELIG are nominated by the Governor, Senate President and Majority Leader, Assembly Speaker, Senate Minority Leader, Assembly Minority Leader, Comptroller and Attorney General. After being nominated, commissioners must then be approved by a board comprised of the deans of New York's fifteen law schools. COELIG replaced the Joint Commission on Public Ethics, a state ethics agency created in 2011 during the administration of Gov. Andrew Cuomo.

Other challenges to COELIG's constitutionality – including a challenge brought by former State Senator Jeff Klein – remain active in the state courts.

Bill Introduced to Alter New York State Special Election Process



On February 7, 2025, a **bill** was introduced by New York State Assembly Speaker Carl Heastie and Senate Majority Leader Andrea Stewart-Cousins to dramatically alter the special election process in New York State. The proposal would allow the Governor to schedule special elections to fill vacancies in Congress on the day of the General Election.

The state legislature changed the process for conducting special elections as recently as 2021. Currently, when a vacancy occurs in Congress, the governor is required to call a special election within 10 days of the vacancy being created, and the special election must be held between 70 and 80 days from the date of the governor's proclamation.

New York Appeals Court Holds State Voting Rights Act Is Constitutional, Reversing Trial Court Ruling

On January 30, 2025, the Appellate Division Second Department handed down a decision upholding the constitutionality of the New York State Voting Rights Act (VRA). The case, *Clarke v. Town of Newburgh*, concerned a challenge under the state VRA to the town's practice of electing town board members through at-large elections.

In a November 7, 2024 decision, Orange County Supreme Court Justice Maria S. Vazquez-Doles held that the New York State VRA violated the Equal Protection Clause of the 14th Amendment to the U.S. Constitution as well as the Equal Protection Clause of the New York State Constitution. Justice Vazquez-Doles' decision struck down the state VRA in its entirety and ordered that it could not be enforced against the Town of Newburgh or any other political subdivision in the State of New York.

The Second Department reversed this trial court decision and upheld the constitutionality of the New York State VRA, concluding it did not violate the federal or state Equal Protections Clauses. The Second Department decision is available [here](#).

Arizona and California Publish Revised Contribution Limits for 2025-2026 Cycle

Arizona's Secretary of State published **revised contribution limits for 2025-2026**. Individuals may contribute up to \$5,500 to statewide and legislative candidates, up \$100 from last cycle.

In **California**, individuals now may contribute up to \$5,900 per election to legislative candidates, up to \$9,800 per election to statewide candidates, and up to \$39,200 per election to gubernatorial candidates. The revised limits apply to the 2025-2026 election cycle.



Virginia Lawmakers Approve Legislation Banning Personal Use of Campaign Funds



Lawmakers in Virginia's House and Senate **voted** to broadly prohibit the personal use of campaign funds. The language adopted is substantially similar to the FEC's regulations on the use of campaign funds and personal use. If signed by Governor Youngkin, the new law would go into effect on July 1, 2026.

Under **existing Virginia law**, a personal use prohibition applies to remaining campaign funds when a campaign committee terminates, but not during campaigns.

2025 New York State Petition Process Underway

The ballot access petition process for candidates up for election in New York State this year began on February 25, 2025. Candidates and their supporters have until April 3, 2025, to obtain the required number of signatures on **designating petitions** and file those petitions with the appropriate Board of Elections. The period for filing designating petitions runs from March 31, 2025, to April 3, 2025.

Candidates seeking an independent line on the ballot may begin circulating independent nominating petitions on April 15, 2025. These candidates will file their independent nominating petitions from May 20, 2025, to May 27, 2025.

A list of petition "Do's and Don'ts" can be found **here**, and a copy of New York State's 2025 political calendar can be accessed **here**.

HV Making the Rounds

- Gary Hunter was one of two panelists at The Florida Bar's "2025 Florida Legislative Forecast.
- Mohammad Jazil was chosen by the new Florida Attorney General James Uthmeier to be on his transition team.
- Holtzman Vogel hosted the RNLA (Arizona) CLE entitled, "Protecting Constitutional Rights through the Separation of Powers." Jon Riches and Emily Gould were speakers.
- Joe Burns spoke on a panel for a RNLA (New York Chapter) on ballot access and recent changes to New York election law.
- Holtzman Vogel is a proud member of the Urban Land Institute and sponsored the "Trends in Real Estate" luncheon in Tallahassee.
- Jonathan Fahey and Jared Bauman authored the op-ed, "Foreign Corrupt Practices Act gets much-needed pause." for *The Washington Times*.
- Joe Burns authored "New York's Commission on Ethics and Lobbying in Government: Constitutional Structure and the Future of a State Ethics Watchdog" and "Delaying a Special Election in New York State" for the Federalist Society blog.
- Jason Torchinsky appeared in the *Bloomberg Law* article, "Voting Rights Claims Plunge in Wake of Supreme Court Decision."
- Mark Pinkert commented in the *Jewish Insider* article, "Supreme Court to hear case on Palestinian Authority's 'martyr' payments."
- Our Arizona office, led by Andy Gould, Emily Gould, Dallin Holt and Rebecca Layne, filed a Supreme Court Amicus Brief in a "Counsel Mandate" case.
- Jason Torchinsky was interviewed for the *Bloomberg Law* article, "Bondi Eases Foreign Agent Enforcement as Countries Tap Lobbyists."
- Joe Burns was quoted in the *South Shore Press* article, "Threat to Democracy: New York Democrats Delay Special Elections."
- More than a dozen prominent attorneys are joining together to exclusively litigate against antisemitism on campus and beyond. Jason Torchinsky is on the board of this newly created public interest group, the Center for Legal Innovation.
- Holtzman Vogel, led by Mark Pinkert, Jason Torchinsky, Erielle Davidson, and Jared Bauman, filed a Supreme Court amicus brief on behalf of 17 Jewish, pro-Israel, and civil rights groups in support of American victims of Palestinian terrorism.
- Oliver Roberts, co-head of the firm's AI practice, was quoted in *The Hill* article, "DeepSeek's rise raises data privacy, national security concerns."
- A regular on Fox News, Jonathan Fahey was privileged to be an expert witness for the House Judiciary Subcommittee on Oversight hearing on "Entering the Golden Age: Ending the Weaponization of the Justice Department."
- Jon Riches authored "Arizona's water director wants a fight over growth? He's getting it" for *azcentral*.
- Erielle Davidson co-authored "Senate Democrats sank ICC sanctions — making Trump the court's next target" for the *New York Post*.

Welcome New Compliance Attorney

- **Alex Lee** (Associate, DC) focuses on campaign finance and election law, lobbying and ethics rules, and tax-exempt organizations. Before joining Holtzman Vogel, Alexander worked at an oil and gas trade association, where he led political compliance efforts for the association and assisted in advocacy efforts.

**CONGRATULATIONS TO OUR ATTORNEYS WHO HAVE BEEN
APPOINTED TO IMPORTANT DOJ AND
NATIONAL PARTY COMMITTEE ROLES!**



Drew Ensign
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Deputy Assistant Attorney
General, Office of
Immigration Litigation



Andrew Pardue
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Deputy General Counsel



Merrill Weber
NRCC
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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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