

The Corporate State Lobbying Black Hole

December 2023

By

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Sources and Acknowledgements

Si2 collected corporate governance data used in this study from company and state government websites and used information aggregated by [OpenSecrets](#), the national nonprofit organization that aggregates political influence spending.

The report was researched and written by Robin Young and Heidi Welsh.

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Findings

Why this report?

The Securities and Exchange Commission (SEC) is being [asked by U.S. senators](#) to mandate fuller disclosure of corporate issuers' approach to political influence by way of lobbying. The Senators sent a letter to SEC Chair Gary Gensler on November 15 asking about the commission's plans to require reporting on 1) issuers' lobbying strategy, 2) how much they spend on lobbying and 3) any material risks related to lobbying strategy and spending.

Policymakers and the public therefore may wish to consider:

- the **extent of demand** for such information from investors, the owners of corporations,
- the degree to which current **voluntary corporate disclosures** meet this demand, and
- whether **current legal mandates** from regulatory agencies responsible for oversight and disclosure of the lobbying process already provide investors with what they want to know.

This report provides a concise exploration of these issues based on an assessment of investor sentiment on lobbying over the last 14 years, findings from Si2's independent assessments of the policy and reporting behavior of S&P 500 corporations since 2015, and current disclosure mandates in a sampling of states. The focus of this report is on state lobbying given the dearth of available information about corporate expenditures in statehouse influence.

Key Takeaways

- **Investors have shown strong, sustained support for more information:** Investors at large have shown strong and sustained support for more corporate oversight and disclosure of lobbying, despite recent headwinds for proponents of ESG business considerations. Since 2010, investors have filed nearly 600 shareholder resolutions asking companies to provide more information about 1) how they oversee lobbying activities directed at federal, state and local government, and 2) how much they spend. Support has grown steadily. [More on p. 6.](#)
- **Little voluntary state spending disclosure exists:** Almost no U.S. companies provide their investors with information on how much they spend to lobby state governments: 98 percent of S&P 500 firms do not disclose state-specific totals and 97 percent do not report a combined or aggregate spending total for state lobbying. [More on p. 8.](#)

The seven companies that provide their investors with expenditure reports on state-specific lobbying amounts are **Altria Group, Devon Energy, FirstEnergy, Lincoln National, United Rental, Walmart** and **Xcel Energy**. Three companies that did provide this information in 2021 no longer do so—**Chevron, CMS Energy** and **Clorox**. [More on p. 9.](#)

- **Material risk remains unexamined:** The proposed lobbying rule suggested in the U.S. Senators' letter in November could require companies to disclose material risks connected to lobbying activity. Yet only one company of the 10 best disclosers examined in this report now includes lobbying as a material risk factor in its 10-K, the annual report to investors about a company's business. **FirstEnergy** is the exception and its statement of material risk from lobbying comes

after it agreed in July 2021 to pay \$230 million in an agreement with federal prosecutors, resolving the largest corruption scandal in Ohio's history. Ohio's former House speaker started serving his 20-year sentence in June 2023. [More on p. 12.](#)

Additional Conclusions

- **Lobbying strategy is not discussed:** While a proposed lobbying disclosure rule could prompt companies to tell investors more about their lobbying strategy, almost no companies do so now. Only two of the seven firms that currently provide state-level disclosure provide consequential narratives about their strategies—**Altria** and **Walmart**. [More on p. 9.](#)
- **Current legal mandates are a black hole:** An examination of 15 states (*see p. 15*) that passed anti-ESG legislation in 2023 illustrates what information investors and the public can learn from current state laws on lobbying disclosure. Because of three key failings, the full picture of corporate statehouse spending is obscured:
 - First, there is a patchwork of corporate identification information that means companies are not connected to expenditures;
 - Second, states often do not require any identification of the subjects on which lobbyist pursue influence;
 - Third, many states do not collect lobbying information in a format that enables researchers to aggregate and analyze lobbying information.

Current state law mandates clearly do not provide the strategy, risk and expenditure information investors have been seeking for the last 14 years. [More on p. 15.](#)

- **Some policies have improved:** While reporting on disbursements lags, companies have become markedly more willing to acknowledge their state-level lobbying in formal policies about influence spending: 43 percent mentioned state lobbying in Si2's most recent full assessment of the S&P 500 in 2021, up from only 30 percent in 2015. [More on p. 7.](#)

Introduction

- This report seeks to explain 1) gaps in what is known about corporate lobbying, particularly at the state level and 2) the extent and trend of current voluntary corporate action about lobbying oversight and disclosure.
- It identifies potential areas where the lack of mandatory state disclosure of corporate lobbying activity may prove particularly contentious and risky for investors by examining as a case study corporate lobbying disclosure mandated in states where anti-ESG legislation passed in 2023.

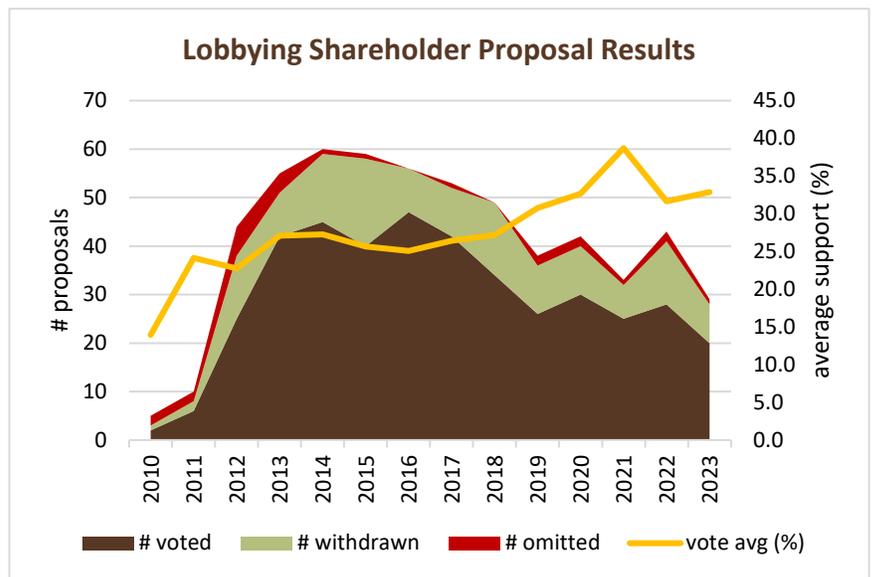
The inescapable conclusion from this assessment, which was conducted in October and November 2023, is that a yawning disclosure black hole exists about state-level corporate lobbying. In a little more than half the country, no data on lobbying is collected by state regulators in a form that can determine the corporate sources of influence spending on any of the myriad issues state lawmakers consider. Voluntary corporate reporting has increased after shareholder resolution disclosure efforts over the last decade or so, but while there is more board oversight and some policy shift, little has meaningfully changed when it comes to expenditure disclosure.

Shareholder Proposals on Lobbying: A Measure of Investor Sentiment

When investor proponents of corporate reforms propose shareholder resolutions, it provides an important market signal about investor sentiment on contentious public policy issues. Historically, many policy reforms relating to social, environmental and corporate governance issues have initially appeared on corporate proxy statements for investor consideration at annual company meetings. Some that have gained traction ultimately have made their way into accepted voluntary best practice and thence into hard regulation promulgated by the Securities and Exchange Commission (SEC). It is therefore helpful as the SEC considers any new policy ideas about lobbying to examine the record for this issue.

Investors have evinced sustained and consistent interest in more corporate action on lobbying. Shareholder proponents have filed 576 shareholder proposals since 2010 asking companies for more information about how boards oversee lobbying efforts directed at federal, state and local governments. The resolutions also have sought reporting on how much companies spend. Proponents and companies have reached agreements in a relatively small proportion of cases, prompting the withdrawal of about one-quarter of filed resolutions. Support has gradually increased, even in the last two years (after an uptick in 2021) when support for proposals about environmental and social issues dropped overall.

(Graph shows the outcome of all proposals filed on lobbying.)



Si2 Governance & Disclosure Assessments

Since 2010, in research for institutional investors about key issues raised in shareholder resolutions, Si2 has been systematically collecting information on the corporate governance of corporate political activity in the S&P 500 and on how much spending data is disclosed to investors. Si2 initially focused exclusively on political contributions in elections but after shareholder proponents started asking for more information about lobbying, Si2 began to assess federal lobbying governance and oversight in 2012; in 2015 we added specific indicators on state-level lobbying to our assessments.

It is clear that companies have begun to take shareholder interest in lobbying activities somewhat seriously; there has been substantial growth in more specific policies about lobbying at both the federal and state levels. Twice as many companies in the S&P 500 now report federal lobbying expenditures voluntarily to investors, as well, compared with 2015. (Federal lobbying data must be reported under provisions of the Lobbying Disclosure Act and it is [compiled by OpenSecrets](#) in an accessible format.) But companies are not increasing their state-level expenditure disclosure at anywhere near the same rate. Aggregate state lobbying reporting has remained flat and the number of companies that provide detailed, individual state-level expenditures remains scant: less than 10 companies out of the entire index.

<i>Table 1: Lobbying Governance and Disclosure in the S&P 500, 2015-2021</i>							
Key Performance Indicator	2015	2016	2017	2018	2019	2020	2021
Has any political activity policy?	87%	90%	91%	92%	93%	95%	96%
Governance							
Lobbying included in policy?	61%	62%	64%	66%	67%	74%	76%
State-level lobbying specifically mentioned	30%	32%	33%	33%	35%	40%	43%
Lobbying governance disclosed?	47%	51%	54%	54%	55%	59%	63%
Board oversight of lobbying?	23%	26%	29%	30%	31%	35%	38%
Expenditure Disclosure							
Discloses any lobbying \$ to investors?	12%	12%	13%	14%	16%	18%	25%
State-specific lobbying disclosure on website:							
Aggregated amount in all states?	3%	2%	3%	3%	3%	3%	3%
States identified, no \$ amounts?	5%	5%	4%	4%	5%	5%	7%
State-specific \$ amounts disclosed?	0.4%	1%	1%	2%	2%	2%	2%
Source: Si2 assessments based on public disclosures.							

Governance: Board Oversight & Policy

While nearly every one of the largest U.S. companies (96 percent of the S&P 500) now has a policy about political activity, most primarily focus on election spending, colloquially known as “political spending.” Policies about lobbying have increased but lag significantly. In 2015, Si2 found that only 30 percent of S&P 500 companies included any specific language on lobbying at the state level, compared to 61 percent of companies that disclosed a generic lobbying policy or one that focused only on activities at the federal level.

Our most recent assessment of the S&P 500 in 2021 showed real growth in the number of companies acknowledging their state lobbying activities. Forty-three percent of S&P 500 companies included specific language on state-level lobbying in their policies on corporate political activity, up more than 10 points from 2015.

Expenditures

The rate of disclosure on state-level lobbying expenditures has not kept pace with growth in more specific governance policies. Disclosure of any data on lobbying expenditures in 2015 was scarce, with only 12 percent of S&P 500 companies disclosing some sort of federal or state-level lobbying amounts. Reporting specifically about state-level spending in 2015 was even rarer, with only 3 percent of S&P 500 companies disclosing aggregate state-level spending amounts and less than 1 percent disclosing state-specific spending amounts.

Twice as many companies now report some lobbying expenditures (federal, state or both): now 25 percent do so. The number of companies that are willing to *identify states* where they lobby even if they do not disclose any expenditure amounts also has increased slightly, rising from 5 percent in 2015 to 7 percent in 2021. But the number of companies willing to report *aggregate* state-level expenditures has not budged: only 3 percent of companies offer state lobbying expenditures, just as in 2015. State-specific lobbying expenditure disclosure did rise from 0.4 percent in 2015 to 2 percent in 2021, but the number rose only from two companies in 2015 to ten in 2021. But three of those that provided information in 2021 no longer do so today.

Governance, Strategy & Risk Disclosure Practices

The Senators' letter asked for three elements in a potential SEC lobbying disclosure rule, seeking company reports on 1) their lobbying strategy, 2) how much they spend on lobbying and 3) any material risks related to this strategy and spending.

Even when companies have relatively comprehensive policies and disclosures about state lobbying, today they rarely discuss lobbying strategy and the issues of most concern to them, let alone any risks they may face. Investors currently cannot determine how much companies spend on lobbying in state governments based on either voluntary disclosures, as we have shown above, or from current state disclosure mandates. Most states simply do not require data disclosure that allows investors to discern what their companies spend, where they spend it, what issues they spend it on or if they perceive any related material risks. Yet there is clear evidence that significant risk has occurred, best exemplified by the corruption case involving **FirstEnergy** in Ohio, which resulted in federal criminal charges and a \$230 million fine paid by the company. (*See p. 12 for more information.*)

State Lobbying Reporters

As of November 2023, just seven of the 10 S&P 500 companies that in 2021 disclosed individual state-level lobbying expenditures now do so. For each, we examined all their policies, reported policy/lobbying priorities and expenditure data—to determine how much shareholders can currently find out about their lobbying spend in the states.

Three of the former disclosers—**Chevron**, **CMS Energy** and **Clorox**—now no longer report individual state-level expenditures and have switched to providing links to state lobbying disclosure websites, without providing any reports on their own.

For each of the anticipated disclosure requirements the proposed rule could impose we looked at the remaining seven firms that are the most complete disclosers:

Altria Group
Devon Energy
FirstEnergy

Lincoln National
United Rentals

Walmart
Xcel Energy

Corporate governance leaves out key information: All seven disclose the positions or departments responsible for the oversight and governance of lobbying activities; five have explicit board oversight of lobbying, excepting **United Rentals** and **FirstEnergy**. (Table 2, below.) Yet the combination of an explicit policy, with identified board or management oversight, plus detailed disclosure, does not guarantee that shareholders can determine a company’s lobbying priorities, activities or expenditures.

Table 2: State-Level Lobbying Expenditure Companies - Key Performance Indicators

Company	Lobbying Policy	State-level lobbying explicit?	Lobbying governance?	Board oversight?	\$ disclosed by state?	Policy priorities?	Specific legislation?	Material lobbying risks?
Xcel Energy	Yes	Yes	Yes	Yes	Yes	Partial	No	No
Walmart	Yes	Yes	Yes	Yes	Yes	Yes	No	No
United Rentals	Yes	Yes	Yes	No	Yes	Partial	No	No
Altria Group	Yes	Yes	Yes	Yes	Yes	Yes	Partial	No
Lincoln National	Yes	Yes	Yes	Yes	Yes	No	No	No
FirstEnergy	Yes	Yes	Yes	No	Yes	Partial	No	Yes
Devon Energy	Yes	Yes	Yes	Yes	Yes	Partial	No	No

Source: Si2 assessments

Limited Disclosure of Strategy & Expenditures

Policy: Only two of the seven—**Walmart** and **Altria Group**—provide consequential narratives on their corporate policy priorities—what might qualify as disclosure of “lobbying strategy”—and they also provided the most information on how much they spent, as discussed below. Three more—**FirstEnergy**, **Xcel Energy** and **Devon Energy**—list policy priorities but do not elaborate on their specific positions.

Altria and Walmart—Altria provides extensive information on its priorities, including a [Public Policy Positions](#) webpage that lists both “Key Issues” and “Business Issues.” It meets every one of the key policy indicators we researched, the only one to do so. Each of the five Key Issues Altria lists has a separate webpage containing the company position and a description of specific actions and initiatives used to further Altria’s public policy goals. The company is also the only one of the seven to broach the subject of specific legislation. Altria notes that it backed [specific federal legislation](#) to raise the smoking age to 21, and that it supports similar legislation at the state level: “We lobbied in favor of every minimum age bill enacted in the states in the past four years, 34 in all. We continue to lobby on this issue in the states that have not yet made this important change in policy.” It also notes opposition to specific federal legislation regulating menthol cigarettes, as well as lobbying against a flavor ban in Massachusetts in 2019.

Altria is the only one to even broach the subject of specific legislation or regulations when discussing lobbying. However, most of its legislative discussion pertains to federal laws. In the few cases where it mentions state-level bills, it focuses almost entirely on legislation or regulations that have already been voted on, implemented or defeated. It does not report on pending legislation or regulations upon which it is lobbying.

Altria reports spending just over \$663,000 in 2022, the most recent year for which it provides data.

For its part, Walmart lists 11 [“Key Issues”](#) and for each provides a brief description of its policy stance on subtopics, with links to related company programs and initiatives. For example:

Corporate tax policy

Walmart continues to be [one of the largest corporate taxpayers](#) and advocates for tax policy solutions that are competitive, fair, and pro-growth. Keeping the U.S. corporate tax rate competitive globally and ensuring U.S. companies are not subject to double taxation is important for fostering economic growth. Such policies allow for a reliable and consistent code for all taxpayers and help businesses prioritize the United States as a primary destination for investment and job creation.

Read more: [Serving Communities: contributing to tax revenue](#)

	Walmart	Altria Group
Alabama		
Arkansas		
Florida	\$84,000 - \$160,000	
Idaho		\$6,504
Indiana	\$27,667	\$208,203.77
Kansas		
Kentucky		\$ 269,686
Louisiana	\$25,000-\$124,996	-
Montana		\$487
New Hampshire	\$50,855	\$26,456
North Carolina	\$34,301	150,298
North Dakota		
Texas	\$260,434 - \$577,974	\$39
Utah		
West Virginia		\$398
Total	\$373,341.12 - \$975,793	\$663,073

Source: Walmart and Altria disclosure websites

The company spent up to about \$976,000 in six states in 2022.

Devon Energy, Xcel Energy and FirstEnergy—These three utility companies provide basic descriptions of their public policy priorities. Devon Energy lists several policy priorities, for instance, as well as “public policy goals,” including:

- *Encouragement of free and open markets for all products including oil and natural gas*
- *Supporting competitive state and federal tax rates*
- *Recognizing states’ rights to regulate oil and gas operations while opposing a federal “one size fits all” approach*
- *Growing U.S. energy production*
- *Supporting safe, science based and non-duplicative regulations for oil and gas activities*
- *Encouraging effectiveness and efficiency at all levels of government*

Devon reports it spent \$114,346 on state lobbying in Texas, the only one of the states included in this report where it spent money.

Xcel Energy articulates very basic policy priorities in its annual [Public Policy](#) report. The most recent iteration discusses policy objectives around clean energy technology, as well as streamlining processes for permitting and operations, similar to its positions the year before. It reports expenditures in the 15 states examined of \$299,415.

FirstEnergy also provides some general issue information, mostly about greenhouse gas emissions, in its [Corporate Engagement Report](#) and latest [Corporate Responsibility Report](#). Both Xcel Energy and FirstEnergy are two of the few in the S&P 500 to offer an annual climate-centered update on the alignment of trade association activity and company policy, a subject of growing investor concern. FirstEnergy lobbied in only one of the 15 states we examined and reports having spent a total of \$1,592 in West Virginia during 2022.

United Rentals—The company discloses an even shorter list of issues lobbied on: “tax policy, green energy, engine emissions, and vehicle and equipment registration”—with no further details. It reports spending \$61,000 on lobbying in the 15 studied states.

Lincoln National—The company does not provide any insight into its public policy priorities on its company website. It also did not have any reported lobbying spend in the 15 states we studied.

Most comprehensive expenditure reports: In sync with their more extensive policy discussions, **Altria Group** and **Walmart** also provide the most complete reports on how much they spend. In 2022, Altria actively lobbied in eight of the 15 states we examined, while Walmart was active in six of them. (*Table 3.*)

Altria—The company offers the most comprehensive website on its expenditures, including the amounts for lobbying in individual states as well as detailed information on public policy priorities and activities. It is also the only one to discuss individual regulatory or legislative items it focuses on. Yet as noted above, when Altria identifies specific bills and regulations, almost all are retrospective. Additionally, the list of issues articulated by Altria is not comprehensive. As a result, if the company lobbied on an issue that was not identified as “Key” or otherwise had the voluntary narrative on the company website, shareholders would have no idea about what was spent without searching every state database that is identified as having company expenditures in the previous year.

When Si2 attempted to identify any anti-ESG lobbying from Altria in eight of the 15 states examined, for instance, we could only find three states with disclosures that identified specific bills lobbied upon. The other five states do not require such detailed disclosures and Altria does not volunteer that information on its website. Si2 identified all bills listed to confirm that none were related to anti-ESG issues—the trigger for our examination of the 15 states (*see below for more*); most related to the taxation and sale of tobacco products, as would be expected for Altria.

According to Altria’s disclosures, it spent at least \$663,073 on lobbying in the 15 states. Since the company website does not disclose any specific state-level bills lobbied on during 2022, Si2 reviewed available lobbying reports from state governments to determine if more detailed issue information was available, even if not disclosed by the company, with the following results:

- **Idaho** – (\$6,504) Eighteen different issue codes were used by company lobbyists for 2022; only one specific bill number was identifiable: S.B. 1285, a law to prohibit certain local regulations and taxes on tobacco products and ESDs (electronic smoking devices).
- **Indiana** – (\$208,204) Eight issues were listed but no specific legislation.
- **Kentucky** – (\$269,686) HB190, HB489, HB604, HB659, SB93, SB166 were listed. Also “matters pertaining to the manufacture and sale of tobacco products. No bills related to ESG.

- **Montana** – (\$487) State reports list six bills and the company’s position (Modify, Support, or Against). HB 106 Monitor; HB 174 Monitor; HB 137 Modify; HB 285 Support; SB 398 Monitor; and SB 398 Generally Revised Vaping Laws Monitor. No ESG related bills.
- **New Hampshire** – (\$26,456) No issue information listed on lobbyist reports.
- **North Carolina** – (\$150,298.46) No issue information listed on 2022 lobbying reports filed by Altria.
- **Texas** - (\$39) – No issue information listed.
- **West Virginia** – (\$398) No issue information listed.

Walmart—If Walmart spent to the upper limit of its disclosed lobbying in the 15 states, it would have disbursed approximately \$975,000 in 2022 lobbying expenditures in just six states. Si2 reviewed the disclosures from each state government to determine the issues lobbied upon and if any amount of that money was used for anti-ESG lobbying, with the following results:

- **Florida** – (\$84,000 - \$160,000) – No issues listed on lobbying reports.
- **Indiana** – (\$27,668) – 17 issues (subject matters) listed, no specific legislation disclosed.
- **Louisiana** – (\$25,000 - \$124,996) – No issues listed.
- **New Hampshire** – (\$50,855) No issues listed.
- **North Carolina** – (\$34,301) No issues listed on 2022 lobbying reports filed.
- **Texas** – (\$260,433 - \$577,973) – No issues listed.

As with Altria, Si2 could find no evidence of spending for lobbying on anti-ESG legislation. However, because of limitations in state disclosure requirements, it is not possible to identify any specific legislation at the state level that Walmart lobbied on in any of the states we assessed.

Risk Identification Scarce

Only one of the seven companies—**FirstEnergy**—makes any comment about material risk connected to lobbying strategy or spending in its most recent 10-K annual reports and/or Corporate Social Responsibility Materiality Assessments, as the proposed lobbying disclosure rule would mandate. Yet it provides a potent cautionary tale.

FirstEnergy reached a deferred prosecution agreement (DPA) to resolve federal racketeering charges and this appears to have prompted it to stand alone in its assessment that lobbying carries material risk. In its [2022 10-K Statement](#), under Risk Factors, FirstEnergy notes that, as a result of its lobbying and government affairs activities connected to HB 6 in Ohio, it was charged with conspiring to commit honest services wire fraud. *(For more on HB 6, see box, next page.)* Following an investigation by the U.S. Justice Department, in July 2021 the company entered into a three-year agreement that requires the following, as noted in the 10-K:

- (i) *continued cooperation with the U.S. Attorney’s Office in all matters relating to the conduct described in the DPA and other conduct under investigation by the U.S. government;*
- (ii) *payment of a criminal monetary penalty totaling \$230 million, which was paid in 2021;*

- (iii) *publish a list of all payments made in 2021 to either 501(c)(4) entities or to entities known by FirstEnergy to be operating for the benefit of a public official, either directly or indirectly, and update the same on a quarterly basis during the term of the DPA;*
- (iv) *publication of a public acknowledgement of our conduct, including a statement, as dictated in the DPA, regarding our use of 501(c)(4) entities; and*
- (v) *continued implementation and review of our compliance and ethics program, internal controls, policies and procedures designed, implemented and enforced to prevent and detect violations of the U.S. laws throughout its operations, and to take certain related remedial measures.*

FirstEnergy notes that it can be prosecuted if it violates any of the terms of the agreement, which is reproduced in full in a [July 22, 2021 8-K report](#). Other HB 6-related risks the FirstEnergy 10-K lists include:

- *The SEC Investigation and HB 6 Related Litigation Could Have a Material Adverse Effect on our Reputation, Business, Financial Condition, Results of Operations, Liquidity or Cash Flows; and*
- *The HB 6 Related State Regulatory Investigations Could Have a Material Adverse Effect on our Reputation, Business, Financial Condition, Results of Operations, Liquidity or Cash Flows.*

Ohio Bribery Case & FirstEnergy

The [largest corruption scandal in Ohio history](#) resulted in a criminal indictment of FirstEnergy, which supported Representative Larry Householder's election campaign to the state House of Representatives through indirect campaign contributions and later spent millions on lobbying for its objectives once he was elected and elevated to speaker in 2019. The company worked through various non-profit "social welfare" organizations to pass HB 6, which extended a \$1 billion ratepayer-funded bailout to two FirstEnergy nuclear plants and restructured the state's energy policy. The company also lobbied to defend HB 6 against a ballot initiative that would block the bailout. Ultimately, Householder and four of his allies were arrested in July 2020 on federal racketeering charges and a state utility regulatory resigned after an FBI search of his home. Householder [was sentenced](#) to 20 years in prison in June 2023. FirstEnergy also fired executives and [agreed in July 2021](#) to pay a \$230 million fine in a deferred prosecution agreement. Some of the fine will help the company's six million Ohio customers pay their energy bills, *The Columbus Dispatch* [noted](#). In 2022, the company also reported it settled shareholder derivative lawsuits.

Corporate Lobbying Disclosure Examples in 15 States with Anti-ESG Laws

Some voluntary corporate reporting about lobbying is occurring because of investor pressure, but companies are spending much more money than they have reported. State lawmakers and regulators nationwide face influence efforts backed by billions of dollars of expenditures. [OpenSecrets](#) maintains the most comprehensive database of mandated public reporting on lobbying expenditures and it shows that just 20 states collect data sufficiently robust enough to discern how much is spent. In all, since 2002, at least \$23.4 billion has been spent on state lobbying. (See Table 4.) An unknown portion of the total has come from corporations. Twenty-eight states do not have mandatory disclosure laws that allow the public to learn who spends what on lobbying.¹

For this report it was not possible to look at the specific disclosure laws in all 50 states, so we looked closer at requirements affecting companies in a subset—the 15 states that passed anti-ESG legislation as of June 2023 [according to Pleiades Strategies](#). (See Table 5.) We reasoned that anti-ESG laws constrain the consideration of environmental, social policy and corporate governance business impacts, while noting that states with anti-ESG laws passed tend to have looser regulation in general. In more free-wheeling regulatory environments, public accountability is often diminished and the potential for corruption is greater; this creates the conditions which investors cite as influence spending risks.

State	# Records	Total Lobbying \$
AK	149,542	\$212,753,584
CA	916,247	\$6,626,702,647
CO	518,415	\$772,807,173
CT	81,349	\$770,110,909
FL	388,042	\$3,627,756,785
IA	49,599	\$190,439,348
KY	203,744	\$234,747,027
MA	110,224	\$809,701,444
ME	10,012	\$67,396,738
MI	90,714	\$477,681,149
MT	67,698	\$32,350,391
NE	81,174	\$165,989,947
NJ	51,161	\$1,043,104,365
NY	1,063,717	\$4,269,912,304
OR	41,278	\$370,404,247
SC	67,168	\$240,326,203
TX	769,493	\$2,453,217,027
VT	27,023	\$97,824,850
WA	1,312,889	\$556,387,058
WI	18,096	\$405,889,721
Totals	6,017,585	\$23,425,502,917

Source: [OpenSecrets database](#) compiled by the National Institute on Money in Politics, 2002-2023. Includes all compiled data but not from Idaho and North Carolina which recently have made data available. Includes lobbying not attributable to companies.

Alabama	Montana*
Arkansas	North Carolina**
Florida*	North Dakota
Idaho**	New Hampshire
Indiana**	Texas*
Kansas	Utah
Kentucky*	West Virginia
Louisiana	
* Expenditure data available in electronic form & some company-specifics from OpenSecrets.	
** Electronic data available, not from OpenSecrets.	

¹ In addition to the states OpenSecrets lists, two more of the 15 states which Si2 examined for this report now also provide downloadable data (Idaho and North Carolina), bringing the total to at least 22.

Key Indicators

To systematically examine how much can be learned from the public record, Si2 reviewed public information each of the 15 states make available. (See box for a list of states.) We identified the following:

- The **state government agency** responsible for lobbying oversight and reporting.
- What sort of **company-specific information** is available. Generally this falls into two categories—*principals* (paying clients/companies) or *lobbyists* (the person or firm that lobbies). A lobbyist may register individually or as a firm. A company may appear as a principal and/or as a lobbyist if it has in-house staff who lobby.
- If disclosure mandates require identification of the **subject** of lobbying.
- Which **specific disclosures** occur:
 - **lobbyist identification data**, such as name and address.
 - **amount spent**, sometimes by **category** (such as advertising, communications, lodging, entertainment, food or travel), **client** (such as a company) or **type of official** (sometimes by name or category of office such as executive, legislative or local government).
 - **bills** or **subjects** lobbied on; sometimes there are specific tick-off lists, other times reporting is freeform, although six states require no discussion of the subject matter.
 - Critically, if information can be **downloaded in a spreadsheet** or otherwise compiled electronically. Even if a state disclosure website enables extracting a list of all lobbyists or principals, expenditure data often only appears in hundreds or thousands of separate static reports which cannot be easily aggregated. Lobbyist reports may list subject matter and/or reported payments in individual downloadable static reports, but compiling them is not practicable.
- The **period** when reports must be filed (monthly, quarterly, semi-annual, annual or other).
- What **amount**, if any, triggers reporting. Specificity varies widely.

Appendix 2 shows the results of our review. The main takeaway is that it is not possible to determine from the public record how much was spent overall by all companies in all 15 anti-ESG states.

Notable Gaps

Three of the most notable gaps in the record which prevent a full evaluation of corporate lobbying are:

- **A patchwork of corporate identification.** Most often, a company may be listed as a lobbyist or lobbyist client, but it is not possible to connect the company to specific expenditures. For instance:
 - Alabama posts an 85-page [list of 585 registered lobbyists](#) that includes corporate clients, but not in a format that can be databased with any ease.
 - Louisiana also has a searchable online lobbying database which produces a list of “companies” (including many that are not corporations) and the lobbyists working for

them, but the exportable spreadsheet provides lobbyist characteristics with no expenditure data.

- West Virginia posts a [list of employers](#) represented by lobbyists, but the expenditure disclosures appear only on individual lobbyist disclosure forms, such as [this example](#) for Benjamin Beakes who paid \$300 for a catered lunch for the West Virginia Capitol House Health Committee in February 2023. Beakes represents several public companies—including **AT&T, FirstEnergy, Republic Services, Stride** and **TC Energy**—but he did not report expenses for them on that occasion. A [separate list of lobbyists](#) notes the topics lobbied upon and the clients represented for lobbyists registered with the state, but it has no expenditure data.
- **No required disclosure of subjects** lobbied on in six states. Arkansas, Florida, Kansas, North Dakota, New Hampshire and Utah do not have any requirement for lobbyists to report what they are lobbying about.
- **Limited or no downloadable expenditure data** in several states, with no nothing available from eight. Alabama, Arkansas, Kansas, Louisiana, North Dakota, New Hampshire, Utah and West Virginia do not make information available in a downloadable format. In addition, other states do not enable researchers to connect a company to specific amounts or lobbyists, as noted in the West Virginia example above. In Florida, another problem presents itself: amounts are reported in increments of \$10,000 or in specific amounts over \$50,000, making precision impossible.

These challenges evident in only the 15 states we are able to assess apply more broadly to the country as a whole. It is simply not possible to determine how much companies spend in the aggregate to influence statehouse legislation or state policy more generally in half the country (28 states). The edges of this information black hole may become clearer with a mandatory SEC lobbying disclosure rule.

Appendix 1: Si2 Annual Corporate Political Influence Assessment Results

Indicator	2015 (499 companies)	2021 (489 companies)
Has a specific policy or mention state-level lobbying	148 (30%)	211 (43%)
Discloses some lobbying spending information	16 (3.2%)	57 (11.6%)
Discloses individual state lobbying amounts	2 (0.4%) Chevron Staples	10 (2%) Altria Group (Chevron)* (Clorox)* (CMS Energy)* Devon Energy FirstEnergy Lincoln National United Rentals Walmart Xcel Energy
Discloses aggregate state lobbying amounts	13 (2.6%) Accenture Aetna Amazon.com American Express Amerisource Bergen Anthem Eastman Chemical Endo Pharmaceuticals Microsoft Procter & Gamble Sigma-Aldrich St. Jude Medical WEC Energy	12 (2.5%) Accenture American Express AmerisourceBergen Anthem Cigna Eastman Chemical ExxonMobil HP Johnson & Johnson McKesson Microsoft Procter & Gamble
Identifies only states where it lobbies, not amounts	22 (4.6%) Amgen Apple Bank of NY Mellon Citigroup CMS Energy Discover Financial Services	33 (6.7%) AbbVie Alliant Energy Amgen Apple Autodesk Bank of NY Mellon

Indicator	2015 (499 companies)	2021 (489 companies)
	EMC General Mills Marathon Petroleum Mastercard PepsiCo PG&E PMI Potomac Electric Power PPL Public Service Enterprise Grp Raytheon Southwestern Energy Tesoro Petroleum Texas Instruments United Technologies Xcel Energy	Boeing Consolidated Edison Corning DaVita Discover Financial Services Dominion Energy Eli Lilly Eversource Energy Franklin Resources General Mills Honeywell Marathon Petroleum Mastercard NextEra Energy Nucor PepsiCo Pfizer Phillips 66 Public Service Enterprise Grp Raytheon Technologies State Street Texas Instruments Travelers Valero Energy Vertex Pharmaceuticals WEC Energy Group Western Union
Combines disclosure that includes both aggregate figures and states	1 (0.2%) Amazon.com	2 (0.4%) Amazon.com CBRE
*No longer provides this level of disclosure as of November 2023.		

Appendix 2: Corporate Lobbying Disclosure in Anti-ESG Law States

State	Agency	Company information	Subject Matter?	Disclosures	Period	Amount
AL	Alabama Ethics Commission	<ul style="list-style-type: none"> • Registration required by lobbyists and those for whom they work (“principals”). PDF “principals list” includes company names. • 85-page list of registered lobbyists (PDF) shows corporate clients but spreadsheet does not. • To identify expenditures, must <i>individually</i> search each lobbyist or principal’s quarterly PDF reports. • No expenditure data for principals or lobbyists. • Most recent annual commission report is for FY 2019, noting 837 principals registered for the year, up from the previous 2 years, with 600 to 650 lobbyists registered annually, 2017-19. 	“Categories of legislation subject to lobbying activities.”	<ul style="list-style-type: none"> • Name(s) of principal or lobbyist, address, phone number, email, contact. • No specific amounts spent. 	Quarterly	<p>For transactions involving “a public official, public employee, and members of their respective households” information on if (yes/no):</p> <ul style="list-style-type: none"> • >\$250 spent in a 24-hour period, • any transactions >\$500 in one quarter, • any loan, • “any direct business association or partnership” with officials, public employees, their households.
AR	Arkansas Ethics Commission has rules, Arkansas Secretary of State has expenditure reports.	<ul style="list-style-type: none"> • Transparency portal shows lobbyist reports by firm (835) or individual (1,881). • Cannot search only by company. • Company may be listed by name (as firm) or as a client by a lobbying firm. • “Corporation” category on web search results page for lobbying firms but cannot filter for it. 	None.	<ul style="list-style-type: none"> • Name, address, telephone (no email) of lobbyist employer/client • Amounts spent <i>per client</i> by type (ads, entertainment, food/travel, living, postage, printing, special events, telephone, other), but no spreadsheet or downloadable data for aggregation. • Gift description and employer/client served. • Search portal returns results by type summed for each year on webpages available 2018-2023 onward by type. 	Quarterly, monthly when legislature in session.	Gifts >\$100, payment for food/lodging/travel/tickets>\$40/day or in aggregate to public servant.

State	Agency	Company information	Subject Matter?	Disclosures	Period	Amount
FL*	State maintains FloridaLobbyist website for lobbying information and registration.	<ul style="list-style-type: none"> Data on individual lobbyists, lobbying firms, principals. Compensation reports portal can be search by principal name, which may be a company. Search results page shows principal name and firm which lobbied for it. 	None.	<ul style="list-style-type: none"> Separate downloadable data reports available for lobbying legislature and executive branch. Reports include name, address, telephone numbers (not emails) for principals and lobbying firms. Lobbyist firm reports list individual lobbyist names. 	Quarterly	Range of compensation in \$10,000 increments or specific amounts if >\$50,000.
ID**	Secretary of State website about lobbying.	<ul style="list-style-type: none"> Lists 417 lobbyist and 643 lobbyist employers. Portal identifies top-spending lobbyists by name and total amount spent and top-spending “companies” (which include non-corporate organizations). 	31 possible lobbying subjects listed (tick box on PDF reports) then total number of lobbyists and employers for each subject and details on spending. Subjects not on downloadable spreadsheet of expenditures.	<ul style="list-style-type: none"> Names of lobbyist employers, subjects lobbied on (supported or opposed), including bill numbers. Reporting by type of expenditures (entertainment/food/refreshment, living accommodations, ads, travel, telephone, other, total). 2019 onward: Can download search results to spreadsheet with lobbyist name, employer, expenditure type, amount spent—by month, session, annual summation. Pre-2019: PDF reports. 	Annual or monthly in session (semiannual if only executive), plus annual summation.	Any expenditure >\$130 for a legislator, public office holder, executive official or member of their households.
IN**	Indiana Lobby Registration Commission	<ul style="list-style-type: none"> Can search by lobbyist name, which may be a company. Search result shows client name or legislative person. PDF Lobbyist Roster (50 pages for first half of 2023) lists name of company or organization and lobbyists (firm or name of individual). 1000 records for 2023 as of October. 	Subject of each bill or resolution (about 40 set categories) on PDF reports but not downloadable.	<ul style="list-style-type: none"> Name, address, telephone, email Name and contact information of client(s) and legislative person Types of expenditures: compensation to employees/contract lobbyists, reimbursements for lobbying services, receptions, entertainment (including meals), gifts, registration/late fees, expenditures for all-member events, other Downloadable spreadsheet by each period with name of each lobbyist (sometimes a company) and amount by type. 	Semiannual for each lobbying client.	Expenditures by category, and gifts if >\$50 in one day or >\$250 in a year to be reported within 15 days of gifting.

State	Agency	Company information	Subject Matter?	Disclosures	Period	Amount
KS	Kansas Governmental Ethics Commission	PDF Lobbyist Directory (54 pages) includes name of lobbyist/firm and client(s). Can search by business name.	None.	<ul style="list-style-type: none"> Name of each client, address, telephone, email on directory. Expenditure search results page (not downloadable in spreadsheet) shows client or business, lobbyist, name of public servant, type of expenditure (food & beverage, recreation, entertainment, gifts, or total), amount. Only current year is searchable online; for earlier data must email Ethics Commission. 	Monthly Jan. – April; May – August, Sept. – Dec.	>\$100
KY*	Kentucky Legislative Ethics Commission	Lists of “ legislative agents ” (lobbyists) and Legislative Employers (including companies) available in PDF, RTF formats, not spreadsheets but can be converted.	General subject matter and/or bills lobbied on.	<ul style="list-style-type: none"> Data for 2023, 2022 Legislative Agent Reports (PDF, RTF, TXT) show employer name, lobbyists for employer and (for each individual lobbyist) telephone and address. Compensation Reports (PDF or RTF, no spreadsheet but can build spreadsheet) show legislative agent, reporting period, employer, compensation. Employer Expenses shows breakdowns by type of expense Bills Lobbied report lists subjects/bills lobbied for each employer but it is not included in Compensation Reports. 	Monthly Jan. – April, May – August, Sept. – Dec.	Unclear.
LA	Louisiana Ethics Administration Program	Can search online lobbying database by either lobbyist or company. Can export list of names (263 pages) to spreadsheet. Shows company names (some are organizations, not corporations) and names of lobbyists working for them.	<ul style="list-style-type: none"> Set list of 33 subjects on lobbying report forms. Most common is “business” (124 lobbyists) and second most common “government” (100 lobbyists) but no specifics. 	<ul style="list-style-type: none"> Lobbyists register for influencing executive, legislative branch, or local governments—or a combination. Exportable spreadsheets show names, addresses, phone numbers of lobbyists and clients, not amounts for each. Expenditure reports search page allows searching by name of client. Expenditure report search results exportable to CSV, shows lobbyist name (but not client), when reported, which branch, amount, type (office of which branch, child of official, spouse of 	All lobbyists registered must provide monthly reports even if zero expenditures	Cap of \$77/official for a single activity. Otherwise appears to require all expenditures.

State	Agency	Company information	Subject Matter?	Disclosures	Period	Amount
				<p>official, reception), name of recipient. Cannot link specific expenditures to specific clients. Specifics of expenditure appear on search results screen, not in download.</p> <ul style="list-style-type: none"> Expenditures listed by aggregate totals for each branch (executive, legislative, local government). Detailed search results pages show what was spent on each activity but not by which client, but gives \$25,000 increment pay ranges from each client. Website graphs roll up lobbying totals by monthly aggregate total, number of lobbyists by subject. 		
MT*	Commissioner of Political Practices	<p>Lobbyists (paid >\$2,650 for lobbying) and Principals (those that pay >\$2,650 to lobbyists) must register. As of October 2023, 322 lobbyists and 282 principals registered.</p> <p>Principals list includes company names among other organizations.</p>	<ul style="list-style-type: none"> Lobbyist/Principal detail reports list subject of bills, bill numbers, position on them. Any earmarked contributions/membership fees of >\$250 to principal to promote, oppose, modify introduction or enactment of legislation. Public officials must disclose >\$25 paid by principal to benefit them or >\$100 to benefit officials. 	<ul style="list-style-type: none"> Lists include name of firm, address, telephone, email. Reports (Downloadable PDF, not Excel) note which lobbyists work for principals and vice versa. Names lists not downloadable – must search PDF or conduct individual company name searches on website form. L-5 Details Reports list types of expenditures for each reporting period (total lobbyist pay, other pay, travel, advertising including production, entertainment including food and refreshments, communications including telephone, fax, email, postage, printing, other office). Expenditure reports not downloadable in spreadsheet. 	Annual, monthly if >\$5,000, within 30 days of adjournment. In practice: February, March, several post-session reports	All (any de minimus?)

State	Agency	Company information	Subject Matter?	Disclosures	Period	Amount
NC**	Secretary of State Has good FAQ on website.	Can search by Principals in online form. Search returns names (including companies).	Lobbyist expenditure reports have 30 subject tick boxes that can be chosen, plus "other" but not listed on electronic reports.	<ul style="list-style-type: none"> Principals and lobbyists lists. Principal lists detail page with name, address, phone, list of its lobbyists, their expenditure filings (PDFs). Lobbyists must name any former state agency employer (within last 6 months). Principal Compilation Reports are downloadable and spreadsheet shows principal's expenses and its individual lobbyists' expenses by type (transportation and lodging, entertainment, food, meetings and events, gifts \$25, other). 	Quarterly, monthly in session	>\$25
ND	Secretary of State	Secretary of State has list of registered lobbyists by year, in downloadable list that has names of organization lobbied for (including companies).	None.	Description of expenditure, amount, date, recipient must be disclosed per statute, but no expenditure reports appear available.	Annual	\$60+
NH	Secretary of State	Secretary of State has website listing all registered lobbyists (employers in parenthesis, cannot search by employer).	None.	<ul style="list-style-type: none"> Names of each client, all fees and expenses in aggregate for each reporting period. Detailed report on each lobbyist shows scanned PDF with expenditures. No downloadable aggregated data. 	Quarterly	all
TX*	Texas Ethics Commission	Lobby Database has online search with downloadable files for registered lobbyists that identify their clients (including companies).	Yes, 84 issue check boxes.	<ul style="list-style-type: none"> Name of officials \$ by type (transportation and lodging, food and beverages, entertainment, gifts except awards/ mementos, \$ for state officer/employee attending fundraiser/charity event, mass media expenses). Sometimes more details. Expenditure detail report data in multiple downloadable spreadsheets. 	Monthly if >\$2,200 annual payments. Additional limits/details.	>\$50

State	Agency	Company information	Subject Matter?	Disclosures	Period	Amount
UT	State of Utah Financial Disclosures	Lobbyist lookup by Principal Organization allows lookup by company, but only provides a list of lobbyists (both active/inactive). Must then go to the individual lobbyist disclosure report.	None	<ul style="list-style-type: none"> Only aggregate reported amounts for reporting period. \$ amounts not broken down for individual clients. Website allows downloading of CSV files, but Si2 did not find any downloadable data. 	Quarterly, or annually if no expenditures were made.	None.
WV	West Virginia Ethics Commission	List of “Employers Represented by Lobbyists” includes companies, with all lobbyists. Expenditure disclosure only on individual lobbyist disclosure forms .	Each Lobbyist Activity Report Form includes a section for a “Lobbying activity summary.” Descriptions are left to lobbyist.	<ul style="list-style-type: none"> Lobbyist Activity Reports available online from 2017/18. All forms are PDFs so data scraping difficult. Individual lobbyist reports list each “employer” plus expenditures “on” public officials. Lobbyist expenditures on public officials divided into 8 types of spending (including campaign contributions). Appears that expenditures not spent “on” public officials are excluded from disclosures. 	3x/year	Disclosure reports only require a detail of spending “on” public officials – not company expenses for lobbying.
<p>* Indicates expenditure data is available in electronic form with some company-specific information, on the OpenSecrets/NIMP platform (https://www.followthemoney.org/).</p> <p>** Electronic data also available, not on OpenSecrets.</p>						