

1 SENATE BILL 393

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO LOBBYIST REGULATION; CHANGING REPORTING  
12 REQUIREMENTS.  
13

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 2-11-6 NMSA 1978 (being Laws 1977,  
16 Chapter 261, Section 6, as amended) is amended to read:

17 "2-11-6. EXPENDITURE REPORT TO BE FILED--CONTENTS--  
18 REPORTING PERIODS.--

19 A. Each lobbyist who receives compensation or  
20 lobbyist's employer who makes or incurs expenditures or makes  
21 political contributions for the benefit of or in opposition to  
22 a state legislator or candidate for the state legislature, a  
23 state public officer or candidate for state public office, a  
24 board or commission member or state employee who is involved in  
25 an official action affecting the lobbyist's employer or in

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1 support of or in opposition to a ballot issue or pending  
2 legislation or official action shall file an expenditure report  
3 with the secretary of state using an electronic reporting  
4 system approved by the secretary of state in accordance with  
5 Section 2-11-7 NMSA 1978. The expenditure report shall include  
6 a sworn statement that sets forth:

7 (1) the cumulative total of expenditures under  
8 one hundred dollars (\$100) made or incurred and each  
9 expenditure of one hundred dollars [~~(\$100.00)~~] (\$100) or more  
10 made or incurred by the employer or lobbyist during the covered  
11 reporting period, indicating the amount spent and a description  
12 of the expenditure. The list shall be separated into the  
13 following categories:

14 (a) meals and beverages;

15 (b) other entertainment expenditures;

16 and

17 (c) other expenditures;

18 (2) each political contribution made, and  
19 whether the contribution is from the lobbyist's employer or the  
20 lobbyist on the lobbyist's own behalf, identified by amount,  
21 date and name of the candidate or ballot issue supported or  
22 opposed; and

23 (3) the names, addresses, employers and  
24 occupations of other contributors and the amounts of their  
25 separate political contributions if the lobbyist or lobbyist's

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1 employer delivers directly or indirectly separate contributions  
2 from those contributors to a candidate, a campaign committee or  
3 anyone authorized by a candidate to receive funds on the  
4 candidate's behalf.

5 B. The expenditure report shall be filed  
6 electronically and shall be electronically authenticated by the  
7 lobbyist or the lobbyist's employer using an electronic  
8 signature as prescribed by the secretary of state in  
9 conformance with the Electronic Authentication of Documents Act  
10 and the Uniform Electronic Transactions Act. For the purposes  
11 of the Lobbyist Regulation Act, a report that is electronically  
12 authenticated in accordance with the provisions of this  
13 subsection shall be deemed to have been subscribed and sworn to  
14 by the lobbyist or the lobbyist's employer that is required to  
15 file the report.

16 C. In identifying expenditures pursuant to the  
17 provisions of Paragraph (1) of Subsection A of this section, in  
18 the case of special events, including parties, dinners,  
19 athletic events, entertainment and other functions, to which  
20 all members of the legislature, to which all members of either  
21 house or any legislative committee or to which all members of a  
22 board or commission are invited, expenses need not be allocated  
23 to each individual who attended, but the date, location, name  
24 of the body invited and total expenses incurred shall be  
25 reported.

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1           D. A lobbyist who accepts compensation for lobbying  
2 but does not incur expenditures or make political contributions  
3 during a reporting period may file a statement of no activity  
4 in lieu of a full report for that period in accordance with the  
5 reporting schedule in Subsection E of this section.

6           E. The reports required pursuant to the provisions  
7 of the Lobbyist Regulation Act shall be filed:

8                   (1) [~~by 11:59 p.m. on~~] no later than January  
9 15 for all expenditures and political contributions made or  
10 incurred during the preceding year and not previously reported;

11                   (2) within forty-eight hours for each separate  
12 expenditure made or incurred during a legislative session that  
13 was for five hundred dollars (\$500) or more;

14                   (3) [~~by 11:59 p.m. on~~] no later than the first  
15 Wednesday after the first Monday in May for all expenditures  
16 and political contributions made or incurred through the first  
17 Monday in May of the current year and not previously reported;  
18 and

19                   (4) [~~by 11:59 p.m. on~~] no later than the first  
20 Wednesday after the first Monday in October for all  
21 expenditures and political contributions made or incurred  
22 through the first Monday in October of the current year and not  
23 previously reported.

24           F. A lobbyist's personal living expenses and the  
25 expenses incidental to establishing and maintaining an office

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1 in connection with lobbying activities or compensation paid to  
2 a lobbyist by a lobbyist's employer need not be reported.

3 G. A lobbyist or lobbyist's employer shall obtain  
4 and preserve all records, accounts, bills, receipts, books,  
5 papers and documents necessary to substantiate the financial  
6 statements required to be made under the Lobbyist Regulation  
7 Act for a period of two years from the date of filing of the  
8 report containing such items. When the lobbyist is required  
9 under the terms of the lobbyist's employment to turn over any  
10 such records to the lobbyist's employer, responsibility for the  
11 preservation of them as required by this section and the filing  
12 of reports required by this section shall rest with the  
13 employer. Such records shall be made available to the  
14 secretary of state or attorney general upon written request.

15 H. A lobbyist's employer who also engages in  
16 lobbying shall also comply with the provisions of this section.  
17 A lobbyist and the lobbyist's employer shall coordinate their  
18 reporting to ensure that the contributions and expenditures  
19 that each have reported are not duplicative.

20 I. An organization of two or more persons,  
21 including an individual who makes any representation as being  
22 an organization, that within one calendar year expends funds in  
23 excess of two thousand five hundred dollars (\$2,500) not  
24 otherwise reported under the Lobbyist Regulation Act to conduct  
25 an advertising campaign for the purpose of lobbying shall

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1 register with the secretary of state within forty-eight hours  
2 after expending two thousand five hundred dollars (\$2,500).  
3 Such registration shall indicate the name of the organization  
4 and the names, addresses and occupations of any of its  
5 principals, organizers or officers and shall include the name  
6 of any lobbyist or lobbyist's employer who is a member of the  
7 organization. Within fifteen days after a legislative session,  
8 the organization shall report the contributions, pledges to  
9 contribute, expenditures and commitments to expend for the  
10 advertising campaign for the purpose of lobbying, including the  
11 names, addresses, employers and occupations of the  
12 contributors, to the secretary of state on a prescribed form."

13 SECTION 2. EFFECTIVE DATE.--The effective date of the  
14 provisions this act is July 1, 2017.