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SENATE BILL 191

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Daniel A. Ivey-Soto and Christine Chandler

AN ACT

RELATING TO LOBBYIST REGULATION; CHANGING REPORTING
REQUIREMENTS.

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

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

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

A. Each lobbyist who receives compensation or
lobbyist's employer who makes or incurs expenditures or makes
political contributions for the benefit of or in opposition to
a state legislator or candidate for the state legislature, a
state public officer or candidate for state public office, a
board or commission member or state employee who is involved in
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 all individual
8 expenditures of less than one hundred dollars (\$100) made or
9 incurred by the employer or lobbyist during the covered
10 reporting period, separated into the following categories:

11 (a) meals and beverages;

12 (b) other entertainment expenditures;

13 and

14 (c) other expenditures;

15 [~~(1)~~] (2) each individual expenditure of one
16 hundred dollars [~~(\$100.00)~~] (\$100) or more made or incurred by
17 the employer or lobbyist during the covered reporting period,
18 indicating the amount spent and a description of the
19 expenditure. The list shall be separated into the following
20 categories:

21 (a) meals and beverages;

22 (b) other entertainment expenditures;

23 and

24 (c) other expenditures;

25 [~~(2)~~] (3) each political contribution made,

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1 and whether the contribution is from the lobbyist's employer or
2 the lobbyist on the lobbyist's own behalf, identified by
3 amount, date and name of the candidate or ballot issue
4 supported or opposed; and

5 [~~(3)~~] (4) the names, addresses, employers and
6 occupations of other contributors and the amounts of their
7 separate political contributions if the lobbyist or lobbyist's
8 employer delivers directly or indirectly separate contributions
9 from those contributors to a candidate, a campaign committee or
10 anyone authorized by a candidate to receive funds on the
11 candidate's behalf.

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

23 C. In identifying expenditures pursuant to the
24 provisions of [~~Paragraph~~] Paragraphs (1) and (2) of Subsection
25 A of this section, in the case of special events, including

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1 parties, dinners, athletic events, entertainment and other
2 functions, to which all members of the legislature, to which
3 all members of either house or any legislative committee or to
4 which all members of a board or commission are invited,
5 expenses need not be allocated to each individual who attended,
6 but the date, location, name of the body invited and total
7 expenses incurred shall be reported.

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

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

15 (1) [~~by 11:59 p.m. on~~] no later than January
16 15 for all expenditures and political contributions made or
17 incurred during the preceding year and not previously reported;

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

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

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

6 F. A lobbyist's personal living expenses and the
7 expenses incidental to establishing and maintaining an office
8 in connection with lobbying activities or compensation paid to
9 a lobbyist by a lobbyist's employer need not be reported.

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

22 H. A lobbyist's employer who also engages in
23 lobbying shall also comply with the provisions of this section.
24 A lobbyist and the lobbyist's employer shall coordinate their
25 reporting to ensure that the contributions and expenditures

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1 that each have reported are not duplicative.

2 I. An organization of two or more persons,
3 including an individual who makes any representation as being
4 an organization, that within one calendar year expends funds in
5 excess of two thousand five hundred dollars (\$2,500) not
6 otherwise reported under the Lobbyist Regulation Act to conduct
7 an advertising campaign for the purpose of lobbying shall
8 register with the secretary of state within forty-eight hours
9 after expending two thousand five hundred dollars (\$2,500).
10 Such registration shall indicate the name of the organization
11 and the names, addresses and occupations of any of its
12 principals, organizers or officers and shall include the name
13 of any lobbyist or lobbyist's employer who is a member of the
14 organization. Within fifteen days after a legislative session,
15 the organization shall report the contributions, pledges to
16 contribute, expenditures and commitments to expend for the
17 advertising campaign for the purpose of lobbying, including the
18 names, addresses, employers and occupations of the
19 contributors, to the secretary of state on a prescribed form."

20 SECTION 2. EFFECTIVE DATE.--The effective date of the
21 provisions this act is July 1, 2019.