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HOUSE BILL 137

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY
Jeff Steinborn

AN ACT

RELATING TO LOBBYING; REQUIRING REPORTING OF CERTAIN
EXPENDITURES TO BE LISTED SEPARATELY BY EACH RECIPIENT.

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 or lobbyist's employer who makes
or incurs expenditures or 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 support of or in opposition to a

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1 ballot issue or pending legislation or official action shall
2 file an expenditure report with the secretary of state on a
3 prescribed form or in an electronic format approved by the
4 secretary of state and published by the secretary of state in
5 accordance with Section 2-11-7 NMSA 1978. The expenditure
6 report shall include a sworn statement that sets forth:

7 (1) the cumulative total of the expenditures
8 made or incurred by the employer or lobbyist, listed separately
9 by each recipient, during the covered reporting period,
10 indicating the amount spent and a description of the
11 expenditure. The list shall be separated into the following
12 categories:

13 (a) meals and beverages;

14 (b) other entertainment expenditures;

15 (c) gifts; and

16 (d) other expenditures;

17 (2) each political contribution made,
18 identified by amount, date and name of the candidate or ballot
19 issue supported or opposed; and

20 (3) the names, addresses and occupations of
21 other contributors and the amounts of their separate political
22 contributions if the lobbyist or lobbyist's employer delivers
23 directly or indirectly separate contributions from those
24 contributors in excess of five hundred dollars (\$500) in the
25 aggregate for each election to a candidate, a campaign

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1 committee or anyone authorized by a candidate to receive funds
2 on the candidate's behalf.

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

14 C. In identifying expenditures pursuant to the
15 provisions of Paragraph (1) of Subsection A of this section,
16 any individual expenditure that is more than the threshold
17 level established in the Internal Revenue Code of 1986, as
18 amended, that must be reported separately to claim a business
19 expense deduction, as published by the secretary of state,
20 shall be identified by amount, date, purpose, type of
21 expenditure and name of the person who received or was
22 benefited by the expenditure; provided, in the case of special
23 events, including parties, dinners, athletic events,
24 entertainment and other functions, to which all members of the
25 legislature, to which all members of either house or any

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1 legislative committee or to which all members of a board or
2 commission are invited, expenses need not be allocated to each
3 individual who attended, but the date, location, name of the
4 body invited and total expenses incurred shall be reported.

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

7 (1) by January 15 for all expenditures and
8 political contributions made or incurred during the preceding
9 year and not previously reported;

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

13 (3) by May 1 for all expenditures and
14 political contributions made or incurred through April 25 of
15 the current year and not previously reported.

16 E. A lobbyist's personal living expenses and the
17 expenses incidental to establishing and maintaining an office
18 in connection with lobbying activities or compensation paid to
19 a lobbyist by a lobbyist's employer need not be reported.

20 F. A lobbyist or lobbyist's employer shall obtain
21 and preserve all records, accounts, bills, receipts, books,
22 papers and documents necessary to substantiate the financial
23 statements required to be made under the Lobbyist Regulation
24 Act for a period of two years from the date of filing of the
25 report containing such items. When the lobbyist is required

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1 under the terms of the lobbyist's employment to turn over any
2 such records to the lobbyist's employer, responsibility for the
3 preservation of them as required by this section and the filing
4 of reports required by this section shall rest with the
5 employer. Such records shall be made available to the
6 secretary of state or attorney general upon written request.

7 G. A lobbyist's employer who also engages in
8 lobbying shall also comply with the provisions of this section.

9 H. An organization of two or more persons,
10 including an individual who makes any representation as being
11 an organization, that within one calendar year expends funds in
12 excess of two thousand five hundred dollars (\$2,500) not
13 otherwise reported under the Lobbyist Regulation Act to conduct
14 an advertising campaign for the purpose of lobbying shall
15 register with the secretary of state within forty-eight hours
16 after expending two thousand five hundred dollars (\$2,500).

17 Such registration shall indicate the name of the organization
18 and the names, addresses and occupations of any of its
19 principals, organizers or officers and shall include the name
20 of any lobbyist or lobbyist's employer who is a member of the
21 organization. Within fifteen days after a legislative session,
22 the organization shall report the contributions, pledges to
23 contribute, expenditures and commitments to expend for the
24 advertising campaign for the purpose of lobbying, including the
25 names, addresses and occupations of the contributors, to the

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1 secretary of state on a prescribed form."

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