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AN ACT

RELATING TO SECRETARY OF STATE REPORTS; ESTABLISHING
REQUIREMENTS FOR THE ELECTRONIC REPORTING AND PUBLIC
ACCESSIBILITY OF REPORTS OF POLITICAL CONTRIBUTIONS AND
LOBBYING EXPENDITURES; CHANGING REPORTING REQUIREMENTS;
CREATING A FUND.

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

SECTION 1. Section 1-19-27 NMSA 1978 (being Laws 1979,
Chapter 360, Section 3, as amended) is amended to read:

"1-19-27. REPORTS REQUIRED--ELECTRONIC REPORTING
SYSTEM--CAMPAIGN REPORTING SYSTEM FUND.--

A. All reporting individuals shall file with the
secretary of state reports of expenditures and contributions
and statements of no activity when required by the Campaign
Reporting Act in an electronic format prescribed by the
secretary of state.

B. The secretary of state shall develop or
contract for services to develop an electronic reporting
system for reporting individuals to register with the
secretary of state and file all reports of expenditures and
contributions and statements of no activity as required by
the Campaign Reporting Act. The electronic reporting system
shall:

- (1) enable a person to register and file

1 reports online by electronically submitting the relevant data
2 to the secretary of state's website;

3 (2) for the submission of data, use unique
4 identifiers and master drop-down lists of candidates,
5 political committees, lobbyists and, to the extent reasonably
6 possible, master lists of contributors, occupations,
7 expenditure types and contribution types;

8 (3) provide the data in open, structured
9 formats for easy search and download to allow for public
10 inspection of all report data from the secretary of state's
11 website;

12 (4) provide for cross-checking and
13 compliance features;

14 (5) provide for online registration and fee
15 payment for political committees and lobbyists;

16 (6) integrate, to the extent possible, with
17 the reporting required by the Lobbyist Regulation Act;

18 (7) to the extent possible, provide for a
19 mechanism to directly upload the required data from other
20 third-party tools; and

21 (8) provide for encrypted transmissions.

22 C. Registration fees collected by the secretary of
23 state from lobbyists and political committees shall be
24 deposited in the "campaign reporting system fund", which is
25 hereby created in the state treasury. Money in the fund is

1 appropriated to the secretary of state for the purposes of
2 paying for upgrades, maintenance and operation of the
3 electronic reporting system. Money remaining in the fund at
4 the end of a fiscal year shall not revert to the general
5 fund."

6 SECTION 2. Section 2-11-3 NMSA 1978 (being Laws 1977,
7 Chapter 261, Section 3, as amended) is amended to read:

8 "2-11-3. REGISTRATION STATEMENT TO BE FILED--CONTENTS--
9 MODIFICATION TO STATEMENT.--

10 A. In the month of January prior to each regular
11 session or before any service covered by the Lobbyist
12 Regulation Act commences, any individual who is initially
13 employed or retained as a lobbyist shall register with the
14 secretary of state by paying an annual filing fee of fifty
15 dollars (\$50.00) for each of the lobbyist's employers and by
16 filing a single registration statement under oath in an
17 electronic format as prescribed by the secretary of state
18 that states:

19 (1) the lobbyist's full name, permanent
20 business address and business address while lobbying; and

21 (2) the name and address of each of the
22 lobbyist's employers.

23 B. No registration fee shall be required of
24 individuals receiving only reimbursement of personal expenses
25 and no other compensation or salary for lobbying. Except as

1 required by Subsection D of Section 2-11-6 NMSA 1978, no
2 expenditure report shall be required if the lobbyist
3 anticipates making or incurring and makes or incurs no
4 expenditures or political contributions under Section 2-11-6
5 NMSA 1978. The lobbyist shall indicate in the lobbyist's
6 registration statement whether those circumstances apply to
7 the lobbyist.

8 C. Upon receipt of the online registration and
9 payment, the secretary of state shall publish the registration
10 information on the secretary of state's lobbying disclosure
11 website.

12 D. For each employer listed in Paragraph (2) of
13 Subsection A of this section, the lobbyist shall file the
14 following information:

15 (1) a full disclosure of the sources of
16 funds used for lobbying;

17 (2) an affirmation from each of the
18 lobbyist's employers authorizing the lobbyist to lobby on the
19 employer's behalf;

20 (3) a brief description of the matters in
21 reference to which the service is to be rendered; and

22 (4) the name and address of the person, if
23 other than the lobbyist or the lobbyist's employer, who will
24 have custody of the accounts, bills, receipts, books, papers
25 and documents required to be kept under the provisions of the

1 Lobbyist Regulation Act.

2 E. For each succeeding year that an individual is
3 employed or retained as a lobbyist by the same employer, and
4 for whom all the information disclosed in the initial
5 registration statement remains substantially the same, the
6 lobbyist shall file a simple annual registration renewal in
7 January and pay the fifty-dollar (\$50.00) filing fee for each
8 of the lobbyist's employers together with a short, abbreviated
9 prescribed form for renewal.

10 F. Whenever there is a modification of the facts
11 required to be set forth by this section or there is a
12 termination of the lobbyist's employment as a lobbyist before
13 the end of the calendar year, the lobbyist shall notify the
14 secretary of state using the electronic registration system
15 within one week of such occurrence and shall furnish full
16 information concerning the modification or termination. If
17 the lobbyist's employment terminates at the end of a calendar
18 year, no separate termination need be reported."

19 SECTION 3. Section 2-11-6 NMSA 1978 (being Laws 1977,
20 Chapter 261, Section 6, as amended) is amended to read:

21 "2-11-6. EXPENDITURE REPORT TO BE FILED--CONTENTS--
22 REPORTING PERIODS.--

23 A. Each lobbyist who receives compensation or
24 lobbyist's employer who makes or incurs expenditures or makes
25 political contributions for the benefit of or in opposition to

1 a state legislator or candidate for the state legislature, a
2 state public officer or candidate for state public office, a
3 board or commission member or state employee who is involved
4 in an official action affecting the lobbyist's employer or in
5 support of or in opposition to a ballot issue or pending
6 legislation or official action shall file an expenditure
7 report with the secretary of state using an electronic
8 reporting system approved by the secretary of state in
9 accordance with Section 2-11-7 NMSA 1978. The expenditure
10 report shall include a sworn statement that sets forth:

11 (1) each expenditure of one hundred dollars
12 (\$100.00) or more made or incurred by the employer or lobbyist
13 during the covered reporting period, indicating the amount
14 spent and a description of the expenditure. The list shall be
15 separated into the following categories:

16 (a) meals and beverages;

17 (b) other entertainment expenditures;

18 and

19 (c) other expenditures;

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

25 (3) the names, addresses, employers and

1 occupations of other contributors and the amounts of their
2 separate political contributions if the lobbyist or lobbyist's
3 employer delivers directly or indirectly separate
4 contributions from those contributors to a candidate, a
5 campaign committee or anyone authorized by a candidate to
6 receive funds on the candidate's behalf.

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

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

1 location, name of the body invited and total expenses incurred
2 shall be reported.

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

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

11 (1) by 11:59 p.m. on January 15 for all
12 expenditures and political contributions made or incurred
13 during the preceding year and not previously reported;

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

17 (3) by 11:59 p.m. on the first Wednesday
18 after the first Monday in May for all expenditures and
19 political contributions made or incurred through the first
20 Monday in May of the current year and not previously reported;
21 and

22 (4) by 11:59 p.m. on the first Wednesday
23 after the first Monday in October for all expenditures and
24 political contributions made or incurred through the first
25 Monday in October of the current year and not previously

1 reported.

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

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

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

23 I. An organization of two or more persons,
24 including an individual who makes any representation as being
25 an organization, that within one calendar year expends funds

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

17 SECTION 4. Section 2-11-7 NMSA 1978 (being Laws 1977,
18 Chapter 261, Section 7, as amended) is amended to read:

19 "2-11-7. REGISTRATION AND EXPENDITURE
20 REPORT--PRESERVATION AS PUBLIC RECORD--ONLINE REPORTS.--

21 A. Each registration and expenditure report as
22 required by the Lobbyist Regulation Act shall be archived and
23 accessible on the secretary of state's lobbyist disclosure
24 website for a period of at least ten years from the date of
25 filing as a public record, open to public inspection at any

1 reasonable time. Unless an action or prosecution is pending
2 that requires preserving the report, it may be destroyed ten
3 years after the date of filing.

4 B. Lobbyist registrations and expenditure reports
5 shall be kept and maintained on the secretary of state's
6 lobbyist disclosure website and shall be available in
7 searchable and downloadable formats.

8 C. With respect to the secretary of state's
9 lobbyist disclosure website, all items in the records shall be
10 easily searchable, sortable and downloadable by the public to
11 the extent technically practicable.

12 D. The secretary of state shall ensure that
13 contributions reported by persons pursuant to the Lobbyist
14 Regulation Act are reported in a manner that is nonduplicative
15 and as consistent as practicable with the reporting
16 requirements of the Campaign Reporting Act. To the extent
17 possible, the electronic reporting system used for
18 registration and reporting required by the Lobbyist Regulation
19 Act shall be integrated with the electronic reporting system
20 used for compliance with the Campaign Reporting Act.

21 E. Reporting individuals under the Campaign
22 Reporting Act shall receive automatic electronic notice of the
23 contributions to them reported by lobbyists and lobbyists'
24 employers within twenty-four hours of the filing of each
25 expenditure report."

1 SECTION 5. Section 2-11-8.1 NMSA 1978 (being Laws 1993,
2 Chapter 46, Section 23, as amended) is amended to read:

3 "2-11-8.1. RESTRICTIONS ON CAMPAIGN ACTIVITIES AND
4 CONTRIBUTIONS.--

5 A. No lobbyist may serve as a campaign chair,
6 treasurer or fundraising chair for a candidate for the
7 legislature or other state office.

8 B. It is unlawful during the prohibited period for
9 any lobbyist or lobbyist's employer to contribute to or act as
10 an agent or intermediary for political contributions to or
11 arrange for the making of political contributions to the
12 campaign funds of any statewide elected official or legislator
13 or any candidate for those offices.

14 C. For purposes of this section, "prohibited
15 period" is that period beginning January 1 prior to any
16 regular session of the legislature or, in the case of a
17 special session, after the proclamation has been issued, and
18 ending on:

19 (1) the day the session ends for:

20 (a) any statewide elected official or
21 candidate for statewide office except the governor; and

22 (b) a legislator or any candidate for
23 the legislature; and

24 (2) the twentieth day following the
25 adjournment of the regular or special session for the governor

1 or candidate for governor."

2 SECTION 6. EFFECTIVE DATE.--

3 A. The effective date of the provisions of
4 Sections 3, 5 and 6 of this act is July 1, 2016.

5 B. The effective date of the provisions of
6 Sections 1, 2 and 4 of this act is December 15, 2017.=====

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