

1 AN ACT
2 RELATING TO LOBBYIST REGULATION; CHANGING REPORTING
3 REQUIREMENTS.
4

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

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

8 "2-11-6. EXPENDITURE REPORT TO BE FILED--CONTENTS--
9 REPORTING PERIODS.--

10 A. Each lobbyist who receives compensation or
11 lobbyist's employer who makes or incurs expenditures or makes
12 political contributions for the benefit of or in opposition
13 to a state legislator or candidate for the state legislature,
14 a state public officer or candidate for state public office,
15 a board or commission member or state employee who is
16 involved in an official action affecting the lobbyist's
17 employer or in support of or in opposition to a ballot issue
18 or pending legislation or official action shall file an
19 expenditure report with the secretary of state using an
20 electronic reporting system approved by the secretary of
21 state in accordance with Section 2-11-7 NMSA 1978. The
22 expenditure report shall include a sworn statement that sets
23 forth:

24 (1) the cumulative total of all individual
25 expenditures of less than one hundred dollars (\$100) made or

1 incurred by the employer or lobbyist during the covered
2 reporting period, separated into the following categories:

3 (a) meals and beverages;

4 (b) other entertainment expenditures;

5 and

6 (c) other expenditures;

7 (2) each individual expenditure of one
8 hundred dollars (\$100) or more made or incurred by the
9 employer or lobbyist 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 and

16 (c) other expenditures;

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

22 (4) the names, addresses, employers and
23 occupations of other contributors and the amounts of their
24 separate political contributions if the lobbyist or
25 lobbyist's employer delivers directly or indirectly separate

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

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

15 C. In identifying expenditures pursuant to the
16 provisions of Paragraphs (1) and (2) of Subsection A of this
17 section, in the case of special events, including parties,
18 dinners, athletic events, entertainment and other functions,
19 to which all members of the legislature, to which all members
20 of either house or any legislative committee or to which all
21 members of a board or commission are invited, expenses need
22 not be allocated to each individual who attended, but the
23 date, location, name of the body invited and total expenses
24 incurred shall be reported.

25 D. A lobbyist who accepts compensation for

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

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

8 (1) no later than January 15 for all
9 expenditures and political contributions made or incurred
10 during the preceding year and not previously reported;

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

14 (3) no later than the first Wednesday after
15 the first Monday in May for all expenditures and political
16 contributions made or incurred through the first Monday in
17 May of the current year and not previously reported; and

18 (4) no later than the first Wednesday after
19 the first Monday in October for all expenditures and
20 political contributions made or incurred through the first
21 Monday in October of the current year and not previously
22 reported.

23 F. A lobbyist's personal living expenses and the
24 expenses incidental to establishing and maintaining an office
25 in connection with lobbying activities or compensation paid

1 to a lobbyist by a lobbyist's employer need not be reported.

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

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

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

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

13 SECTION 2. EFFECTIVE DATE.--The effective date of the
14 provisions this act is July 1, 2018. _____

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