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HOUSE BILL 660

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Janice E. Arnold-Jones

AN ACT

RELATING TO LOBBYISTS; AUTHORIZING THE ELECTRONIC AUTHORIZATION
OF ELECTRONICALLY FILED LOBBYIST REPORTS.

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. The expenditure report shall include a
5 sworn statement that sets forth:

6 (1) the cumulative total of the expenditures
7 made or incurred, separated into categories that identify the
8 total separate amounts spent on:

9 (a) meals and beverages;

10 (b) other entertainment expenditures;

11 (c) gifts; and

12 (d) other expenditures;

13 (2) each political contribution made,
14 identified by amount, date and name of the candidate or ballot
15 issue supported or opposed; and

16 (3) the names, addresses and occupations of
17 other contributors and the amounts of their separate political
18 contributions if the lobbyist or lobbyist's employer delivers
19 directly or indirectly separate contributions from those
20 contributors in excess of five hundred dollars (\$500) in the
21 aggregate for each election to a candidate, a campaign
22 committee or anyone authorized by a candidate to receive funds
23 on ~~[his]~~ the candidate's behalf.

24 B. If the expenditure report is filed
25 electronically, the report shall be ~~[subscribed and sworn to in~~

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

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

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1 commission are invited, expenses need not be allocated to each
2 individual who attended, but the date, location, name of the
3 body invited and total expenses incurred shall be reported.

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

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

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

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

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

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

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

7 G. Any lobbyist's employer who also engages in
8 lobbying shall comply with the provisions of the Lobbyist
9 Regulation Act.

10 H. An organization of two or more persons,
11 including an individual who holds himself out as an
12 organization, that within one calendar year expends funds in
13 excess of two thousand five hundred dollars (\$2,500) not
14 otherwise reported under the Lobbyist Regulation Act to conduct
15 an advertising campaign for the purpose of lobbying shall
16 register with the secretary of state within forty-eight hours
17 after expending two thousand five hundred dollars (\$2,500).
18 Such registration shall indicate the name of the organization
19 and the names, addresses and occupations of any of its
20 principals, organizers or officers and shall include the name
21 of any lobbyist or lobbyist's employer who is a member of the
22 organization. Within fifteen days after a legislative session,
23 the organization shall report the contributions, pledges to
24 contribute, expenditures and commitments to expend for the
25 advertising campaign for the purpose of lobbying, including the

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1 names, addresses and occupations of the contributors, to the
2 secretary of state on a prescribed form."

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