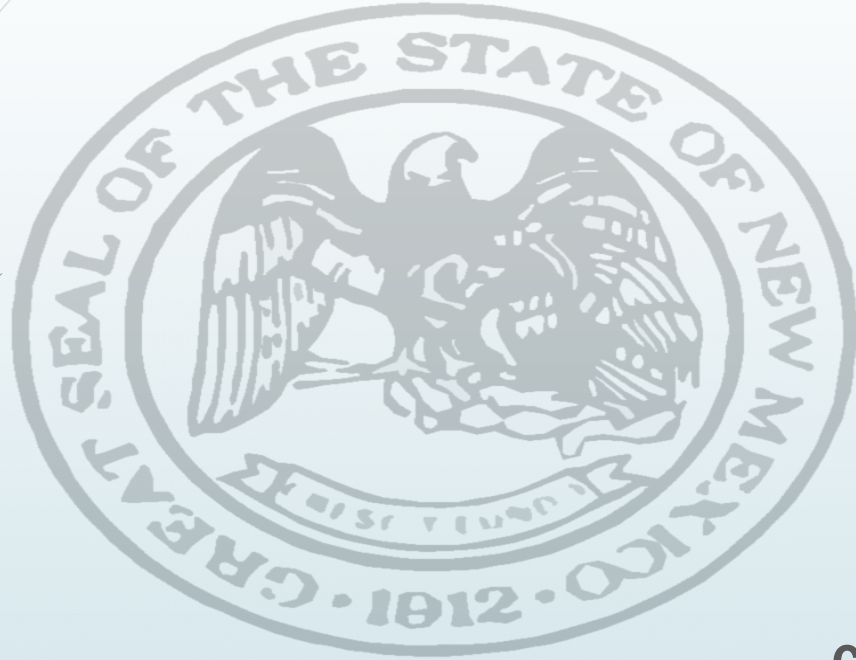


Lobbyist Regulation Guidelines



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CAMPAIGN FINANCE INFORMATION SYSTEM

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New Mexico Secretary of State

What we'll cover

- Important information for lobbyists, lobbyist employers for the 2022 legislative session and election cycle.
- Lobbyist Regulation Act, NMSA Sections 2-11-1 through 2-11-10 (the "Act") is the ultimate legal authority.
- Electronic reporting in the Campaign Finance Information System (CFIS)

Who is a lobbyist?

- **"lobbyist"** means...
 - any individual who is compensated for the specific purpose of lobbying;
 - is designated by an interest group or organization to represent it on a substantial or regular basis for the purpose of lobbying; or
 - in the course of his employment is engaged in lobbying on a substantial or regular basis.
- **"lobbying"** means attempting to influence:
 - **Legislative decision**
 - A decision related to any matter to be considered or being considered by the legislative branch of state government or any legislative committee or any legislative matter requiring action by the governor; or
 - **Official action**
 - action or non-action of a state official or state agency, board or commission acting in a rulemaking proceeding.

Who is *not* a lobbyist?

Not Lobbying:

- Appearing on your own behalf regarding legislation or “official action”.
- Acting in your official capacity as a state, local government, or tribal official.
- Providing testimony in a legislative or rulemaking proceeding.

Not a Lobbyist:

- Gov’t employee appearing to explain effect of legislation on their agency must be registered by appointing official with SOS.
- Staff of an elected state official must be registered by appointing official with SOS.
- Legislator or staff.
- Witness called to testify before legislative committee or agency.
- Media or press reporting on the government.

When Does a Lobbyist Have to Register?

- A lobbyist may register at any time within a calendar year.
- **However**, statute requires registration in January prior to the legislative session **or** prior to providing services to an employer.
- All lobbyists must first register electronically with the SOS prior to engaging in activities covered by the Act.

What is LRS:

- **Lobbyist Reporting System**
- Secure, web-based reporting system
- Contains information on Lobbyists, Lobbyist Employers, Lobbying Advertising Campaigns and Officials who file the Lobbyist Designation Form
- Public and internal administrative site
 - Most information is available to the public, however...
 - Certain information can only be accessed by authorized SOS users.
- Support is available during SOS business hours.

Getting Starting in LRS

- A lobbyist may register at any time during the year.
 - However, you are required to register in the month of January prior to the legislative session or prior to providing any services for an employer.
- All lobbyists employers need to register.
- LRS is a self-serve system, you will submit your registration and connect with your employer(s).
 - The necessary forms will be generated by LRS.
- \$50 Registration fee for each employer.
- Support is available during SOS business hours.

Managing your Lobbying Account

Best Practices

- Make sure contact information is current.
- Remove non-participating persons from the account.
- User names can be retrieved and passwords can be reset on your own using the “**Forgot your User Name or Password**” feature.
- Must click on “**File**” once all disclosure information is entered.

Filing reports

Lobbyist 2022 Reporting Schedule

First Report:

May 4, 2022

Second Report:

October 5, 2022

Third Report:

January 15, 2023

- The reports required of the Lobbyist Regulation Act shall be filed:
- by 11:59 p.m. on January 15 for all expenditures and political contributions made or incurred during the preceding year and not previously reported;
- within forty-eight hours for each separate expenditure made or incurred during a legislative session that was for five hundred dollars (\$500) or more;
- by 11:59 p.m. on the first Wednesday after the first Monday in May for all expenditures and political contributions made or incurred through the first Monday in May of the current year and not previously reported; and
- by 11:59 p.m. on the first Wednesday after the first Monday in October for all expenditures and political contributions made or incurred through the first Monday in October of the current year and not previously reported.

Reporting Requirements Review

- All lobbyists must report electronically on the Campaign Finance Information System (CFIS);
- Lobbyists who receive compensation must file a report
 - If no expenditures or contributions occurred during the reporting period a statement of no activity must be filed;
- All expenditures of \$100.00 or less must be reported;
- A contribution must be identified by who made the contribution
 - Contribution made on behalf of - either by the lobbyist or by the lobbyist employer;
- All lobbyist and lobbyist employers must coordinate transactions to eliminate duplicate reporting; and

What do I report?

Report any expenditure or political contribution that is:

- For the benefit of or in opposition to;
- A state legislator, a candidate for the legislature, a state public officer, a candidate for state public office, a board or commission member, or state employee;
- Involved in an official action;
- That affects the Lobbyist's employer; or
- In support of or opposition to a ballot issue, pending legislation, or official action.

Keeping Records & Documentation

- Lobbyist or the employer must obtain and preserve all things necessary to substantiate filings:
 - Retention period of two (2) years from the date of filing.
 - Records custodian must provide SOS or the Attorney General records upon request.
 - SOS recommends lobbyists maintain records in a system organized by reporting period.
 - SOS required to maintain lobbyist registration records and expenditure reports in a publicly available format for ten (10) years.

Prohibited Period began on January 1

Lobbyist Regulation Act

- It is unlawful during the prohibited period for any lobbyist or lobbyist's employer:
 - to contribute to or acting as an intermediary for political contributions
 - to arrange for the making of political contributions to the campaign funds of any statewide elected official or legislator or any candidate for those offices.

Who: Statewide Elected Officials and candidates for statewide office and legislators and candidates for legislative office.

When: January 1 through the adjournment of the session.

Who: Governor and any candidate for governor.

When: January 1 through the twentieth day following the adjournment of the session.

Compliance

We shall seek to ensure voluntarily compliance of the Act but non-compliance could result in negative consequences, including fines, suspension of your lobbyist registration, and referral to a district attorney or attorney general for injunctive enforcement.

Any lobbyist or lobbyist employer who files a report after the deadline imposed by the Act, or any person who files a false or incomplete report, shall be liable for and pay \$50.00 per day for each regular working day after the deadline up to a maximum of \$5,000.00.

In addition to any other penalties, any person who knowingly and willfully violates any provision of the Act shall be fined up to \$5,000. Further, the lobbyist's registration may be revoked and suspended for up to three years.

Complaints: http://www.sos.state.nm.us/Voter_Information/Voter_Complaint.aspx

Lobbying Advertising Campaigns

Who else must register & file?

Advertising Campaign:

- An organization of two or more persons, including an individual acting as an organization who expends in excess of \$2,500 in one (1) calendar year not otherwise reported by a lobbyist for the purpose of lobbying must:
- Registration is required within 48 hours of after expending \$2,500;
- Registration includes organization name, principals, organizers or officers, lobbyist or lobbyist's employers who is a member of the organization, addresses, occupations; and
- Must report their contributions, pledges to contribute, expenditures and commitments to expend within 15 days of the conclusion of the legislative session.

Review and Contact Info

General contact

- Ethics Staff:
(505) 827-3600
- sos.elections@state.nm.us

Online:

- CFIS System Training and Resources for Lobbyists and Lobbyist Employers
- <https://www.sos.state.nm.us/legislation-and-lobbying/how-to-become-a-lobbyist/cfis-system-training-and-resources-for-lobbyists-and-lobbyist-employers/>