



M U L T I S T A T E

Lawmaker, advocates pursue greater sunshine from lobbyists

Lobbying at the Roundhouse is a little bit different from other states. Put a crop of unpaid “citizen legislators” and well-paid professional lobbyists in a building together, and a certain culture develops in which lobbyists become key sources of information for lawmakers.

“When I have colleagues that come in here from other states, or from the national level, they’re amazed at the degree of access that folks have here, and it’s more of an informal kind of a situation than it is at a lot of other venues,” said Dan Weaks, a professional lobbyist.

In contrast to unpaid, understaffed legislators, lobbyists—many of whom have significant monetary resources at their disposal—can play an outsized role in the policymaking process, said Sen. Jeff Steinborn, D-Las Cruces, who has witnessed employers hire as many as 10 lobbyists for a single issue.

“They had a lobbyist posted at every elevator.”

Another senator didn’t mince words. The system we have “empowers lobbyists over the people’s elected representatives, and that’s a pretty dysfunctional system, in my view,” said Sen. Jacob Candelaria, D-Albuquerque.

Some argue that the public would be better served if there was more transparency regarding the work of lobbyists to change, pass or stop legislation. In 2021, some advocates think a new crop of freshman lawmakers plus fewer lobbyists in the Roundhouse due to the pandemic may help the prospects of new disclosure laws.

Lobbying and Power

In normal times, New Mexicans can engage with their representatives with relative ease. The state capital is open and during the annual legislative session throngs of people from all over the

state gather there. Back home when the Legislature isn't in session, lawmakers tend to be readily accessible, back at their day jobs and otherwise engaged in community meetings.

Lobbyists have ready access to lawmakers, too, but some have much more after years spent building relationships as they seek to influence the outcome of legislative action each session.

Lobbyists advance the interests of an employer, industry association, government agency, or other organized group that's hired them or for whom they volunteer and they're required to register under the state's Lobbyist Regulation Act. In 2020, they numbered 616.

But only a fraction are professionals who may represent multiple clients and are usually hired based on their experience and relationships with legislators and staff, or their subject matter expertise. Roughly 30% spend money to further their interests, whether through political contributions, expenditures on meals and other activities, or gifts.

"We are primarily, first and foremost, the frontline spokesperson for whomever hires us to convey their issues and their messages to lawmakers," said J.D. Bullington, a professional lobbyist in Santa Fe [who represents over 20 different entities](#). Bullington is one of several so-called "super-lobbyists," defined in a 2020 [New Mexico Ethics Watch report](#) as any lobbyist representing more than nine clients at once.

Some lobbyists are able to leverage their family relationships, experience as former lawmakers, or staff positions in state government into lucrative lobbying careers. The nonprofit government reform group Common Cause published [a report](#) in 2013 that exposed the revolving door of former lawmakers becoming lobbyists. Not only do they have personal relationships, but "they know the legislative history of an issue, e.g. who was opposed to it ten years ago, whether it was vetoed and why, or whether a measure is even constitutional."

Dan Weaks worked on staff at the Legislature decades ago and knows the inner workings, and people, as well.

"I have great relationships with staff people," said Weaks, a professional lobbyist who represents multiple clients. "Most of the folks that are in these positions are not brand new to the state. So you kind of have a lot of personal relationships that you've been able to build up over time."

For legislators, lobbyists are unavoidable, and for some, they become an important resource.

"What it looks and feels like when you're a new legislator is different from what it feels like when you're an old hand," said former Democratic senator Dede Feldman. "You begin to find out who

are the lobbyists that you can trust, and who are the ones that, you know, you ought to have a jaded eye about.”

Steinborn regularly sponsors bills to increase lobbying transparency and says his experience with lobbyists is professional. “Someone will approach me, they’ll say, ‘Senator, I’d like to talk to you about this issue, here’s who I’m representing.’ And they will just lay it out. I think at its best, that’s what it should be.”

Rep. Rebecca Dow, R-Truth or Consequences, said lobbyists help her gather information and do reconnaissance as an unpaid lawmaker. “When a lobbyist comes to me, the first thing I ask them is, who is opposing this?” she said, which helps her identify who else she needs to talk to.

Candelaria, however, dislikes the set up.

“It shouldn’t be up to special interests and paid lobbyists to educate the Legislature on what the important issues are regarding a public policy problem,” said Candelaria. “It basically allows the lobbying class to define what the issues are.”

And the dependence doesn’t stop there.

“Sometimes it’s like, hey, I’ll watch your kids and take them to the casino while you’re in committee tonight,” said Feldman. “Or I’ll take your dry cleaning over to the dry cleaners tonight and pick it up tomorrow for you.”

In a practice that has been described as [part of the “fabric” of the process](#), lobbyists and other outside groups frequently provide food to legislators.

“[The per diem] maybe covers your hotel room. So, you know, you’re happy when there’s an invitation to dinner,” Feldman said of the amount of money state lawmakers are given for each day they perform their legislative duties. New Mexico lawmakers are not paid a salary like their counterparts in more than 40 states.

“In committee hearings, it is not uncommon for lobbyists to donate food,” said Rep. Melanie Stansbury, D-Albuquerque. “I tell that to most people, and they think that’s crazy. Like, how could you have an entity, a private entity who has business before the committee, donating something to the committee? Well, exactly.”

For Bullington, providing meals for lawmakers simply offers the best chance to do effective advocacy.

“Lunch is just a natural time of the day when you can get a lawmaker’s undivided attention,” said Bullington. “And that’s what you’re really looking for.”

At the end of the day, legislators say, the real concern remains the relationship between lobbying, power, and elections, not meals.

“My problem is when the lobbyists use their clients’ great money and power to influence elections and to sort of preordain what the verdict will be before even starting the actual lobbying process,” said Feldman.

Dow agreed. “Are you more concerned about a lunch during the 60 day session or a million dollar contribution through 10 different subsidiaries to one person who gets to decide whether that bill is assigned to one committee, three committees, or if it even gets heard?”

Compounding the problem is a weakness in disclosure laws. Currently, there’s [no publicly available information](#) about which lawmakers or what bills are being targeted by lobbyists, as New Mexico’s lobbying laws do not require it.

Pandemic may present a reform opportunity

Year after year, Steinborn has proposed legislation to increase public disclosure by lobbyists about the bills they seek to advance or stop, so that the legislative process is more transparent.

“The important thing is that citizens know what are the mechanics, the power behind each policy that’s considered,” said Steinborn. “That levels the playing field away from those with money to hire lobbyists, and in favor of citizens– and legislators, for that matter– to be able to understand those mechanics.”

Steinborn will again pursue a bill to [require lobbyists to file a report](#) within 14 days of the end of the session that discloses which bills a lobbyist or their employer lobbied on, he said.

He will also re-introduce a [measure to mandate lobbyist employers](#) disclose the total amount of money that they invest in lobbying each year, including the compensation paid to lobbyists. “The question New Mexicans deserve to know, is not ‘gee, did they take five legislators out to the Rio Chama?’ That doesn’t tell you anything,” said Steinborn. “What you need to know is they [the employer] spent a million dollars on lobbyists to try to get a \$600 million subsidy.”

This session, a variety of factors have given reformers hope, including the newly established state ethics commission, a new crop of legislators and the departure of some who have blocked transparency legislation, and, interestingly, the fact that lobbyists will not be present in the building because of the pandemic.

“We actually feel that this would be a very ideal time,” said Heather Ferguson, executive director of Common Cause New Mexico, and herself a registered lobbyist. “Typically, those bills have suffered when contract lobbyists have been able to grab our legislators out in the hall and change their mind or move a vote. This is an opportunity where lobbyists won’t be in the building.”

Lawmakers decided to bar the public from the Roundhouse this session due to the pandemic, and that includes lobbyists.

Feldman remains optimistic that new legislators will be open to changing the process.

“I think they’re much more willing to support transparent and open, good government measures that reduce the power of lobbyists, special interests, than are legislators who— that’s the system that brought them there, that have come to depend upon it,” she said.

The ethics commission, though not formally proposing changes to lobbying regulations this session, issued “recommendations” to the Legislature in an [annual report](#).

“I hope that the commission can be a helpful resource for the legislators and for the lobbyists to promote more full and fair disclosure that’s in the public interest,” said Stuart Bluestone, one of the commissioners.

These recommendations include a measure similar to Steinborn’s bill to allow greater disclosure on exactly which bills lobbyists are seeking to influence, though with two additional disclosures: once a week after the start of a session, and another due one week after the bill introduction deadline.

“I’m frankly not sure that a report after the session is helpful to inform the public as a couple of reports during the session,” said Bluestone, a former deputy state attorney general.

Emphasizing that he was speaking for himself, Bullington said he would support measures to increase transparency around lobbying.

“I strongly believe that our political process is overly complicated and not very conducive to public access, it could be greatly improved,” said Bullington. “Because lobbyists are sort of a unique category of players and influencers of the process, I think the public has a right to know about every penny that we are spending to influence the process.”

Weaks, on the other hand, was more skeptical about Steinborn’s disclosure efforts. He and others fear transparency measures might go too far.

“Why must it be incumbent upon me to report to the Secretary of State everything I say to everybody I come in contact with relative to any piece of legislation? I think it’s ridiculous,” he said. “As far as what my salary is, or what my contract is for a private client? I personally don’t care, but it’s an intrusion of privacy.”

For her part, Minda McGonagle, another paid lobbyist, said that she understands Steinborn’s position on transparency but wondered if too much disclosure would hinder important give and take that goes on. “It’s like, if you’re always under a very bright, very public light, how can you sometimes work through the sensitive issues to get to what the resolution is?” she said.

Other legislators were generally supportive of greater disclosure around lobbying, with some caution. Rep. Georgene Louis, D-Albuquerque, said she is supportive of transparency in principle, but wants to be sure that further disclosure measures don’t have a chilling effect on advocates.

“I think we need to remember that lobbyists aren’t just for big corporations,” said Louis. “I don’t want to pass a bill and then later find out it causes harm, because we’re not hearing from certain people.

Whether or not the upcoming session sees the passage of more transparency measures, structural issues are likely to persist.

“The single most important thing we can do to address lobbying, transparency, and good policymaking in New Mexico, is to professionalize our Legislature with a paid legislature and paid staff,” said Stansbury.

“There is no other professional sphere in which we expect people to perform well at their jobs without pay and without staff.”

[City council, Hall at odds over lobbying bill](#)

One person's advocate is another's influence peddler.

Those diametrically opposed views on public-sector lobbying are held at opposite ends by the Terrell City Council and by its Senate representative in Austin, District 2 Sen. Bob Hall. The Republican from Edgewood filed a bill this session to ban the use of taxpayers' dollars to pay lobbyists.

"Governmental entities are using taxpayer money to influence legislation to their advantage by hiring lobbyists and lobby firms to peddle their opinions about bills and influence legislators," Hall states as a reason for filing the legislation. "Taxpayers should not have to foot the bill for lobbying that advocates against their interest, such as cities lobbying against bills that could lead to lower taxes. Taxpayers should not have to pay for influencing legislators about a cause they don't support."

Hall filed similar legislation during last session, but it failed in the House 58-85-2 in bipartisan fashion.

The Terrell City Council on Tuesday passed a resolution opposed to Hall's bill, which states the council opposes "any attempt to limit or prohibit the authority of city, county, and/or school district officials to use public funds to communicate with legislators and state agencies, as well as to pay membership dues to organizations that hire lobbyists."

The city of Terrell pays membership dues to the Texas Municipal League (TML), which, among other provided services, represents the interests of 1,161 Texas cities, big and small, in the Legislature.

Hall's new bill was roundly criticized at Tuesday night's council meeting. City Manager Mike Sims called it the "don't let cities talk to Austin bill."

A memorandum by city consultant John Godwin called Hall's proposal "a clear attempt by some to limit input from Texas cities to the state Legislature."

Elected city leaders use a variety of means to convey their positions to the Legislature, which is important because "the Legislature is fond of passing unfunded mandates to cities. If a state senator brags about getting something done it is often because he passed a state law or directed the eventual passage of a state regulation that raises the costs of local governments," the memo states.

“The notion is that TML member cities are spending taxpayer dollars to support and oppose issue positions not always supported by all of their citizens. That is of course true—but no political entities have 100% agreement from their electorate. That is how representative government works,” stated Godwin.

Hall argues that his bill would not prevent locally elected officials from coming to Austin to share their views on legislation.

“That local perspective is valuable when making public policy. However, the value is lost on me when I know that your tax dollars are being used in an attempt to convince me to side with a government entity over the taxpayer. I and all legislators are elected to protect taxpayers and to be fiscally responsible,” said Hall.

Godwin, a former city manager of Paris and former assistant city manager of Rockwall, said Hall’s bill is anything but fiscally responsible. It “would increase the cost to Terrell taxpayers of monitoring and assuring compliance with the state Legislature from \$3,487 to \$160,000.”

“That’s a huge jump for the city of Terrell to have to come up with in order to have a voice or have someone to speak on our behalf,” said Mayor Rick Carmona, who added, “It just makes good sense and good policy for us to have someone for us in Austin informing us of changes and/or things that might change that might affect us moving forward, whether it’s annexation or any number of issues that we face on a regular basis.”

Lobbyists adjust to new reality of virtual session

Mark Duran spends virtually every day inside the New Mexico state Capitol during a 60-day legislative session.

But now, Duran is learning to adapt to a virtual environment amid a pandemic that prompted state officials to move most lawmaking over to the internet and keep the building closed to the public and others, including lobbyists like Duran who are a mainstay when the Legislature meets in Santa Fe.

“As a lobbyist who is used to being in that building, sometimes 18 hours a day, the first thing that I am doing is accepting that this is a virtual legislative session, as hard as it is to accept,” said Duran, who has been a lobbyist in New Mexico for some 35 years.

Duran and other registered lobbyists said this year's legislative session, which began last week with masked lawmakers separated by Plexiglas partitions between their desks, is a big adjustment for people in an industry whose bread and butter is face-to-face interaction.

No more handshakes. No more politicking in legislators' offices or in between committee meetings in the crowded hallways of the Roundhouse. And definitely no more dinners and drinks at the Bull Ring steakhouse or the Pink Adobe.

The old way of doing business has been replaced by phone calls, text messages, social media and meetings over Zoom.

"There's nothing like face-to-face communication, face-to-face discussion — reading one's body language, looking someone in the eye — nothing beats that, nothing," Duran said. "Do I still think that I can be very effective? I think yes."

A fixture and powerful force during any legislative session of the past, lobbyists outnumber lawmakers 5 to 1.

How a Legislature composed of unpaid, part-time lawmakers will function without full-time professional lobbyists in the building is a punchline in New Mexico politics.

"I don't see how you can have a legislative session without the people who run the place," political blogger Joe Monahan wrote last week.

The question of how much influence lobbyists and their deep-pocketed clients have on decision-making in the state is perennial, New Mexico Ethics Watch wrote in a report last year.

"Some say lobbyists are necessary to the political process, providing information, expertise, resources, even food, that the system does not provide to its legislators, at least not in New Mexico," the report states. "Others say that some lobbyists in New Mexico are even more powerful than legislators — and their activities need to be controlled."

According to the Secretary of State's Office, New Mexico has 516 registered lobbyists, of which an estimated 75 are full-time paid professionals.

"I'm not sure if any one of the [516 registered lobbyists] really got their arms around exactly how to lobby in a virtual session," said another longtime lobbyist, Scott Scanland. "Obviously, text messaging and emails and things like that. But, you know, on the legislator side, I don't think

they're looking forward to having their cellphones blow up every 10 seconds with 50 text messages."

Scanland, who is married to state Rep. Doreen Gallegos, the House majority whip, said lobbyists will have to be mindful of lawmakers.

"It's just like salespeople or telemarketers," he said. "After a couple of them, you stop answering the phone."

Scanland used the word "weird" several times to describe this year's session, including the absence of lobbyists at the Capitol, which is open only to lawmakers, legislative staffers, law enforcement, custodial employees and news media.

In previous sessions, "we'd just be around, the Johnny on the spot stuff, you know, just listening for the metote, listening to what bills are going to come down the pipe and what we should expect and who's mad at who and all those sorts of things," Scanland said. "I mean, we'd be in the middle of it right now and just nothing."

Though a mostly virtual session will prove challenging, lobbyists said the change is necessary since New Mexico and the globe is still grappling with a highly contagious and potentially deadly virus.

"I'm approaching the session just like I have been the entire pandemic: very safe, following the governor's protocol," said Katherine Crociata, a lobbyist for Dell Communications and AT&T. "The legislators worked hard to ensure that we could move forward with a session, and I think it's important that we all adhere to the public health orders and keep everyone safe."

Crociata said she's accustomed to being in the Capitol before the start of committee meetings and until 1 or 2 in the morning as lawmaking intensifies toward the end of the session.

"I've always been of the mindset that the most effective way to get something done is to just be in the building and be there and be able to talk to legislators in between committee meetings or maybe pull one out during a committee meeting and have a sidebar conversation," she said.

"I think it'll be more difficult for all of us," she said, "but this is what we have in front of us. This is what we have to deal with."

Eric Lujan, who first started lobbying in his 20s as a director of federal funding for San Felipe Pueblo and then when he worked for the Santa Fe County Treasurer's Office as a lobbyist for the

New Mexico Association of Counties Treasurers' Affiliate, said he rented an estimated 600-square-foot office space and turned it into what he calls a "war room" with multiple monitors to keep track of committee hearings.

"I'm not big on taking [lawmakers] out to lunch or taking them out to dinner, stuff like that, but actually having that one-on-one interaction with them," said Lujan, now an independent lobbyist.

Lujan, whose sister is newly elected state Rep. Tara Lujan, D-Santa Fe, called lobbying during a virtual session "awkward" and "not as simple as people think it is."

"I'm a go-getter. 'Let's go see this person. Let's go see that person.' Boom, boom, boom. That's just not possible," he said.

Like other lobbyists, J.D. Bullington said he plans to work "100 percent virtually" with no in-person meetings with lawmakers.

"It's very different and completely uncharted water," he said. "Successful lobbyists ... utilize face-to-face meetings over lunch, over dinner or some other venue in order to have 100 percent of their attention while we're discussing matters. That's all gone now."

Bullington, a so-called "super lobbyist" who represents 20 clients, said communication, now limited to text and email messages, phone conversations and physically mailing materials to lawmakers' homes where many of them are working, is critical in his line of business.

"Lobbyists are hired professional advocates who serve as front-line spokespeople for clients who need critical information communicated to lawmakers before they make decisions on legislation," he said. "There are unprecedented communication challenges that are going to require us to adapt in order to stay as effective as before."

While top lobbyists are always going to have strong communication and access with lawmakers "because they depend on information they can't get anywhere else," Bullington worries about the public's ability to communicate and express their views during a virtual session, particularly if they live in an area with no or poor internet service.

"I think we should all be concerned," he said.

Lobbyists, who spend big bucks courting lawmakers annually, whether in campaign contributions or meals, said their expenses aren't as high this year. But it doesn't compensate for the experience of a pre-pandemic session.

"I'd rather be there," Duran said. "I'd rather the Legislature be happening. I'd rather life be normal. I'd rather be working as hard as I can at the Legislature. I can't think of any silver lining."

Lawmakers will push once again for lobbyist reform

Lobbyists will be a topic of discussion during this year's legislative session but won't be physically present to make their case when lawmakers once again consider measures requiring greater disclosure about their advocacy efforts.

They include requiring lobbyists or their employers to list the bills they lobbied on and the position they took, as well as the reporting of all money spent to influence state policy, including all compensation paid to a lobbyist.

A report issued by New Mexico Ethics Watch last year states lobbyists exert considerable influence at the Capitol.

"Perennially powerful lobbyists still know how to expertly play the inside game, catering to legislators, using their access to legislators, and leveraging the timing of meetings and last-minute amendments to their advantage," the report states.

According to the report, a few legislators try to strengthen lobbying laws every year — "only to have their legislation stalled in committees, amended to be toothless, or amended to make disclosure and other requirements so onerous that legislators can't possibly vote for the proposals."

State Sen. Jeff Steinborn, D-Las Cruces, said he hopes a pair of bills he plans to reintroduce this year to make lobbying more transparent will get a friendlier reception from a new set of freshman lawmakers. Though the bills have failed in the past, open government advocates believe they stand a better chance in a largely virtual session without lobbyists in the building.

"It helps inform the whole picture and that information then becomes a mechanism of engagement and response by a citizen who doesn't have any of that," Steinborn said. "All these areas where there's no disclosure create opportunities to, frankly, game the system."

Steinborn said lobbyists are a powerful presence at the Roundhouse.

“I’ve seen issues where, literally, they had up to 10 lobbyists on payroll,” he said. “They had lobbyists literally posted at every elevator.”

State Sen. Jacob Candelaria, D-Albuquerque, said Steinborn’s bills don’t go far enough. While disclosure is always “well and good,” Candelaria said systemic reforms are required.

“While I support [Steinborn’s proposed legislation], I think ultimately they’re sort of putting Band-Aids on a much larger problem, which is the system we have,” he said. “We have a system with a part-time Legislature, individual legislators who do not have professional policy staff or any staff that work for them throughout the year, so you develop this system where legislators rely far too heavily on paid industry lobbyists for information and for support in doing their jobs. I think that’s a rather dysfunctional system.”

Candelaria said a proposal by Sen. Daniel Ivey-Soto, D-Albuquerque, that would empower the state Ethics Commission to set the salary of all public officials, including legislators, would be an important step for reform. He also said lawmakers need additional policy analysts, not professional lobbyists, to help inform their decision-making.

“The Legislature itself needs to start building up its own capacity,” he said. “The Legislature accounts, I think, for like zero-point-one percent of the entire state budget. We are a rounding error.”

[Legislative lobbyists navigate through new restrictions](#)

A loss of personal interaction. That’s how Levi Andrist, lobbyist and president of the North Dakota Lobbyists Association, describes the change in how lobbyists work compared to previous years.

“The halls are, generally speaking, very quiet as compared to previous sessions,” he said.

Lobbyists, like lawmakers and everyone else in the Capitol, have to follow the coronavirus guidelines, such as wearing a mask and limiting personal contact, and abide by new ethics guidelines banning gifts.

“Our culture is really based on looking people in the eye and shaking hands,” Andrist said. “So it is unfortunate that the pandemic has thrown a wrench in that.”

The political process is really based on relationships and policy, he said. Now, as most people can't look each other in the eye or shake hands, it makes it more difficult to discuss public policy.

Andrist said there have been some positives to the new layout, with online participation being one of them.

"Access to subject matter experts that may not be able to come to North Dakota amidst the pandemic has been really critical for our clients," he said. "It is an excellent tool that I think many committees have found valuable."

Andrist said his firm prefers to have experts for its testimony, and allowing them to virtually testify has given them a great advantage.

"When you have a subject matter expert being able to virtually testify, the difference there in comparison to previous years is flying from Washington, D.C., to Bismarck, N.D., for the day," he said. "I think it's a great advantage to have the virtual option, but at the same time we do miss the personal interactions that make public policy-making fun."

John Olson, lobbyist and owner of Olson Effertz Lobbying & Consulting, said virtual participation has made it easier for his clients across the state to participate this year.

"It's a good thing, there are still some obstacles, but for the most part I think it has been pretty successful," he said.

However, the loss of personal contact has made it difficult to go about day-to-day issues.

"If there is a little problem going on, it is harder to solve than just walking up to the clerk or chairman and getting an issue resolved," he said.

Olson said meaningful conversations are harder to have this year, noting that he sees it in every business.

"You are much better able to gauge human response; if there are problems with communication it is always best to address those on a personal basis," he said.

Lobbyists also had another change to make, Olson said, as a ban on all gifts to legislators began this year.

North Dakota voters passed a ballot measure in 2018, said Dave Thiele, executive director of the North Dakota Ethics Commission, which resulted in the gift ban to elected officials.

Thiele said the commission was created in 2019 and was tasked with defining the measure.

The language of the measure prohibited any gifts between any public officials and lobbyists, said Thiele. The only exception is if a lawmaker and lobbyist are immediate family.

Thiele said lawmakers and lobbyists have not been troubled by the new change.

“[Lobbyists and lawmakers have said], ‘We can live with whatever the answer is, we just need to know the rules,’” he said.

Andrist said he was pleased the commission went about it in an open way.

“[The ethics commission] have tried to create a culture of compliance, not one of gotchas,” he said. “That to me is very healthy for any regulated community.”

The usual gifts Andrist would see lobbyists give would be trinkets and small gifts representing a company or organization -- “the mugs of the local association, or political subdivision, the squishy balls, those types of knick-knacks,” he said.

Thiele said the dialogue between citizens and legislators is still important, and he recognizes lobbyists are a key component in that.

“Events, where it is more than just a lobbyist and elected official, [need to] have an education component and then they simply have to report to [the commission] the who, what, when, where and why,” he said.

Olson said the conversations with lawmakers, whether it be at lunch or dinner, have been some of the most important in the past.

“There was always opportunity after the business and stress of the day, to get together on a social basis to have those conversations in a more relaxed setting,” he said “Those afforded a lot of opportunity to give and take on a personal basis.”

However, Olson attributes much of the fall-off in social interaction to the coronavirus pandemic.

“I think they both go hand in hand ... it is probably due as much to the pandemic as the gift prohibition,” he said.

As the session goes on, especially with the new federal administration in office, Olson said he believes agricultural and energy organizations will want to hold gatherings with lawmakers, while following the new reporting guidelines.

Not all lawmakers are pleased with lobbyists not being able to pay for lunches and dinners anymore.

According to the [Associated Press](#), Rep. Keith Kempenich, R-Bowman, District 39, has sponsored HB 1424, which would give legislators who live outside Bismarck taxpayer-funded money to pay for meals.

Penalties for not abiding by the regulations depend on how much a gift is worth, Thiele said. Generally, the civil penalty would be two times the monetary value of the gift.

Thiele said he wants to make sure the process is as open and easy for all lobbyists and lawmakers.

“If someone makes a mistake we want them to contact us, and we’ll fix it, educate and move on,” he said.

[Covid Dented Lobbying by Business Groups Ravaged by Pandemic](#)

Chalk up another victim of the 2020 pandemic: big business groups that fuel Washington’s influence industry.

As the coronavirus forced lockdowns and slammed the economy, some trade groups took a hit to their annual dues and canceled plans for revenue-generating conferences. As a result, some of Washington’s biggest and most powerful trade associations spent less on lobbying in 2020 than in 2019, year-end disclosures show.

The list of groups that posted declines includes many whose members were hardest hit by the pandemic: the Business Roundtable, American Hotel & Lodging Association, Cruise Lines International Association, National Retail Federation, National Restaurant Association and the National Federation of Independent Business.

The Business Roundtable spent nearly \$17 million, down from almost \$20 million in 2019. The National Association of Manufacturers spent about \$9 million, less than two-thirds of what it laid out in 2019 to influence Washington, the figures show.

“We’ve all been wrapped up in this pandemic and that really has changed the nature of lobbying,” said Craig Holman, a lobbyist at the government watchdog group, Public Citizen. “I’m looking forward to when we get rid of this pandemic so we can go back to the old style of lobbying.”

The virus has forced government affairs professionals to replace in-person meetings with cheaper forms of lobbying, such as Zoom sessions with congressional staffers and letter-writing campaigns.

Advocacy organizations continue to ask constituents to make phone calls and send emails. But asking them to show up at lawmakers’ town hall meetings and flying them into Washington for strategy sessions or in-person visits are off limits. “We can’t do any of the big, expensive ticket stuff,” said Holman.

Several of the groups that reduced their lobbying activities still spent 2020 scrambling to win virus relief measures for their members. They had to do more with less money as they advocated for multiple rounds of stimulus from Congress.

The National Retail Federation spent \$6.2 million, down from \$7.7 million in 2019. The restaurant association spent about \$2.6 million, down from \$2.9 million, while the NFIB, which represents small businesses, spent \$3.3 million, down from \$4.7 million.

There were some outliers to the downward trend. The U.S. Chamber of Commerce, one of Washington’s most powerful business groups, spent more than \$70 million last year, up from \$58 million in 2019. One reason for the jump, a spokesman said, is that midway through 2020 the chamber absorbed the Institute for Legal Reform, a unit that had previously lobbied and reported separately.

Airlines for America, which represents another hard-hit industry, increased its lobbying expenditures nearly 25%, to \$6.3 million.

Some prominent law firms with lobbying arms and boutique lobbying shops also saw their receipts climb. Akin Gump Strauss Hauer & Feld LLP, the top firm by lobbying revenue, took in almost \$50 million in lobbying fees in 2020, \$7 million more than the year before. Lyft Inc.,

Chinese telecommunications firm ZTE Corp. and the National Association of Theatre Owners are among its clients.

Technology companies such as Amazon.com Inc., which became even more crucial to everyday life in the pandemic, continued to dominate lobbying spending by single firms.

The online retailer, which benefited as customers avoided in-person shopping, spent \$4.7 million, a company record, on lobbying in the fourth quarter after setting a record in the third quarter. The company laid out almost \$17.9 million for lobbying in 2020.

Still, Facebook Inc. outspent Amazon for the year, laying out nearly \$19.7 million, up from \$16.7 million in 2019. Alphabet Inc.'s Google, which has been trimming spending under new Washington leadership, spent \$7.5 million last year, down from \$11.8 million in 2019. Apple Inc. spent nearly \$6.7 million in the same period, down more than 10% from a year earlier.

Tech companies, especially Facebook and Google, faced an onslaught of Washington threats in 2020. Federal antitrust enforcers sued both companies. A House committee called for changes in antitrust law that could make it harder for the tech giants to grow and make acquisitions. The panel issued a stinging report following a 16-month investigation, which included testimony from the heads of Apple, Amazon, Alphabet and Facebook.

Oracle Corp., which spent years pushing a case against Google, disclosed spending about \$8.1 million for lobbying in 2020, up from about \$6.8 million in 2019.

ByteDance Ltd., the Chinese owner of TikTok, the popular video app, also saw a big jump in its influence spending. It reported \$2.6 million for 2020 lobbying, compared with \$270,000 in 2019. Trump had sought to force the sale of TikTok, but that didn't happen before his term ended.

In the first quarter of 2021, the pandemic again will compete for lawmakers' attention, along with impeachment proceedings of former President Trump. This could once again reduce the chances that lobbyists can entice lawmakers to focus on their clients' issues.

"I've had a very difficult time trying to get some of my ethics issues considered by Congress," said Public Citizen's Holman, who said his efforts included a measure to make it easier to track lawmakers' stock market trades. "I suspect that trade associations and business groups are also having a very difficult time trying to get Congress to address some of their cherished issues," Holman said.

The lobbying business is also undergoing a shift now that President Joe Biden has taken over the Executive Branch and Senate control has switched to the Democrats.

On K Street, planning for the change in power began as early as last summer and accelerated as Biden's polling lead remained strong through October. Lobby firms began tracking new priorities such as corporate tax increases, building databases on potential appointees and seeking new staff and clients.

Ballard Partners, which set up a flourishing lobbying business in Washington thanks to its founder's fundraising for Trump, ended relationships with 14 clients in the fourth quarter, including Uber Technologies Inc., the filings showed. The group, however, registered many new clients and discloses more than 100 overall.

Ricchetti Inc., the firm founded by incoming Biden counselor Steve Ricchetti with his brother Jeff, has brought on five new clients in the fourth quarter, including Amazon.com Inc., according to the records.

Biden has already put into place limits on lobbying by his top administration officials when they leave. In the final hours of his presidency, Trump revoked his administration's own lobbying pledges, which banned political appointees from lobbying their old agencies for five years after leaving the government.

The reports, which registered lobbyists must file quarterly with Congress, reveal what issues they focused on and how much money they received, but they don't include which specific officials they reached out to and which issues were their top priorities. Lobbyists representing foreign governments or political parties file separate disclosures.

Politicians, researchers discuss aspects and impacts of Amendment 3

Missouri voters passed Amendment 3, a redistricting and lobbying measure meant to amend a ballot initiative approved in 2018, with 51% of the vote on Election Day.

The amendment's biggest impact is changing who draws state legislative districts. A bipartisan commission of 20 state senators and 20 state representatives appointed by Gov. Mike Parson will now create the boundaries. Seventy percent of them must agree on a map to finalize it. Amendment 3 also lowers the amount lobbyists can give politicians from \$5 to \$0, and it lowers the campaign contribution limit for state Senate campaigns from \$2500 to \$2400.

Amendment 3 amends much of Amendment 1, which Missouri voters brought to the ballot via initiative in 2018 and passed with 62% of the vote. Missouri used a bipartisan commission to draw state legislative districts before 2018, but Amendment 1 replaced the commission with a nonpartisan demographer appointed by State Auditor Nicole Galloway. This demographer was responsible for drawing the map, but a legislative commission could alter the map if 70% of them agreed to do so.

Mark Rush, a professor at Washington and Lee University in Lexington, Virginia, who specializes in election law and partisan gerrymandering, said Missouri missed a chance to “clean up” by passing Amendment 3. He said appointing a demographer would have taken redistricting power farther from legislators’ hands, which he said allows for fairer districts.

“In Missouri, the conflict of interest will be obvious,” Rush said. “The elected legislators will have influence through their colleagues on a bipartisan commission, and they will be able to draw districts that favor their re-election chances.”

State Sen. Mike Cierpiot, R-Lee’s Summit, supports Amendment 3. He said no demographer would be truly nonpartisan, and he said the bipartisan commission created under Amendment 3 would not favor either party. However, he said allowing Galloway, Missouri’s only state-level Democratic official, to select the demographer would have unfairly favored Democrats.

“Find me a nonpartisan person in this state,” Sen. Cierpiot said. “It’s just crap because there’s no such thing.”

Republicans like Cierpiot were the amendment’s primary supporters. State Sen. Dan Hegeman, R-Cosby, introduced Amendment 3 in the State Senate, and it passed through both chambers with supermajority support.

State Rep. Kip Kendrick, D-Columbia, opposes Amendment 3. He said it was a Republican effort intended to overturn the will of voters who had put Amendment 1 on the ballot.

“The spirit of it was to basically allow for a new process of drawing maps that will lead to the ability for a majority party to gerrymander more than has been allowed in the past,” Rep. Kendrick said.

Republicans hold a supermajority in both chambers of the Missouri General Assembly. They outnumber Democrats 24 to 10 in the Senate and 114 to 48 in the House. Republicans were also responsible for putting Amendment 3 on the ballot; 23 Senate Republicans and 97 House

Republicans voted for Hegeman's resolution, while zero Senate Democrats and one House Democrat voted for it.

Rush said Republican lawmakers supported Amendment 3 so overwhelmingly because the amendment's goals align not with Republican interests, but with the incumbent majority's interests. He said Amendment 1 would have made state legislative districts more competitive, much to the chagrin of the majority party.

"Well, when you think about it, Missouri's been Republican for how long? Like, forever?" Rush said. "Anybody who benefited from the status quo would have been very upset with the passage of Amendment 1. And so it makes sense that Republicans would have supported getting rid of Amendment 1 because it changes the process that they're benefiting from."

Apart from changing who draws legislative districts, Amendment 3 also changes how they are drawn.

Amendment 1 prioritized partisan fairness and competitiveness in drawing districts and it stipulated that the wasted vote percentage in a district must be as close to zero as possible (wasted votes are votes cast for the losing candidate or for the winning candidate above the threshold of victory). Amendment 3 prioritizes population, contiguous districts and simple shapes over partisan fairness and competitiveness, and wasted votes cannot exceed 15%.

State Sen. Lauren Arthur, D-Kansas City, said she is concerned Amendment 3 will allow the state legislature to draw gerrymandered, non-competitive districts. She said competition in the general election rather than in the primary election ensures a district is representative of as many of its voters' voices as possible.

"I represent a district that was held by a Republican before me, and as someone who holds a competitive district, it means I get to hear from a spectrum of opinions and experiences from all of the people I represent," Sen. Arthur said. "I think that that makes me work harder to build consensus and pass laws that are better for everyone."

Sen. Cierpiot said "more competitive" is code for "more Democratic." He also said creating fair districts would prove challenging in a state like Missouri, where voters of each party tend to congregate together.

"Part of the problem for the Democrat Party is all their strength's in the big cities," Sen. Cierpiot said. "I don't know how you make places like Texas County or Wright County less Republican."

And when you go to Kansas City or St. Louis, there's no way to make those districts competitive but compact with natural boundaries. They'd have to be 600 yards wide and 40 miles across."

Amendment 3 will also change for whom each district is drawn. Under Amendment 1, the demographer would have drawn districts that would take the entire population of Missouri into account. Under Amendment 3, the commission will only consider citizens of Missouri over the age of 18.

Rush said this decision might be legally "dicey" for Missouri and could be violating the principle of "one person, one vote." He cited *Evenwel v. Abbott*, a 2016 Supreme Court case in which the Court ruled unanimously that Texas Gov. Greg Abbott could direct his state legislature to apportion state legislative districts based on total population, not registered voter population. Justice Ruth Bader Ginsburg said the wording of the Equal Protection Clause of the Fourteenth Amendment clearly reflected that total population should be the basis for legislative representation.

Sen. Arthur said basing districts off adult Missouri citizens would disenfranchise people of color. The Brennan Center for Justice released a September report finding that 54% of Missouri's Latino and Asian populations, 28% of its Black population and 21% of its white population would go uncouneted under Amendment 3.

Sen. Arthur said this would take political power from St. Louis and Kansas City, the state's major Democratic strongholds, as many of Missouri's people of color live in these metropolitan areas. Three of Missouri's four majority-Black Senate districts (all Democratic-leaning) will require more adult citizens, thus taking power from communities of color, according to the report.

In addition to representation, opponents of Amendment 3 have also criticized the measure's language and variety of content. On the ballot, voters read two paragraphs about lobbying reforms before reading about the redistricting changes.

The original language falsely said the new commission created by Amendment 3 would be "citizen-led" and "independent." After two rounds in court, the final text more accurately portrayed the redistricting changes but still left them after the lobbying changes.

Rep. Kendrick said the way the text on the ballot was organized was the sole reason Amendment 3 passed.

“Amendment 3 passed because of those first two bullet points,” Rep. Kendrick said. “I fully suspect that many voters just read bullet point number one and voted yes. It was deceiving language, because who doesn’t want to eliminate lobbyist gifts?”

Sen. Cierpiot agreed. He also said the fact that the measure contained two topics — redistricting and lobbying — helped, as many voters support limiting lobbying.

However, Sen. Cierpiot said the same was true for Amendment 1, as it too contained provisions for lobbying and redistricting. In both cases, final court decisions did not take issue with the several subjects raised in the measures.

“I think any issue petition should not have that complex multi-subject stuff in it,” Sen. Cierpiot said. “I think it was fine that we did it [on Amendment 3] because it was done that way initially, but I think things should be broken into smaller parts.”

Sean Soendker Nicholson is the director of Clean Missouri, the organization that put Amendment 1 on the ballot and led the campaign to oppose Amendment 3. He said he was disappointed that “politicians’ lies and deceptions” allowed Amendment 3 to pass, but he added that opponents of Amendment 3 will stay committed to creating fair maps.

“Amendment 3 was written to allow for truly radical gerrymandering, but it does not require it,” Nicholson wrote in an email. “The broad, bipartisan coalition that passed the Clean Missouri Amendment [Amendment 1] will be active and engaged in the 2021 redistricting process to ensure that voters and communities come first in new maps, not politicians.”

[Donations from university regents to lobbying group under increasing scrutiny](#)

Several members of the University of Minnesota's Board of Regents are facing growing criticism for donating to a political action committee that's acting as an independent lobbyist for the university.

Maroon and Gold Rising is an unaffiliated non-profit group created last year primarily by alumni and former regents who say its mission is to support the university's requests for funding.

But it also operates a political action committee (PAC) that shares the same name, website and some of the same members.

The Maroon and Gold Rising PAC has boasted about its ability to influence state lawmakers and raise money through political contributions.

Last year, it received a combined \$8,500 from Regents Richard Beeson, Janie Mayeron, David McMillan and Board Chair Kendall Powell, according to campaign finance records.

They have not responded to interview requests.

Their donations as well as the PAC's lobbying efforts are now under increasing scrutiny.

Professor Richard Painter, a well-known expert in legal ethics at the U, says the regents have created potential conflicts of interest by donating to outside political organizations.

"I believe it would be poor judgment to give that money to any PAC," Painter said. "Much less a PAC that is clearly claiming to advance the agenda of the University of Minnesota."

Regent Darrin Rosha said he declined to donate to Maroon and Gold Rising last year because he thought it blurred ethical lines.

"I didn't think it was a good idea," he said. "We are constantly communicating with legislators and it's based on the merit...not based on giving money directly to a political campaign."

University President Joan Gabel has also expressed concern that the group could create confusion and be viewed as an extension of the school.

"We need to ensure the needed independence...from the work of this PAC," Gabel wrote in a directive to top administrators in February of last year. "The University does not engage in partisan activities such as donating funds to political campaigns or candidates. This PAC is not an arm of the University and does not set the agenda for, or speak on behalf of the University of Minnesota."

Last week, U administrators took it a step further by demanding Maroon and Gold Rising remove all copyrighted images from its website and add a disclaimer stating it is not affiliated with the university.

No one from Maroon and Gold would agree to an interview. In a statement, the group said, in part, "our sole mission is to independently advocate for the University's requests of the Minnesota legislature."

But the organization's ties to the legislature are also raising red flags for Professor Painter, Rosha and a state lawmaker.

A board member of Maroon and Gold Rising's non-profit arm sits on the Regent Candidate Advisory Council — a committee that recruits and recommends candidates for the Board of Regents.

Rep. Brian Daniels (R-Fairbault) also sits on the council and says he became concerned about Maroon and Gold's lobbying efforts earlier this year. Daniels said the group asked what he thought about the candidates and then offered him a campaign contribution.

"I was very excited about (recruiting candidates) and then to find out there might be something behind the scenes happening...didn't smell right," Daniels said.