



M U L T I S T A T E

Lawmakers, and lobbyists too, push through in the midst of COVID (New Mexico)

The pandemic legislative session (as it will go down in history) lived up to its name just a week in, with at least one House Republican lawmaker and four Roundhouse staff [testing positive](#) for COVID-19. Given that lawmakers aren't required to be tested, there may be more.

Democratic House Speaker Brian Egolf said he was "dismayed" Republicans had a catered lunch, a characterization Republican House Minority Leader Townsend disputed to the Santa Fe New Mexican. Townsend urged delay of the session before it began, and is now calling for a temporary halt.

It's not surprising there's been a COVID outbreak at the Roundhouse. We are in the midst of a deadly pandemic that has killed more than 3,200 New Mexicans in under a year, closed schools and businesses, and created untold anxiety and stress.

Should the Legislature be meeting? It's questionable. But underway it is, supported by House and Senate leadership, and the governor. The idea is that lawmakers work predominantly online, convening for floor sessions during which just a fraction of lawmakers will be in the chamber. Everyone is to debate bills online, regardless of where they are physically located.

While there've been some technology hiccups, the process is in full bloom this week, with major legislation having already cleared first committee hearings. I've been watching and have to say, as someone who finds legislative webcasting invaluable, the use of Zoom has improved the virtual offering immeasurably. The sound is leaps and bounds better and one can see documents being presented.

As to public participation, how can a virtual session possibly replace the opportunity for the general public to be physically present with lawmakers? It can't.

The annual event that finds lawmakers conducting the public's business in the presence of a throng of New Mexicans, now finds those New Mexicans largely cut out, other than the

opportunity to give statements during public comment sections of hearings. And that's a space that one subset of the public — 577 registered lobbyists so far — has stepped right into. Watching the proceedings this week, I've been able to hear them, loud and clear.

Still, lobbyists have been shut out of a legislative process that in normal years allows them to waylay lawmakers in Roundhouse hallways and offices. One indication their profession has changed dramatically is a steep drop in dollars they spent on meals in the eight months prior to the session.

Normally, lunches and dinners are a year round activity. As one session ends, lobbyists pivot to considering interim meetings of the Legislature and the next session. The meals go on as a routine matter. But in 2020, lobbyists reported spending just a fraction of what they spend in normal years.

The disruption in the normal routine, if these figures indicate anything, has been severe. But maybe it's not all that big of a deal.

Lobbyists [describe](#) taking lawmakers out for a meal as a means to an end: it helps them cultivate relationships and provide information to lawmakers. But lawmakers we've spoken with say the money spent on meals isn't all that important.

Former Senator Dede Feldman told *New Mexico In Depth* the real power lobbyists and their employers have is using money to influence elections, and “preordain what the verdict will be before even starting the actual lobbying process.”

From this perspective, the lobbying power play is in election spending, not wining and dining. By that measure, lobbyists and those who employ them worked full force to maintain their power during the 2020 election.

I took a look at lobbyist political contributions during the thick of the 2016, 2018, and 2020 election cycles. Oil giant Chevron has been the biggest player in each of those elections, making large contributions to PACs, in particular. The following chart shows the spending reported by lobbyists in May and October of those election years, with and without the Chevron spending.

Chevron, a lobbyist employer, has become a big spender in elections in recent years. In 2018, the company shook the election landscape with a \$2.5 million donation to a political action committee. In 2020, the company made a substantial donation to a political committee running a primary campaign, and also spread more than \$700,000 to elected officials. When removing

Chevron, the political contributions reported by all other lobbyists have hovered at a little more than a million annually since 2018.

These numbers show that the 2020 pandemic did not slow the efforts of lobbyists to influence who sits in powerful legislative and other elected positions. And the numbers aren't even the complete picture. These are just the dollars that big money interests have given through their lobbyists. There's another \$500,000 out there that companies and organizations that employ lobbyists have reported separately to the New Mexico Secretary of State's office.

[San Diego Unified School District's federal lobbying efforts come under scrutiny by parent group](#) (California)

A parent watchdog group is criticizing the San Diego Unified School District for spending tens of thousands of dollars — including some coronavirus relief money — on a federal lobbying firm.

In April, the school board hired The Raben Group of Washington, D.C., with a contract worth up to \$150,000 to advocate for more school stimulus funding, advance the district's interests among federal lawmakers and raise the district's "profile as a leader," according to the contract.

On Jan. 26, the board unanimously approved [another contract with Raben](#) for up to \$180,000 for this year.

The district says its investment in federal lobbying has been fruitful, helping to secure tens of millions of dollars in additional coronavirus relief money that will be used to help students.

Reopen SDUSD, a parent group that has criticized the district for not reopening schools during the pandemic, obtained a spreadsheet of the district's coronavirus relief spending and noted that the district used \$37,500 of coronavirus relief money to pay Raben.

"I don't know what emergency-related charge justifies paying for a lobbyist," said Emily Diaz, a member of Reopen SDUSD.

The district is recategorizing the expenditure as part of an annual review of expenses, so it will be paid with general unrestricted funds instead of coronavirus funds, spokeswoman Maureen Magee said in an email.

"The Raben Group was brought on to help respond to the COVID-19 crisis early in the pandemic, and because it was an emergency situation, emergency funding was used," Magee

said. “However, Finance determined that ongoing costs associated with Raben should be processed as other district advocacy contracts ... have been.”

Magee added that the lobbying spending did not delay or financially impact other district programs because it has enough money for such expenditures.

“Because the Raben Group expenditures are a fraction of 1 percent of district spending, this change has no financial impact on the district one way or another,” Magee said.

Increased lobbying

San Diego Unified spent \$120,000 on federal lobbying last year, [according to disclosures filed with the U.S. Senate](#). The Los Angeles Unified School District, which also uses Raben, spent \$80,000.

The latest two years that San Diego Unified previously spent money on lobbying the federal government was 2013 and 2003, when it spent \$5,000 and \$20,000, respectively.

San Diego Unified, a district of 100,000 students, has an annual budget of \$1.6 billion.

The district more regularly spends money on lobbying the state, which provides the majority of San Diego Unified’s funding. The district spent \$219,753 lobbying at the state level during the 2019-20 legislative session, according to the [secretary of state’s office](#).

The district employs a director of governmental relations who is based in Sacramento. The district also has an up to [\\$100,000 contract](#) with School Services of California for state advocacy services.

It is not uncommon for school districts, especially large ones, to lobby, said Dan Auble, senior researcher for the Center for Responsible Politics.

He said he doesn’t know if lobbying is an allowable use of CARES Act (Coronavirus Aid, Relief and Economic Security) funding. Generally, federal contractors are prohibited from spending their contract money on lobbying, he said.

“So there is precedent for the idea that it is not productive to turn federal dollars around and spend them in the D.C. influence industry trying to get more,” Auble said in an email. “One

would think there are more effective ways to spend coronavirus relief funds to provide more direct help in the local area.”

The results of advocacy

San Diego Unified Superintendent Cindy Marten, board President Richard Barrera, former board President John Lee Evans, Director of Government Relations Enrique Ruacho and Chief Public Information Officer Andrew Sharp also advocated to the federal government on behalf of the district, Barrera said.

The federal lobbying has paid off in several ways, according to district officials.

The district credits its advocacy efforts for getting \$54.9 billion for K-12 schools nationwide in the second COVID-19 federal relief package, including an [estimated \\$119 million](#) for San Diego Unified. Barrera has said that [will help bridge](#) the district’s previously projected \$155 million budget deficit for next school year.

The district says its lobbying helped persuade federal officials to [extend reimbursements](#) for public schools nationwide to provide free meals to all children. San Diego Unified has been able to provide 30 percent more free meals, including weekend meals, than it would have if federal officials did not extend the reimbursements, Magee said.

Barrera said The Raben Group also helped San Diego Unified prepare and distribute a [seven-page education policy proposal](#) that Marten sent to President Joe Biden’s transition team in November, a proposal that Marten featured in her [annual State of the District address](#).

The proposal called for \$350 billion in direct COVID-19 funding to schools, \$12 billion more Title I funding for disadvantaged students, full funding of special education for children with disabilities, more money for military families and students, funding for early childhood education and a national teacher corps program.

The proposal also touted San Diego Unified as a diverse district that has “essentially closed the digital divide, provided millions of free meals and delivered more instructional minutes than similar districts across California and the nation.” The proposal noted that San Diego Unified has outperformed large school districts in national test scores, raised college readiness rates for all students and has been highlighted for student success in reports by the Learning Policy Institute and UCLA’s Center for the Transformation of Schools.

“We believe our unique approach and accomplishments can be of value as you consider moving quickly on policy to assist our schools across the nation,” Marten wrote to the Biden team.

District officials sent the letter to Biden because they believed other national education proposals were focusing too much on technology rather than giving students more time and attention from teachers, Ruacho said in an email.

“The goal in highlighting the success of our work is to convince national leaders that it is worth investing in public education,” Ruacho said.

Now, Biden’s team has [nominated her to be U.S. deputy education secretary](#).

Reopen SDUSD noted the timing of Marten’s nomination, following the district’s federal advocacy efforts.

“We are definitely questioning if there’s a link between the lobbying — even indirectly — and the nomination,” Diaz said.

Barrera said it’s “way out of line” and “categorically false” to suggest that Marten may have been picked with help from lobbying. He said district officials never discussed with Raben the idea of Marten having a federal position.

“It has been entirely advocacy focused on the needs of our district and the needs of students in our district,” Barrera said.

Marten will stay with the district until the Senate confirms her nomination, which is expected next month.

[**Elgin eyeing ethics rule changes, including election donation ban for anyone doing business with the city**](#) (Illinois)

The Elgin City Council is considering changes to its ethics ordinance that would prohibit anyone doing business with the city from making contributions to candidates or elected officials and ban elected officials from political activities, including lobbying.

Mayor Dave Kaptain introduced the idea of amending the existing ethics ordinance in February 2020 but after one council discussion, the issue was tabled until last week’s council meeting.

Councilman Toby Shaw the idea last year was to start a conversation about reform but was cut off when the issued was sidelined.

“I would like to see it go forward,” Shaw said. “I think it has a lot of positive benefits. I think it’s important locally and to really set the example for other governmental bodies.”

Under the donation proposal, anyone currently doing business with the city within the current year, planning to do business in the future or having done business in the previous year could not contribute money to a council candidate’s campaign fund.

However, there are other options that could be considered as well, City Attorney Bill Cogley said.

The council might prefer instead to put a limit on contributions or require city council members to disclose campaign contributions of more than \$750 before voting on an agenda item involving a donor, similar to an ordinance recently passed by the Naperville City Council, Cogley said.

While there was general consensus that the ethics act needed to be made stronger, council members raised several questions about prohibiting elected officials from political activities, including lobbying. How do you define lobbying or lobbyist, members asked.

“It seems like what we are trying to avoid is people who are registered lobbyists based on the type of activity they are involved in,” Councilwoman Tish Powell said. “It would prohibit those people from, I guess, holding office, which I still kind of have a problem with. I think we need to further define what this means.”

Council member Corey Dixon said he had mixed feelings about what had been proposed.

“There are some things we can probably fix so it’s not stopping or hurting any one council person or future council person from working their full-time jobs,” Dixon said. “There are some dicey areas.”

Council member Baldemar Lopez is registered with the state as a lobbyist in addition to being an attorney.

“I think ethics is always important to talk about specifically, but let’s not be punitive either against current and maybe future city council members that sit on this wonderful body and that are looking to represent this community because they love this community,” Lopez said.

The council also needs to proceed carefully in light of a federal lawsuit filed against the city of Chicago, which passed a similar anti-lobbyist ordinance, he said. Such an ordinance could affect a current or future elected official's freedom of speech and impact their livelihood.

Lopez, a first-term councilman, is not running for reelection and said he does not he plan to run for office in the future. But he's concerned about the effect such a rule could have on people wanting to serve on the council.

Also raising concerns for council members was a proposed provision in which city employees or elected city officials would not be allowed to represent anyone with an interest deemed adverse to the city.

Lopez and Councilman John Steffen, also an attorney, said it would be hard to determine if a client had a lawsuit against the city that could cause a conflict of interest for them.

The Illinois General Assembly was also considering ethics and lobbying reform last year. A joint committee was appointed to review the issue and put out a final report in March 2020, but "they have not issued that report as of now," Cogley said.

Any state ethics reforms would supersede the local ethics ordinance.

The council will continue discussions on ethics amendments at a future meeting.