



M U L T I S T A T E

**New Mexico lawmakers snub lobbying transparency. In other states, it's business as usual.** (New Mexico)

Despite some early optimism from advocates, state lawmakers took a pass this year on requiring greater transparency around the work of lobbyists. In fact, lawmakers didn't even give the topic a full hearing during the recent legislative session. That's despite a significant lack of disclosure about how powerful lobbyists work to influence legislation in New Mexico. In a 2015 report, the Center for Public Integrity [graded](#) the state an "F" for lobbying disclosure, the 43rd worst in the country. It's [not improved](#) since then.

Drive a few hours north, and the sort of transparency proposed for New Mexico is just business as usual.

In Denver, lobbyists file monthly reports detailing their income from lobbying, which bills they're lobbying on, which of their clients has directed them to lobby on that bill, and whether they are supporting, opposing, amending, or monitoring the legislation.

Whenever a lobbyist starts working on a new bill or changes positions on an existing bill, they report that change within 72 hours.

Additionally, [a 2006 constitutional amendment](#) banned lobbyists from giving gifts to lawmakers, which means most of the "wining and dining" that exists in Santa Fe is prohibited in Denver.

The constitutional amendment also prohibits statewide elected officeholders from becoming lobbyists for two years after leaving office.

But it wasn't always this way.

Morgan Carroll, then a freshman state representative, introduced a bill in 2005 to give injured workers a choice in physician. Though she believed her bill to be popular with constituents, over 200 lobbyists came “out of the woodwork” to oppose the bill, she said, leading to its demise.

“I almost didn’t run again, I was so crushed,” said Carroll, who is now the chair of the Colorado Democratic Party. “The influence and the power of the lobby corps was something that nobody had prepared me for.”

Carroll said that experience underscored the need for greater transparency in Colorado’s legislative process, [leading her to introduce a bill](#) the next year that required disclosure of lobbyist compensation and the requirement that lobbyists report their positions on bills.

“Inside the building, everyone was used to the way business was done, and that crossed party lines,” said Carroll. “So when people got to where they were, and learned how to be effective under the current system, people were starting to get very defensive.”

In Morgan Carroll’s telling, Denver closely resembled Santa Fe before legislators and citizens took action to make change.

“They would feed people, they would send in lunch, they would send in dinner, they would do receptions. We had colleagues that would be going to receptions at night instead of reading their bills,” Carroll said. “The power imbalance was very much a thing. If you want people to have confidence in the government, they need to be able to see everyone that is paying anything to influence their own government.”

Carroll said she ran an “outside the building” strategy for the bill, organizing petitions and ensuring that the press would cover the process so that the public could weigh in.

“When cameras were in people’s faces, they found their way to yes.”

That 2006 lobbying bill laid the groundwork for disclosure regulations that continue to today, with lawmakers building upon the system in 2014 and 2019. And lobbyists, it seems, have come to live with it. In fact, some describe the greater disclosure as beneficial.

“There really aren’t a lot of complaints,” said Mike Beasley, President of 5280 Strategies, who’s been lobbying in the state since the 1990s and [currently](#) has 22 registered clients. “My dad stopped buying dinner when he found out how much money I make. That’s the one downside of the law.”

“Like everything, when it’s new, it will be full of potholes, and then you figure out how to fill the potholes to make it run a little smoother,” said Jim Cole, the owner of a lobbying firm called Colorado Legislative Strategies. He said the Colorado Secretary of State’s office often seeks input from lobbyists to find ways to make reporting easier.

One argument frequently made in opposition to increased disclosure in New Mexico is that it would be excessively burdensome for lobbyists. Rep. Greg Nibert, R-Roswell, [said in 2019](#) that giving lobbyists 14 days after the session to report which bills they worked on would be difficult due to dealing with “exhaustion.” His concerns were echoed by other lawmakers.

But in Colorado, they’ve learned to adapt.

“It takes me literally maybe 15 or 20 minutes a month,” said Beasley, who only has to report for himself. Larger firms may have more of a reporting burden, but often employ staff to deal with it.

“It’s easy if you’re a single person shop and you’re only reporting yourself. It’s a little more complicated when you have a lobbying firm, and then you have multiple people,” said Micki Hackenberger, president of the lobbying and consulting firm Axiom Politics. “But it’s just time consuming, and honestly, that’s just what we do now.”

“I’ll probably report as a ‘monitor’ when I first look at a bill,” said Hackenberger. “I’ll change my position when I get feedback from my client, which is generally within 24 hours. And then once I have a position, I’m going to go and talk to legislators.”

“I’m guessing she’s spending an hour a day reporting various positions,” said Cole, referring to his office manager. “It depends on how many clients you have.”

Another fear expressed in New Mexico over the years is that greater disclosure will dampen public participation in the legislative process or harm a lobbyists’ effectiveness. But the monthly reporting in Colorado may help people work together better.

Cole said that publicly disclosing bill positions makes it clear to other lobbyists and legislators where everyone stands on a particular bill, allowing for natural give-and-take to happen.

“They say, well, what can you do to amend that? It initiates a dialogue,” said Cole.

To support the disclosure system, the Colorado Secretary of State [maintains a website](#) where the public can search for lobbyists and their clients, view how they're being paid and which bills they're engaging on, and even search by bill numbers.

For example, [a bill](#) that would establish a "Prescription Drug Affordability Review Board" has led upwards of 100 lobbyists to state their position on the legislation, which the public can see by [searching the bill number](#) on the Secretary of State's website. This allows the public to know how different interest groups view the legislation.

"I think it's a great feature for legislators and other lobbyists," said Hackenberger, explaining that the system allowed different groups to work out differences out in the open.

"It has led to more dialogue, more honesty, more transparency about who's doing what and why," said Beasley. "I think the public has a right to know what we make, and I know that's not very popular with lobbyists in other states, but we're quite used to it here. The sun came up this morning, and it does work pretty well."

As for Carroll, she says the system has brought much-needed transparency to the process, empowering citizens primarily by exposing lobbyist's positions to public scrutiny.

"It makes people think twice about the positions they're going to take," she said. "I also think it makes it clearer for people who are trying to organize citizens."

"Is it a pain? Yeah, it's a pain," said Hackenberger. "But I mean, it's a pain we live with in the name of transparency and disclosure."

### *New Mexico lawmakers snub transparency*

Current lobbying regulations in New Mexico provide some benefit to citizens.

People must register as lobbyists if they're conducting a particular activity defined by the state as lobbying. When they register, they have to name what group they represent. They're barred from donating money to lawmakers during the legislative session, and lawmakers aren't supposed to accept gifts exceeding \$250 in value. And the Secretary of State [maintains a portal](#) where users can see certain expenditures and political contributions for the current year.

But compared to much of the country, New Mexicans sit in the dark when it comes to what bills lobbyists are trying to kill or pass, and how much they're being paid for that work.

The federal government [requires](#) lobbyists in Washington, DC to file quarterly reports detailing how much they are paid for lobbying and not just which pieces of legislation they're working on, but also which particular aspects or provisions are relevant to the lobbyist's work.

At the state level, 28 states require either lobbyists or their employers to disclose some information about lobbyist compensation. In 15 states, lobbyists or clients must state their positions on specific bills.

Nine states require both: Alaska, Colorado, Maine, Massachusetts, New Jersey, New York, Virginia, Washington, and Wisconsin.

Sen. Jeff Steinborn, D-Las Cruces, was the lone New Mexico lawmaker seeking similar reforms this year. His [first](#) bill would have required registered lobbyists or their employers to disclose lobbyist compensation, while [the second](#) would have required lobbyists to report which bills they had been hired to support, oppose, or otherwise worked on at least once during the session. Neither bill received a committee vote, and only the second received a hearing.

“It’s an important, very important, transparency bill that frankly unlocks some of the greatest mysteries of the legislative process,” said Steinborn during the one Senate Rules Committee hearing on the topic. Lawmakers ran out of time before they could vote on the measure, and never brought it up again.

“It’s the Senate Rules Committee that is the gateway to lobbyist reform,” said former Sen. Dede Feldman. “They are the brick wall upon which reformers hurl themselves.”

Feldman said the ongoing failure to enact reform primarily stems from the realities of New Mexico’s citizen legislature—the last in the country to deny lawmakers a salary. Lobbyists, especially those who remain in the business over decades, provide invaluable knowledge and expertise to lawmakers even as they promote the interests of their employers.

“We have not been able to get the basic reforms that we need because lobbyists are so powerful in a citizen legislature, in which there is no personal staff, no salaries, no allowance for a policy assistant, or even a constituent services person,” Feldman said.

The resistance to more lobbying transparency is bipartisan, said Steinborn.

“It’s just a reflection of the discomfort people have of pulling back the curtain on the role of special interest on all sides of issues,” he said. “... I just think the benefits to the public and to the health of our democracy far outweigh that.”

### [Powerful Georgia lawmaker tries to kill ban on in-session donations](#) (Georgia)

In recent weeks, Chickamauga Republican Jeff Mullis — chairman of the powerful state Senate Rules Committee — successfully pushed legislation creating new committees for the governor and legislative leaders to raise unlimited campaign funds from lobbyists and special interests.

On Wednesday, Mullis moved to eliminate an amendment some of his fellow Republicans made that would ban such contributions during General Assembly sessions.

After getting pushback from his committee and failing to win support, Mullis said, “We are going to table this bill and I will have my say later.”

Mullis’ committee decides which bills get a vote before the full Senate. It can also alter or kill any piece of legislation.

Only two days earlier a Senate committee had moved to blunt some of the criticism Republicans have been receiving for creating Mullis’ new fundraising committees for legislative leaders. It amended an ethics bill to ban those funds from raising campaign money during General Assembly sessions.

The House last week [gave final approval to Mullis’ legislation](#) that would give Gov. Brian Kemp and legislative leaders the ability to raise unlimited campaign money during General Assembly sessions.

[Senate Bill 221](#) passed largely along party lines, with Democrats saying it could increase the likelihood that Statehouse lobbyists would be asked to give money at the same time they were trying to persuade lawmakers to pass or quash legislation of interest to their clients.

On Monday, [Senate Majority Whip Steve Gooch, R-Dahlonega](#), got an amendment put on [House Bill 333](#), a separate measure requested by the state ethics commission, [to add a provision outlawing committees or funds connected to lawmakers from raising contributions during a session](#).

When Gooch on Wednesday asked Mullis why it had been taken out of the bill, he didn't get much of an answer.

"What you added the other day, we've moved past," Mullis said without explaining why. He also didn't turn Gooch's microphone on in the meeting, preventing the public from clearly hearing what he was saying.

Gooch responded by saying "it sets a terrible precedent" to allow elected officials or groups to accept contributions during a session. His amendment, he said, "closes a loophole in Georgia law."

State lawmakers for decades have been banned from taking campaign contributions from lobbyists and special interests during the session. Long ago, the General Assembly said it looked bad for a lawmaker to take a check at the same time he or she is considering legislation or funding that the donor may be trying to get approved or killed.

But caucus funds that raise money to support GOP candidates, such as the House Republican Trust and its Senate counterpart, are legally allowed to take money during sessions. The Senate fund, however, in recent years stopped raising money during the session after a change in the chamber's rules prohibited it.

The House Republican caucus has continued to raise money during the session, and House Republicans have not sought the kind of prohibition Gooch proposed.

SB 221 — which is awaiting Kemp's signature — would let a governor, lieutenant governor, a party's nominee for either of those positions, and House and Senate Republican and Democratic leaders create such committees, which would raise money either for their own races or to try to affect other contests.

Statewide candidates are allowed to raise about \$18,000 per election cycle if they make a runoff — \$7,100 in legislative races — from individual donors.

Limits on how much donors could give to the committees would not apply, nor do they for caucus trusts. So contributors — typically lobbyists, industry associations or businesses interested in legislation or state funding — can give as much as they like.

Old-timers at the Capitol remember when lobbyists seeking to pass legislation could go onto the legislative chamber floors or into ante rooms and buttonhole lawmakers. Back in the day, lawmakers regularly held fundraisers during the session.

In the early 1990s, lawmakers made it illegal for lobbyists and others to give campaign contributions to legislators during the session because, besides the possibility for corruption, it just didn't look good.

But what went unsaid was that caucus trusts and other groups involved in the political process could still legally receive donations during the session, and they accept "dark money" — money where donors aren't disclosed.

[A review of campaign contribution reports last week by The Atlanta Journal-Constitution](#) showed over the past five years, the House and Senate GOP caucus funds — which are controlled by House and Senate leadership — reported receiving more than \$300,000 during legislative sessions, including big money from businesses and associations who had lobbyists working on bills during those sessions. The Senate trust has since discontinued the practice, and most of the \$300,000 has flowed to the House Republican group.

Unless Gooch's amendment wins final passage, the new leadership committees would likewise be able to solicit and take unlimited contributions from lobbyists and special interests during the session.

### [The fight over local control turns to representation — and lobbyists](#) (Texas)

Efforts to bar local governments from hiring outside lobbyists or joining associations that lobby the state government are gaining steam, after falling short two years ago.

If Texas lawmakers go ahead with current proposals, they'll be hurting small towns more than big cities, and rural counties more than urban ones.

The bigger local governments have the budgets to keep "government liaison" teams on staff, and sending actual government employees to Austin would still be allowed. Smaller ones don't have the money to do that; they join associations that pool resources from lots of local governments and lobby on their behalf.

The big ones are, incidentally, some of the most Democratic precincts of the state — the big blue splotches on a Texas election map. The little ones are some of the most Republican — the red wash that covers most of that map.

"The best government is the government closest to the people" was a reliable political line of long standing until just a few years ago. But top state officials in Texas have been warring with

[local governments for years](#), over [property](#) and [sales](#) taxes, [state mandates that require local spending](#), [local restrictions during the pandemic](#), [police funding](#), [ride-share regulations](#) — a broad array of disagreements over where one government’s power stops and the other’s starts.

The argument for lobbying limits has become a conservative rallying point, focused for public argument’s sake on whether taxpayers want local governments lobbying to increase state spending that’s funded by those same taxpayers. Local officials have argued, with some success, so far, that their lobbyists are keeping an eye on state lawmakers on behalf of those voters. And that the voters would boot them if they didn’t like it.

This isn’t an argument for or against lobbyists. Lobbyists might be even less popular than journalists. And they’ll still be here after the ban, if it passes. Some of them might be city employees instead of independent “hired guns,” but they’ll be here.

Legislation designed to get rid of what the supporters call “taxpayer-funded lobbyists” failed in the 2019 legislative session. It sang through the Senate and croaked in the House. This time, the Senate support appears to be intact, and new House Speaker [Dade Phelan](#) has said he supports the legislation — a good omen for the sponsors.

The current version would prohibit “political subdivisions” from contracting with people who lobby the Legislature, or from joining any association — like the Texas Association of Counties, the Texas Municipal League or the Texas Association of School Administrators, for example — that in turn hires contract lobbyists, or that is primarily a lobbying outfit.

A “political subdivision” is, according to the Texas government code, “a county, municipality, special district, school district, junior college district, housing authority, or other political subdivision of this state or any other state.”

It doesn’t include organizations that don’t meet that definition but that also receive taxpayer money, like chambers of commerce and charter schools. They’d still be allowed to hire lobbyists under the currently proposed ban.

Local governments are already barred from using state money to lobby the state. And state agencies are barred from lobbying the Legislature, but they’re allowed to say what they want as long as they don’t agitate for it.

That “legislative liaison” line is a fuzzy one. All of the big state agencies and a fair number of the small ones have people roaming the Texas Capitol to make sure lawmakers know what would

help or hurt their operations. They're allowed to provide information and expert testimony, so long as they don't cross into advocacy.

Local governments are allowed to advocate, to come to Austin and say, "Hey, we need a low-water crossing on this state road," or whatever it is they're trying to get done. And the state has a hand in this, too, when it's pleading to people in Washington for federal money for this or for that. State agencies and universities have been known to hire lobbyists and outside consultants and law firms to help their efforts. But that's not part of the proposed ban.

Nor is the Office of State-Federal Relations, a Texas outpost in Washington, D.C., a division of the governor's office with a mission that sounds like the kind of things a lobbyist might do.

[From the governor's website](#): "OSFR is the state's advocate in Washington, DC, representing state government with the administration, Congress, and federal agencies to advocate the interests of Texas, especially as interests relate to the missions and functions of Texas state government. State government includes the legislature, state agencies, and state officials. Texas State officials realize that in order for the state government to maintain a strong position in our relationship with the federal government, Texas must maintain a real presence in Washington, DC."

That's a very interesting loophole.

### [Stitt hires lobbyist to represent Oklahoma in Washington](#) (Oklahoma)

Gov. Kevin Stitt has tapped a former Capitol Hill staff member to represent state interests in Washington, D.C., becoming the first Oklahoma governor in 30 years to hire a lobbyist in the nation's capital.

Stitt, who has banned state agencies from having lobbyists in Oklahoma, announced Tuesday he has picked Christina Gungoll Lepore "to help us advance and defend key priorities for the State of Oklahoma."

A native of Enid, Lepore worked for Rep. Frank Lucas after the Oklahoma Republican first won his congressional seat in 1994. Lepore worked for other Republican lawmakers in Washington and has private sector experience in public relations, according to Stitt's office.

"It is critical for our success to have as many boots on the ground as possible to ensure Oklahoma is receiving its fair share, as federal dollars make up 40% of our state budget," Stitt said.

“Many other states, such as Texas, have longstanding state executive offices in our nation’s capital and it’s vital we are on a level playing field as we continue our ascent to becoming a Top Ten state.”

Stitt’s office did not immediately respond to questions about whether Lepore would be on his office payroll or how much she would be paid. Stitt pledged repeatedly during his 2018 campaign to make government spending more transparent.

Stitt decided in 2019 to open a Washington office, but the pandemic delayed his plan. He is the first Oklahoma governor to hire a lobbyist there since former Gov. David Walters in 1991. Former Gov. Frank Keating, who succeeded Walters, abolished the office, saying the state’s congressional delegation could sufficiently represent Oklahoma.

Oklahoma Sen. Jim Inhofe objected to Stitt’s plan to hire someone to lobby for the state, saying two years ago, “That’s what we’re supposed to be doing, and that’s what (members of Congress) have been doing for over 200 years.”

Lucas, R-Cheyenne, raised no objections when Stitt first floated the idea and, on Tuesday, praised the choice of his former staffer. He called Lepore “a woman of great character who brings a wealth of knowledge and respect to any office she serves. Christina is a proud Oklahoman, through and through, and I’m excited to know she’ll be working with the Oklahoma delegation again in Washington, D.C.”

### **[Former Illinois Lawmaker And ComEd Lobbyist Indicted For Tax Evasion](#)** (Illinois)

A former Illinois lawmaker and lobbyist for Commonwealth Edison was charged Wednesday in a five-count federal tax evasion indictment.

A federal grand jury named former Democratic lawmaker Annazette Collins, a 10-year member of the Illinois House and two-year state senator, and accused her of underreporting income and failing to file taxes for herself and for a consulting firm she operated.

The alleged tax evasion occurred between 2014 and 2016, according to the indictment.

Shay Allen, a lawyer for Collins, told WBEZ late Wednesday that his client has done nothing wrong. He argued prosecutors were only charging Collins to try to get more information for their [corruption investigation into ComEd’s bribery scheme](#) aimed at influencing former Illinois House Speaker Michael Madigan.

Madigan has not been charged and denies he did anything wrong. But ComEd admitted to the bribery scheme last year, and several former executives and lobbyists for the power company are facing criminal charges, including close Madigan friend Michael McClain.

“She’s absolutely going to plead not guilty,” Allen said of Collins. “I think this has to do with the government trying to go after Madigan and this ComEd situation, which Ms. Collins had absolutely nothing to do with. So at this time she will be fighting the charges vigorously.”

Allen added, “I think this was a play to attempt to get more information on that situation, but Ms. Collins has absolutely nothing to give.”

Collins, who represented parts of Chicago’s West and North sides while she was a lawmaker, became a lobbyist in 2013, and ComEd was among her clients from that point until 2019, state records show.

And between 2005 and 2010, Collins was chairwoman of the House Public Utilities Committee through which ComEd and other utility companies typically channeled legislation they were seeking.

The sparsely worded indictment gives no clear indication of whether her alleged wrongdoing relates to the ongoing federal probe in which [ComEd previously acknowledged](#) it orchestrated a long-running bribery scheme aimed at influencing Madigan in order to help win favorable utility legislation in Springfield.

But Wednesday’s charges do stem from the Chicago U.S. Attorney’s ongoing investigation into ComEd, according to a source with knowledge of the investigation who isn’t authorized to speak publicly about it.

Collins has had an earlier scrape with federal investigators, though she was not previously charged.

In 2012, a federal grand jury subpoenaed records related to tuition waivers she awarded to students living outside her legislative district under a now-disbanded state program. That program required scholarship recipients to live inside the boundaries of an awarding lawmaker’s district.

Among those who benefited from Collins’ generosity was Ald. Jason Ervin, 28th Ward. Before becoming a Chicago alderman, Ervin received a tuition waiver from Collins under the program in 2004 to complete a master’s degree program at Governors State University.

Ervin has been treasurer of Collins' campaign fund, state records show.

Collins lost a re-election bid in 2012 to State Sen. Patricia Van Pelt, who made the former senator's problems with the legislative scholarship program a cornerstone of her campaign.

When the ComEd investigation burst into public view, Collins was one of five former Madigan allies in the Illinois House who were [lobbying for the giant utility](#) in Springfield, WBEZ reported in 2019.

Allen, Collins' lawyer, said she was a good lawmaker and "since she's left [the General Assembly], she's earned an honest living. She wants to continue to do that. Because of these charges, her reputation is in question. That's one of the reasons we really have to fight for her."