

Complaint to the New Mexico Ethics Commission

August 15, 2023

Introduction

Over the last ten years, Senator Daniel Ivey-Soto (“Ivey-Soto”) has positioned himself as the sole-source vendor to the New Mexico County Clerks, receiving payments for technical assistance, legal counsel and lobbying services in violation of the Financial Disclosure Act, the Lobbyist Regulation Act, and the Governmental Conduct Act. His compensation as a vendor to the County Clerks has been significant; in 2022 alone, he received payments in excess of \$200,000. Ivey-Soto has leveraged his power in the Senate to advance his own personal and financial interests. He has also repeatedly put his various roles in direct conflict with each other by working on behalf of the county clerks at the same time as he is supposed to be fulfilling his independent duties as a state senator, causing harm to his clients and to the people of New Mexico.

Ivey-Soto has repeatedly failed to fully disclose his financial interests, going so far as to sponsor and amend legislation that would conceal the sources of his compensation and increase his personal revenue. In 2019, he converted his for-profit consulting company into a 501c3 tax-exempt nonprofit corporation in violation of numerous IRS regulations and, in the process of doing so, made material misrepresentations to the IRS. In addition to his financial violations, Ivey-Soto has repeatedly used his position as a legislator to advance his own personal interests. Ivey-Soto has been investigated for his alleged sexual harassment and abuse of women in the context of the New Mexico legislature, including retaliation against women who refused his advances by blocking their legislative priorities. Ivey-Soto has been the subject of a number of investigations, complaints, and public records research efforts, including a recent media report about Ivey-Soto’s failure to file a form 990 with the New Mexico Attorney General’s office for his nonprofit organization, in an alleged attempt to conceal his clients and sources of revenue.¹ It appears that Ivey-Soto’s (and his affiliated companies’) relationships with all 33 New Mexico County Clerks have been the subject of more than one Inspection of Public Records Act request. As a result, there are many compelling documents produced to the public domain. The allegations set forth below detail Ivey-Soto’s ongoing violations with supporting documentation.

Background

From January 2007 to March 2008, Daniel Ivey-Soto (“Ivey-Soto”) was the Associate Deputy Secretary of State and Director of the Bureau of Elections for the State of New Mexico, working closely with County Clerks across New Mexico on the administration of elections. In 2008, Ivey-Soto resigned his position with the Secretary of State. Ivey-Soto was able to parlay his short time with the Secretary of State into his work with the New Mexico Association of Counties (“NMAC”)² and as a vendor for the County Clerks, first through his for-profit company NM

¹ “Daniel Ivey-Soto, New Mexico’s Most Corrupt Senator,” *Estancia News*, February 2, 2023.

² NMAC is a trade association tax exempt under Section 501(c)(6) of the Internal Revenue Code. NMAC represents all 33 New Mexico counties and “supports networking and professional development through

Clerks LLC and, since 2019, through a “nonprofit” corporation named Vandelay Solutions. Ivey-Soto also earns income from County Clerks through NM Edge, a certification and training program by New Mexico State University.³

In February 2008, House Bill 327 was introduced and enacted allowing for “technical assistance... and training” to be paid from the Clerk’s Recording and Filing Fund. In March 2008, Ivey-Soto resigned his position as Director of the Bureau of Elections for the Secretary of State. In April 2008, Sheryl Nichols (“Nichols”) from the Los Alamos County Clerk’s office proposed that the County Clerks hire a person to serve as a “single point of contact” on a statewide basis to standardize processes and answer questions related to operations such as recording, probate and elections. Nichols explained that the new position was made possible by changes to the law that allowed for “the payment of Technical Assistance to be paid from our recording fee fund.” This position would standardize and coordinate processes of all types handled by the County Clerks, but also interpret legal statutes, craft new legislation and lobby on behalf of the Clerks Affiliate with the Legislature. This email was received by someone at the Bernalillo County Clerk’s office, who printed it out and handwrote “Daniel Ivey-Soto” on it. [Exhibit 1] Ivey-Soto emerged from these events as the Executive Director of the Clerks Affiliate, a purportedly volunteer position at one of the 20 affiliates of NMAC, and the Managing Member of NM Clerks LLC (“NM Clerks”), a single-member limited liability company formed by Ivey-Soto in New Mexico in July 2008. [Exhibit 2] NM Clerks served as a paid consultant to many (but not all) of the 33 County Clerks in New Mexico. Ivey-Soto’s dual roles as head of both NM Clerks and the Clerks Affiliate, encompassing paid and volunteer positions at two similarly named but fundamentally different entities, have been a persistent source of confusion to the County Clerks since 2008. [Exhibit 3]

Ivey-Soto exploited this dual role to position NM Clerks as a sole-source vendor for County Clerks in all 33 New Mexico counties, giving him exclusive access to even those County Clerks who chose not to retain him as a consultant. While not all County Clerks have hired Ivey-Soto, those that do are generally able to hire him through a process that does not include competitive bidding. Over the years, Ivey-Soto has earned significant income from his monopoly over County Clerks lobbying, legal and technical assistance services. In 2018, NM Clerks earned at least \$124,947. In 2019, NM Clerks earned at least \$174,844, while in that same year, Vandelay earned at least \$37,500. In 2020, Vandelay earned at least \$146,500. In 2021, Vandelay earned at least \$199,300. And in 2022, Vandelay earned at least \$256,800. Those amounts are listed as minimum payments. [Exhibit 4] On information and belief, the earnings are higher, especially since counties also paid Ivey-Soto through his law firm, InAccord, PC.

Just last year, multiple women accused Ivey-Soto of sexual harassment, inappropriate behavior, bullying, and retaliation. Many of these instances of abuse took place in the context of State Senate proceedings and lobbying activities; several of Ivey-Soto’s alleged victims were lobbyists and legislators. Marianna Anaya, a lobbyist and the first of Ivey-Soto’s alleged victims to come forward, stated that Ivey-Soto attempted to hinder her legislative agenda when she refused his

20 affiliates,” including the New Mexico Counties Clerks Affiliate (“Clerks Affiliate”), according to its website. See <https://www.NMACounties.org/>.

³ <https://nmedge.nmsu.edu/>

sexual advances.⁴ This led to an independent investigation by the Senate that ultimately found probable cause that Ivey Soto has violated the state’s anti-harassment policy.⁵

In sum, Ivey-Soto has demonstrated a pattern of leveraging his power as a legislator to pursue his own self-interested agenda, attempting to obtain both financial remuneration and sexual favors in exchange for access to the legislative process, all in violation of the public trust and a number of New Mexico laws pertaining to government operations.

Ivey-Soto has violated the Governmental Conduct Act

I. Relevant Sections

- a. NMSA § 10-16-3(A) provides that a legislator “shall treat the legislator's ... position as a public trust. The legislator ... shall use the powers and resources of public office only to advance the public interest and not to obtain personal benefits or pursue private interests.”
- b. NMSA § 10-16-3(B) provides that legislators “shall conduct themselves in a manner that justifies the confidence placed in them by the people, at all times maintaining the integrity and discharging ethically the high responsibilities of public service.”
- c. NMSA § 10-16-3(C) provides “Full disclosure of real or potential conflicts of interest shall be a guiding principle for determining appropriate conduct. At all times, reasonable efforts shall be made to avoid undue influence and abuse of office in public service.”
- d. NMSA § 10-16-3(D) provides that no legislator “may request or receive, and no person may offer a legislator ... any money, thing of value or promise thereof that is conditioned upon or given in exchange for promised performance of an official act. Any person who knowingly and willfully violates the provisions of this subsection is guilty of a fourth-degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.”
- e. NMSA § 10-16-4(A) provides that “It is unlawful for a public officer or employee to take an official act for the primary purpose of directly enhancing the public officer's or employee's financial interest or financial position. Any person who knowingly and willfully violates the provisions of this subsection is guilty of a fourth-degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.”
- f. NMSA § 10-16-4(B) provides “A public officer or employee shall be disqualified

⁴ “Letter outlines more allegations of sexual harassment and bullying from Sen. Ivey-Soto,” *Source NM*, March 22, 2022.

⁵ “SFR Exclusive: Investigator Found Probably Cause in Ivey-Soto Harassment Case,” *Santa Fe Reporter*, September 16, 2022.

from engaging in any official act directly affecting the public officer's or employee's financial interest, except a public officer or employee shall not be disqualified from engaging in an official act if the financial benefit of the financial interest to the public officer or employee is proportionately less than the benefit to the general public.”

- g. NMSA § 10-16-4(C) provides that “No public officer during the term for which elected and no public employee during the period of employment shall acquire a financial interest when the public officer or employee believes or should have reason to believe that the new financial interest will be directly affected by the officer's or employee's official act.”
- h. NMSA § 10-16-14(C) provides that “If the state ethics commission determines that there is sufficient cause to file a complaint to remove from office a public officer removable only by impeachment, the commission shall refer the matter to the house of representatives of the legislature. If within thirty days after the referral the house of representatives has neither formally declared that the charges contained in the complaint are not substantial nor instituted hearings on the complaint, the state ethics commission shall make public the nature of the charges but shall make clear that the merits of the charges have never been determined. Days during which the legislature is not in session shall not be included in determining the thirty-day period.”
- i. NMSA § 10-16-17 provides that “Unless specified otherwise in the Governmental Conduct Act, any person who knowingly and willfully violates any of the provisions of that act is guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than one year or both. Nothing in the Governmental Conduct Act shall preclude criminal prosecution for bribery or other provisions of law set forth in the constitution of New Mexico or by statute.”
- j. NMSA § 10-16-18(B) provides “The state ethics commission may institute a civil action in district court or refer a matter to the attorney general or a district attorney to institute a civil action in district court if a violation has occurred or to prevent a violation of any provision of the Governmental Conduct Act. Relief may include a permanent or temporary injunction, a restraining order or any other appropriate order, including an order for a civil penalty of two hundred fifty dollars (\$250) for each violation not to exceed five thousand dollars (\$5,000).”

II. Description of Alleged Violation

Since at least 2017, Ivey-Soto has violated the Governmental Conduct Act, using his position as Senator and technical services provider / lobbyist / lawyer for the County Clerks to further his personal and financial gain and those of his client above the public interest. Ivey-Soto has used his position as legislator to protect the interests of his employee, a convicted sex offender named Larry Neely, blocking and weakening legislation pertaining to child pornography and child abuse. Ivey-Soto has also been investigated for allegations that he sexually harassed and abused numerous women in his capacity as a legislator, retaliating against them by blocking their

legislative priorities when his sexual advances were refused.

Ivey-Soto has sponsored and amended legislation to reduce oversight into his paid positions, to exempt himself from his duty to disclose his financial interests and to directly increase his own wealth. Ivey-Soto has repeatedly violated the ethical conduct provisions found in NMSA § 10-16-3. More specifically, he has failed to conduct himself in an ethical manner, has failed to disclose his conflicts of interest in matters involving the County Clerks, and has often advanced legislation for the purpose of furthering his own financial gain. His actions have been knowing and willful. As such he should be penalized to the maximum extent allowed by the Governmental Conduct Act.⁶

III. List of Facts that Substantiate Allegations

a. Ivey-Soto has violated the Governmental Conduct Act by using his public office to protect his business and its employee.

Ivey-Soto has employed or represented as an attorney a convicted sex offender,⁷ Lawrence Eugene Neely (“Neely”) since at least 2005.^{8,9} In 2020, Neely was listed as the sole employee of Ivey-Soto’s business Vandelay Solutions.¹⁰ In addition, Neely administers two sex offender rights nonprofit organizations from the same office as Ivey-Soto: Liberty and Justice Coalition (“LJC”) and FYP Education (“FYP”).

LJC was formed as a New Mexico nonprofit corporation on October 23, 2014, and has as its purpose “to educate New Mexico’s policymakers regarding the lack of rehabilitation and advocates for criminal justice reforms that will assist in offender rehabilitation.” [Exhibit 5] LJC has an active website with resources for sex offenders and legislative updates.¹¹ It is listed as an

⁶ The extent of Ivey-Soto’s conflicted and improper activities may have been hidden from the public record. Ivey-Soto regularly advises the Clerks on how to respond to public records requests (“IPRA”). It would be logical to conclude that Ivey-Soto may also have offered advice on how to respond to IPRA requests that pertain to his own work with the Clerks; however, no direct evidence of this has been identified to date. It is also possible that certain counties may have withheld documents from IPRA requests pertaining to Ivey-Soto that they deemed to be covered by attorney-client privilege, given that he contracts through his law firm as well as his nonprofit organization.

⁷ On August 12, 2005, Neely pled guilty and was convicted of two counts of sexual indecency with a child and five misdemeanor counts of harassing communications in the Circuit Court of Lonoke County, Arkansas; he received a sentence of five years probation with three years supervision and a \$1,500 fine.

⁸ *State of Arkansas v. Larry Eugene Neely*, Case No. 43CR-04-2, filed in Lonoke Circuit Court on January 9, 2004.

⁹ *Affidavit for Warrant of Arrest, Larry Neely v. Dustin McDaniel, Attorney General of Arkansas*, Case No. 4:06-cv-00953-JTK, filed in U.S. District Court, Eastern District of Arkansas, on August 11, 2006.

¹⁰ Form 990, Vandelay Solutions, tax year 2020, filed November 9, 2021.

¹¹ <https://libjusco.net/>

affiliate of the National Association for Rational Sex Offense Laws (“NARSOL”), a Raleigh, North Carolina-based organization that advocates for reforms to sex offense laws, according to NARSOL’s website.¹²

FYP was formed as a New Mexico nonprofit corporation on February 1, 2021; its stated purpose is: “Provides information via online and print distribution to offenders both in prison and in the community. The goal is to inform and assist former offenders with reintegration in the community and to live law-abiding and productive lives.” Its character of affairs is listed as: “FYP Education provides resources to individuals who have been convicted of criminal offenses which subject the person to restrictions not imposed on any most [sic] other offender category. The offenders are provided access to a weekly podcast, printed transcripts of the podcast for those in correctional facilities, and statutes for the state the person resides in or intends to reside in upon release from prison.” [Exhibit 6]

Neely has testified before the New Mexico legislature against legislation to protect children from abuse, and Ivey-Soto, a key member of the Public Affairs Committee, killed eight bills opposed by the Liberty and Justice Coalition, according to media reports.¹³ Ivey-Soto refused to support bill HB 65, which strengthened penalties for possession of child pornography, until it was weakened in committee, and refused to vote to strengthen it on the Senate floor, according to media reports.¹⁴ In 2016, Ivey-Soto’s Public Affairs Committee killed or tabled the following six additional bills that were opposed by the Liberty and Justice Coalition, according to its website: HB 68 and 69, which increased penalties for crimes committed against children, HB 81 and 82, which increased DWI penalties, HB 86, which allowed for warrantless arrests in certain domestic violence cases, and HB 95, which expanded the definition of hate crimes to crimes committed against an officer.¹⁵ On information and belief, Ivey-Soto did not disclose his conflict of interests with Neely nor did he recuse himself from voting on bills that would benefit his company, Vandelay Solutions.

b. Ivey-Soto has violated the Governmental Conduct Act’s ethical principles of public service by engaging in harassing, hostile, and retaliatory conduct.

While in public office, Ivey-Soto has been accused by numerous women of sexual harassment, sexual abuse, bullying, and retaliation.¹⁶ These allegations are well-documented in reported news stories. *See, e.g.*, “ABQ Sen. Ivey-Soto faces sexual harassment allegations”¹⁷; “Senator admits

¹² <https://narsol.org/affiliates/>

¹³ “Convicted Sex Offender Worked for Ivey-Soto and Runs Sex Offender Rights Group Out of Ivey-Soto’s Law Office,” *Grant County Beat*, October 19, 2016.

¹⁴ “Convicted Sex Offender Worked for Ivey-Soto and Runs Sex Offender Rights Group Out of Ivey-Soto’s Law Office,” *Grant County Beat*, October 19, 2016.

¹⁵ <https://libjusco.net/2016/02/18/final-legislative-update-21816/>

¹⁶ “Advocacy groups seek Sen. Ivey-Soto’s resignation,” *Albuquerque Journal*, March 21, 2022.

¹⁷ “ABQ Sen. Ivey-Soto faces sexual harassment allegations,” *Albuquerque Journal*, February 22, 2022.

to ‘Hips, Lips’ slight, denies other allegations”¹⁸; “Letter outlines more allegations of sexual harassment and bullying from Sen. Ivey-Soto”¹⁹; “A growing list of victims and allies sent an open letter to legislative leadership concerning allegations of sexual misconduct against State Sen. Ivey-Soto.”²⁰ Notable examples referenced above include Ivey-Soto referring to women as “lips and hips”; denying sexually harassing a lobbyist by saying “I never try to get a Jehovah’s Witness to vote, and I’ve never made a pass at a lesbian. There’s just no return on investment;” sexually assaulting a fellow Senator in 2019, and; bullying a fellow Senator in 2021 causing reprimand by Lieutenant Governor Howie Morales.²¹ After a Senate special investigator found probable cause that Ivey-Soto’s behavior violated the state’s anti-harassment policy,²² Ivey-Soto falsely claimed in a letter to the *Albuquerque Journal* that “there was no finding of probable cause, meaning the matter is closed.”²³

c. Ivey-Soto has violated the Governmental Conduct Act by using his public office for personal financial gain.

Ivey-Soto has sponsored legislation that would exempt his lobbying activities for the Clerks from being classified as lobbying. In 2017, SB72, the Public Accountability Act, was sponsored by Ivey-Soto and Daymon Ely. Section 2-11-2 of SB72 amended the definition of lobbying in the Lobbyist Regulation Act to preclude the following activities:

- “‘Lobbyist’ does not include... (8) the executive director of a nonprofit or an intergovernmental or trade association organized under provisions of Section 501(c) of the Internal Revenue Code of 1986 who provides oral or written public testimony in connection with a legislative committee or in a rulemaking proceeding whose name and organization have been clearly and publicly identified...” [Exhibit 7]

¹⁸ “Senator admits to ‘Hips, Lips’ slight, denies other allegations,” *Santa Fe New Mexican*, March 22, 2022.

¹⁹ “Letter outlines more allegations of sexual harassment and bullying from Sen. Ivey-Soto,” *Source NM*, March 22, 2022.

²⁰ “A growing list of victims and allies sent an open letter to legislative leadership concerning allegations of sexual misconduct against State Sen. Ivey-Soto,” *The Paper*, July 27, 2022.

²¹ https://www.youtube.com/watch?v=ZPbhCb_Kmns

²² https://drive.google.com/file/d/1kQmTR6Zu9DCFUdAFHqi_MxbB24AH33vI/view

²³ “Special counsel’s report found ‘credible evidence’ in harassment allegations against Ivey-Soto,” *Santa Fe Reporter*, September 15, 2022.

5 | been clearly and publicly identified; ~~or~~
6 | (8) the executive director of a nonprofit or
7 | an intergovernmental or trade association organized under the
8 | provisions of Section 501(c) of the Internal Revenue Code of
9 | 1986 who provides oral or written public testimony in
10 | connection with a legislative committee or in a rulemaking
11 | proceeding and whose name and organization have been clearly
12 | and publicly identified; or
13 | ~~(8)~~ (9) a publisher, owner or employee of

This proposed re-definition of a “lobbyist” appears to be crafted to specifically exclude Ivey-Soto’s lobbying activities and, on information and belief, was written to exempt his lobbying activities from being classified as such. In 2017, when Ivey-Soto proposed the legislation, he was the executive director of the Clerk’s Affiliate, “an intergovernmental or trade association.” Ivey-Soto also provided “public testimony in connection with a legislative committee or rulemaking proceeding”; he served on the Rules Committee from 2013 until his resignation in 2022. SB72 was postponed indefinitely on the first day of the 2017 legislative session and died.

Ivey-Soto has also used his position as a legislator to remove oversight of expenditures by the County Clerks, removing a potential roadblock for his compensation as their sole-source vendor. In the 2022 legislative session, SB6 was introduced by Ivey-Soto and four others with an amendment removing the requirement for expenditures from the County Clerk Recording and Filing Fund (the fund through which Ivey-Soto is paid) to be approved by the board of county commissioners. [Exhibit 8]

B. Expenditures from the county clerk recording and filing fund shall be determined ~~annually~~ by the county clerk ~~[and approved by the board of county commissioners]~~.

The above amendment to SB6 would have eliminated independent oversight into Ivey-Soto’s compensation as a sole-source vendor to the County Clerks.

In January 2022, the Rules Committee, then chaired by Ivey-Soto, recommended SB6 with several amendments including a new section that incentivizes County Clerks to complete up to four levels of training, with additional compensation of \$500 to \$1,000 to each County Clerk for the level of training completed, [Exhibit 9]. Ivey-Soto has historically been paid to teach job training classes to the Clerks through NM Edge, a certificate program at New Mexico State University. Ultimately, SB6 did not pass; it was combined with another elections bill, SB8,

forming SB144. SB144 was “killed” by Republicans at the end of the 2022 legislative session.²⁴

IV. Description of Supporting Documents

Exhibits include corporation filings from the New Mexico Secretary of State’s website, examples of legislation sponsored or amended by Ivey-Soto and email correspondences between employees of the New Mexico County Clerks offices and Ivey-Soto found in public domain IPRA responses.

Ivey-Soto has violated the New Mexico Financial Disclosure Act

I. Relevant Sections

- a. NMSA § 10-16A-3(A) requires a person holding legislative office to file with the Secretary of State a financial disclosure statement during the month of January every year that the person holds public office.
- b. NMSA § 10-16A-3(D) requires the legislator and his/her spouse to provide the following information, in pertinent part:
 - The name and address of the person's and spouse's employer and the title or position held; and a brief description of the nature of the business or occupation. NMSA § 10-16A-3(D)(1)
 - All sources of gross income of more than five thousand dollars (\$5,000) to each person covered in the disclosure statement, identified by general category descriptions that disclose the nature of the income source, in the following broad categories: law practice or consulting operation or similar business, finance and banking, farming and ranching, medicine and health care, insurance (as a business and not as payment on an insurance claim), oil and gas, transportation, utilities, general stock market holdings, bonds, government, education, manufacturing, real estate, consumer goods sales with a general description of the consumer goods and the category "other", with direction that the income source be similarly described. In describing a law practice, consulting operation or similar business of the person or spouse, the major areas of specialization or income sources shall be described, and if the spouse or a person in the reporting person's or spouse's law firm, consulting operation or similar business is or was during the reporting calendar year or the prior calendar year a registered lobbyist under the Lobbyist Regulation Act [Chapter 2, Article 11 NMSA 1978], the names and addresses of all clients represented for lobbying purposes during those two years shall be disclosed. NMSA § 10-16A-3(D)(2)

²⁴ “Senate Republicans kill omnibus voting rights bill in final hours of session,” *NM Political Report*, February 17, 2022.

- Each state agency that was sold goods or services in excess of five thousand dollars (\$5,000) during the prior calendar year by a person covered in the disclosure statement; NMSA § 10-16A-3(D)(7), and
 - Each state agency, other than a court, before which a person covered in the disclosure statement represented or assisted clients in the course of the person's employment during the prior calendar year. NMSA § 10-16A-3(D)(8)
- c. “Any person who files a statement or report after the deadline imposed by the Financial Disclosure Act is liable for and shall pay to the secretary of state, at or from the time initially required for the filing, fifty dollars (\$50.00) per day for each regular working day after the time required for the filing of the statement or report until the complete report is filed, up to a maximum of five thousand dollars (\$5,000).” NMSA § 10-16A-6(C).
- d. “Any person who knowingly and willfully violates any of the provisions of the Financial Disclosure Act is guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than one year or both.” NMSA § 10-16A-7.
- e. The state ethics commission may institute a civil action in district court or refer a matter to the attorney general or a district attorney to institute a civil action in district court if a violation has occurred or to prevent a violation of any provision of the Financial Disclosure Act. Relief may include a permanent or temporary injunction, a restraining order or any other appropriate order, including an order for a civil penalty of two hundred fifty dollars (\$250) for each violation not to exceed five thousand dollars (\$5,000). NMSA § 10-16A-8(B).

II. Description of Alleged Violation

The Secretary of State has financial disclosure statements from Senator Ivey-Soto for the period 2013 through 2023 for a total of 11 years. During that period, he has failed to disclose—or failed to fully disclose—his lobbying activity and income, his employers, and state agencies for which he has provided services in excess of \$5,000.

a. List of Facts That Substantiate Allegations

For only two years (2014 and 2015), Senator Ivey-Soto disclosed in filings with the Secretary of State that he acted as a lobbyist for New Mexico County Clerks. Senator Ivey-Soto has acted as a lobbyist for the County Clerks throughout his service as a State Senator from 2013 to present, and he has violated the Financial Disclosure Act by failing to disclose this fact in years 2013 and 2016-2023.

Ivey-Soto formed his law firm, InAccord, PC, in February 2014 but did not disclose this corporation as an employer until 2016. InAccord, PC is registered with the Secretary of State as a domestic for-profit corporation. The name of his corporation implies a “professional

corporation.” See NMSA § 53-6-6. Importantly, a professional corporation “may be organized only for the purpose of rendering one type of professional service and services ancillary thereto,” NMSA § 53-6-5. Ivey-Soto has obfuscated his conflicts of interest by alternately billing for the same or similar “technical assistance” services under his various entities NM Clerks, Vandelay Solutions, and InAccord, PC. An email from Adrianna Ortiz, the Los Alamos Chief Deputy Clerk, sent in July 2021, exemplifies this obfuscation, conflating InAccord PC, Ivey-Soto’s law firm, with Vandelay Solutions, his technical services provider. [Exhibit 10] In light of the confusion over the scope of services offered by InAccord, PC, and because Ivey-Soto has also provided services to the Secretary of State and the Public Education Department, it appears that Ivey-Soto has failed to report “each state agency, other than a court, before which [Ivey-Soto] represented or assisted clients in the course of [his] employment during the prior calendar year.” NMSA § 10-16A-3(D)(8).

Furthermore, Ivey-Soto has been paid to teach classes to the Clerks through NM Edge, a certificate program at New Mexico State University. If his income from these classes exceeds \$5,000 in any year, Ivey-Soto was required to disclose this source. He did not do so.

It appears that Ivey-Soto knowingly and willfully violated the Financial Disclosure Act. Consequently, an appropriate fine should be levied for each report that is deficient (up to \$5,000 per report) and this matter should be referred to the Attorney General for criminal prosecution.

III. Description of Supporting Documents

Exhibits include corporation filings for NM Clerks, LLC, the NM Clerks 2016-17 Report, sent to the Clerks by Ivey-Soto, a summary of payments to Ivey-Soto’s companies since 2017, identified in the public domain IPRA responses, and an email correspondence from the Los Alamos County Clerk’s office, identified in the public domain IPRA responses. See also Ivey-Soto’s annual legislator financial disclosure statements to the New Mexico Secretary of State’s Office, publicly available and not provided here as an exhibit.

Ivey-Soto has violated the Lobbyist Regulation Act

I. Relevant Sections

- a. NMSA § 2-11-2(E) defines lobbyist as “any individual who is compensated for the specific purpose of lobbying; is designated by an interest group or organization to represent it on a substantial or regular basis for the purpose of lobbying; or in the course of his employment is engaged in lobbying on a substantial or regular basis.”
- b. Lobbyists must register in the month of January prior to each regular session or before any service covered by the LRA commences. NMSA § 2-11-3(A)
- c. The lobbyist must disclose each of his/her employers, including, for each employer: disclosure of the sources of funds used for lobbying; an affirmation from each of the lobbyist’s employers authorizing the lobbyist to lobby on the employers behalf; a description of the matters in reference to which the services is

to be rendered; and the name and address of the person, if other than the lobbyist or the lobbyist's employer, who will have custody of the accounts, bills, receipts, books, papers and documents required to be kept under the provisions of the LRA. NMSA § 2-11-3(D).

- d. The lobbyist is required to file expenditure reports pursuant to NMSA §§ 2-11-6(A), (B), (C), (D), (E), and (G).
- e. NMSA § 2-11-8.2(D) provides: "Any person who fails to file or files a report after the deadline imposed by the Lobbyist Regulation Act shall be liable for and shall pay to the secretary of state fifty dollars (\$50.00) per day for each regular working day after the time required for the filing of the report until the complete report is filed, up to a maximum of five thousand dollars (\$5,000)."
- f. "In addition to any other penalties that may be assessed, any person who knowingly and willfully violates any of the provisions of the Lobbyist Regulation Act shall be punished by a fine of up to five thousand dollars (\$5,000) and may have his lobbyist registration revoked or his lobbying activities enjoined for up to three years." NMSA § 2-11-9.

II. Description of Alleged Violation

As the facts and supporting documentation make clear, Ivey-Soto began serving as a lobbyist for the County Clerks in 2008 and continued in this role even after his election as State Senator in 2012. In explanations provided to his client, the County Clerks, over the years, Ivey-Soto has claimed that he can "wear both hats" as both lobbyist and legislator because he is not compensated for his lobbying. [Exhibit 11, page 2] Ivey-Soto's claim that he is only compensated for technical assistance and training, and not for lobbying (not to mention other services such as legal advice), is not supported by the evidence, which shows that he blurs the billing and services provided by his for-profit company, his law firm and his newly formed nonprofit corporation.

Even if this fictional separation of the lobbying services from technical/training services provided by Ivey-Soto to the County Clerks were real, it would not release Ivey-Soto from the requirement to register as a lobbyist. The Lobbyist Regulation Act ("LRA") defines "lobbyist" to include unpaid positions when the individual "is designated by an interest group or organization to represent it on a substantial or regular basis for the purpose of lobbying." NMSA § 2-11-2(E).

It appears that Ivey-Soto has violated the registration and reporting provisions of the LRA for at least 11 years since 2012. A review of lobbyist registration records from 2013 to present identified only one record for Ivey-Soto as a registered lobbyist: In 2014, Ivey-Soto registered as a lobbyist for the New Mexico County Clerks Affiliate, according to the New Mexico Secretary of State records. [Exhibit 12] His failure to register and report in all the other years was willful. Consequently, the maximum penalty allowed by the LRA should be levied against him.

III. List of Facts That Substantiate Allegations

In 2012, Ivey-Soto was elected to the New Mexico Senate, representing Albuquerque's District

15, becoming a voting member of the legislature before which he also lobbies on behalf of the Clerk's Affiliate. Citing the obvious potential for conflict-of-interest, County Clerks questioned whether Ivey-Soto could continue to represent them as their lobbyist to the legislature while also serving as a member of the legislature.

On September 26, 2012, Debbie Holmes ("Holmes"), the San Juan County Clerk, wrote an email to Joe Sawyer ("Sawyer"), the San Juan County Attorney, responding to Sawyer's concerns regarding Ivey-Soto's dual position.

- Sawyer stated, "It is my understanding that Mr. Ivey-Soto is running for state senate. To the extent that Mr. Ivey-Soto provides lobbying services, will you get a discount if he is elected and is no longer permitted to lobby? It is hard to tell whether he intends to lobby or not."
- Holmes responded, "If elected, Mr. Ivey-Soto is planning to represent the clerk's [sic] at the next session. I question whether he will be able to do both jobs." [Exhibit 13]

In the 2012-2013 NM Clerks Annual Report, Ivey-Soto stated that he had consulted an attorney who said that he could "wear both hats" because he wasn't paid for the lobbying duties he undertook on behalf of the County Clerks:

- "Because of the uniqueness of the creation of my position, I was never paid for lobbying, even though policy development is a large part of my job (arising naturally out of many calls for service and a review of the practical application of the statutes in the real world). As a citizen legislature, expertise in each chamber comes from those who work in certain fields and have a detailed understanding of certain content areas. My compensation does not come from appropriations by the state, but instead from local taxes and (for most Counties) for fees paid to local government. Because there is no pecuniary or financial benefit derived from wearing both hats, there is no conflict that would prohibit my continuing my duties on behalf of County Clerks." [Exhibit 11, page 2]

Ivey-Soto has offered a variety of incredible explanations as to why his lobbying on behalf of the Clerks did not constitute a conflict of interest. In the NM Clerks 2016-17 Report, Ivey-Soto again provided a detailed explanation of why there was no conflict between these two roles, again with reference to Ivey-Soto serving as an unpaid lobbyist, with "no part of [his] evaluation, retention, or compensation [by the County Clerks or Clerks Affiliate] based on passage or non-passage of legislation." [Exhibit 3, Page 2]

Records indicate that Ivey-Soto remained active in lobbying on behalf of the Clerks Affiliate for Senate bills in the years that followed. According to the Clerks Affiliate Meeting Minutes for April 2019, Ivey-Soto presented his "perspective on events leading up to the passage of SB672 with amendments" including mention of an agreement made with Rep Damon Ely, the sponsor of SB672, to "leave off 'same-day' unless photo ID amendment was introduced." [Exhibit 14] On the second day of the Clerks Affiliate Meeting, Ivey-Soto "made a clarification" regarding the prior day's discussion of SB672. According to the Meeting Minutes, Ivey-Soto stated as follows:

- Ivey-Soto "was not a party of any agreement on amendments. He also visited with Rep. Rod Montoya, indicating that he understood Montoya was also not involved in any

agreements and was of the opinion that the Governor, Secretary of State, and Speaker of the House would push for same day. Therefore, because Montoya had the ability to introduce amendments, he chose to do so.” [Exhibit 14]

In April 2019, in response to growing confusion and concerns regarding the relationship between NM Clerks and the Clerk’s Affiliate, the Affiliate announced the formation of “the Moving Forward Committee” to review the relationship between NM Clerks LLC and the Clerks Affiliates. Three months later, an email from “the Moving Forward Committee” was sent to the ClerkList, a listserv administrated by Ivey-Soto that is the primary platform of communication for the County Clerks, announcing that, going forward, the Clerks Affiliate would be contracting with Vandelay Solutions (“Vandelay”), a newly-formed nonprofit, and that Ivey-Soto would stop using the name “NM Clerks.” The email stated that the formation of Vandelay would address the Clerk’s concerns regarding conflicts of interest, including:

- “The new company, Vandelay Solutions, is a 501(c)(3) nonprofit, so the Affiliate will not be contracting with a corporation owned by a legislator. Lobbying duties have been clearly separated from technical assistance.... The overall amount charged to counties for technical assistance has been reduced to account for separating out lobbying services (even though in reality we were never charged for the lobbying services)... The Affiliate will have the ability to contract separately for a lobbyist if we ever chose to do so, and that decision will be made by the Affiliate itself.” [Exhibit 15]

Concerns remained after the formation of Vandelay; on July 30, 2019, Lea County Clerk Keith Manes (“Manes”) sent the following email to Dave Kunko (“Kunko”), the chair of the Clerk’s Affiliate:

- “Dave, another concern is the following statement. *The new company, Vandelay Solutions, is a 501(c)(3) nonprofit, so the Affiliate will not be contracting with a corporation owned by a legislator. Is the corporation controlled by Daniel? Just my thoughts.” [Exhibit 16]

Ivey-Soto’s lobbying activities, first through NM Clerks LLC and then Vandelay Solutions, have included measures to increase salaries and other forms of revenue to the Clerks, as well as oppose measures that would reduce payments to the Clerks. On February 27, 2013, Mario Jimenez (“Jimenez”) sent an email to ClerkList regarding the Clerk’s Affiliate’s opposition to SB484, a proposed \$100 cap on Clerk’s filing fees. Jimenez directed members of the affiliate to contact Senate committee members to express opposition to the bill and provided a list of members. He listed Ivey-Soto, writing “Daniel A Ivey-Soto (our GUY)” [Exhibit 17]. Following the tabling of the SB484, Sharon Stover sent an email to Ivey-Soto, Sheryl Nichols and Paul Gutierrez with the subject line “SB484 Re-cap” on March 2, 2013, that stated “Daniel did a good job in securing the table outcome.” [Exhibit 18]

In 2015, Ivey-Soto supported a bill to make the County Clerks a full-time position, with an accompanying pay increase. Ivey-Soto stated that “the duties of the Clerk have increased substantially over the last decade or so and really does warrant being full time. He also said it

should remain an elected position,” according to media reports.²⁵ The bill, House Bill 18, “County Employee Salary Structure,” was revised by Ivey-Soto in its draft form; on December 4, 2015, he sent an email to Sharon Stover with suggested changes:

- “Attached are my edits – please forgive the formatting issues. It is important to maintain that these are officer, not employees, whether elected or appointed. In addition, the designation pf [sic] full-time and part-time should parallel the rule regarding salary increases (i.e., can’t do it mid-term).” [Exhibit 19]

House Bill 18 was signed into law on March 3, 2016.²⁶

Ivey-Soto’s lobbying efforts to increase revenue for the Clerks continued following the passage of House Bill 18. On December 17, 2019, Naomi Maestas (“Maestas”), the Los Alamos County Clerk, sent an email to Keith Riddle (“Riddle”), the Catron County Clerk, and Ivey-Soto’s InAccord and NM Clerks email addresses, inquiring about the status of any legislative initiatives for the 2017 session:

- “By any chance are either of you aware of any legislative efforts that we (the Clerk’s Affiliate) are going to try to pursue during this upcoming legislature? I believe Geraldine and Linda Stover had initiatives they hoped to pursue, but I am unsure where these line up as this is a short / budget session. Also, have you heard of any proposed legislation for the proper funding of elections as a result of HB 407?”
- Riddle responded, “I have not heard of any specifics yet. Daniel has said he doesn’t expect any this year either. Geraldine is still seeking an increase in marriage license fees which we can discuss at the legislative conference.”
- Maestas replied, “Linda references her desire in Albuquerque over the summer at a Moving Forward Committee meeting and it was in regard for pay increase for Clerks.” [Exhibit 20]

Ivey-Soto’s lobbying activities on behalf of the Clerks have also included measures regarding the administration of elections, supporting legislation to streamline and simplify the Clerks’ job responsibilities. On March 13, 2017, House Bill 174 (“HB 174”), a local elections act sponsored by Ivey-Soto, James E. Smith and Daymon Ely and described by Mario Jimenez (“Jimenez”), a lobbyist for the Clerks, as “our priority,” passed with Ivey-Soto’s assistance. HB174 included a provision to consolidate local elections on one day, simplifying the election calendar for the Clerks.²⁷ Jimenez stated:

- “Our priority bill HB174, local election act, passed on a unanimous vote. After some negotiation with the municipal league Daniel was able to reach a compromise with municipalities which lead to an amendment in committee. In short, the compromise

²⁵ “Council Votes to Pursue Changing Statute to Make County Clerk Full Time,” *Los Alamos Daily Post*, April 18, 2014.

²⁶ <https://www.nmlegis.gov/Legislation/Legislation?chamber=H&legtype=B&legno=18&year=16>

²⁷ “House OKs legislation that would consolidate most local elections,” *NMPolitics.net*, February 24, 2017.

provides for municipalities to opt by ordinance of the Local Election Act. In addition, the opt out amendment HB40 was folded into HB174. Given that we were addressing municipal legislation it made sense to merge the two bills. In addition to HB174 Senate Rules passed HB98, paper ballot access for blind voters, with amendments. The amendment of HB98 is rather simple, the bill now includes HB455 as well as HB290. These two bills are our election code clean-up bill as well as electronic request for an absentee ballot. We were able to advance 4 pieces of legislation supported by the affiliate in two bills.” [Exhibit 21]

- On March 17, 2017, Maggie Toulouse-Oliver sent an email to the Clerks regarding the passage of HB174 and HB98, an elections clean-up bill. She thanked Ivey-Soto for the passage of the legislation, stating, “Special thanks to Mario (on your behalf), Kari, on my office’s behalf (as HB 174 is her favorite bill of all time!). And, of course, to Daniel, for being our legislative champion.” [Exhibit 22]
- Several of the Clerks voiced concern regarding the ability for municipalities to “opt out” of a provision in HB174 to consolidate local elections. Geraldine Salazar, the Santa Fe County Clerk, wrote, “Sorry, bottom line for me . . . there should not have been an opt out negotiated. This weakened the intent and potentially fragments the process once again... No matter what, this still moves us toward our goal and Clerks will still have the ability to make change if the opt out becomes a problem in the future. Thank you to Daniel, Mario and all Clerks who made HB 174 possible!” [Exhibit 22]
- On April 7, 2017, Ivey-Soto wrote an email to ClerkList, Maggie Toulouse-Oliver, Kari Fresquez and Mario Jimenez, informing them that HB174 had been pocket-vetoed by the Governor. He stated: “HB 174 was on the list of bills to be signed until about 72 hours ago. In fact, last week the Governor and her Chief of Staff (Keith Gardner) both assured me they liked the bill and were planning to sign it... So what happened?? Unfortunately, Bobbi Shearer (former State Elections Director) communicated concerns to the Governor’s office, even though she never reached out to Maggie, Kari, Dave, Mario, me, or the other two co-sponsors, Representatives Jim Smith and Paul Bandy... It is, from my perspective, very unfortunate that they were rewarded for sitting out the hard work of the Legislative Session and then allowed to take pot shots from the cheap seats after the bill was passed. We worked with those who had concerns and amended the bill to respond to issues that had been raised during the legislative process. In fact, the Mayor of Rio Rancho (which has Voter ID) ended up endorsing the bill once we provided the opt-out for municipalities. Albuquerque (which has Voter ID) also endorsed the bill. The criticisms appear to be a red herring for some other agenda. I just wish they would have reached out to us, as we would have done everything possible to work with them.” [Exhibit 23]
- On April 7, 2017, Toulouse-Oliver responded to Ivey-Soto’s email thanking him for his work on the bill and concurring with his analysis, stating: “I want to thank Daniel (a champion in Unicorn Socks), Mario (who represented you all very ably), Kari (who did absolute yeoman’s work!), and all of you for your very hard work this legislative session. And yes, it is very disheartening that all of our collective blood, sweat and tears around HB 174 was upended in this way.” [Exhibit 23]

On January 24, 2020, Ivey-Soto and Linda M. Trujillo introduced House Bill 229 (“HB 229”), the Elections Laws Cleanup Bill, that included technical changes to the election code, including the voter registration processes and absentee voting.²⁸ After the Clerks expressed concerns regarding aspects of the legislation, Ivey-Soto made changes to respond to their requests. On February 5, 2020 Ellen White (“White”), the Quay County Clerk, sent an email to ClerkList regarding a proposed rule change:

- “Naomi [Maestas] and I also attended the proposed rule change for setting the ballot order of candidates. We spoke in favor and no other comments were heard.”
- Keith Riddle, the Catron County Clerk, responded, “Are we good with the changes? I really appreciate you all covering for us.”
- White replied on February 6, 2020, “Tanya [Shelby] and I went over the amendments with Daniel during the hearing. I believe everything we had concerns about were changed. Realizing a couple of Representatives wanted to sit down with Daniel with some concerns they had.” [Exhibit 24]

On February 5, 2020, Ivey-Soto proposed several amendments to HB229, “based on feedback from the County Clerks,” according to a recording from the New Mexico Legislature webcast.²⁹ Ivey-Soto proposed a variety of changes, including changes to the dates for redistricting counties, changes around ID requirements for same day voter registration, and a change that he described as “particularly important for the County Clerks,” regarding the timing of the processing of voter registrations after an election to allow for greater flexibility.³⁰

On April 20, 2020 Jaime Diaz, the Bernalillo County Deputy Clerk, emailed Ivey-Soto asking him about changing the law regarding voter registration certifications:

- “...we believe it was past time to allow a process in law to have SERVIS be digital certified source so that we can start cutting down on Vote reg certificates. We would appreciate it if this can be addressed. As I do know some counties use this as ‘busy work’. This is similar to what the clerks faces with recording and filing back in the late 90’s and early 2000’s. Although R&F we still are mandated to micro film all records, is there any way to work this method into elections and voter registration?” [Exhibit 25]

During the ten years in which Ivey-Soto has lobbied on behalf of the Clerks, numerous instances were identified in which the Clerks generally discussed his lobbying activities, sometimes expressing confusion or concerns over a specific piece of legislation or expressing gratitude for the advancement of their priorities.

On February 16, 2018, Tasia Young, a lobbyist for the New Mexico Association of Counties, sent an email to ClerkList and several county affiliate groups regarding the status of legislation

²⁸ “Elections cleanup bill never gets Senate vote,” *NM Political Report*, February 20, 2020.

²⁹ <https://sg001-harmony.sliq.net/00293/Harmony/en/PowerBrowser/PowerBrowserV2/20200205/-1/66136>

³⁰ https://www.nmlegis.gov/Sessions/20%20Regular/Amendments_In_Context/HB0229.pdf

sponsored by Ivey-Soto:

- “HB 98, the local elections act (Daniel Ivey-Soto and Representative Bandy) was much more complex. It was amended by both the House and Senate, had to go to a conference committee that met Thursday morning, and passed in the last hour before adjournment.” [Exhibit 26]

On January 7, 2019, Ivey-Soto sent an email to ClerkList regarding a draft of an election restructuring bill that described his process for writing legislation.

- “Attached is the .1 version of the Election Restructuring Bill that I have been hard at work on with the advice and input of the Clerks Affiliate Policy Committee. There will be a .2, as a major job like this one requires a couple of passes (we were at Version 6 even before submitting it to the Legislative Council for them to begin the prepare this official draft!). We will be discussing this bill next week. There’s a lot in here, so please feel free to reach out to me if you have any questions. Also, if there is an issue you would like included, please let me know that as well right away.” [Exhibit 27]

On February 13, 2019, Ellen White (“White”), the Quay County Clerk, sent an email listing several concerns regarding HB407, and elections laws tune-up bill co-sponsored by Ivey-Soto, Linda Trujillo, Roberto Gonzalez and Phelps Anderson. She listed her concerns regarding the consolidation of precincts, a waiting period of 35 days following an election to process voter registration information and the elimination of Social Security numbers as a requirement to register to vote.

- “Looks like HB 407 (Election Tune-Up) will be heard in its first committee Friday. So finally, I made it through the Bill and I have a few questions. Maybe Daniel, Mario or someone on our Legislative Committee can clarify or validate... 1. Page 28 C-1 A precinct SHALL be combined with another precinct if #1 less than 100 votes cast votes in the last 2 General Elections. This used to be may and now we have no choice but to consolidate???? 2. Page 55 D – certificates of registration and cancellation of voters NOT be processed until 35 days after an election 35 DAYS???????? 3. Page 58 D – You can read this for yourself. We have to hunt down the SSN and if we can’t find it we have to magically enter them in to the system and provide Provisional Ballots. So SSN is no longer a requirement to register and grounds for rejection of an application???” [Exhibit 28]
- Ivey-Soto responded to White’s concerns, stating, “The provisions related to combining small precincts should be “may” and not “shall”. Whitney picked up on this and after speaking with the demographer, we will be making that change from shall to may (thank you Whitney for being on it!). That change will be proposed in the second committee. The 35 day for processing is to standardize the timeframe after an election without having to have each county announce when they were finished updating all information from the past election... There have been continuing problems with county clerks (who are naturally diligent) processing registrations that impact other counties before the information was all updated. This matter was discussed in the Clerks Policy Committee. On the SSN issue... This is another matter that was discussed in the Clerks Policy Committee... There have been some recent threats of litigation which threaten to take

the SSN away from us all together. The provisions in this bill related to SSNs are designed to safeguard and preserve our ability to continue to use the SSN as the control number for each voter's identity. I will be happy to discuss the intricacies on this on a Clerks call, but please understand that this is being done to thwart some very determined people who want to take the use of the SSN away from us and make that illegal. I hope these explanations help. Please keep reading the details in this bill!! It is comprehensive. Each provision appears for a reason. I am happy to discuss the rationale for each either collectively on the ClerkList or a conference call, or offline via email text message or phone call." [Exhibit 28]

On January 29, 2020, White sent an email to ClerkList asking Ivey-Soto to explain House Bill 229, an elections bill that he sponsored.

- "I can't figure it out, can you reach out to Daniel for clarification." [Exhibit 29]

On December 14, 2020, White sent an email to ClerkList regarding election legislation, which referenced Ivey-Soto's legislative work on the same issues.

- "As we move through the 2020 Election Cycle, I found myself celebrating and crying over election laws that I think were relevant to our success and some that brought much pain. Following the General, Senator Woods called me and we spoke at length over election security, voter fraud, just everything either of us had thoughts about... I know Daniel, that you will be drafting your prospective of what you would like to see happen. Knowing, we all don't agree on everything, I hope we can find some common ground and move some important legislation forward." [Exhibit 30]

On December 14, 2020, White sent an additional email to ClerkList that expressed confusion regarding Ivey-Soto's willingness to support the Clerks' legislation.

- "...I don't have the legislative requests in a formal proposal from the Clerk's for any of the other items. I hope we can have a call with Daniel and the Clerk's soon, to see what role he is willing to play on behalf of Clerk's legislation. I really don't know where we officially stand." [Exhibit 31]

On August 25, 2021, Steve Fresquez ("Fresquez"), the Los Alamos County Elections Manager, wrote an email to Ivey-Soto asking for clarification regarding the timeline for certifying voting machines, to which Ivey-Soto responded by promising to draft legislation responding to Fresquez's concerns.

- "I have made a note to address this in the clean-up bill." [Exhibit 32]

Although Ivey-Soto may not have billed expressly for his lobbying services, he has euphemistically billed each of the County Clerks for his services "monitoring proposed changes" to the various state laws under the clerks' jurisdiction. [Exhibit 33] Ivey-Soto's unregistered lobbying activities continue to this date.

IV. Description of Supporting Documents

Exhibits include documents found in public records IPRA responses, including the NM Clerks LLC Annual Report from 2013, a list of lobbyist registrations obtained from the New Mexico

Secretary of State's website and email correspondences between employees of the New Mexico County Clerks offices, lobbyists and Ivey-Soto. No lobbyist registrations for Ivey-Soto were found since 2015 on the Secretary of State's website.

Submitted by: Daniel Yohalem, [REDACTED]

August 15, 2023