

HOUSE VOTERS AND ELECTIONS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 398

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

AN ACT

RELATING TO CAMPAIGN REPORTING; REQUIRING THE SECRETARY OF
STATE TO POST RANDOM EXAMINATION RESULTS OF CAMPAIGN
EXPENDITURES AND CONTRIBUTIONS ON THE SECRETARY OF STATE'S WEB
SITE; REQUIRING THE SECRETARY OF STATE TO POST AN ANNUAL REPORT
OF UNRESOLVED CAMPAIGN EXPENDITURE AND CONTRIBUTION
DISCREPANCIES ON THE SECRETARY OF STATE'S WEB SITE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 1-19-32.1 NMSA 1978 (being Laws 1981,
Chapter 331, Section 9, as amended) is amended to read:

"1-19-32.1. REPORTS EXAMINATION--FORWARDING OF
REPORTS.--

A. The secretary of state shall conduct a thorough
examination of at least ten percent of all reports filed
during a year by reporting individuals, selected at random at

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1 least forty days after the general election and ten days after
2 the April reports are filed in a nonelection year, to determine
3 compliance with the provisions of the Campaign Reporting Act.
4 The examination may include an investigation of any
5 discrepancies, including a cross-reference to reports filed by
6 any other reporting individual. A reporting individual shall
7 be notified in writing if a discrepancy is found in the report
8 filed and shall be permitted to file a written explanation for
9 the discrepancy within ten working days of the date of the
10 notice. The notice, penalty and arbitration provisions set
11 forth in Section 1-19-34.4 NMSA 1978 shall apply to
12 examinations conducted under this section.

13 B. After the date stated in the notice of final
14 action for submission of a written explanation, the secretary
15 of state shall prepare an annual report of any unresolved
16 discrepancies found after examination of the random sample
17 provided for in Subsection A of this section. A copy of this
18 report shall be transmitted to the attorney general for
19 enforcement pursuant to the provisions of Section 1-19-36 NMSA
20 1978. This report is a public record open to public inspection
21 and subject to the retention and destruction provisions set
22 forth in Section 1-19-32 NMSA 1978.

23 C. The secretary of state shall post the results of
24 the random examinations performed pursuant to Subsection A of
25 this section and the annual report of unresolved discrepancies

1 prepared pursuant to Subsection B of this section on the
2 secretary of state's web site."

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