

1 HOUSE BILL 297

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 James E. Smith and Jacob R. Candelaria

5
6
7
8
9
10 AN ACT

11 RELATING TO ELECTIONS; CHANGING REPORTING DATES IN THE SCHOOL
12 DISTRICT CAMPAIGN REPORTING ACT.

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 1-22A-1 NMSA 1978 (being Laws 2013,
16 Chapter 180, Section 1) is amended to read:

17 "1-22A-1. SHORT TITLE.--~~[This act]~~ Chapter 1, Article 22A
18 NMSA 1978 may be cited as the "School District Campaign
19 Reporting Act"."

20 SECTION 2. Section 1-22A-2 NMSA 1978 (being Laws 2013,
21 Chapter 180, Section 2) is amended to read:

22 "1-22A-2. DEFINITIONS.--As used in the School District
23 Campaign Reporting Act:

24 A. "campaign committee" means one or more persons
25 authorized by a candidate to raise, collect or expend

.206481.1SA

underscoring material = new
[bracketed material] = delete

underscoring material = new
~~[bracketed material] = delete~~

1 contributions on the candidate's behalf for the purpose of
2 electing the candidate to office;

3 B. "candidate" means a person who seeks or
4 considers an office in an election covered by the School
5 District Campaign Reporting Act and who either has filed a
6 declaration of candidacy or has received contributions or made
7 expenditures of five hundred dollars (\$500) or more or
8 authorized another person or campaign committee to receive
9 contributions or make expenditures of five hundred dollars
10 (\$500) or more for the purpose of seeking election to a covered
11 office;

12 C. "contribution" means a gift, subscription, loan,
13 advance or deposit of money or other thing of value, including
14 the estimated value of an in-kind contribution, that is made or
15 received for a political purpose, including payment of a debt
16 incurred in an election campaign; but "contribution" does not
17 include the value of services provided without compensation or
18 unreimbursed travel or other personal expenses of individuals
19 who volunteer a portion or all of their time on behalf of a
20 candidate or campaign committee;

21 D. "covered office" means the position of board of
22 education member of a school district that has an enrollment of
23 twelve thousand students or more or the position of board
24 member of a community college organized or operating pursuant
25 to the provisions of Chapter 21, Article 13 or Article 16 NMSA

.206481.1SA

underscored material = new
[bracketed material] = delete

1 1978;

2 E. "election cycle" means the period beginning
3 thirty days after an election for an office and ending ~~[on]~~
4 thirty days following the subsequent election day for that
5 office;

6 F. "expenditure" means a payment, transfer or
7 distribution or obligation or promise to pay, transfer or
8 distribute any money or other thing of value for a political
9 purpose, including payment of a debt incurred in an election
10 campaign;

11 G. "political purpose" means advocating the
12 election or defeat of a candidate in an election;

13 H. "prescribed form" means a form or electronic
14 format prepared and prescribed by the secretary of state; and

15 I. "reporting individual" means a candidate or
16 treasurer of a campaign committee."

17 SECTION 3. Section 1-22A-3 NMSA 1978 (being Laws 2013,
18 Chapter 180, Section 3) is amended to read:

19 "1-22A-3. REPORTS REQUIRED--TIME AND PLACE OF FILING.--

20 A. A candidate or campaign committee that has
21 received contributions or made expenditures of five hundred
22 dollars (\$500) or more shall file with the secretary of state a
23 report of all contributions received and expenditures made on a
24 prescribed form, and the report shall be filed in the same or
25 similar electronic system as that used for the Campaign

.206481.1SA

underscored material = new
[bracketed material] = delete

1 Reporting Act. Except as otherwise provided in this section,
2 all reports pursuant to the School District Campaign Reporting
3 Act shall be filed electronically and electronically
4 authenticated by the candidate using an electronic signature in
5 conformance with the Electronic Authentication of Documents Act
6 and the Uniform Electronic Transactions Act.

7 B. A candidate or campaign committee shall file a
8 campaign report of all contributions received and expenditures
9 made during an election cycle, and not previously reported, by
10 midnight on the [~~second Monday in April~~] twenty-first day
11 before the election and on the thirtieth day following the
12 election.

13 C. If a reporting date set by Subsection B of this
14 section falls on a [~~weekend or~~] holiday, the report shall be
15 filed on the next business day.

16 D. If a candidate or campaign committee has not
17 received any contributions and has not made any expenditures
18 since the last report filed with the secretary of state, the
19 candidate or campaign committee shall only be required to file
20 a statement of no activity, which shall not be required to be
21 notarized, in lieu of a full report when that report would
22 otherwise be due.

23 E. A report of expenditures and contributions filed
24 after a deadline set forth in this section shall not be deemed
25 to have been timely filed.

.206481.1SA

underscored material = new
[bracketed material] = delete

1 F. Except for candidates and campaign committees
2 that file a statement of no activity, each candidate or
3 campaign committee shall file a report of expenditures and
4 contributions pursuant to the filing schedules set forth in
5 this section, regardless of whether any expenditures were made
6 or contributions were received during the reporting period.
7 Reports shall be required until the candidate or campaign
8 committee delivers a report to the secretary of state stating
9 that:

- 10 (1) there are no outstanding campaign debts;
- 11 (2) all money has been expended in accordance
12 with the provisions of Section [~~6 of the School District~~
13 ~~Campaign Reporting Act~~] 1-22A-10 NMSA 1978; and
- 14 (3) the bank account for campaign funds
15 maintained by the candidate or campaign committee has been
16 closed.

17 G. A candidate who does not ultimately file a
18 declaration of candidacy and does not file a statement of no
19 activity shall file reports in accordance with Subsection B of
20 this section.

21 H. A candidate may apply to the secretary of state
22 for exemption from electronic filing in case of hardship, which
23 shall be defined by the secretary of state."