

1 HOUSE BILL 153

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Matthew McQueen and Bill Tallman

5
6
7
8
9
10 AN ACT

11 RELATING TO CAMPAIGN PRACTICES; AMENDING THE CAMPAIGN REPORTING
12 ACT; REVISING THE REPORTING SCHEDULE FOR EXPENDITURES AND
13 CONTRIBUTIONS; STANDARDIZING THE SUPPLEMENTAL REPORTING
14 REQUIREMENTS FOR ALL ELECTIONS; REQUIRING THE REPORTING OF
15 MONETARY CONTRIBUTIONS RECEIVED DURING THE LEGISLATIVE SESSION
16 FUNDRAISING PROHIBITION PERIOD.

17
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

19 SECTION 1. Section 1-19-29 NMSA 1978 (being Laws 1993,
20 Chapter 46, Section 5, as amended) is amended to read:

21 "1-19-29. TIME AND PLACE OF FILING REPORTS.--

22 A. Except as otherwise provided in this section,
23 all reporting individuals shall file with the secretary of
24 state no later than the second ~~[Monday in April and October]~~
25 Tuesday after the first Monday in June and January 7 a report

.218824.2

underscoring material = new
[bracketed material] = delete

underscoring material = new
[bracketed material] = delete

1 of all expenditures made and contributions received on or
2 before the first [~~Monday in those months~~] Tuesday after the
3 first Monday in June and December 31, respectively, and not
4 previously reported. The report shall be filed biannually
5 until the provisions specified in Subsection [~~F, G or H~~] G, H
6 or I of this section have been satisfied.

7 B. In an election year, instead of the biannual
8 reports provided for in Subsection A of this section, all
9 reporting individuals, except for public officials who are not
10 candidates in an election that year, shall file reports of all
11 expenditures made and contributions received or, if applicable,
12 statements of no activity, according to the following schedule:

13 (1) no later than the second Monday in April,
14 a report of all expenditures made and contributions received on
15 or before the first Monday in April and not previously
16 reported;

17 (2) no later than the second Monday in May, a
18 report of all expenditures made and contributions received on
19 or before the first Monday in May and not previously reported;

20 (3) no later than the second Monday in
21 September, a report of all expenditures made and contributions
22 received on or before the first Monday in September and not
23 previously reported;

24 (4) no later than the second Monday in
25 October, a report of all expenditures made and contributions

.218824.2

underscoring material = new
[bracketed material] = delete

1 received on or before the first Monday in October and not
2 previously reported; provided that if the second Monday of
3 October is a state holiday, the report shall be made on the
4 following day;

5 (5) no later than the Thursday before a
6 primary, general or statewide special election, a report of all
7 expenditures made and contributions received by 5:00 p.m. on
8 the Tuesday before the election and not previously reported.
9 Any contribution or pledge to contribute that is received after
10 5:00 p.m. on the Tuesday before the election and that is for
11 ~~[more than]~~ one thousand dollars (\$1,000) ~~[in a nonstatewide~~
12 ~~election, or more than three thousand dollars (\$3,000) in a~~
13 ~~statewide election]~~ or more shall be reported to the secretary
14 of state either in a supplemental report on a prescribed form
15 within twenty-four hours of receipt or in the report to be
16 filed no later than the Thursday before a primary, general or
17 statewide special election, except that any such contribution
18 or pledge to contribute that is received after 5:00 p.m. on the
19 Friday before the election may be reported by 12:00 noon on the
20 Monday before the election;

21 (6) no later than the ~~[thirtieth]~~ seventh day
22 after a primary election, a report by all reporting
23 individuals, except those individuals that become candidates
24 after the primary election, of all expenditures made and
25 contributions received on or before the ~~[twenty-fifth day~~

.218824.2

underscoring material = new
[bracketed material] = delete

1 ~~after]~~ day of the primary election and not previously reported;

2 (7) no later than the thirtieth day after a
3 statewide special election, a report of all expenditures made
4 and contributions received on or before the twenty-fifth day
5 after the statewide special election and not previously
6 reported; ~~[and]~~

7 (8) no later than the seventh day after a
8 general election, a report of all expenditures made and
9 contributions received on or before the day of the general
10 election and not previously reported; and

11 ~~[(8)]~~ (9) no later than January 7 after a
12 general election, a report of all expenditures made and
13 contributions received on or before December 31 after the
14 general election and not previously reported.

15 C. If a reporting individual is subject to the
16 legislative session fundraising prohibition of Section
17 1-19-34.1 NMSA 1978 and receives monetary contributions during
18 a prohibited period, the reporting individual shall file a
19 report of all the monetary contributions received during the
20 prohibited period no later than the seventh day after the
21 ending of the prohibited period.

22 ~~[C.]~~ D. If a candidate, political committee,
23 campaign committee or public official has not received any
24 contributions and has not made any expenditures since the
25 candidate's, committee's or official's last report was filed

.218824.2

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

1 with the proper filing officer, the candidate, committee or
2 official shall only be required to file a statement of no
3 activity, which shall not be required to be notarized, in lieu
4 of a full report when that report would otherwise be due and
5 shall not be required to file a full report until the next
6 required filing date occurring after an expenditure is made or
7 a contribution is received.

8 ~~[D.]~~ E. In an election year, a public official who
9 is not a candidate shall file biannual reports of expenditures
10 made and contributions received or statements of no activity in
11 accordance with the schedule provided for in Subsection A of
12 this section.

13 ~~[E.]~~ F. A report of expenditures and contributions
14 filed after a deadline set forth in this section shall not be
15 deemed to have been timely filed.

16 ~~[F.]~~ G. Except for candidates, campaign committees
17 and public officials who file a statement of no activity, each
18 candidate, campaign committee or public official shall file a
19 report of expenditures and contributions pursuant to the filing
20 schedules set forth in this section, regardless of whether any
21 expenditures were made or contributions were received during
22 the reporting period. Reports shall be required until the
23 reporting individual delivers a report to the secretary of
24 state stating that:

25 (1) there are no outstanding campaign debts;

.218824.2

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

1 (2) all money has been expended in accordance
2 with the provisions of Section 1-19-29.1 NMSA 1978; and

3 (3) the bank accounts have been closed.

4 ~~[G.]~~ H. If, during a nonelection year, a political
5 committee has not received any contributions or made any
6 coordinated or independent expenditures since it filed its last
7 report pursuant to this section, it need not file any report
8 under this section until the next reporting period, if any, in
9 which it receives contributions or makes expenditures. A
10 political committee that has not received any contributions or
11 made any coordinated or independent expenditures for a
12 continuous period of at least one year may cancel its
13 registration as a political committee by submitting an
14 appropriate request in writing to the secretary of state. The
15 committee shall retain the obligation to submit a new
16 registration pursuant to Section 1-19-26.1 NMSA 1978 in the
17 event that its future activities meet the requisites for
18 registration under that section.

19 ~~[H.]~~ I. A reporting individual who is a candidate
20 within the meaning of the Campaign Reporting Act because of the
21 amount of contributions the candidate receives or expenditures
22 the candidate makes and who does not ultimately file a
23 declaration of candidacy or a nominating petition with the
24 secretary of state and does not file a statement of no activity
25 shall file biannual reports in accordance with Subsection A of
.218824.2

underscoring material = new
[bracketed material] = delete

1 this section.

2 ~~[I.]~~ J. Reports required by this section shall be
3 subscribed and sworn to by the candidate or the treasurer of
4 the political committee or, in the case of candidates for
5 judicial office, by the treasurer of the candidate's campaign
6 committee. A report filed electronically shall be
7 electronically authenticated by the candidate or the treasurer
8 of the committee using an electronic signature in conformance
9 with the Electronic Authentication of Documents Act and the
10 Uniform Electronic Transactions Act. For the purposes of the
11 Campaign Reporting Act, a report that is electronically
12 authenticated in accordance with the provisions of this
13 subsection shall be deemed to have been subscribed and sworn to
14 by the candidate or the treasurer of the committee who was
15 required to file the report.

16 ~~[J.]~~ K. Reports required by this section shall be
17 filed electronically by all reporting individuals.

18 ~~[K.]~~ L. Reporting individuals may apply to the
19 secretary of state for exemption from electronic filing in case
20 of hardship, which shall be defined by the secretary of state."