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HOUSE BILL 34

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

MIMI STEWART

AN ACT

RELATING TO ELECTIONS; ENACTING THE SCHOOL BOARD CAMPAIGN
REPORTING ACT; PROVIDING CAMPAIGN REPORTING REQUIREMENTS FOR
SCHOOL BOARD ELECTIONS; PROVIDING PENALTIES.

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

Section 1. SHORT TITLE. -- This act may be cited as the
"School Board Campaign Reporting Act".

Section 2. DEFINITIONS. -- As used in the School Board
Campaign Reporting Act:

A. "anonymous contribution" means a contribution,
the contributor of which is unknown to the candidate or his
agent who accepts the contribution;

B. "board" or "school board" means the governing
authority of the local school district;

C. "candidate" means an individual who has filed a

1 declaration of candidacy for election to a school board;

2 D. "contribution" means a gift, subscription, loan,
3 advance or deposit of any money or other thing of value,
4 including the estimated value of an in-kind contribution, that
5 is made or received for a school board election, including
6 payment of a debt incurred in an election campaign, but does not
7 include the value of services provided without compensation or
8 unreimbursed travel or other personal expenses of individuals
9 who volunteer a portion or all of their time on behalf of a
10 candidate;

11 E. "county clerk" means the clerk of each county in
12 which the school district is located;

13 F. "election" or "school board election" means any
14 regular or special school district election for a school board
15 member;

16 G. "expenditure" means a payment, transfer or
17 distribution or obligation or promise to pay, transfer or
18 distribute any money or other thing of value for a school board
19 election, including payment of a debt incurred in an election
20 campaign; and

21 H. "proper filing officer" means the county clerk
22 or, in the case of a multicounty school district, the clerk of
23 the county in which the administrative office of the school
24 district is located.

25 Section 3. SCHOOL BOARD CANDIDATE CAMPAIGN REPORTING

Underscored material = new
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1 **REQUIREMENTS. --**

2 A. Each candidate for election to a school board who
3 receives contributions or makes expenditures of more than one
4 thousand dollars (\$1,000) in an election campaign shall file
5 with the proper filing officer reports of expenditures and
6 contributions as required by the School Board Campaign Reporting
7 Act.

8 B. The proper filing officer shall provide necessary
9 contribution and expenditure reporting forms to a candidate at
10 the time a declaration of candidacy is filed. The secretary of
11 state shall assist the proper filing officer in preparing
12 contribution and expenditure reporting forms.

13 C. Contribution and expenditure reports shall be
14 filed with the proper filing officer:

- 15 (1) twenty-five days prior to the election;
- 16 (2) seven days prior to the election;
- 17 (3) thirty days after the election, which shall
18 be the final report unless the campaign account remains open or
19 all contributions are not reported as having been expended in
20 accordance with the provisions of Section 5 of the School Board
21 Campaign Reporting Act; and

22 (4) annually in non-election years on February
23 1, until the account is reported as closed or all expenditures
24 are reported as having been expended in accordance with
25 Section 5 of the School Board Campaign Reporting Act.

Underscored material = new
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1 D. The report due twenty-five days prior to the
2 election shall include all contributions received and
3 expenditures made before or on the thirtieth day prior to the
4 election and not previously reported. The report due seven days
5 prior to the election shall include all contributions received
6 and expenditures made before or on the tenth day prior to the
7 election and not previously reported. The report due thirty
8 days after the election shall include all contributions received
9 and expenditures made before or on the twenty-fifth day after
10 the election and not previously reported. The annual report in
11 non-election years due on February 1 shall include all
12 contributions received and expenditures made that have not been
13 previously reported.

14 E. If at any time a candidate receives contributions
15 or makes expenditures in excess of one thousand dollars
16 (\$1,000), the candidate shall file the next scheduled report and
17 each succeeding report.

18 F. A report shall not be deemed timely filed unless
19 it is received by the proper filing officer on or before the day
20 required.

21 Section 4. CONTENTS OF CAMPAIGN REPORT OF CONTRIBUTIONS
22 AND EXPENDITURES-- ANONYMOUS CONTRIBUTION. --

23 A. Each required report of expenditures and
24 contributions shall be typed or printed legibly, or on a
25 computer disc or format approved by the proper filing officer,

1 and shall include:

2 (1) the name and address of the person or
3 entity to whom an expenditure was made or from whom a
4 contribution was received, except for an anonymous contribution;
5 provided that for contributors, the name of the entity or the
6 first and last names of any individual shall be the full name of
7 the entity or individual, and initials only shall not constitute
8 a full name of an entity unless that is its complete legal name;

9 (2) the occupation or type of business of any
10 person or entity making contributions of two hundred fifty
11 dollars (\$250) or more in the aggregate per election;

12 (3) the amount of the expenditure or
13 contribution or value thereof;

14 (4) the purpose of the expenditure; and

15 (5) the date of the expenditure or
16 contribution.

17 B. No anonymous contribution may be accepted in
18 excess of fifty dollars (\$50.00). The aggregate amount of
19 anonymous contributions received for an election shall not
20 exceed two hundred fifty dollars (\$250).

21 C. The report of expenditures and contributions
22 shall be subscribed and sworn to by the candidate. If the
23 report of expenditures and contributions is filed in an
24 electronically readable format, the report shall be subscribed
25 and sworn to by the candidate in an independent affidavit signed

Underscored material = new
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1 by the candidate and filed with the proper filing officer.

2 D. Each report shall contain an opening and closing
3 cash balance for the campaign account.

4 E. Each report shall specify the amount of each
5 unpaid debt and the identity of the person to whom the debt is
6 owed, except that the debts to suppliers of goods and services
7 that are not more than thirty days past due need not be
8 reported.

9 Section 5. CAMPAIGN FUNDS--LIMITATION ON USE.--It is
10 unlawful for any candidate, elected official or the agent of
11 either to make an expenditure of contributions received, except
12 for the following purposes:

13 A. expenditures of the campaign;

14 B. donations to the state or a county general fund;

15 or

16 C. donations to an organization to which a federal
17 income tax deduction would be permitted under Subparagraph (A)
18 of Paragraph (1) of Subsection (b) of Section 170 of the
19 Internal Revenue Code of 1986.

20 Section 6. REGULATIONS.--The board is authorized to adopt
21 regulations to implement the provisions of the School Board
22 Campaign Reporting Act.

23 Section 7. ENFORCEMENT--PENALTIES.--

24 A. Any citizen who believes a provision of the
25 School Board Campaign Reporting Act has been violated may file a

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1 complaint with the proper filing officer. If the proper filing
2 officer believes a provision of the School Board Campaign
3 Reporting Act has been violated, the proper filing officer shall
4 refer the matter to the district attorney. The School Board
5 Campaign Reporting Act may be enforced by the district attorney
6 in the county where the candidate resides.

7 B. If a campaign contribution or expenditure report
8 is filed late or is incomplete or false, the candidate
9 responsible for it shall, in addition to any other penalties or
10 remedies, be liable for and shall pay to the proper filing
11 officer twenty-five dollars (\$25.00) per day for each regular
12 working day that the required full and complete report is late,
13 up to a maximum of one thousand dollars (\$1,000).

14 C. If a candidate who violates the provisions of the
15 School Board Campaign Reporting Act is elected to the school
16 board, that person shall not, in addition to any other penalties
17 provided by law, serve on the school board or participate in
18 school board meetings until the complete reports required by the
19 School Board Campaign Reporting Act have been filed.

20 D. Any person who knowingly and willfully violates a
21 provision of the School Board Campaign Reporting Act is guilty
22 of a misdemeanor and shall be punished by a fine of not more
23 than one thousand dollars (\$1,000) or by imprisonment for not
24 more than one year or both.

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE

FIRST SESSION, 1997

February 6, 1997

Mr. Speaker:

Your VOTERS AND ELECTIONS COMMITTEE, to whom has
been referred

HOUSE BILL 34

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 1, line 24, strike the semicolon and insert in
lieu thereof ", the governing board of a technical and vocational
institute district, the governing board of an area vocational
school or the community college board of a community college or
branch community college;".

2. On page 3, line 11, after "shall" strike the remainder of
the line and insert in lieu thereof "initially approve".

3. On page 3, line 12, strike the period and insert in lieu
thereof "to be used."

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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4. On page 4, line 19, after "officer" strike the remainder of the line, strike line 20 and insert in lieu thereof "by 5:00 p.m. on the day the report is required to be filed."

5. On page 4, between lines 20 and 21, insert a new section to read:

"Section 4. EXCLUSION OF CERTAIN CANDIDATES FROM REPORTING-- STATEMENT OF EXCEPTION. --

A. A person who seeks a public office covered by the School Board Campaign Reporting Act and who anticipates receiving or expending less than one thousand dollars (\$1,000) may file, in lieu of filing a report of expenditures and contributions, a statement of exception to that effect before the election on a prescribed form and under penalty of perjury. The statement of exception shall be filed at the time of filing a declaration of candidacy. The statement shall be filed with the proper filing officer.

B. Upon filing of the statement of exception, the candidate shall not be required to file a report of expenditures and contributions except as provided in Subsection C of this section.

C. If at any time after filing a statement of exception a candidate receives or expends in an election more than the one thousand dollar (\$1,000) threshold amount provided in

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Subsection A of this section, the candidate shall file reports of expenditures and contributions according to the reporting schedule provided in Section 3 of the School Board Campaign Reporting Act. "

6. Renumber succeeding sections accordingly.

7. On page 6, line 25, after "a" insert "sworn".

8. On page 7, line 2, after "officer" insert "reasonably".

9. On page 7, line 18, strike "complete reports required by the" and insert in lieu thereof "candidate satisfies all reporting requirements of the".

10. On page 7, line 19, strike "have been filed" and insert in lieu thereof "and pays all penalties owed".,

and thence referred to the JUDICIARY COMMITTEE.

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FIRST SESSION, 1997

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Respectfully submitted,

Edward C. Sandoval, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

Excused: Garcia, Lujan, Nicely, Sanchez, J. P. Taylor

Absent: None

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

February 21, 1997

Mr. Speaker:

Your EDUCATION COMMITTEE, to whom has been referred

HOUSE BILL 34, as amended

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. Strike Voters and Elections Committee Amendment No. 1.

2. On page 1, line 24, strike the semicolon and insert in
lieu thereof “, the governing board of a technical and vocational
institute district, the governing board of an area vocational
school or the community college board of a community college;”.,

and thence referred to the JUDICIARY COMMITTEE.

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FIRST SESSION, 1997

HEC/HB 34, aa

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Respectfully submitted,

Samuel F. Vigil, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

Excused: Garnenez, Mallory, Nicely, Weeks, W. C. Williams, Wright

Absent: None

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 3, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 34, as amended

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. Strike House Education Committee Amendment 2.
2. On page 1, line 24, strike the semicolon and insert in lieu thereof "or the elected board of any of the following: a technical and vocational institute; an area vocational institute; a community college; or a branch community college;".

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Respectfully submitted,

Thomas P. Foy, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Mallory, Rios, Sanchez

Absent: None

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

1 HJC/HB 34

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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March 15, 1997

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10 Mr. President:

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Your RULES COMMITTEE, to whom has been referred

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HOUSE BILL 34, as amended

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has had it under consideration and reports same with

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recommendation that it DO PASS, and thence referred to the

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JUDICIARY COMMITTEE.

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Respectfully submitted,

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Gloria Howes, Chairman

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Adopted _____ Not Adopted _____

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

1 HJC/HB 34

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(Chief Clerk)

(Chief Clerk)

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Date _____

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The roll call vote was 6 For 0 Against

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Yes: 6

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No: 0

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Excused: Aragon, Rodarte

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Absent: None

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1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997

HB 34/a

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4 March 19, 1997

5 Mr. President:

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7 Your JUDICIARY COMMITTEE, to whom has been referred

8
9 HOUSE BILL 34, as amended

10 has had it under consideration and reports same with
11 recommendation that it DO PASS, amended as follows:

12
13 1. On page 2, line 5, after "election" insert "or political
14 purpose".

15
16 2. On page 2, line 19, after "election" insert "or political
17 purpose".

18
19 3. On page 2, between lines 20 and 21, insert the following
20 new subsection:

21 "H. "political purpose" means influencing or attempting
22 to influence an election or other question submitted to the
23 voters. "

24 4. Reletter the succeeding subsections.

25 5. On page 2, between lines 24 and 25 insert the following
new subsection:

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"J. "statement of exception" or "statement" means the prescribed form subscribed and sworn to by a candidate to indicate that the candidate does not intend to raise or expend the minimum amount required for the filing of a report of expenditures and contributions. "

6. On page 3, line 5, after "of" insert "all".

7. On page 3, line 6, after "contributions" insert "received".

Respectfully submitted,

Fernando R. Macias, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Page 2

Underscored material = new
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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

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Date _____

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10 The roll call vote was 5 For 0 Against

11 Yes: 5

12 No: 0

13 Excused: Sanchez, Tsosie, Vernon

14 Absent: None

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