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SENATE BILL 20

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Richard M. Romero

AN ACT

RELATING TO ELECTIONS; APPLYING THE CAMPAIGN REPORTING ACT AND  
THE FINANCE DISCLOSURE ACT TO SCHOOL BOARD ELECTIONS.

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

Section 1. Section 1-19-26 NMSA 1978 (being Laws 1979,  
Chapter 360, Section 2, as amended) is amended to read:

"1-19-26. DEFINITIONS. -- As used in the Campaign  
Reporting Act:

A. "advertising campaign" means an advertisement  
or series of advertisements used for a political purpose and  
disseminated to the public either in print, by radio or  
television broadcast or by any other electronic means,  
including telephonic communications, and may include direct or  
bulk mailings of printed materials;

B. "anonymous contribution" means a contribution

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1 the contributor of which is unknown to the candidate or his  
2 agent or the political committee or its agent who accepts the  
3 contribution;

4 C. "bank account" means an account in a financial  
5 institution located in New Mexico;

6 D. "campaign committee" means two or more persons  
7 authorized by a candidate to raise, collect or expend  
8 contributions on the candidate's behalf for the purpose of  
9 electing him to office;

10 E. "candidate" means an individual who seeks or  
11 considers an office in an election covered by the Campaign  
12 Reporting Act, including a public official, who either has  
13 filed a declaration of candidacy or nominating petition or:

14 (1) for a nonstatewide office, has received  
15 contributions or made expenditures of one thousand dollars  
16 (\$1,000) or more or authorized another person or campaign  
17 committee to receive contributions or make expenditures of one  
18 thousand dollars (\$1,000) or more for the purpose of seeking  
19 election to the office; or

20 (2) for a statewide office, has received  
21 contributions or made expenditures of two thousand five  
22 hundred dollars (\$2,500) or more or authorized another person  
23 or campaign committee to receive contributions or make  
24 expenditures of two thousand five hundred dollars (\$2,500) or  
25 more for the purpose of seeking election to the office or for

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1 candidacy exploration purposes in the years prior to the year  
2 of the election;

3 F. "contribution" means a gift, subscription,  
4 loan, advance or deposit of any money or other thing of value,  
5 including the estimated value of an in-kind contribution, that  
6 is made or received for a political purpose, including payment  
7 of a debt incurred in an election campaign, but does not  
8 include the value of services provided without compensation or  
9 unreimbursed travel or other personal expenses of individuals  
10 who volunteer a portion or all of their time on behalf of a  
11 candidate or political committee, nor does it include the  
12 administrative or solicitation expenses of a political  
13 committee that are paid by an organization that sponsors the  
14 committee;

15 G. "deliver" or "delivery" means by certified or  
16 registered mail, by telecopier, electronic mail or facsimile  
17 or by personal service;

18 H. "election" means any primary, general, school  
19 board or statewide special election in New Mexico and includes  
20 county and judicial retention elections but excludes municipal  
21 [~~school board~~] and special district elections;

22 I. "election year" means [~~an even-numbered~~] a year  
23 in which an election covered by the Campaign Reporting Act is  
24 held;

25 J. "expenditure" means a payment, transfer or

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1 distribution or obligation or promise to pay, transfer or  
2 distribute any money or other thing of value for a political  
3 purpose, including payment of a debt incurred in an election  
4 campaign or pre-primary convention, but does not include the  
5 administrative or solicitation expenses of a political  
6 committee that are paid by an organization that sponsors the  
7 committee;

8 K. "person" means an individual or entity;

9 L. "political committee" means two or more  
10 persons, other than members of a candidate's immediate family  
11 or campaign committee or a husband and wife who make a  
12 contribution out of a joint account, who are selected,  
13 appointed, chosen, associated, organized or operated primarily  
14 for a political purpose and includes political action  
15 committees or similar organizations composed of employees or  
16 members of any corporation, labor organization, trade or  
17 professional association or any other similar group that  
18 raises, collects, expends or contributes money or any other  
19 thing of value for a political purpose; provided that a  
20 political committee includes a single individual who by his  
21 actions represents that he is a political committee and a  
22 person or an organization of two or more persons that within  
23 one calendar year expends funds in excess of two thousand  
24 dollars (\$2,000) to conduct an advertising campaign for a  
25 political purpose;

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1 M "political purpose" means influencing or  
2 attempting to influence an election or pre-primary convention,  
3 including a constitutional amendment or other question  
4 submitted to the voters;

5 N. "prescribed form" means a form prepared and  
6 prescribed by the secretary of state;

7 O. "proper filing officer" means either the  
8 secretary of state or the county clerk as provided in Section  
9 1-19-27 NMSA 1978;

10 P. "public official" means a person elected to an  
11 office in an election covered by the Campaign Reporting Act or  
12 a person appointed to an office that is subject to an election  
13 covered by that act;

14 Q. "reporting individual" means every public  
15 official, candidate or treasurer of a campaign committee and  
16 every treasurer of a political committee; and

17 R. "statement of exception" or "statement" means  
18 the prescribed form subscribed and sworn to by a candidate to  
19 indicate that the candidate does not intend to raise or expend  
20 the minimum amount required for the filing of a report of  
21 expenditures and contributions as provided in Section 1-19-33  
22 NMSA 1978. "

23 Section 2. Section 1-19-29 NMSA 1978 (being Laws 1993,  
24 Chapter 46, Section 5, as amended by Laws 1997, Chapter 12,  
25 Section 1 and also by Laws 1997, Chapter 112, Section 3) is

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1 amended to read:

2 "1-19-29. TIME AND PLACE OF FILING REPORTS. --

3 A. Annually, all reporting individuals shall file  
4 with the proper filing officer by 5:00 p.m. on the second  
5 Monday in May a report of all expenditures made and  
6 contributions received on or before the first Monday in May  
7 and not previously reported. The report shall be filed  
8 annually until the reporting individual's bank account has  
9 been closed and the other provisions specified in Subsection E  
10 of this section have been satisfied.

11 B. In an election year, in addition to the May  
12 report provided for in Subsection A of this section, all  
13 reporting individuals, except for persons who file a statement  
14 of exception pursuant to Section 1-19-33 NMSA 1978 and except  
15 for public officials who are not candidates in an election  
16 that year, shall file reports of all expenditures made and  
17 contributions received according to the following schedule:

18 (1) by 5:00 p.m. on the second Monday in  
19 October, a report of all expenditures made and contributions  
20 received on or before the first Monday in October and not  
21 previously reported;

22 (2) by 5:00 p.m. on the Thursday before a  
23 primary, general, school board or statewide special election,  
24 a report of all expenditures made and contributions received  
25 by 5:00 p.m. on the Tuesday before the election. Any

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1 contribution or pledge to contribute that is received after  
2 5:00 p. m. on the Tuesday before the election and that is for  
3 five hundred dollars (\$500) or more in a legislative or  
4 nonstatewide judicial election, or two thousand five hundred  
5 dollars (\$2,500) or more in a statewide election shall be  
6 reported to the proper filing officer either in a supplemental  
7 report on a prescribed form within twenty-four hours of  
8 receipt or in the report to be filed by 5:00 p. m. on the  
9 Thursday before a primary, general, school board or statewide  
10 special election, except that any such contribution or pledge  
11 to contribute that is received after 5:00 p. m. on the Friday  
12 before the election may be reported by 12:00 noon on the  
13 Monday before the election; and

14 (3) by 5:00 p. m. on the thirtieth day after a  
15 primary, general, school board or statewide special election,  
16 a report of all expenditures made and contributions received  
17 on or before the twenty-fifth day after the election and not  
18 previously reported.

19 C. Notwithstanding the other provisions of this  
20 section, the report due on the thirtieth day after an election  
21 need be the only report filed after the annual May report if  
22 the candidate is not opposed in the election and if the report  
23 includes all expenditures made and contributions received for  
24 that election and not previously reported.

25 D. A report of expenditures and contributions

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1 filed after a deadline set forth in this section shall not be  
2 deemed to have been timely filed.

3 E. Each reporting individual shall file a report  
4 of expenditures and contributions annually pursuant to the  
5 filing schedule set forth in this section, regardless of  
6 whether any expenditures were made or contributions were  
7 received during the reporting period. Reports shall be  
8 required until the reporting individual delivers a report to  
9 the proper filing officer stating that:

10 (1) there are no outstanding campaign debts;

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

13 (3) the bank account has been closed.

14 F. Each treasurer of a political committee shall  
15 file a report of expenditures and contributions annually  
16 pursuant to the filing schedule set forth in this section  
17 until the treasurer files a report that affirms that the  
18 committee has dissolved or no longer exists and that its bank  
19 account has been closed.

20 G. A reporting individual who is a candidate  
21 within the meaning of the Campaign Reporting Act because of  
22 the amount of contributions he receives or expenditures he  
23 makes and who does not ultimately file a declaration of  
24 candidacy or a nominating petition with the proper filing  
25 officer shall nevertheless file a report, not later than the



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1 second Monday in May for a primary election or the second  
2 Monday in October for a general election, of all contributions  
3 received and expenditures made on or before the first Monday  
4 in May for a primary election or the first Monday in October  
5 for a general election, and not previously reported. "

6 Section 3. Section 1-19-33 NMSA 1978 (being Laws 1979,  
7 Chapter 360, Section 9, as amended) is amended to read:

8 "1-19-33. EXCLUSION OF CERTAIN CANDIDATES FROM  
9 REPORTING--STATEMENT OF EXCEPTION. --

10 A. In a year in which a primary, general, school  
11 board or special statewide election is held, a person who  
12 seeks or considers a public office covered by the Campaign  
13 Reporting Act and who anticipates receiving or expending for  
14 the election less than one thousand dollars (\$1,000) for a  
15 nonstatewide office, or two thousand five hundred dollars  
16 (\$2,500) for a statewide office, may file, in lieu of filing a  
17 report of expenditures and contributions, a statement of  
18 exception to that effect before the election on a prescribed  
19 form and under penalty of perjury. The statement of exception  
20 shall be filed by 5:00 p.m. on the second Monday in May for a  
21 primary or special statewide election or by 5:00 p.m. on the  
22 second Monday in October for a general, school board or  
23 special statewide election. The statement shall be filed with  
24 the proper filing officer.

25 B. Upon the filing of the statement of exception,

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1 the candidate shall not be required to file a report of  
2 expenditures and contributions except as provided in  
3 Subsection D of this section.

4 C. A statement of exception that is not timely  
5 filed or that includes false or incomplete information shall  
6 be subject to the notice, penalty and arbitration provisions  
7 set forth in Section 1-19-34.4 NMSA 1978.

8 D. If at any time after filing a statement of  
9 exception a candidate receives or expends in an election more  
10 than the threshold amounts provided in Subsection A of this  
11 section, the candidate shall file reports of expenditures and  
12 contributions according to the reporting schedule provided in  
13 Section 1-19-29 NMSA 1978. "

14 Section 4. Section 10-16A-3 NMSA 1978 (being Laws 1993,  
15 Chapter 46, Section 41, as amended) is amended to read:

16 "10-16A-3. REQUIRED DISCLOSURES FOR CERTAIN CANDIDATES  
17 AND PUBLIC OFFICERS AND EMPLOYEES--CONDITION FOR PLACEMENT ON  
18 BALLOT OR APPOINTMENT.--

19 A. At the time of filing a declaration of  
20 candidacy or nominating petition, a candidate for legislative,  
21 school board or statewide office shall file with the proper  
22 filing officer, as defined in Section 1-8-25 NMSA 1978, a  
23 financial disclosure statement on a prescribed form. In  
24 addition, each year thereafter during the month of January, a  
25 legislator, school board member and a person holding a

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1 statewide office shall file with the proper filing officer a  
2 financial disclosure statement. If the proper filing officer  
3 is not the secretary of state, the proper filing officer shall  
4 forward a copy of the financial disclosure statement to the  
5 secretary of state within seventy-two hours.

6 B. A state agency head or official whose  
7 appointment to a board or commission is subject to  
8 confirmation by the senate shall file with the secretary of  
9 state a financial disclosure statement within thirty days of  
10 appointment and during the month of January every year  
11 thereafter that he holds public office.

12 C. The financial disclosure statement shall  
13 include for any person identified in Subsection A or B of this  
14 section and the person's spouse the following information for  
15 the prior calendar year:

16 (1) the full name, mailing address and  
17 residence address of each person covered in the disclosure  
18 statement, except the address of the spouse need not be  
19 disclosed; the name and address of the person's and spouse's  
20 employer and the title or position held; and a brief  
21 description of the nature of the business or occupation;

22 (2) all sources of gross income of more than  
23 five thousand dollars (\$5,000) to each person covered in the  
24 disclosure statement, identified by general category  
25 descriptions that disclose the nature of the income source, in

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1 the following broad categories: law practice or consulting  
2 operation or similar business, finance and banking, farming  
3 and ranching, medicine and health care, insurance (as a  
4 business and not as payment on an insurance claim), oil and  
5 gas, transportation, utilities, general stock market holdings,  
6 bonds, government, education, manufacturing, real estate,  
7 consumer goods sales with a general description of the  
8 consumer goods and the category "other", with direction that  
9 the income source be similarly described. In describing a law  
10 practice, consulting operation or similar business of the  
11 person or spouse, the major areas of specialization or income  
12 sources shall be described, and if the spouse or a person in  
13 the reporting person's or spouse's law firm, consulting  
14 operation or similar business is or was during the reporting  
15 calendar year or the prior calendar year a registered lobbyist  
16 under the Lobbyist Regulation Act, the names and addresses of  
17 all clients represented for lobbying purposes during those two  
18 years shall be disclosed;

19 (3) a general description of the type of real  
20 estate owned in New Mexico, other than a personal residence,  
21 and the county where it is located;

22 (4) all other New Mexico business interests  
23 not otherwise listed of ten thousand dollars (\$10,000) or more  
24 in a New Mexico business or entity, including any position  
25 held and a general statement of purpose of the business or

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1 entity;

2 (5) all memberships held by the reporting  
3 individual and his spouse on boards of for-profit businesses  
4 in New Mexico;

5 (6) all New Mexico professional licenses  
6 held;

7 (7) each state agency that was sold goods or  
8 services in excess of five thousand dollars (\$5,000) during  
9 the prior calendar year by a person covered in the disclosure  
10 statement;

11 (8) each state agency, other than a court,  
12 before which a person covered in the disclosure statement  
13 represented or assisted clients in the course of his  
14 employment during the prior calendar year; and

15 (9) a general category that allows the person  
16 filing the disclosure statement to provide whatever other  
17 financial interest or additional information the person  
18 believes should be noted to describe potential areas of  
19 interest that should be disclosed.

20 D. A complete financial disclosure statement shall  
21 be filed every year. The secretary of state shall mail each  
22 elected official required to file a financial disclosure  
23 statement a copy of any statement the person filed the  
24 previous year.

25 E. The financial disclosure statements filed

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1 pursuant to this section are public records open to public  
2 inspection during regular office hours and shall be retained  
3 by the state for five years from the date of filing.

4 F. A person who files a financial disclosure  
5 statement may file an amended statement at any time to reflect  
6 significant changed circumstances that occurred since the last  
7 statement was filed.

8 G. [~~Any~~] A candidate for a legislative, school  
9 board or statewide office who fails or refuses to file a  
10 financial disclosure statement required by this section before  
11 the final date for the withdrawal of candidates provided for  
12 in the Election Code shall not have his name printed on the  
13 election ballot.

14 H. For a state agency head or an official whose  
15 appointment to a board or commission is subject to  
16 confirmation by the senate, the filing of the financial  
17 disclosure statement required by this section is a condition  
18 of entering upon and continuing in state employment or holding  
19 an appointed position. "

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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4  
5 February 26, 1999

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7 Mr. President:

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9 Your EDUCATION COMMITTEE, to whom has been referred

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11 SENATE BILL 20

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13 has had it under consideration and reports same with  
14 recommendation that it DO PASS, and thence referred to the  
15 RULES COMMITTEE.

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18 Respectfully submitted,

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Cynthia Nava, Chairman

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1 Adopted \_\_\_\_\_ Not

2 Adopted \_\_\_\_\_

3 (Chief Clerk)

(Chief Clerk)

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6 Date \_\_\_\_\_

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9 The roll call vote was 6 For 0 Against

10 Yes: 6

11 No: 0

12 Excused: Boitano, Duran, Pinto, Lopez

13 Absent: None

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1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
3  
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5  
6 March 4, 1999  
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8 Mr. President:  
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10 Your RULES COMMITTEE, to whom has been referred  
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12 SENATE BILL 20  
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14 has had it under consideration and reports same with  
15 recommendation that it DO PASS.  
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18 Respectfully submitted,  
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24 Gloria Howes, Co-Chair  
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Adopted \_\_\_\_\_ Not

1 Adopted \_\_\_\_\_

2 (Chief Clerk)

(Chief Clerk)

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6 Date \_\_\_\_\_

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9 The roll call vote was 5 For 0 Against

10 Yes: 5

11 No: 0

12 Excused: Altamirano, Campos, Romero

13 Absent: None

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