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HOUSE BILL 250

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Justine Fox-Young

AN ACT

RELATING TO CAMPAIGN PRACTICES; REQUIRING QUARTERLY FILING OF CERTAIN EXPENDITURE AND CONTRIBUTION REPORTS PURSUANT TO THE CAMPAIGN REPORTING ACT.

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

Section 1. Section 1-19-27 NMSA 1978 (being Laws 1979, Chapter 360, Section 3, as amended) is amended to read:

"1-19-27. REPORTS REQUIRED--PROPER FILING OFFICER.--

A. ~~[Except for those candidates who file a statement of exception in an election year pursuant to Section 1-19-33 NMSA 1978]~~ All reporting individuals shall ~~[annually]~~ file with the proper filing officer ~~[a report]~~ reports of expenditures and contributions on ~~[a]~~ prescribed ~~[form. The report shall be filed on the second Monday in May]~~ forms pursuant to the provisions of ~~[Subsection A of]~~ Section 1-19-29

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1 NMSA 1978.

2 B. The proper filing officer for filing reports of
3 expenditures and contributions by a political committee is the
4 secretary of state.

5 C. The proper filing officer for filing reports of
6 expenditures and contributions or statements of exception is
7 the secretary of state for all public officials.

8 D. The secretary of state shall develop or contract
9 for services to develop an electronic reporting system for
10 receiving and for public inspection of reports of expenditures
11 and contributions and statements of exception to the Campaign
12 Reporting Act. The electronic reporting system shall:

- 13 (1) enable a person to file reports on-line by
- 14 filling out forms on the secretary of state's web site; and
- 15 (2) provide for encrypted transmissions."

16 Section 2. Section 1-19-29 NMSA 1978 (being Laws 1993,
17 Chapter 46, Section 5, as amended) is amended to read:

18 "1-19-29. TIME AND PLACE OF FILING REPORTS.--

19 A. ~~[Annually]~~ Except as otherwise provided in this
20 section, all reporting individuals shall file with the proper
21 filing officer by 5:00 p.m. on the ~~[second Monday in May a~~
22 ~~report of all expenditures made and contributions received on~~
23 ~~or before the first Monday in May and not previously reported.~~
24 The report shall be filed annually until the reporting
25 individual's bank account has been closed and the other

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1 ~~provisions specified in Subsection F of this section have been~~
2 ~~satisfied~~] following days the following reports:

3 (1) by 5:00 p.m. on the second Monday in
4 April, a report of all expenditures made and contributions
5 received on or before March 31 and not previously reported;

6 (2) by 5:00 p.m. on the second Monday in July,
7 a report of all expenditures made and contributions received on
8 or before June 30 and not previously reported;

9 (3) by 5:00 p.m. on the second Monday in
10 October, a report of all expenditures made and contributions
11 received on or before September 30 and not previously reported;
12 and

13 (4) by 5:00 p.m. on the second Monday in
14 January, a report of all expenditures made and contributions
15 received on or before December 31 and not previously reported.

16 B. In an election year, ~~[in addition to the May~~
17 ~~report provided for in Subsection A of this section, all~~
18 ~~reporting individuals]~~ except for persons who file a statement
19 of exception pursuant to Section 1-19-33 NMSA 1978, candidates
20 who file a statement of no activity and public officials who
21 are not candidates in an election that year, all reporting
22 individuals shall file ~~[reports of all expenditures made and~~
23 ~~contributions received according to the following schedule]~~
24 with the proper filing officer by 5:00 p.m. on the following
25 days the following reports in lieu of the reports required by

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1 Subsection A of this section:

2 (1) on the second Monday in May, a report of
3 all expenditures made and contributions received on or before
4 the first Monday in May and not previously reported;

5 [~~(1) by 5:00 p.m.~~] (2) on the second Monday
6 in October, a report of all expenditures made and contributions
7 received on or before the first Monday in October and not
8 previously reported;

9 [~~(2) by 5:00 p.m.~~] (3) on the Thursday before
10 a primary, general or statewide special election, a report of
11 all expenditures made and contributions received by 5:00 p.m.
12 on the Tuesday before the election. Any contribution or pledge
13 to contribute that is received after 5:00 p.m. on the Tuesday
14 before the election and that is for five hundred dollars (\$500)
15 or more in a legislative or non-statewide judicial election, or
16 two thousand five hundred dollars (\$2,500) or more in a
17 statewide election, shall be reported to the proper filing
18 officer either in a supplemental report on a prescribed form
19 within twenty-four hours of receipt or in the report to be
20 filed by 5:00 p.m. on the Thursday before a primary, general or
21 statewide special election, except that any such contribution
22 or pledge to contribute that is received after 5:00 p.m. on the
23 Friday before the election may be reported by 12:00 noon on the
24 Monday before the election; and

25 [~~(3) by 5:00 p.m.~~] (4) on the thirtieth day

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1 after a primary, general or statewide special election, a
2 report of all expenditures made and contributions received on
3 or before the twenty-fifth day after the election and not
4 previously reported.

5 C. If a candidate has not received any
6 contributions and has not made any expenditures since the
7 candidate's last report was filed with the proper filing
8 officer, the candidate shall only be required to file a
9 statement of no activity, which shall not be required to be
10 notarized, in lieu of a full report when that report would
11 otherwise be due and shall not be required to file a full
12 report until the next required filing date occurring after an
13 expenditure is made or a contribution is received.

14 D. Notwithstanding the other provisions of this
15 section, the report due on the thirtieth day after an election
16 need be the only report filed after the [~~annual~~] May report if
17 the candidate is not opposed in the election and if the report
18 includes all expenditures made and contributions received for
19 that election and not previously reported.

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

23 F. Except for candidates who file a statement of no
24 activity, each reporting individual shall file [~~a report~~]
25 reports of expenditures and contributions [~~annually~~] pursuant

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1 to the filing schedule set forth in this section, regardless of
2 whether any expenditures were made or contributions were
3 received during the reporting period. Reports shall be
4 required until the reporting individual delivers a report to
5 the proper filing officer stating that:

- 6 (1) there are no outstanding campaign debts;
7 (2) all money has been expended in accordance
8 with the provisions of Section 1-19-29.1 NMSA 1978; and
9 (3) the bank account has been closed.

10 G. Each treasurer of a political committee shall
11 file [~~a report~~] reports of expenditures and contributions
12 [~~annually~~] pursuant to the filing schedule set forth in this
13 section until the treasurer files a report that affirms that
14 the committee has dissolved or no longer exists and that its
15 bank account has been closed.

16 H. A reporting individual who is a candidate within
17 the meaning of the Campaign Reporting Act because of the amount
18 of contributions the candidate receives or expenditures the
19 candidate makes and who does not ultimately file a declaration
20 of candidacy or a nominating petition with the proper filing
21 officer and does not file a statement of no activity shall
22 nevertheless file a report, not later than the second Monday in
23 May for a primary election or the second Monday in October for
24 a general election, of all contributions received and
25 expenditures made on or before the first Monday in May for a

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1 primary election or the first Monday in October for a general
2 election and not previously reported.

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

15 J. Reports required by this section shall be filed
16 electronically by all reporting individuals.

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

20 Section 3. Section 1-19-32.1 NMSA 1978 (being Laws 1981,
21 Chapter 331, Section 9, as amended) is amended to read:

22 "1-19-32.1. REPORTS EXAMINATION--FORWARDING OF
23 REPORTS.--

24 A. The secretary of state shall conduct a thorough
25 examination of at least ten percent of all reports filed during

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

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

24 C. A county clerk shall deliver to the secretary of
25 state, within forty-eight hours of the county clerk's receipt,

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1 each report of expenditures and contributions or statement of
2 exception filed with the county clerk's office. Within forty-
3 eight hours of receipt of a report of expenditures and
4 contributions or statement of exception filed by a legislative
5 candidate for a multicounty district, the secretary of state
6 shall deliver to each county clerk in the multicounty
7 legislative district a copy of the report or statement filed."

8 Section 4. EFFECTIVE DATE.--The effective date of the
9 provisions of this act is January 1, 2009.

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