

HOUSE BILL 377

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Nate Gentry

AN ACT

RELATING TO ELECTIONS; REQUIRING ADDITIONAL FILINGS OF CAMPAIGN EXPENDITURE AND CONTRIBUTION REPORTS; AMENDING A SECTION OF THE NMSA 1978.

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

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

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

A. Except as otherwise provided in this section, all reporting individuals shall file with the proper filing officer by 5:00 p.m. on the second Monday in January, April, July and October a report of all expenditures made and contributions received on or before the first Monday in those months and not previously reported. The report shall be filed [~~biannually~~] quarterly until the reporting individual's bank

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1 account has been closed and the other provisions specified in  
2 Subsection F of this section have been satisfied.

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

10 (1) by 5:00 p.m. on the second Monday in  
11 January, a report of all expenditures made and contributions  
12 received on or before the first Monday in January and not  
13 previously reported;

14 [~~(1)~~] (2) by 5:00 p.m. on the second Monday in  
15 April, a report of all expenditures made and contributions  
16 received on or before the first Monday in April and not  
17 previously reported;

18 [~~(2)~~] (3) by 5:00 p.m. on the second Monday in  
19 May, a report of all expenditures made and contributions  
20 received on or before the first Monday in May and not  
21 previously reported;

22 (4) by 5:00 p.m. on the second Monday in July,  
23 a report of all expenditures made and contributions received on  
24 or before the first Monday in July and not previously reported;

25 [~~(3)~~] (5) by 5:00 p.m. on the second Monday in

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

4 [~~(4)~~] (6) by 5:00 p.m. on the second Monday in  
5 October, a report of all expenditures made and contributions  
6 received on or before the first Monday in October and not  
7 previously reported;

8 [~~(5)~~] (7) by 5:00 p.m. on the Thursday before  
9 a primary, general or statewide special election, a report of  
10 all expenditures made and contributions received by 5:00 p.m.  
11 on the Tuesday before the election. Any contribution or pledge  
12 to contribute that is received after 5:00 p.m. on the Tuesday  
13 before the election and that is for five hundred dollars (\$500)  
14 or more in a legislative or non-statewide judicial election, or  
15 two thousand five hundred dollars (\$2,500) or more in a  
16 statewide election, shall be reported to the proper filing  
17 officer either in a supplemental report on a prescribed form  
18 within twenty-four hours of receipt or in the report to be  
19 filed by 5:00 p.m. on the Thursday before a primary, general or  
20 statewide special election, except that any such contribution  
21 or pledge to contribute that is received after 5:00 p.m. on the  
22 Friday before the election may be reported by 12:00 noon on the  
23 Monday before the election; and

24 [~~(6)~~] (8) by 5:00 p.m. on the thirtieth day  
25 after a primary, general or statewide special election, a

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1 report of all expenditures made and contributions received on  
2 or before the twenty-fifth day after the election and not  
3 previously reported.

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

13 D. In an election year, a public official who is  
14 not a candidate shall file [~~biannual~~] quarterly reports of  
15 expenditures made and contributions received or statements of  
16 no activity in accordance with the schedule provided for in  
17 Subsection A of this section.

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

21 F. Except for candidates and public officials who  
22 file a statement of no activity, each reporting individual  
23 shall file a report of expenditures and contributions pursuant  
24 to the filing schedules set forth in this section, regardless  
25 of whether any expenditures were made or contributions were

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1 received during the reporting period. Reports shall be  
2 required until the reporting individual delivers a report to  
3 the proper filing officer stating that:

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

8 G. Each treasurer of a political committee shall  
9 file a report of expenditures and contributions pursuant to the  
10 filing schedules set forth in this section until the treasurer  
11 files a report that affirms that the committee has dissolved or  
12 no longer exists and that its bank account has been closed.

13 H. A reporting individual who is a candidate within  
14 the meaning of the Campaign Reporting Act because of the amount  
15 of contributions the candidate receives or expenditures the  
16 candidate makes and who does not ultimately file a declaration  
17 of candidacy or a nominating petition with the proper filing  
18 officer and does not file a statement of no activity shall file  
19 [~~biannual~~] quarterly reports in accordance with Subsection A of  
20 this section.

21 I. Reports required by this section shall be  
22 subscribed and sworn to by the candidate or the treasurer of  
23 the political committee. A report filed electronically shall  
24 be electronically authenticated by the candidate or the  
25 treasurer of the political committee using an electronic

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1 signature in conformance with the Electronic Authentication of  
2 Documents Act and the Uniform Electronic Transactions Act. For  
3 the purposes of the Campaign Reporting Act, a report that is  
4 electronically authenticated in accordance with the provisions  
5 of this subsection shall be deemed to have been subscribed and  
6 sworn to by the candidate or the treasurer of the political  
7 committee who was required to file the report.

8 J. Reports required by this section shall be filed  
9 electronically by all reporting individuals.

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

13 SECTION 2. EFFECTIVE DATE.--The effective date of the  
14 provisions of this act is July 1, 2011.