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HOUSE BILL 81

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

INTRODUCED BY

R. David Pederson

FOR THE CAMPAIGN FINANCE AND ELECTION REFORM COMMITTEE

AN ACT

RELATING TO ELECTIONS; AMENDING THE CAMPAIGN REPORTING ACT;  
PROVIDING FOR ELECTRONIC REPORTING AND RETRIEVAL OF  
INFORMATION; MAKING AN APPROPRIATION.

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 non-statewide 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  
18 one thousand dollars (\$1,000) or more for the purpose of  
19 seeking 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  
candidacy exploration purposes in the years prior to the year  
of the election;

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

13           G. "deliver" or "delivery" means by certified or  
14 registered mail, by telecopier, electronic [~~mail~~]  
15 transmission or facsimile or by personal service;

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

20           I. "election year" means an even-numbered year in  
21 which an election covered by the Campaign Reporting Act is  
22 held;

23           J. "expenditure" means a payment, transfer or  
24 distribution or obligation or promise to pay, transfer or  
25 distribute any money or other thing of value for a political  
purpose, including payment of a debt incurred in an election  
campaign or pre-primary convention, but does not include the

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1 administrative or solicitation expenses of a political  
2 committee that are paid by an organization that sponsors the  
3 committee;

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

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

22 M. "political purpose" means influencing or  
23 attempting to influence an election or pre-primary  
24 convention, including a constitutional amendment or other  
25 question submitted to the voters;

N. "prescribed form" means a form or electronic  
format prepared and prescribed by the secretary of state;

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1           O. "proper filing officer" means either the  
2 secretary of state or the county clerk as provided in Section  
3 1-19-27 NMSA 1978;

4           P. "public official" means a person elected to an  
5 office in an election covered by the Campaign Reporting Act  
6 or a person appointed to an office that is subject to an  
7 election covered by that act;

8           Q. "reporting individual" means every public  
9 official, candidate or treasurer of a campaign committee and  
10 every treasurer of a political committee; and

11           R. "statement of exception" or "statement" means  
12 the prescribed form subscribed and sworn to by a candidate to  
13 indicate that the candidate does not intend to raise or  
14 expend the minimum amount required for the filing of a report  
15 of expenditures and contributions as provided in Section  
16 1-19-33 NMSA 1978."

17           Section 2. Section 1-19-27 NMSA 1978 (being Laws 1979,  
18 Chapter 360, Section 3, as amended) is amended to read:

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

20           A. Except for those candidates who file a  
21 statement of exception in an election year pursuant to  
22 Section 1-19-33 NMSA 1978, all reporting individuals shall  
23 annually file with the proper filing officer a report of  
24 expenditures and contributions on a prescribed form. The  
25 report shall be filed on the second Monday in May pursuant to  
the provisions of Subsection A of Section 1-19-29 NMSA 1978.

          B. The proper filing officer for filing reports of

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1 expenditures and contributions or statements of exception is  
2 the secretary of state for a public official in or a  
3 candidate seeking any of the following offices:

- 4 (1) a statewide elective office;
- 5 (2) an elected judicial office [~~in the~~  
6 ~~judicial department~~], except a magistrate; [~~and~~
- 7 (3) an office, other than a legislative  
8 office, representing a district composed of more than one  
9 county; or

10 (4) a legislative office except that,  
11 through December 31, 2003, legislators representing or  
12 candidates seeking to represent multicounty districts may  
13 file reports of expenditures and contributions or statements  
14 of exception with either the secretary of state or with the  
15 county clerk in the county in which they reside.

16 C. The proper filing officer for filing reports of  
17 expenditures and contributions or statements of exception is  
18 the county clerk for a public official in or a candidate  
19 seeking any of the following offices:

- 20 (1) an elective county office;
- 21 (2) a magistrate; and
- 22 (3) through December 31, 2003, a state  
23 legislative office elected from a district located wholly  
24 within one county.

25 D. The proper filing officer for filing reports of  
expenditures and contributions by a political committee is  
the secretary of state.

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1                   E. The secretary of state shall develop or  
2 contract for services to develop an electronic reporting  
3 system for receiving and for public inspection of reports of  
4 expenditures and contributions and statements of exception  
5 pursuant to the Campaign Reporting Act. The electronic  
6 reporting system shall include:

7                               (1) an electronic format for reports and  
8 statements;

9                               (2) computer software to be provided to  
10 reporting individuals for their compliance with the Campaign  
11 Reporting Act; and

12                               (3) provisions for encrypted transmissions."

13                   Section 3. Section 1-19-29 NMSA 1978 (being Laws 1993,  
14 Chapter 46, Section 5, as amended by Laws 1997, Chapter 12,  
15 Section 1 and also by Laws 1997, Chapter 112, Section 3) is  
16 amended to read:

17                   "1-19-29. TIME AND PLACE OF FILING REPORTS.--

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

                              B. In an election year, in addition to the May  
report provided for in Subsection A of this section, all

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1 reporting individuals, except for persons who file a  
2 statement of exception pursuant to Section 1-19-33 NMSA 1978  
3 and except for public officials who are not candidates in an  
4 election that year, shall file reports of all expenditures  
5 made and contributions received according to the following  
6 schedule:

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

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

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1 (3) by 5:00 p.m. on the thirtieth day after  
2 a primary, general or statewide special election, a report of  
3 all expenditures made and contributions received on or before  
4 the twenty-fifth day after the election and not previously  
5 reported.

6 C. Notwithstanding the other provisions of this  
7 section, the report due on the thirtieth day after an  
8 election need be the only report filed after the annual May  
9 report if the candidate is not opposed in the election and if  
10 the report includes all expenditures made and contributions  
11 received for that election and not previously reported.

12 D. A report of expenditures and contributions  
13 filed after a deadline set forth in this section shall not be  
14 deemed to have been timely filed.

15 E. Each reporting individual shall file a report  
16 of expenditures and contributions annually pursuant to the  
17 filing schedule set forth in this section, regardless of  
18 whether any expenditures were made or contributions were  
19 received during the reporting period. Reports shall be  
20 required until the reporting individual delivers a report to  
21 the proper filing officer stating that:

- 22 (1) there are no outstanding campaign debts;  
23 (2) all money has been expended in  
24 accordance with the provisions of Section 1-19-29.1 NMSA  
25 1978; and  
(3) the bank account has been closed.

F. Each treasurer of a political committee shall

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1 file a report of expenditures and contributions annually  
2 pursuant to the filing schedule set forth in this section  
3 until the treasurer files a report that affirms that the  
4 committee has dissolved or no longer exists and that its bank  
5 account has been closed.

6 G. A reporting individual who is a candidate  
7 within the meaning of the Campaign Reporting Act because of  
8 the amount of contributions he receives or expenditures he  
9 makes and who does not ultimately file a declaration of  
10 candidacy or a nominating petition with the proper filing  
11 officer shall nevertheless file a report, not later than the  
12 second Monday in May for a primary election or the second  
13 Monday in October for a general election, of all  
14 contributions received and expenditures made on or before the  
15 first Monday in May for a primary election or the first  
16 Monday in October for a general election, and not previously  
17 reported.

18 H. Reports required by this section shall be filed  
19 electronically beginning:

20 (1) January 1, 2002 for statewide elective  
21 office reporting individuals, except for individuals who have  
22 contributions or expenditures in any election year of less  
23 than two thousand five hundred dollars (\$2,500) for a  
24 primary, general or special election;

25 (2) January 1, 2004 for legislative, public  
regulation commission and political committee reporting  
individuals, except for individuals who have contributions or

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1 expenditures in any election year of less than one thousand  
2 (\$1,000) for a primary, general or special election; and  
3 (3) January 1, 2008 for all statewide  
4 elective office, legislative, public regulation commission  
5 and political committee reporting individuals."

6 Section 4. Section 1-19-32 NMSA 1978 (being Laws 1979,  
7 Chapter 360, Section 8, as amended) is amended to read:

8 "1-19-32. INSPECTION OF PUBLIC RECORDS.--

9 A. Each of the following documents is a public  
10 record open to public inspection during regular office hours  
11 in the office in which the document was filed or from which  
12 the document was issued:

- 13 (1) a statement of exception;
- 14 (2) a report of expenditures and  
15 contributions;
- 16 (3) an advisory opinion issued by the  
17 secretary of state;
- 18 (4) a document specified as a public record  
19 in the Campaign Reporting Act; and
- 20 (5) an arbitration decision issued by an  
21 arbitration panel and filed with the secretary of state.

22 B. Each public record described in Subsection A of  
23 this section shall be retained by the state for five years  
24 and may be destroyed five years after the date of filing  
25 unless a legal action or prosecution is pending that requires  
the preservation of the public record.

C. The secretary of state shall provide electronic

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1 access to reports of expenditures and contributions and  
2 statements of exception submitted electronically by reporting  
3 individuals. The electronic access shall include access via  
4 the internet and shall be in an easily searchable format."

5 Section 5. APPROPRIATION.--Six hundred thousand dollars  
6 (\$600,000) is appropriated from the general fund to the  
7 secretary of state for expenditure in fiscal years 2001 and  
8 2002 for the purpose of designing, developing and operating  
9 an electronic reporting system. Any unexpended or  
10 unencumbered balance remaining at the end of the fiscal year  
11 2002 shall revert to the general fund.