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SENATE BILL 312

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

INTRODUCED BY

Leonard Lee Rawson

AN ACT

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

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~~  
15 ~~(\$500)] two hundred fifty dollars (\$250) or more in a  
16 legislative or non-statewide judicial election, or [~~two~~  
17 ~~thousand five hundred dollars (\$2,500)] two hundred fifty  
18 dollars (\$250) or more in a statewide election, shall be  
19 reported to the proper filing officer either in a supplemental  
20 report on a prescribed form within twenty-four hours of receipt  
21 or in the report to be filed by 5:00 p.m. on the Thursday  
22 before a primary, general or statewide special election, except  
23 that any such contribution or pledge to contribute that is  
24 received after 5:00 p.m. on the Friday before the election may  
25 be reported by 12:00 noon on the Monday before the election;~~~~

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1 and

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

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

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

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

25 F. Except for candidates who file a statement of no

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1 activity, each reporting individual shall file [~~a report~~]  
2 reports of expenditures and contributions [~~annually~~] pursuant  
3 to the filing schedule set forth in this section, regardless of  
4 whether any expenditures were made or contributions were  
5 received during the reporting period. Reports shall be  
6 required until the reporting individual delivers a report to  
7 the proper filing officer stating that:

8 (1) there are no outstanding campaign debts;

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

11 (3) the bank account has been closed.

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

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

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

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

17 J. Reports required by this section shall be filed  
18 electronically by all reporting individuals.

19 ~~[K. Reporting individuals may apply to the~~  
20 ~~secretary of state for exemption from electronic filing in case~~  
21 ~~of hardship, which shall be defined by the secretary of~~  
22 ~~state.]"~~

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

25 "1-19-32.1. REPORTS EXAMINATION--FORWARDING OF  
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1 REPORTS.--

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

17 B. After the date stated in the notice of final  
18 action for submission of a written explanation, the secretary  
19 of state shall prepare an annual report of any unresolved  
20 discrepancies found after examination of the random sample  
21 provided for in Subsection A of this section. A copy of this  
22 report shall be transmitted to the attorney general for  
23 enforcement pursuant to the provisions of Section 1-19-36 NMSA  
24 1978. This report is a public record open to public inspection  
25 and subject to the retention and destruction provisions set

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1       forth in Section 1-19-32 NMSA 1978.

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

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

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