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HOUSE BILL 261

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

G. Andres Romero

AN ACT

RELATING TO CAMPAIGN REPORTING; REQUIRING CROSS-REFERENCING
BETWEEN AND UNIFORM LANGUAGE USE IN REPORTS OF POLITICAL
CONTRIBUTIONS AND LOBBYING EXPENDITURES; CLARIFYING THE
REQUIREMENTS OF ELECTRONIC DISCLOSURE OF CAMPAIGN AND LOBBYING
REPORTS; PROVIDING FOR AN INITIAL REVIEW BY THE SECRETARY OF
STATE OF CAMPAIGN REPORTS; PROVIDING SUBPOENA POWER TO THE
SECRETARY OF STATE; REQUIRING MULTIPLE METHODS OF NOTICE TO
REPORT VIOLATIONS TO REPORTING INDIVIDUALS.

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 and public
~~[officials]~~ officials who file a statement of no activity, all

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1 reporting individuals shall file with the proper filing officer
2 a report of expenditures and contributions on a prescribed
3 form. The form shall provide, to the maximum extent
4 practicable, for cross-references to matching entries on the
5 expenditure reports forms required by Section 2-11-6 NMSA 1978
6 and descriptive language for required information that is
7 uniform or consistent with descriptive language in the
8 expenditure report forms required by Section 2-11-6 NMSA 1978.

9 B. The proper filing officer for filing reports of
10 expenditures and contributions by a political committee is the
11 secretary of state.

12 C. The proper filing officer for filing reports of
13 expenditures and contributions or statements of no activity is
14 the secretary of state for all candidates and public officials.

15 D. The secretary of state shall develop or contract
16 for services to develop an electronic reporting system for
17 receiving and for public inspection of reports of expenditures
18 and contributions and statements of no activity [~~to~~] as
19 required by the Campaign Reporting Act. The electronic
20 reporting system shall:

21 (1) enable a person to file reports online by
22 filling out forms on the secretary of state's [~~web site~~]
23 website; and

24 (2) provide for encrypted transmissions.

25 E. All reports, statements and registration

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1 information required by the Campaign Reporting Act shall be
2 available to the public on the secretary of state's website.
3 The information shall be downloadable and be in a format that
4 is searchable and sortable to the maximum extent practicable,
5 including by date, contributor, person receiving a
6 contribution, contribution amount, expenditure, person
7 receiving an expenditure, employer, occupation, street address,
8 mailing address, city and state.

9 F. The secretary of state shall maintain adequate
10 staff to provide technical assistance to all individuals
11 required to file reports pursuant this section."

12 SECTION 2. Section 1-19-32.1 NMSA 1978 (being Laws 1981,
13 Chapter 331, Section 9, as amended) is amended to read:

14 "1-19-32.1. REPORTS EXAMINATION--FORWARDING OF
15 REPORTS.--

16 A. As each report is filed by a reporting
17 individual and prior to any action taken pursuant to
18 Subsections C through G of Section 1-19-34.4 NMSA 1978, the
19 secretary of state shall review the report, notify the
20 reporting individual of potential violations of the Campaign
21 Reporting Act and provide the reporting individual with a ten-
22 day period from the date of notice to correct any potential
23 violations. Notice shall be in writing by certified mail,
24 return receipt; by electronic communication; and orally by
25 telephone, either directly to the person or by voice mail.

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1 ~~[A-]~~ B. The secretary of state shall contract with
2 an independent auditor approved by the state auditor to conduct
3 a thorough examination of at least ~~[ten]~~ twenty percent of all
4 reports filed during a year by reporting individuals, selected
5 at random at least forty days after the general election and
6 ten days after the April reports are filed in a non-election
7 year, to determine compliance with the provisions of the
8 Campaign Reporting Act. The examination may include an
9 investigation of any discrepancies, including a cross-reference
10 to reports filed by any other reporting individual. The
11 secretary of state or the secretary of state on behalf of an
12 independent auditor if requested by the auditor may subpoena a
13 reporting individual's bank records for the reporting period
14 being audited. A reporting individual shall be notified in
15 writing by certified mail, return receipt; by electronic
16 communication; and orally by telephone, either directly to the
17 person or by voice mail, if a discrepancy is found in the
18 report filed and shall be permitted to file a written
19 explanation for the discrepancy within ten ~~[working]~~ days of
20 the date of the notice. The notice, penalty and arbitration
21 provisions set forth in Section 1-19-34.4 NMSA 1978 shall apply
22 to examinations conducted under this section.

23 ~~[B-]~~ C. After the date stated in the notice of
24 final action for submission of a written explanation, the
25 secretary of state shall prepare an annual report of ~~[any]~~

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1 ~~unresolved discrepancies found after~~ the examination of the
2 random sample provided for in Subsection [A] B of this section.
3 A copy of this report shall be transmitted to the attorney
4 general for enforcement pursuant to the provisions of Section
5 1-19-36 NMSA 1978. This report is a public record open to
6 public inspection and subject to the retention and destruction
7 provisions set forth in Section 1-19-32 NMSA 1978. The report
8 shall be available for inspection on the secretary of state's
9 website as soon as it is published."

10 SECTION 3. Section 1-19-34.4 NMSA 1978 (being Laws 1993,
11 Chapter 46, Section 15, as amended) is amended to read:

12 "1-19-34.4. EDUCATION AND VOLUNTARY COMPLIANCE--
13 INVESTIGATIONS--BINDING ARBITRATION--REFERRALS FOR
14 ENFORCEMENT.--

15 A. The secretary of state shall advise and seek to
16 educate all persons required to perform duties under the
17 Campaign Reporting Act of those duties. This includes advising
18 all known reporting individuals at least annually of that act's
19 deadlines for submitting required reports and statements of
20 [~~exception~~] no activity. The secretary of state, in
21 consultation with the attorney general, shall issue advisory
22 opinions, when requested in writing to do so, on matters
23 concerning that act. All prescribed forms prepared shall be
24 clear and easy to complete.

25 B. The secretary of state may initiate

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1 investigations to determine whether any provision of the
2 Campaign Reporting Act has been violated. Additionally, any
3 person who believes that a provision of that act has been
4 violated may file a written complaint with the secretary of
5 state any time prior to ninety days after an election, except
6 that no complaints from the public may be filed within eight
7 days prior to an election. The secretary of state shall adopt
8 uniform procedures for issuing advisory opinions and processing
9 complaints and notifications of violations.

10 C. The secretary of state shall at all times seek
11 to ensure voluntary compliance with the provisions of the
12 Campaign Reporting Act. If the secretary of state determines
13 that a provision of that act for which a penalty may be imposed
14 has been violated, the secretary of state shall by written
15 notice by certified mail, return receipt; by electronic
16 communication; and orally by telephone, either directly to the
17 person or by voice mail, set forth the violation and the fine
18 imposed and inform the reporting individual that ~~[he]~~ the
19 individual has ten ~~[working]~~ days from the date of the letter
20 to correct the matter and to provide a written explanation,
21 under penalty of perjury, stating any reason why the violation
22 occurred or why the determination of the secretary of state is
23 incorrect. If a timely explanation is filed and the secretary
24 of state determines that good cause exists to waive the fine
25 imposed, the secretary of state may by a written notice of

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1 final action partially or fully waive any fine imposed [~~for any~~
2 ~~late, incomplete or false report or statement of exception~~]. A
3 written notice of final action shall be sent by certified mail,
4 return receipt.

5 D. Upon receipt of the notice of final action, the
6 person against whom the penalty has been imposed may protest
7 the secretary of state's determination [~~including an advisory~~
8 ~~opinion~~] by submitting on a prescribed form a written request
9 for binding arbitration to the secretary of state within ten
10 [~~working~~] days of the date of the notice of final action. Any
11 fine imposed shall be due and payable within ten [~~working~~] days
12 of the date of notice of final action. No additional fine
13 shall accrue pending the issuance of the arbitration decision.
14 Fines paid pursuant to a notice of final action that are
15 subsequently reduced or dismissed shall be reimbursed with
16 interest within ten [~~working~~] days after the filing of the
17 arbitration decision with the secretary of state. Interest on
18 the reduced or dismissed portion of the fine shall be the same
19 as the rate of interest earned by the secretary of state's
20 escrow account to be established by the department of finance
21 and administration.

22 E. An arbitration hearing shall be conducted by a
23 single arbitrator selected within ten days by the person
24 against whom the penalty has been imposed from a list of five
25 arbitrators provided by the secretary of state. Neither the

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1 secretary of state nor a person subject to the Campaign
2 Reporting Act, Lobbyist Regulation Act or Financial Disclosure
3 Act may serve as an arbitrator. Arbitrators shall be
4 considered to be independent contractors, not public officers
5 or employees, and shall not be paid per diem and mileage.

6 F. The arbitrator shall conduct the hearing within
7 thirty days of the request for arbitration. The arbitrator may
8 impose any penalty the secretary of state is authorized to
9 impose. The arbitrator shall state the reasons for ~~[his]~~ the
10 arbitrator's decision in a written document that shall be a
11 public record. The decision shall be final and binding. The
12 decision shall be issued and filed with the secretary of state
13 within thirty days of the conclusion of the hearing. Unless
14 otherwise provided for in this section or by rule or regulation
15 adopted by the secretary of state, the procedures for the
16 arbitration shall be governed by the Uniform Arbitration Act.
17 No arbitrator shall be subject to liability for actions taken
18 pursuant to this section.

19 G. The secretary of state may refer a matter to the
20 attorney general or a district attorney for a civil injunctive
21 or other appropriate order or for criminal enforcement."

22 SECTION 4. Section 1-19-35 NMSA 1978 (being Laws 1979,
23 Chapter 360, Section 11, as amended) is amended to read:

24 "1-19-35. REPORTS AND STATEMENTS--LATE FILING
25 PENALTY--FAILURE TO FILE.--

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1 A. Except for the report required to be filed and
2 delivered the Thursday prior to the election and any
3 supplemental report, as required in Paragraph (5) of Subsection
4 B of Section 1-19-29 NMSA 1978, that is due prior to the
5 election, and subject to the provisions of Section 1-19-34.4
6 NMSA 1978, if a statement of no activity or a report of
7 expenditures and contributions contains false or incomplete
8 information or is filed after any deadline imposed by the
9 Campaign Reporting Act, the responsible reporting individual or
10 political committee, in addition to any other penalties or
11 remedies prescribed by the Election Code, shall be liable for
12 and shall pay to the secretary of state fifty dollars (\$50.00)
13 per day for each ~~regular~~ working day after the time required
14 by the Campaign Reporting Act for the filing of statements of
15 no activity or reports of expenditures and contributions until
16 the complete or true statement or report is filed, up to a
17 maximum of five thousand dollars (\$5,000).

18 B. If any reporting individual files a false,
19 ~~[intentionally]~~ incomplete or late report of expenditures and
20 contributions due on the Thursday prior to the election, the
21 reporting individual or political committee shall be liable
22 and pay to the secretary of state five hundred dollars (\$500)
23 for the first working day and fifty dollars (\$50.00) for each
24 subsequent working day after the time required for the filing
25 of the report until the true and complete report is filed, up

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1 to a maximum of five thousand dollars (\$5,000).

2 C. If a reporting individual fails to file or files
3 a late supplemental report of expenditures and contributions as
4 required in Paragraph (5) of Subsection B of Section 1-19-29
5 NMSA 1978, the reporting individual or political committee
6 shall be liable for and pay to the secretary of state a penalty
7 equal to the amount of each contribution received or pledged
8 after the Tuesday before the election that was not timely
9 filed.

10 D. All sums collected for the penalty shall be
11 deposited in the state general fund. A report or statement of
12 [~~exception~~] no activity shall be deemed timely filed only if it
13 is received by the proper filing officer by the date and time
14 prescribed by law.

15 E. Any candidate who fails or refuses to file a
16 report of expenditures and contributions or statement of no
17 activity or to pay a penalty imposed by the secretary of state
18 as required by the Campaign Reporting Act shall not, in
19 addition to any other penalties provided by law:

20 (1) have the candidate's name printed upon the
21 ballot if the violation occurs before and through the final
22 date for the withdrawal of candidates; or

23 (2) be issued a certificate of nomination or
24 election, if the violation occurs after the final date for
25 withdrawal of candidates or after the election, until the

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1 candidate satisfies all reporting requirements of the Campaign
2 Reporting Act and pays all penalties owed.

3 F. Any candidate who loses an election and who
4 failed or refused to file a report of expenditures and
5 contributions or a statement of no activity or to pay a penalty
6 imposed by the secretary of state as required by the Campaign
7 Reporting Act shall not be, in addition to any other penalties
8 provided by law, permitted to file a declaration of candidacy
9 or nominating petition for any future election until the
10 candidate satisfies all reporting requirements of that act and
11 pays all penalties owed."

12 SECTION 5. Section 2-11-6 NMSA 1978 (being Laws 1977,
13 Chapter 261, Section 6, as amended) is amended to read:

14 "2-11-6. EXPENDITURE REPORT TO BE FILED--CONTENTS--
15 REPORTING PERIODS.--

16 A. Each lobbyist or lobbyist's employer who makes
17 or incurs expenditures or political contributions for the
18 benefit of or in opposition to a state legislator or candidate
19 for the state legislature, a state public officer or candidate
20 for state public office, a board or commission member or state
21 employee who is involved in an official action affecting the
22 lobbyist's employer or in support of or in opposition to a
23 ballot issue or pending legislation or official action shall
24 file an expenditure report with the secretary of state on a
25 prescribed form or in an electronic format approved by the

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1 secretary of state and published by the secretary of state in
2 accordance with Section 2-11-7 NMSA 1978. The report shall
3 provide, to the maximum extent practicable, cross-references to
4 matching entries on the expenditure reports required by Section
5 1-19-27 NMSA 1978 and descriptive language for required
6 information that is uniform or consistent with descriptive
7 language in the expenditure reports required by Section 1-19-27
8 NMSA 1978. The expenditure report shall include a sworn
9 statement that sets forth:

10 (1) the cumulative total of the expenditures
11 made or incurred by the employer or lobbyist during the covered
12 reporting period, indicating the amount spent and a description
13 of the expenditure. The list shall be separated into the
14 following categories:

- 15 (a) meals and beverages;
- 16 (b) other entertainment expenditures;
- 17 (c) gifts; and
- 18 (d) other expenditures;

19 (2) each political contribution made,
20 identified by amount, date and name of the candidate or ballot
21 issue supported or opposed, and whether the contribution is
22 from the lobbyist's employer or the lobbyist on the lobbyist's
23 own behalf; and

24 (3) the names, addresses, employers and
25 occupations of other contributors and the amounts of their

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1 ~~[separate]~~ political contributions if the lobbyist or
2 lobbyist's employer ~~[delivers directly or indirectly separate]~~
3 ~~delivered~~ contributions from those contributors ~~[in excess of~~
4 ~~five hundred dollars (\$500) in the aggregate for each election]~~
5 to a candidate, a campaign committee or anyone authorized by a
6 candidate to receive funds on the candidate's behalf.

7 B. ~~[If the]~~ The expenditure report ~~[is]~~ shall be
8 filed electronically ~~[the report]~~ and shall be electronically
9 authenticated by the lobbyist or the lobbyist's employer using
10 an electronic signature as prescribed by the secretary of state
11 in conformance with the Electronic Authentication of Documents
12 Act and the Uniform Electronic Transactions Act. For the
13 purposes of the Lobbyist Regulation Act, a report that is
14 electronically authenticated in accordance with the provisions
15 of this subsection shall be deemed to have been subscribed and
16 sworn to by the lobbyist or the lobbyist's employer that is
17 required to file the report.

18 C. In identifying expenditures pursuant to the
19 provisions of Paragraph (1) of Subsection A of this section,
20 any individual expenditure that is more than the threshold
21 level established in the Internal Revenue Code of 1986, as
22 amended, that must be reported separately to claim a business
23 expense deduction, as published by the secretary of state,
24 shall be identified by amount, date, purpose, type of
25 expenditure and name of the person who received or was

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1 benefited by the expenditure; provided, in the case of special
2 events, including parties, dinners, athletic events,
3 entertainment and other functions, to which all members of the
4 legislature, to which all members of either house or any
5 legislative committee or to which all members of a board or
6 commission are invited, expenses need not be allocated to each
7 individual who attended, but the date, location, name of the
8 body invited and total expenses incurred shall be reported.

9 D. The reports required pursuant to the provisions
10 of the Lobbyist Regulation Act shall be filed:

11 (1) by January 15 for all expenditures and
12 political contributions made or incurred during the preceding
13 year and not previously reported;

14 (2) within forty-eight hours for each separate
15 expenditure made or incurred during a legislative session that
16 was for five hundred dollars (\$500) or more; and

17 (3) by May 1 for all expenditures and
18 political contributions made or incurred through April 25 of
19 the current year and not previously reported.

20 E. A lobbyist's personal living expenses and the
21 expenses incidental to establishing and maintaining an office
22 in connection with lobbying activities or compensation paid to
23 a lobbyist by a lobbyist's employer need not be reported.

24 F. A lobbyist or lobbyist's employer shall obtain
25 and preserve all records, accounts, bills, receipts, books,

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1 papers and documents necessary to substantiate the financial
2 statements required to be made under the Lobbyist Regulation
3 Act for a period of two years from the date of filing of the
4 report containing such items. When the lobbyist is required
5 under the terms of the lobbyist's employment to turn over any
6 such records to the lobbyist's employer, responsibility for the
7 preservation of them as required by this section and the filing
8 of reports required by this section shall rest with the
9 employer. Such records shall be made available to the
10 secretary of state or attorney general upon written request.

11 ~~[G. A lobbyist's employer who also engages in~~
12 ~~lobbying shall also comply with the provisions of this section.~~

13 H.] G. An organization of two or more persons,
14 including an individual who makes any representation as being
15 an organization, that within one calendar year expends funds in
16 excess of two thousand five hundred dollars (\$2,500) not
17 otherwise reported under the Lobbyist Regulation Act to conduct
18 an advertising campaign for the purpose of lobbying shall
19 register with the secretary of state within forty-eight hours
20 after expending two thousand five hundred dollars (\$2,500).
21 Such registration shall indicate the name of the organization
22 and the names, addresses and occupations of any of its
23 principals, organizers or officers and shall include the name
24 of any lobbyist or lobbyist's employer who is a member of the
25 organization. Within fifteen days after a legislative session,

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1 the organization shall report the contributions, pledges to
2 contribute, expenditures and commitments to expend for the
3 advertising campaign for the purpose of lobbying, including the
4 names, addresses, employers and occupations of the
5 contributors, to the secretary of state on a prescribed form."

6 SECTION 6. Section 2-11-7 NMSA 1978 (being Laws 1977,
7 Chapter 261, Section 7, as amended) is amended to read:

8 "2-11-7. REGISTRATION AND EXPENDITURE STATEMENT--
9 PRESERVATION AS PUBLIC RECORD--ONLINE REPORTS.--

10 A. Each registration and expenditure statement as
11 required by the Lobbyist Regulation Act shall be archived and
12 accessible on the secretary of state's [~~lobbyist disclosure web~~
13 ~~site~~] website for a period of at least ten years from the date
14 of filing as a public record, open to public inspection at any
15 reasonable time. Unless an action or prosecution is pending
16 that requires preserving the report, it may be destroyed ten
17 years after the date of filing.

18 B. Lobbyist registrations and expenditure
19 statements shall be kept and maintained on the secretary of
20 state's [~~lobbyist disclosure web site~~] website and shall be
21 available in searchable and downloadable formats. The
22 secretary of state shall update the [~~web site~~] website no less
23 than monthly [~~throughout the year~~] and as expeditiously as
24 possible when the legislature is in session.

25 C. [~~For the purposes of this section, "accessible"~~

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1 ~~means]~~ With respect to the secretary of state's [~~lobbyist~~
2 ~~disclosure web site that]~~ website, all items in the records
3 ~~[are]~~ shall be easily searchable, sortable and downloadable by
4 the public to the maximum extent practicable. The website
5 shall include the information contained in the registrations
6 and reports, and the information in the reports shall be
7 searchable and sortable to the maximum extent practicable,
8 including by date, lobbyist name, lobbyist employer, person
9 receiving a political contribution, political contribution
10 amount, person benefited by an expenditure, employer,
11 occupation, street address, city and state.

12 D. The secretary of state shall ensure that
13 contributions reported by persons pursuant to the Lobbyist
14 Regulation Act are reported in a manner that is non-duplicative
15 and as consistent as practicable with the reporting
16 requirements of the Campaign Reporting Act."

17 **SECTION 7.** Section 2-11-8.2 NMSA 1978 (being Laws 1977,
18 Chapter 261, Section 4, as amended) is amended to read:

19 "2-11-8.2. COMPLIANCE WITH ACT--ENFORCEMENT OF ACT--
20 BINDING ARBITRATION--CIVIL PENALTIES.--

21 A. The secretary of state shall advise and seek to
22 educate all persons required to perform duties pursuant to the
23 Lobbyist Regulation Act of those duties. This includes
24 advising all registered lobbyists at least annually of the
25 Lobbyist Regulation Act's deadlines for submitting required

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1 reports. The secretary of state, in consultation with the
2 attorney general, shall issue advisory opinions, when requested
3 to do so in writing, on matters concerning the Lobbyist
4 Regulation Act. All prescribed forms prepared shall be clear
5 and easy to complete.

6 B. The secretary of state may conduct thorough
7 examinations of reports and initiate investigations to
8 determine whether the Lobbyist Regulation Act has been
9 violated. Additionally, any person who believes that a
10 provision of that act has been violated may file a written
11 complaint with the secretary of state. The secretary of state
12 shall adopt procedures for issuing advisory opinions,
13 processing complaints and notifications of violations.

14 C. The secretary of state shall at all times seek
15 to ensure voluntary compliance with the provisions of the
16 Lobbyist Regulation Act. If the secretary of state determines
17 that a provision of that act for which a penalty may be imposed
18 has been violated, the secretary of state shall by written
19 notice by certified mail, return receipt; by electronic
20 communication; and orally by telephone, either directly to the
21 person or by voice mail, set forth the violation and the fine
22 imposed and inform the person that ~~he~~ the person has ten
23 ~~working~~ days to provide a written explanation, under penalty
24 of perjury, stating any reason the violation occurred or why
25 the determination of the secretary of state is in error. If a

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1 timely explanation is filed and the secretary of state
2 determines that good cause exists, the secretary of state may
3 by a written notice of final action partially or fully waive
4 any fine imposed. A written notice of final action shall be
5 sent by certified mail, return receipt.

6 D. If the person charged disputes the secretary of
7 state's determination, [~~including an advisory opinion~~] the
8 person charged may request binding arbitration within ten
9 [~~working~~] days of the date of the final action. Any penalty
10 imposed shall be due and payable within ten [~~working~~] days of
11 the notice of final action. No additional penalty shall accrue
12 pending issuance of the arbitration decision. Fines paid
13 pursuant to a notice of final action that are subsequently
14 reduced or dismissed shall be reimbursed with interest within
15 ten [~~working~~] days after the filing of the arbitration decision
16 with the secretary of state. Interest on the reduced or
17 dismissed portion of the fine shall be the same as the rate of
18 interest earned by the secretary of state's escrow account to
19 be established by the department of finance and administration.

20 E. An arbitration hearing shall be conducted by a
21 single arbitrator selected within ten days by the person
22 against whom the penalty has been imposed from a list of five
23 arbitrators provided by the secretary of state. Neither the
24 secretary of state nor a person subject to the Lobbyist
25 Regulation Act, Campaign Reporting Act or Financial Disclosure

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1 Act may serve as an arbitrator. Arbitrators shall be
2 considered to be independent contractors, not public officers
3 or employees, and shall not be paid per diem and mileage.

4 F. The arbitrator may impose any penalty and take
5 any action the secretary of state is authorized to take. The
6 arbitrator shall state the reasons for ~~[his]~~ the arbitrator's
7 decision in a written document that shall be a public record.
8 The decision shall be final and binding. The decision shall be
9 issued and filed with the secretary of state within thirty days
10 of the conclusion of the hearing. Unless otherwise provided
11 for in this section, or by rule or regulation adopted by the
12 secretary of state, the procedures for the arbitration shall be
13 governed by the Uniform Arbitration Act. No arbitrator shall
14 be subject to liability for actions taken pursuant to this
15 section.

16 G. Any person who files a report after the deadline
17 imposed by the Lobbyist Regulation Act, or any person who files
18 a false or incomplete report, shall be liable for and shall pay
19 to the secretary of state fifty dollars (\$50.00) per day for
20 each regular working day after the time required for the filing
21 of the report until the complete report is filed, up to a
22 maximum of five thousand dollars (\$5,000).

23 H. The secretary of state may refer a matter to the
24 attorney general or a district attorney for a civil injunctive
25 or other appropriate order or enforcement."

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