

HOUSE BILL 153

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Matthew McQueen and Bill Tallman

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO CAMPAIGN PRACTICES; AMENDING THE CAMPAIGN REPORTING ACT; REVISING THE REPORTING SCHEDULE FOR EXPENDITURES AND CONTRIBUTIONS; STANDARDIZING THE SUPPLEMENTAL REPORTING REQUIREMENTS FOR ALL ELECTIONS; REQUIRING THE REPORTING OF MONETARY CONTRIBUTIONS RECEIVED DURING THE LEGISLATIVE SESSION FUNDRAISING PROHIBITION PERIOD.

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

.218824.2AIC February 26, 2021 (9:55am)

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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 secretary of state no later than the second [~~Monday in April and October~~] Tuesday after the first Monday in June and January 7 a report of all expenditures made and contributions received on or before the first [~~Monday in those months~~] Tuesday after the first Monday in June and December 31, respectively, and not previously reported. The report shall be filed biannually until the provisions specified in Subsection [~~F, G or H~~] G, H or I of this section have been satisfied.

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

(1) no later than the second Monday in April, a report of all expenditures made and contributions received on or before the first Monday in April and not previously reported;

(2) no later than the second Monday in May, a report of all expenditures made and contributions received on or before the first Monday in May and not previously reported;

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(3) no later than the second Monday in September, a report of all expenditures made and contributions received on or before the first Monday in September and not previously reported;

(4) no later than the second Monday in October, a report of all expenditures made and contributions received on or before the first Monday in October and not previously reported; provided that if the second Monday of October is a state holiday, the report shall be made on the following day;

(5) no later than the Thursday before a primary, general or statewide special election, a report of all expenditures made and contributions received by 5:00 p.m. on the Tuesday before the election and not previously reported. Any contribution or pledge to contribute that is received after 5:00 p.m. on the Tuesday before the election and that is for ~~[more than]~~ one thousand dollars (\$1,000) ~~[in a nonstatewide election, or more than three thousand dollars (\$3,000) in a statewide election]~~ or more shall be reported to the secretary of state either in a supplemental report on a prescribed form within twenty-four hours of receipt or in the report to be filed no later than the Thursday before a primary, general or statewide special election, except that any such contribution or pledge to contribute that is received after 5:00 p.m. on the Friday before the election may be reported by 12:00 noon on the

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Monday before the election;

(6) no later than the [~~thirtieth~~] seventh day after a primary election, a report by all reporting individuals, except those individuals that become candidates after the primary election, of all expenditures made and contributions received on or before the [~~twenty-fifth day after~~] day of the primary election and not previously reported;

(7) no later than the thirtieth day after a statewide special election, a report of all expenditures made and contributions received on or before the twenty-fifth day after the statewide special election and not previously reported; [~~and~~]

(8) no later than the seventh day after a general election, a report of all expenditures made and contributions received on or before the day of the general election and not previously reported; and

[~~(8)~~] (9) no later than January 7 after a general election, a report of all expenditures made and contributions received on or before December 31 after the general election and not previously reported.

C. If a reporting individual is subject to the legislative session fundraising prohibition of Section 1-19-34.1 NMSA 1978 and receives monetary contributions during a prohibited period, the reporting individual shall file a report of all the monetary contributions received HJC→and not

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~~returned~~←HJC during the prohibited period no later than the seventh day after the ending of the prohibited period.

[G-] D. If a candidate, political committee, campaign committee or public official has not received any contributions and has not made any expenditures since the candidate's, committee's or official's last report was filed with the proper filing officer, the candidate, committee or official shall only be required to file a statement of no activity, which shall not be required to be notarized, in lieu of a full report when that report would otherwise be due and shall not be required to file a full report until the next required filing date occurring after an expenditure is made or a contribution is received.

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

[E-] F. A report of expenditures and contributions filed after a deadline set forth in this section shall not be deemed to have been timely filed.

[F-] G. Except for candidates, campaign committees and public officials who file a statement of no activity, each candidate, campaign committee or public official shall file a report of expenditures and contributions pursuant to the filing

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schedules set forth in this section, regardless of whether any expenditures were made or contributions were received during the reporting period. Reports shall be required until the reporting individual delivers a report to the secretary of state stating that:

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

~~[G.]~~ H. If, during a nonelection year, a political committee has not received any contributions or made any coordinated or independent expenditures since it filed its last report pursuant to this section, it need not file any report under this section until the next reporting period, if any, in which it receives contributions or makes expenditures. A political committee that has not received any contributions or made any coordinated or independent expenditures for a continuous period of at least one year may cancel its registration as a political committee by submitting an appropriate request in writing to the secretary of state. The committee shall retain the obligation to submit a new registration pursuant to Section 1-19-26.1 NMSA 1978 in the event that its future activities meet the requisites for registration under that section.

~~[H.]~~ I. A reporting individual who is a candidate

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within the meaning of the Campaign Reporting Act because of the amount of contributions the candidate receives or expenditures the candidate makes and who does not ultimately file a declaration of candidacy or a nominating petition with the secretary of state and does not file a statement of no activity shall file biannual reports in accordance with Subsection A of this section.

[~~F.~~] J. Reports required by this section shall be subscribed and sworn to by the candidate or the treasurer of the political committee or, in the case of candidates for judicial office, by the treasurer of the candidate's campaign committee. A report filed electronically shall be electronically authenticated by the candidate or the treasurer of the committee using an electronic signature in conformance with the Electronic Authentication of Documents Act and the Uniform Electronic Transactions Act. For the purposes of the Campaign Reporting Act, a report that is electronically authenticated in accordance with the provisions of this subsection shall be deemed to have been subscribed and sworn to by the candidate or the treasurer of the committee who was required to file the report.

[~~J.~~] K. Reports required by this section shall be filed electronically by all reporting individuals.

[~~K.~~] L. Reporting individuals may apply to the secretary of state for exemption from electronic filing in case

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of hardship, which shall be defined by the secretary of state."

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