

HOUSE BILL 103

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Matthew McQueen and Bill Tallman

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 TO INCLUDE ANY CONTRIBUTION OR PLEDGE FOR ONE THOUSAND DOLLARS (\$1,000) OR MORE; 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:

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]~~

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1 Tuesday after the first Monday in June and January 7 a report
2 of all expenditures made and contributions received on or
3 before the first [~~Monday in those months~~] Tuesday after the
4 first Monday in June and December 31, respectively, and not
5 previously reported. The report shall be filed biannually
6 until the provisions specified in Subsection [~~F, G or H~~] G, H
7 or I of this section have been satisfied.

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

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

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

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

25 (4) no later than the second Monday in

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1 October, a report of all expenditures made and contributions
2 received on or before the first Monday in October and not
3 previously reported; provided that if the second Monday of
4 October is a state holiday, the report shall be made on the
5 following day;

6 (5) no later than the Thursday before a
7 primary, general or statewide special election, a report of all
8 expenditures made and contributions received by 5:00 p.m. on
9 the Tuesday before the election and not previously reported.
10 Any contribution or pledge to contribute that is received after
11 5:00 p.m. on the Tuesday before the election and that is for
12 ~~[more than] one thousand dollars (\$1,000) [in a nonstatewide~~
13 ~~election, or more than three thousand dollars (\$3,000) in a~~
14 ~~statewide election]~~ or more shall be reported to the secretary
15 of state either in a supplemental report on a prescribed form
16 within twenty-four hours of receipt or in the report to be
17 filed no later than the Thursday before a primary, general or
18 statewide special election, except that any such contribution
19 or pledge to contribute that is received after 5:00 p.m. on the
20 Friday before the election may be reported by 12:00 noon on the
21 Monday before the election;

22 (6) no later than the ~~[thirtieth]~~ seventh day
23 after a primary election, a report by all reporting
24 individuals, except those individuals that become candidates
25 after the primary election, of all expenditures made and

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1 contributions received on or before the [~~twenty-fifth day~~
2 ~~after~~] day of the primary election and not previously reported;

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

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

12 [~~(8)~~] (9) no later than January 7 after a
13 general election, a report of all expenditures made and
14 contributions received on or before December 31 after the
15 general election and not previously reported.

16 C. If a reporting individual is subject to the
17 legislative session fundraising prohibition of Section
18 1-19-34.1 NMSA 1978 and receives monetary contributions during
19 a prohibited period, the reporting individual shall file a
20 report of all of the monetary contributions received but not
21 returned during the prohibited period no later than the seventh
22 day after the ending of the prohibited period.

23 [~~C.~~] D. If a candidate, political committee,
24 campaign committee or public official has not received any
25 contributions and has not made any expenditures since the

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1 candidate's, committee's or official's last report was filed
2 with the proper filing officer, the candidate, committee or
3 official shall only be required to file a statement of no
4 activity, which shall not be required to be notarized, in lieu
5 of a full report when that report would otherwise be due and
6 shall not be required to file a full report until the next
7 required filing date occurring after an expenditure is made or
8 a contribution is received.

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

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

17 ~~[F.]~~ G. Except for candidates, campaign committees
18 and public officials who file a statement of no activity, each
19 candidate, campaign committee or public official shall file a
20 report of expenditures and contributions pursuant to the filing
21 schedules set forth in this section, regardless of whether any
22 expenditures were made or contributions were received during
23 the reporting period. Reports shall be required until the
24 reporting individual delivers a report to the secretary of
25 state stating that:

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

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

20 ~~[H.]~~ I. A reporting individual who is a candidate
21 within the meaning of the Campaign Reporting Act because of the
22 amount of contributions the candidate receives or expenditures
23 the candidate makes and who does not ultimately file a
24 declaration of candidacy or a nominating petition with the
25 secretary of state and does not file a statement of no activity

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1 shall file biannual reports in accordance with Subsection A of
2 this section.

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

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

19 ~~[K.]~~ L. 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 state."