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HOUSE BILL 405

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

DEBBIE A. RODELLA

AN ACT

RELATING TO CAMPAIGN PRACTICES; AMENDING THE CAMPAIGN REPORTING
ACT TO CHANGE PRE-ELECTION REPORTING REQUIREMENTS AND LATE
FILING PENALTIES.

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. Annually, all reporting individuals shall file
with the proper filing officer by 5:00 p.m. on 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. The report shall be filed annually until the
reporting individual's bank account has been closed and the
other provisions specified in Subsection E of this section have

Underscored material = new
[bracketed material] = delete

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[bracketed material] = delete

1 been satisfied.

2 B. In an election year, in addition to the ~~May~~
3 report provided for in Subsection A of this section, all
4 reporting individuals, except for persons who file a statement
5 of exception pursuant to Section 1-19-33 NMSA 1978 and except
6 for public officials who are not candidates in an election that
7 year, shall file reports of all expenditures made and
8 contributions received according to the following schedule:

9 (1) 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 the first Monday in October and not
12 previously reported;

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

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1 Monday before the election; and

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

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

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

15 E. Each reporting individual shall file a report of
16 expenditures and contributions annually pursuant to the filing
17 schedule set forth in this section until the reporting
18 individual delivers a report to the proper filing officer
19 stating that:

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

24 F. Each treasurer of a political committee shall
25 file a report of expenditures and contributions annually

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

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

16 Section 2. Section 1-19-35 NMSA 1978 (being Laws 1979,
17 Chapter 360, Section 11, as amended) is amended to read:

18 "1-19-35. REPORTS AND STATEMENTS--LATE FILING PENALTY--
19 FAILURE TO FILE. --

20 A. Except for the report required to be filed and
21 delivered the [~~Friday~~] Thursday prior to the election and any
22 supplemental report, as required in Paragraph (2) of Subsection
23 B of Section 1-19-29 NMSA 1978, that is due prior to the
24 election, and subject to the provisions of Section 1-19-34.4
25 NMSA 1978, if a statement of exception or a report of

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[bracketed material] = delete

1 expenditures and contributions contains false or incomplete
2 information or is filed after any deadline imposed by the
3 Campaign Reporting Act, the responsible reporting individual or
4 political committee, in addition to any other penalties or
5 remedies prescribed by the Election Code, shall be liable for
6 and shall pay to the secretary of state fifty dollars (\$50.00)
7 per day for each regular working day after the time required by
8 the Campaign Reporting Act for the filing of statements of
9 exception or reports of expenditures and contributions until the
10 complete or true statement or report is filed, up to a maximum
11 of five thousand dollars (\$5,000).

12 B. If any reporting individual files a false,
13 incomplete or late report of expenditures and contributions due
14 on the [~~Friday~~] Thursday prior to the election, the reporting
15 individual or political committee shall be liable and pay to the
16 secretary of state [~~five hundred dollars (\$500)~~] two hundred
17 fifty dollars (\$250) for the first working day and fifty dollars
18 (\$50.00) for each subsequent working day after the time required
19 for the filing of the report until the true and complete report
20 is filed, up to a maximum of five thousand dollars (\$5,000).

21 C. If a reporting individual fails to file or files
22 a late supplemental report of expenditures and contributions as
23 required in Paragraph (2) of Subsection B of Section 1-19-29
24 NMSA 1978, the reporting individual or political committee shall
25 be liable for and pay to the secretary of state a penalty equal

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1 to the amount of each contribution received or pledged after the
2 Tuesday before the election that was not timely filed.

3 D. All sums collected for the penalty shall be
4 deposited in the state general fund. A report or statement of
5 exception shall be deemed timely filed only if it is received by
6 the proper filing officer by the date and time prescribed by
7 law.

8 E. Any candidate who fails or refuses to file a
9 report of expenditures and contributions or statement of
10 exception or to pay a penalty imposed by the secretary of state
11 as required by the Campaign Reporting Act shall not, in addition
12 to any other penalties provided by law:

13 (1) have his name printed upon the ballot if
14 the violation occurs before and through the final date for the
15 withdrawal of candidates; or

16 (2) be issued a certificate of nomination or
17 election, if the violation occurs after the final date for
18 withdrawal of candidates or after the election, until the
19 candidate satisfies all reporting requirements of the Campaign
20 Reporting Act and pays all penalties owed.

21 F. Any candidate who loses an election and who
22 failed or refused to file a report of expenditures and
23 contributions or a statement of exception or to pay a penalty
24 imposed by the secretary of state as required by the Campaign
25 Reporting Act shall not be, in addition to any other penalties

Underscored material = new
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1 provided by law, permitted to file a declaration of candidacy or
2 nominating petition for any future election until the candidate
3 satisfies all reporting requirements of the Campaign Reporting
4 Act and pays all penalties owed."

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

February 6, 1997

Mr. Speaker:

Your VOTERS AND ELECTIONS COMMITTEE, to whom has
been referred

HOUSE BILL 405

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 5, line 16 and 17, remove the brackets and line
through "five hundred dollars (\$500)" and strike the underscored
material.,

and thence referred to the JUDICIARY COMMITTEE.

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HEVC/HB 34

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Respectfully submitted,

Edward C. Sandoval, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

Excused: Garcia, Lujan, Nicely, Sanchez, J. P. Taylor

Absent: None

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State of New Mexico House of Representatives

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

February 17, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 405, as amended

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Thomas P. Foy, Chairman

Underscored material = new
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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: M P. Garcia, King, Larranaga, Rios, Sanchez

Absent: None

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 8, 1997

Mr. President:

Your RULES COMMITTEE, to whom has been referred

HOUSE BILL 405, as amended

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Gloria Howes, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Altamirano, Aragon, Campos

Absent: None

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 11, 1997

SENATE FLOOR AMENDMENT number _____ to HOUSE BILL 405, as amended

AMENDMENT sponsored by SENATOR VERNON

1. On page 5, line 13, before the word "incomplete" insert
the word "intentionally".

Senator L. Skip Vernon

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

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~~[bracketed material] = delete~~