

NOTICE OF RULE HEARING

After consideration of the public feedback provided during the first three hearings earlier this year, the NM Secretary of State's Office ("Office") hereby gives notice that the Office will conduct a public hearing to obtain public input on a new draft of the proposed campaign finance rule, to be codified as 1.10.13 NMAC, CAMPAIGN FINANCE.

The hearing is scheduled to occur on August 30, 2017 from 9:00 am to 12:00 pm in the State Capitol Building, 490 Old Santa Fe Trail Room 321, Santa Fe, New Mexico 87501.

Authority: Section 1-19-26.2 authorizes the Secretary of State to adopt and promulgate rules and regulations to implement the provisions of the Campaign Reporting Act [1-19-25 to 1-19-36 NMSA 1978].

Purpose: The purpose of the rule is to provide guidance to all persons, candidates, and committees covered by the Campaign Reporting Act in order to comply with campaign finance disclosure and filing requirements. The rule will provide guidance on how to more fully and accurately disclose campaign finance information in order to increase transparency to the public. The rule also defines coordinated expenditures and independent expenditures and provides reporting guidance on these types of campaign expenditures. The rule aligns with recent and relevant case law such as NM Youth Organized v. Herrera, Republican Party of New Mexico v. King, and Citizens United v. FEC.

Summary of full text: Relating to Campaign Finance; Requiring Reporting of Independent Expenditures; Defining "Advertisement", "Ballot Measure"; "Coordinated Expenditure"; "Independent Expenditure"; "Loans"; "Debt" and other terms; Guidance on Registration and Reporting by Candidates and Political Committees; Guidance on Permissible Expenditures; Guidance on Reporting of Independent Expenditures; Procedures for Late Filing and Compliance; Procedures for Examination and Review of Reports.

Technical Information: Technical information used as a basis for the proposed rule include publications maintained by the Federal Election Commission (<http://classic.fec.gov/info/publications.shtml>) as well as hearing transcripts and public comments received during the July 2017 public hearings and written comment period on the first draft of the proposed rule. Copies of the transcripts and public comments may be requested from the Office or may be found on the Office's website at: http://www.sos.state.nm.us/Elections_Data/notice-of-proposed-rulemaking.aspx.

Interested individuals may provide comments at the public hearing and/or submit written or electronic comments to Kari Fresquez, State Elections Director, via email at sos.rules@state.nm.us, fax (505)827-8081, or mail to Attn: Kari Fresquez – proposed rule, Secretary of State, 325 Don Gaspar, Suite 300, Santa Fe, NM 87501.

Written comments must be received no later than 5:00 pm on Tuesday, August 29, 2017, prior to the public hearing. However, the submission of written comments as soon as possible is encouraged. Persons may also submit written comments at any of the public hearings.

Copies of the agenda and proposed rule are available for download on the Office's website at http://www.sos.state.nm.us/Elections_Data/notice-of-proposed-rulemaking.aspx and available at the Office of the Secretary of State located at 325 Don Gaspar Suite 300, Santa Fe, NM 87501. A copy of the agenda and proposed rule may also be requested by contacting the Bureau of Elections at (505) 827-3600. The agenda is subject to change up to 72 hours prior to the meeting.

Individuals with disabilities who require this information in an alternative format or need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Ms. Fresquez at (505) 827-3600 as soon as possible to provide requested special accommodations.