



The Legislature  
of the  
State of New Mexico

51st Legislature, 1st Session

LAWS 2013

CHAPTER \_\_\_\_\_

SENATE BILL 90, as amended

Introduced by

SENATOR MICHAEL PADILLA

**POCKET VETOED**



1 AN ACT  
2 RELATING TO LOCAL GOVERNMENT; ENACTING THE LOCAL GOVERNMENT  
3 CAMPAIGN REPORTING ACT; REQUIRING TIMELY REPORTING OF  
4 CAMPAIGN CONTRIBUTIONS AND EXPENDITURES; PROVIDING FOR  
5 PENALTIES.

6  
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

8 SECTION 1. A new section of the Election Code is  
9 enacted to read:

10 "SHORT TITLE.--This act may be cited as the "Local  
11 Government Campaign Reporting Act"."

12 SECTION 2. A new section of the Election Code is  
13 enacted to read:

14 "DEFINITIONS.--As used in the Local Government Campaign  
15 Reporting Act:

16 A. "campaign committee" means one or more persons  
17 authorized by a candidate to raise, collect or expend  
18 contributions on the candidate's behalf for the purpose of  
19 electing the candidate to office;

20 B. "candidate" means a person who seeks or  
21 considers an office in a local government election covered by  
22 the Local Government Campaign Reporting Act, who either has  
23 filed a declaration of candidacy or has received  
24 contributions or made expenditures of two hundred dollars  
25 (\$200) or more or authorized another person or campaign

1 committee to receive contributions or make expenditures of  
2 two hundred dollars (\$200) or more for the purpose of seeking  
3 election to a local government office;

4 C. "contribution" means a gift, subscription,  
5 loan, advance or deposit of money or other thing of value,  
6 including the estimated value of an in-kind contribution,  
7 that is made or received for a political purpose, including  
8 payment of a debt incurred in an election campaign, but  
9 "contribution" does not include the value of services  
10 provided without compensation or unreimbursed travel or other  
11 personal expenses of individuals who volunteer a portion or  
12 all of their time on behalf of a candidate or campaign  
13 committee;

14 D. "election cycle" means the period beginning  
15 thirty days after an election for an office and ending on the  
16 subsequent election day for that office;

17 E. "expenditure" means a payment, transfer or  
18 distribution or obligation or promise to pay, transfer or  
19 distribute any money or other thing of value for a political  
20 purpose, including payment of a debt incurred in an election  
21 campaign;

22 F. "local government" means a school board of a  
23 school district that has an enrollment of twelve thousand  
24 students or more, a two-year public post-secondary  
25 educational institution or a special district with a

1 population of more than five thousand according to the most  
2 recent federal decennial census;

3 G. "political purpose" means advocating the  
4 election or defeat of a candidate in an election; and

5 H. "prescribed form" means a form or electronic  
6 format prepared and prescribed by the secretary of state."

7 SECTION 3. A new section of the Election Code is  
8 enacted to read:

9 "REPORTS REQUIRED--TIME AND PLACE OF FILING.--

10 A. A candidate or campaign committee that has  
11 received contributions or made expenditures of more than two  
12 hundred dollars (\$200) shall file with the secretary of state  
13 a report of all contributions received and expenditures made  
14 on a prescribed form, and the report shall be filed in the  
15 same or similar electronic system as that used for the  
16 Campaign Reporting Act. Except as otherwise provided in this  
17 section, all reports pursuant to the Local Government  
18 Campaign Reporting Act shall be filed electronically and  
19 electronically authenticated by the candidate using an  
20 electronic signature in conformance with the Electronic  
21 Authentication of Documents Act and the Uniform Electronic  
22 Transactions Act.

23 B. A candidate or campaign committee shall file a  
24 campaign report of all contributions received and  
25 expenditures made during an election cycle and not previously

1 reported by 5:00 p.m.:

2 (1) on the sixtieth day before the election;

3 (2) on the thirtieth day before the  
4 election;

5 (3) five days before the election; and

6 (4) thirty days after the election.

7 C. If a reporting date set by Subsection B of this  
8 section falls on a weekend or holiday, the report shall be  
9 filed on the next business day.

10 D. If a candidate or campaign committee has not  
11 received any contributions and has not made any expenditures  
12 since the last report filed with the secretary of state, the  
13 candidate or campaign committee shall only be required to  
14 file a statement of no activity, which shall not be required  
15 to be notarized, in lieu of a full report when that report  
16 would otherwise be due.

17 E. A report of expenditures and contributions  
18 filed after a deadline set forth in this section shall not be  
19 deemed to have been timely filed.

20 F. Except for candidates and campaign committees  
21 that file a statement of no activity, each candidate or  
22 campaign committee shall file a report of expenditures and  
23 contributions pursuant to the filing schedules set forth in  
24 this section, regardless of whether any expenditures were  
25 made or contributions were received during the reporting

1 period. Reports shall be required until the candidate or  
2 campaign committee delivers a report to the secretary of  
3 state stating that:

4 (1) there are no outstanding campaign debts;

5 (2) all money has been expended in  
6 accordance with the provisions of Section 6 of the Local  
7 Government Campaign Reporting Act; and

8 (3) the bank account for campaign funds  
9 maintained by the candidate or campaign committee has been  
10 closed.

11 G. A candidate who does not ultimately file a  
12 declaration of candidacy and does not file a statement of no  
13 activity shall file reports in accordance with Subsection B  
14 of this section.

15 H. A candidate may apply to the secretary of state  
16 for exemption from electronic filing in case of hardship,  
17 which shall be defined by the secretary of state."

18 SECTION 4. A new section of the Election Code is  
19 enacted to read:

20 "CONTENTS OF REPORT.--

21 A. Each required report of expenditures and  
22 contributions shall be typed or printed legibly, or on a  
23 computer disc or format approved by the secretary of state,  
24 and shall include:

25 (1) the name and address of the person to

1 whom an expenditure was made or from whom a contribution was  
2 received; provided that for contributors, the name of the  
3 legal entity or the first and last names of the individual  
4 shall be the full name of the legal entity or individual, and  
5 initials only shall not constitute a full name unless that is  
6 the complete legal name;

7 (2) the occupation and type and name of  
8 business, if any, of any person making contributions of two  
9 hundred fifty dollars (\$250) or more in the aggregate per  
10 election;

11 (3) the amount of the expenditure or  
12 contribution or value thereof;

13 (4) the purpose of the expenditure; and

14 (5) the date that the expenditure was made  
15 or the contribution was received.

16 B. Each report shall contain an opening and  
17 closing cash balance for the bank account maintained for  
18 campaign funds by the reporting individual during the  
19 reporting period and the name of the financial institution.

20 C. Each report shall specify the amount of each  
21 unpaid debt and the identity of the person to whom the debt  
22 is owed."

23 SECTION 5. A new section of the Election Code is  
24 enacted to read:

25 "REPORTS AND STATEMENTS--LATE FILING PENALTY--FAILURE TO

1 FILE.--

2 A. If a statement of no activity or a report of  
3 expenditures and contributions contains false or incomplete  
4 information or is filed after any deadline imposed by the  
5 Local Government Campaign Reporting Act, the candidate, in  
6 addition to any other penalties or remedies prescribed by the  
7 Election Code, shall be liable for and shall pay to the  
8 secretary of state fifty dollars (\$50.00) per day for each  
9 regular working day after the time required by the Local  
10 Government Campaign Reporting Act for the filing of  
11 statements of no activity or reports of expenditures and  
12 contributions until the complete or true statement or report  
13 is filed, up to a maximum of five thousand dollars (\$5,000).

14 B. All sums collected for the penalty shall be  
15 deposited in the general fund for credit to the current  
16 school fund. A report or statement of exception shall be  
17 deemed timely filed only if it is received by the secretary  
18 of state by the date and time prescribed by law.

19 C. Any candidate who fails or refuses to file a  
20 report of expenditures and contributions or statement of no  
21 activity or to pay a penalty imposed by the secretary of  
22 state as required by the Local Government Campaign Reporting  
23 Act shall not, in addition to any other penalties provided by  
24 law:

25 (1) have the candidate's name printed upon



1 the ballot if the violation occurs before or through the  
2 final date for the withdrawal of candidates; or

3 (2) be issued a certificate of election, if  
4 the violation occurs after the final date for withdrawal of  
5 candidates or after the election, until the candidate  
6 satisfies all reporting requirements of the Local Government  
7 Campaign Reporting Act and pays all penalties owed.

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

18 SECTION 6. A new section of the Election Code is  
19 enacted to read:

20 "CAMPAIGN FUNDS--LIMITATIONS ON USE.--

21 A. It is unlawful for a candidate or the  
22 candidate's agent to make an expenditure of contributions  
23 received, except for the following purposes:

- 24 (1) expenditures of the campaign;  
25 (2) donations to the state general fund;

1 (3) donations to an organization to which a  
2 federal income tax deduction would be permitted under  
3 Subparagraph (A) of Paragraph (1) of Subsection (b) of  
4 Section 170 of the Internal Revenue Code of 1986, as amended;

5 (4) expenditures to eliminate the campaign  
6 debt of the candidate for the office sought or expenditures  
7 incurred by the candidate when seeking election to another  
8 public office covered by the Local Government Campaign  
9 Reporting Act;

10 (5) donations to a political committee or to  
11 another candidate seeking election to public office; or

12 (6) disbursements to return unused funds pro  
13 rata to the contributors if no campaign debt exists.

14 B. No contributions solicited for or received in a  
15 federal election campaign may be used in a local government  
16 election campaign."

17 SECTION 7. EFFECTIVE DATE.--The effective date of the  
18 provisions of this act is July 1, 2013. \_\_\_\_\_

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s/John A. Sanchez  
John A. Sanchez, President  
Senate

s/Lenore M. Naranjo  
Lenore M. Naranjo, Chief Clerk  
Senate

s/W. Ken Martinez  
W. Ken Martinez, Speaker  
House of Representatives

s/Stephen R. Arias  
Stephen R. Arias, Chief Clerk  
House of Representatives

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2013

s/Governor Susana Martinez  
Governor Susana Martínez  
State of New Mexico

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