

1 AN ACT

2 RELATING TO ETHICS; CLARIFYING ADMINISTRATIVE AND ENFORCEMENT  
3 DUTIES OF THE STATE ETHICS COMMISSION AND SECRETARY OF STATE  
4 WITH RESPECT TO THE CAMPAIGN REPORTING ACT, VOTER ACTION ACT,  
5 FINANCIAL DISCLOSURE ACT AND LOBBYIST REGULATION ACT;  
6 PROVIDING FOR PENALTIES; PROVIDING RULEMAKING AUTHORITY;  
7 REQUIRING STATE ETHICS COMMISSION COMMISSIONERS TO FILE  
8 ANNUAL FINANCIAL DISCLOSURE STATEMENTS PURSUANT TO THE  
9 FINANCIAL DISCLOSURE ACT; REMOVING THE REQUIREMENT THAT  
10 COMPLAINTS FILED WITH THE STATE ETHICS COMMISSION BE  
11 NOTARIZED; CLARIFYING THE VENUE PROVISION FOR ETHICS  
12 COMPLAINT COURT ACTIONS; REQUIRING ACKNOWLEDGMENT OF  
13 RESPONSIBILITIES BY POLITICAL COMMITTEE TREASURERS; PROVIDING  
14 FOR THE RESIGNATION AND REPLACEMENT OF TREASURERS; REPEALING  
15 SECTION 1-19-1 NMSA 1978 (BEING LAWS 1969, CHAPTER 240,  
16 SECTION 405).

17  
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

19 SECTION 1. Section 1-19-26.1 NMSA 1978 (being Laws  
20 1993, Chapter 46, Section 2, as amended) is amended to read:

21 "1-19-26.1. POLITICAL COMMITTEES--REGISTRATION--  
22 DISCLOSURES--PENALTIES.--

23 A. It is unlawful for a political committee to  
24 continue to receive or make any contribution or expenditure  
25 for a political purpose if the committee fails to meet the

1 requirements of Subsections B and C of this section.

2 B. A political committee shall appoint and  
3 maintain a treasurer, file a statement of organization with  
4 the secretary of state and pay a filing fee of fifty dollars  
5 (\$50.00).

6 C. A statement of organization required by  
7 Subsection B of this section shall be made under oath on a  
8 prescribed form showing:

9 (1) the full name of the committee, which  
10 shall fairly and accurately reflect the identity of the  
11 committee, including any sponsoring organization, and its  
12 address;

13 (2) a statement of the purpose for which the  
14 committee was organized;

15 (3) the names and addresses of the officers  
16 of the committee; and

17 (4) an identification of any bank account  
18 used by the committee to receive or make contributions or  
19 make expenditures.

20 D. Any changes to the information provided in the  
21 statement of organization shall be reported to the secretary  
22 of state within ten days.

23 E. If a political committee fails to update the  
24 statement of organization within the time prescribed in  
25 Subsection D of this section, the political committee is

1 subject to a fine of five hundred dollars (\$500).

2 F. A state political party shall furnish to the  
3 secretary of state a list of each county political party  
4 associated with it and the names and contact information of  
5 the county party officers as submitted to the state political  
6 party. The list shall be updated quarterly if there have  
7 been any reported changes.

8 G. The provisions of this section do not apply to  
9 a political committee that is located in another state and is  
10 registered with the federal election commission if the  
11 political committee reports on federal reporting forms filed  
12 with the federal election commission all expenditures for and  
13 contributions made to reporting individuals in New Mexico and  
14 files with the secretary of state, according to the schedule  
15 required for the filing of forms with the federal election  
16 commission, a copy of either the full report or the cover  
17 sheet and the portions of the federal reporting forms that  
18 contain the information on expenditures for and contributions  
19 made to reporting individuals in New Mexico."

20 SECTION 2. Section 1-19-32.1 NMSA 1978 (being Laws  
21 1981, Chapter 331, Section 9, as amended) is amended to read:

22 "1-19-32.1. REPORTS EXAMINATION--FORWARDING OF  
23 REPORTS.--

24 A. The secretary of state shall conduct a thorough  
25 examination of at least ten percent of all reports filed

1 during a year by reporting individuals, selected at random at  
2 least forty days after the general election and ten days  
3 after the April reports are filed in a non-election year, to  
4 determine compliance with the provisions of the Campaign  
5 Reporting Act. The examination may include an investigation  
6 of any discrepancies, including a cross-reference to reports  
7 filed by any other reporting individual. A reporting  
8 individual shall be notified in writing if a discrepancy is  
9 found in the report filed and shall be permitted to file a  
10 written explanation for the discrepancy and come into  
11 voluntary compliance within ten working days of the date of  
12 the notice.

13 B. After the date stated in the notice for  
14 submission of a written explanation, the secretary of state  
15 shall prepare an annual report of any unresolved  
16 discrepancies found after examination of the random sample  
17 provided for in Subsection A of this section. A copy of this  
18 report shall be transmitted to the state ethics commission  
19 and the attorney general for enforcement pursuant to the  
20 provisions of Sections 1-19-34.6 and 1-19-36 NMSA 1978. This  
21 report is a public record open to public inspection and  
22 subject to the retention and destruction provisions set forth  
23 in Section 1-19-32 NMSA 1978."

24 SECTION 3. Section 1-19-34.4 NMSA 1978 (being Laws  
25 1993, Chapter 46, Section 15, as amended) is amended to read:

1 "1-19-34.4. EDUCATION AND VOLUNTARY COMPLIANCE--  
2 INVESTIGATIONS--REFERRALS FOR ENFORCEMENT.--

3 A. The secretary of state shall advise and seek to  
4 educate all persons required to perform duties under the  
5 Campaign Reporting Act of those duties. This includes  
6 advising all known reporting individuals at least annually of  
7 that act's deadlines for submitting required reports and  
8 statements of no activity. The state ethics commission, in  
9 consultation with the secretary of state, shall issue  
10 advisory opinions, when requested in writing to do so, on  
11 matters concerning that act.

12 B. The secretary of state may conduct examinations  
13 of reports filed pursuant to Section 1-19-29 NMSA 1978 and  
14 the state ethics commission may initiate investigations to  
15 determine whether any provision of the Campaign Reporting Act  
16 has been violated.

17 C. Any person who believes that a provision of the  
18 Campaign Reporting Act has been violated may file a written  
19 complaint with the state ethics commission pursuant to the  
20 terms of the State Ethics Commission Act. If the commission  
21 has jurisdiction for the complaint, the state ethics  
22 commission shall refer the complaint to the secretary of  
23 state. Upon referral, the secretary of state shall attempt  
24 to achieve voluntary compliance with the Campaign Reporting  
25 Act. Within thirty-five days after receiving the complaint

1 from the state ethics commission, the secretary of state  
2 shall return the complaint to the state ethics commission and  
3 certify to the state ethics commission whether voluntary  
4 compliance was achieved. If the secretary of state certifies  
5 voluntarily compliance, the state ethics commission shall  
6 dismiss the complaint or that part of the complaint alleging  
7 a violation of the Campaign Reporting Act. If the secretary  
8 of state does not certify voluntarily compliance, the state  
9 ethics commission shall proceed with the complaint pursuant  
10 to the terms of the State Ethics Commission Act.

11 D. The secretary of state and the state ethics  
12 commission shall at all times seek to ensure voluntary  
13 compliance with the provisions of the Campaign Reporting Act.

14 E. At any time, the secretary of state may refer a  
15 matter to the state ethics commission for a civil injunctive  
16 or other appropriate order or to the attorney general or a  
17 district attorney for criminal enforcement."

18 SECTION 4. Section 1-19-34.6 NMSA 1978 (being Laws  
19 1995, Chapter 153, Section 19, as amended) is amended to  
20 read:

21 "1-19-34.6. CIVIL PENALTIES.--

22 A. If the secretary of state exhausts efforts in  
23 seeking voluntary compliance and reasonably believes that a  
24 person committed, or is about to commit, a violation of the  
25 Campaign Reporting Act, the secretary of state shall refer

1 the matter to the state ethics commission for enforcement;  
2 provided, however, that if the secretary of state waives the  
3 imposition of a fine pursuant to Subsection D of Section  
4 1-19-35 NMSA 1978, the matter shall not be referred.

5 B. With or without a referral from the secretary  
6 of state, the state ethics commission may institute a civil  
7 action in district court for any violation of the Campaign  
8 Reporting Act or to prevent a violation of that act that  
9 involves an unlawful solicitation or the making or acceptance  
10 of an unlawful contribution. An action for relief may  
11 include a permanent or temporary injunction, a restraining  
12 order or any other appropriate order, including a civil  
13 penalty of up to one thousand dollars (\$1,000) for each  
14 violation not to exceed a total of twenty thousand dollars  
15 (\$20,000), and forfeiture of any contribution received as a  
16 result of an unlawful solicitation or unlawful contribution.  
17 Each unlawful solicitation and each unlawful contribution  
18 made or accepted shall be deemed a separate violation of the  
19 Campaign Reporting Act.

20 C. With or without a referral from the secretary  
21 of state, the state ethics commission may institute a civil  
22 action in district court if a violation has occurred or to  
23 prevent a violation of any provision of the Campaign  
24 Reporting Act other than that specified in Subsection B of  
25 this section. Relief may include a permanent or temporary

1 injunction, a restraining order or any other appropriate  
2 order, including an order for a civil penalty of up to one  
3 thousand dollars (\$1,000) for each violation not to exceed a  
4 total of twenty thousand dollars (\$20,000)."

5 SECTION 5. Section 1-19-34.8 NMSA 1978 (being Laws  
6 2019, Chapter 86, Section 19) is amended to read:

7 "1-19-34.8. STATE ETHICS COMMISSION--JURISDICTION.--

8 A. The state ethics commission shall have  
9 jurisdiction to investigate and adjudicate a complaint  
10 alleging a civil violation of a provision of the Campaign  
11 Reporting Act in accordance with the provisions of that act.

12 B. The secretary of state shall forward complaints  
13 it receives alleging violations of the Campaign Reporting Act  
14 to the state ethics commission in accordance with the  
15 provisions of the Campaign Reporting Act and a formalized  
16 agreement."

17 SECTION 6. Section 1-19-35 NMSA 1978 (being Laws 1979,  
18 Chapter 360, Section 11, as amended) is amended to read:

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

21 A. Except for the report required to be filed and  
22 delivered the Thursday prior to the election and any  
23 supplemental report, as required in Paragraph (5) of  
24 Subsection B of Section 1-19-29 NMSA 1978, if a statement of  
25 no activity or a report of expenditures and contributions is



1 not filed or is filed after any deadline imposed by the  
2 Campaign Reporting Act, the responsible reporting individual  
3 or political committee shall be liable for and shall pay to  
4 the secretary of state fifty dollars (\$50.00) per day for  
5 each regular working day after the time required by the  
6 Campaign Reporting Act for the filing of statements of no  
7 activity or reports of expenditures and contributions until  
8 the complete statement or report is filed, up to a maximum  
9 fine as provided in Subsection H of this section.

10 B. If any reporting individual fails to file or  
11 files a late report of expenditures and contributions due on  
12 the Thursday prior to the election, the reporting individual  
13 or political committee shall be liable and pay to the  
14 secretary of state five hundred dollars (\$500) for the first  
15 working day and fifty dollars (\$50.00) for each subsequent  
16 working day after the time required for the filing of the  
17 report until the complete report is filed, up to a maximum  
18 fine as provided in Subsection H of this section.

19 C. If a reporting individual fails to file or  
20 files a late supplemental report of expenditures and  
21 contributions as required in Paragraph (5) of Subsection B of  
22 Section 1-19-29 NMSA 1978, the reporting individual or  
23 political committee shall be liable for and pay to the  
24 secretary of state a penalty equal to the amount of each  
25 contribution received or pledged after the Tuesday before the

1 election that was not timely filed.

2 D. If the secretary of state determines that a  
3 reporting individual or political committee has failed to  
4 file or has filed a report past the deadline, the secretary  
5 of state shall by written notice set forth the violation and  
6 the fine that may be imposed and inform the reporting  
7 individual that the individual has ten working days from the  
8 date of the letter to come into voluntary compliance and to  
9 provide a written explanation, under penalty of perjury,  
10 stating any reason why the violation occurred. If a timely  
11 explanation is filed and the secretary of state determines  
12 that good cause exists to waive or reduce the imposition of  
13 the fine, the secretary of state may by a written notice of  
14 final action partially or fully waive the imposition of a  
15 fine for any late report or statement of no activity. A  
16 written notice of final action shall be sent by certified  
17 mail. The secretary of state may file a petition with the  
18 court to remit outstanding fines for good cause or refer  
19 unpaid fines for enforcement under Subsection A of Section  
20 1-19-34.6 NMSA 1978.

21 E. All sums collected for the penalty shall be  
22 deposited in the state general fund. A report or statement  
23 of no activity shall be deemed timely filed only if it is  
24 received by the secretary of state by the date and time  
25 prescribed by law.

1           F. Any candidate who fails or refuses to file a  
2 report of expenditures and contributions or statement of no  
3 activity or to pay a penalty imposed by the secretary of  
4 state as required by the Campaign Reporting Act shall not, in  
5 addition to any other penalties provided by law:

6                   (1) have the candidate's name printed upon  
7 the ballot if the violation occurs before and through the  
8 final date for the withdrawal of candidates; or

9                   (2) be issued a certificate of nomination or  
10 election, if the violation occurs after the final date for  
11 withdrawal of candidates or after the election, until the  
12 candidate satisfies all reporting requirements of the  
13 Campaign Reporting Act and pays all penalties owed.

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

23           H. The maximum cumulative penalties for each  
24 report for which fines are assessed in accordance with  
25 Subsections A and B of this section are as follows:

1 (1) five thousand dollars (\$5,000) for  
2 statewide candidate committees and political committees;

3 (2) two thousand five hundred dollars  
4 (\$2,500) for legislative, district judge, district attorney  
5 and public education commission candidate committees;

6 (3) one thousand dollars (\$1,000) for county  
7 candidate committees running in a county designated as class  
8 A; and

9 (4) five hundred dollars (\$500) for all  
10 other non-class A county candidate committees."

11 SECTION 7. Section 1-19-36 NMSA 1978 (being Laws 1979,  
12 Chapter 360, Section 12, as amended) is amended to read:

13 "1-19-36. CRIMINAL PENALTIES.--

14 A. Any person who knowingly and willfully violates  
15 any provision of the Campaign Reporting Act is guilty of a  
16 misdemeanor and shall be punished by a fine of not more than  
17 one thousand dollars (\$1,000) or by imprisonment for not more  
18 than one year or both.

19 B. The Campaign Reporting Act may be enforced by  
20 the attorney general or the district attorney in the county  
21 where the candidate resides, where a political committee has  
22 its principal place of business or where the violation  
23 occurred."

24 SECTION 8. Section 1-19A-15.1 NMSA 1978 (being Laws  
25 2019, Chapter 86, Section 20) is amended to read:

1 "1-19A-15.1. STATE ETHICS COMMISSION--JURISDICTION.--

2 A. The state ethics commission shall have  
3 jurisdiction to investigate and adjudicate a complaint  
4 alleging a civil violation of a provision of the Voter Action  
5 Act in accordance with the provisions of the State Ethics  
6 Commission Act.

7 B. The secretary of state shall forward complaints  
8 it receives alleging violations of the Voter Action Act to  
9 the state ethics commission in accordance with a formalized  
10 agreement."

11 SECTION 9. Section 1-19A-17 NMSA 1978 (being Laws 2003,  
12 Chapter 14, Section 17, as amended) is amended to read:

13 "1-19A-17. PENALTIES.--

14 A. In addition to other penalties that may be  
15 applicable, a person who violates a provision of the Voter  
16 Action Act is subject to a civil penalty of up to ten  
17 thousand dollars (\$10,000) per violation. In addition to a  
18 fine, a certified candidate found in violation of that act  
19 may be required to return to the fund all amounts distributed  
20 to the candidate from the fund. If the state ethics  
21 commission makes a determination that a violation of that act  
22 has occurred, the state ethics commission shall impose a fine  
23 and, if the violation is willful or knowing, transmit the  
24 finding to the attorney general for criminal prosecution  
25 pursuant to Subsection B of this section. In determining

1 whether a certified candidate is in violation of the  
2 expenditure limits of that act, the state ethics commission  
3 may consider as a mitigating factor any circumstances out of  
4 the candidate's control.

5 B. A person who willfully or knowingly violates  
6 the provisions of the Voter Action Act or knowingly makes a  
7 false statement in a report required by that act is guilty of  
8 a fourth degree felony and, if the person is a certified  
9 candidate, shall return to the fund all money distributed to  
10 that candidate."

11 SECTION 10. Section 2-11-8.2 NMSA 1978 (being Laws  
12 1977, Chapter 261, Section 4, as amended) is amended to read:

13 "2-11-8.2. COMPLIANCE WITH ACT--ENFORCEMENT OF ACT--  
14 CIVIL PENALTIES.--

15 A. The secretary of state shall advise and seek to  
16 educate all persons required to perform duties pursuant to  
17 the Lobbyist Regulation Act of those duties. This includes  
18 advising all registered lobbyists at least annually of the  
19 Lobbyist Regulation Act's deadlines for submitting required  
20 reports. The state ethics commission, in consultation with  
21 the secretary of state, shall issue advisory opinions, when  
22 requested to do so in writing, on matters concerning the  
23 Lobbyist Regulation Act.

24 B. The secretary of state may conduct examinations  
25 of reports and the state ethics commission may initiate

1 investigations to determine whether the Lobbyist Regulation  
2 Act has been violated. Any person who believes that a  
3 provision of the Lobbyist Regulation Act has been violated  
4 may file a written complaint with the state ethics commission  
5 pursuant to the terms of the State Ethics Commission Act. If  
6 the commission has jurisdiction for the complaint, the state  
7 ethics commission shall refer the complaint to the secretary  
8 of state. Upon referral, the secretary of state shall  
9 attempt to achieve voluntary compliance with the Lobbyist  
10 Regulation Act. Within twenty days after receiving the  
11 complaint from the state ethics commission, the secretary of  
12 state shall return the complaint to the state ethics  
13 commission and certify to the state ethics commission whether  
14 voluntary compliance was achieved. If the secretary of state  
15 certifies voluntary compliance, the state ethics commission  
16 shall dismiss the complaint or that part of the complaint  
17 alleging a violation of the Lobbyist Regulation Act. If the  
18 secretary of state does not certify voluntary compliance, the  
19 state ethics commission shall proceed with the complaint  
20 pursuant to the terms of the State Ethics Commission Act.

21 C. The secretary of state and the state ethics  
22 commission shall at all times seek to ensure voluntary  
23 compliance with the provisions of the Lobbyist Regulation  
24 Act. Additionally, the state ethics commission shall give a  
25 person who violates that act unintentionally or for good

1 cause ten days' notice to come into compliance before the  
2 commission takes any action on a complaint filed with or  
3 referred to the commission against that person.

4 D. Any person who fails to file or files a report  
5 after the deadline imposed by the Lobbyist Regulation Act  
6 shall be liable for and shall pay to the secretary of state  
7 fifty dollars (\$50.00) per day for each regular working day  
8 after the time required for the filing of the report until  
9 the complete report is filed, up to a maximum of five  
10 thousand dollars (\$5,000).

11 E. If the secretary of state determines that a  
12 reporting entity subject to the reporting provisions of the  
13 Lobbyist Regulation Act has failed to file or has filed a  
14 report after the deadline, the secretary of state shall by  
15 written notice set forth the violation and the fine that may  
16 be imposed and inform the reporting individual that the  
17 individual has ten working days from the date of the letter  
18 to come into voluntary compliance and to provide a written  
19 explanation, under penalty of perjury, stating any reason why  
20 the violation occurred. If a timely explanation is filed and  
21 the secretary of state determines that good cause exists to  
22 waive the imposition of a fine, the secretary of state may by  
23 a written notice of final action partially or fully waive the  
24 imposition of a fine for any late report or statement of no  
25 activity. A written notice of final action shall be sent by



1 certified mail. The secretary of state may file an  
2 appropriate court action to remit outstanding fines for good  
3 cause or refer unpaid fines for enforcement pursuant to  
4 Subsection F of this section.

5 F. The secretary of state may refer a matter to  
6 the state ethics commission for a civil injunctive or other  
7 appropriate order or enforcement."

8 SECTION 11. Section 2-11-8.3 NMSA 1978 (being Laws  
9 2019, Chapter 86, Section 21) is amended to read:

10 "2-11-8.3. STATE ETHICS COMMISSION--JURISDICTION.--

11 A. The state ethics commission shall have  
12 jurisdiction to investigate and adjudicate a complaint  
13 alleging a civil violation of a provision of the Lobbyist  
14 Regulation Act in accordance with the provisions of that act.

15 B. The secretary of state shall forward complaints  
16 it receives alleging violations of the Lobbyist Regulation  
17 Act to the state ethics commission in accordance with the  
18 Lobbyist Regulation Act and a formalized agreement."

19 SECTION 12. Section 10-16A-3 NMSA 1978 (being Laws  
20 1993, Chapter 46, Section 41, as amended) is amended to read:

21 "10-16A-3. REQUIRED DISCLOSURES FOR CERTAIN CANDIDATES  
22 AND PUBLIC OFFICERS AND EMPLOYEES--CONDITION FOR PLACEMENT ON  
23 BALLOT OR APPOINTMENT.--

24 A. A person holding a legislative or statewide  
25 office shall file with the secretary of state a financial

1 disclosure statement during the month of January every year  
2 that the person holds public office.

3 B. A candidate for legislative or statewide office  
4 who has not already filed a financial disclosure statement  
5 with the secretary of state in the same calendar year shall  
6 file with the proper filing officer, as defined in the  
7 Election Code, a financial disclosure statement at the time  
8 of filing a declaration of candidacy. If the proper filing  
9 officer is not the secretary of state, the proper filing  
10 officer shall forward a copy of the financial disclosure  
11 statement to the secretary of state within three days.

12 C. A state agency head, an official whose  
13 appointment to a board or commission is subject to  
14 confirmation by the senate, a member of the insurance  
15 nominating committee or a member of the state ethics  
16 commission shall file with the secretary of state a financial  
17 disclosure statement within thirty days of appointment and  
18 during the month of January every year thereafter that the  
19 person holds public office.

20 D. The financial disclosure statement shall  
21 include for any person identified in Subsection A, B or C of  
22 this section and the person's spouse the following  
23 information for the prior calendar year:

24 (1) the full name, mailing address and  
25 residence address of each person covered in the disclosure

1 statement, except the address of the spouse need not be  
2 disclosed; the name and address of the person's and spouse's  
3 employer and the title or position held; and a brief  
4 description of the nature of the business or occupation;

5 (2) all sources of gross income of more than  
6 five thousand dollars (\$5,000) to each person covered in the  
7 disclosure statement, identified by general category  
8 descriptions that disclose the nature of the income source,  
9 in the following broad categories: law practice or  
10 consulting operation or similar business, finance and  
11 banking, farming and ranching, medicine and health care,  
12 insurance (as a business and not as payment on an insurance  
13 claim), oil and gas, transportation, utilities, general stock  
14 market holdings, bonds, government, education, manufacturing,  
15 real estate, consumer goods sales with a general description  
16 of the consumer goods and the category "other", with  
17 direction that the income source be similarly described. In  
18 describing a law practice, consulting operation or similar  
19 business of the person or spouse, the major areas of  
20 specialization or income sources shall be described, and if  
21 the spouse or a person in the reporting person's or spouse's  
22 law firm, consulting operation or similar business is or was  
23 during the reporting calendar year or the prior calendar year  
24 a registered lobbyist under the Lobbyist Regulation Act, the  
25 names and addresses of all clients represented for lobbying

1 purposes during those two years shall be disclosed;

2 (3) a general description of the type of  
3 real estate owned in New Mexico, other than a personal  
4 residence, and the county where it is located;

5 (4) all other New Mexico business interests  
6 not otherwise listed of ten thousand dollars (\$10,000) or  
7 more in a New Mexico business or entity, including any  
8 position held and a general statement of purpose of the  
9 business or entity;

10 (5) all memberships held by the reporting  
11 individual and the individual's spouse on boards of  
12 for-profit businesses in New Mexico;

13 (6) all New Mexico professional licenses  
14 held;

15 (7) each state agency that was sold goods or  
16 services in excess of five thousand dollars (\$5,000) during  
17 the prior calendar year by a person covered in the disclosure  
18 statement; and

19 (8) each state agency, other than a court,  
20 before which a person covered in the disclosure statement  
21 represented or assisted clients in the course of the person's  
22 employment during the prior calendar year.

23 E. A complete financial disclosure statement shall  
24 be filed every year. The secretary of state shall deliver to  
25 each elected official required to file a financial disclosure

1 statement a copy of any statement the person filed the  
2 previous year.

3 F. The financial disclosure statements filed  
4 pursuant to this section are public records open to public  
5 inspection during regular office hours and shall be retained  
6 by the state for five years from the date of filing.

7 G. A person who files a financial disclosure  
8 statement may file an amended statement at any time to  
9 reflect significant changed circumstances that occurred since  
10 the last statement was filed.

11 H. A person who files to be a candidate for a  
12 legislative or statewide office who fails or refuses to file  
13 a financial disclosure statement required by this section  
14 before the final date for qualification of the person as a  
15 candidate as provided for in the Election Code shall not be  
16 qualified by the proper filing officer as a candidate.

17 I. For a state agency head, an official whose  
18 appointment to a board or commission is subject to  
19 confirmation by the senate, a member of the insurance  
20 nominating committee or a member of the state ethics  
21 commission, the filing of the financial disclosure statement  
22 required by this section is a condition of entering upon and  
23 continuing in state employment or holding an appointed  
24 position."

25 SECTION 13. Section 10-16A-6 NMSA 1978 (being Laws

1 1993, Chapter 46, Section 44, as amended) is amended to read:

2 "10-16A-6. INVESTIGATIONS--FINES--ENFORCEMENT.--

3 A. The state ethics commission may conduct  
4 thorough examinations of statements and initiate  
5 investigations to determine whether the Financial Disclosure  
6 Act has been violated. Any person who believes that act has  
7 been violated may file a written complaint with the state  
8 ethics commission. The commission shall adopt procedures for  
9 processing complaints and notifications of violations.

10 B. If the state ethics commission determines that  
11 a violation has occurred for which a penalty should be  
12 imposed, the commission shall so notify the person charged  
13 and impose the penalty.

14 C. Any person who files a statement or report  
15 after the deadline imposed by the Financial Disclosure Act is  
16 liable for and shall pay to the secretary of state, at or  
17 from the time initially required for the filing, fifty  
18 dollars (\$50.00) per day for each regular working day after  
19 the time required for the filing of the statement or report  
20 until the complete report is filed, up to a maximum of five  
21 thousand dollars (\$5,000).

22 D. The secretary of state may refer a matter to  
23 the state ethics commission, attorney general or a district  
24 attorney for a civil injunctive or other appropriate order or  
25 enforcement."

1           SECTION 14. Section 10-16G-2 NMSA 1978 (being Laws  
2 2019, Chapter 86, Section 2) is amended to read:

3           "10-16G-2. DEFINITIONS.--As used in the State Ethics  
4 Commission Act:

5           A. "commission" means the state ethics commission;

6           B. "commissioner" means a member of the  
7 commission;

8           C. "complainant" means a person who files a  
9 verified complaint with the commission;

10           D. "complaint" means a complaint that has been  
11 signed by the complainant and the complainant attests under  
12 oath and subject to penalty of perjury that the information  
13 in the complaint, and any attachments provided with the  
14 complaint, are true and accurate;

15           E. "director" means the executive director of the  
16 commission;

17           F. "government contractor" means a person who has  
18 a contract with a public agency or who has submitted a  
19 competitive sealed proposal or competitive sealed bid for a  
20 contract with a public agency;

21           G. "legislative body" means the house of  
22 representatives or the senate;

23           H. "lobbyist" means a person who is required to  
24 register as a lobbyist pursuant to the provisions of the  
25 Lobbyist Regulation Act;

1 I. "political party" means a political party that  
2 has been qualified in accordance with the provisions of the  
3 Election Code;

4 J. "public agency" means any department,  
5 commission, council, board, committee, agency or institution  
6 of the executive or legislative branch of government of the  
7 state or any instrumentality of the state, including the New  
8 Mexico mortgage finance authority, the New Mexico finance  
9 authority, the New Mexico exposition center authority, the  
10 New Mexico hospital equipment loan council and the New Mexico  
11 renewable energy transmission authority;

12 K. "public employee" means an employee of a public  
13 agency;

14 L. "public official" means a person elected to an  
15 office of the executive or legislative branch of the state or  
16 a person appointed to a public agency; and

17 M. "respondent" means a person against whom a  
18 complaint has been filed with or by the commission."

19 SECTION 15. Section 10-16G-4 NMSA 1978 (being Laws  
20 2019, Chapter 86, Section 4) is amended to read:

21 "10-16G-4. COMMISSIONERS--QUALIFICATIONS--  
22 LIMITATIONS.--

23 A. To qualify for appointment to the commission, a  
24 person shall:

25 (1) be a qualified elector of New Mexico;



1                   (2) not have changed party registration in  
2 the five years next preceding the member's appointment in  
3 such a manner that the member's prior party registration  
4 would make the member ineligible to serve on the commission;

5                   (3) not continue to serve as a commissioner  
6 if the member changes party registration after the date of  
7 appointment in such a manner as to make the member ineligible  
8 to serve on the commission; and

9                   (4) not be, or within the two years prior to  
10 appointment shall not have been, in New Mexico, any of the  
11 following:

- 12                               (a) a public official;
- 13                               (b) a public employee;
- 14                               (c) a candidate;
- 15                               (d) a lobbyist;
- 16                               (e) a government contractor; or
- 17                               (f) an office holder in a political  
18 party at the state or federal level.

19                   B. Before entering upon the duties of the office  
20 of commissioner, each commissioner shall review the State  
21 Ethics Commission Act and other laws and rules pertaining to  
22 the commission's responsibilities and to ethics and  
23 governmental conduct in New Mexico. Each commissioner shall  
24 take the oath of office as provided in Article 20, Section 1  
25 of the constitution of New Mexico and, pursuant to the

1 Financial Disclosure Act, file with the secretary of state a  
2 financial disclosure statement within thirty days of  
3 appointment and during the month of January every year  
4 thereafter that the commissioner serves on the commission.

5 C. For a period of one calendar year following a  
6 commissioner's tenure or following the resignation or removal  
7 of a commissioner, the commissioner shall not:

8 (1) represent a respondent, unless appearing  
9 on the commissioner's own behalf; or

10 (2) accept employment or otherwise provide  
11 services to a respondent unless the commissioner accepted  
12 employment or provided services prior to the filing of a  
13 complaint against the respondent.

14 D. During a commissioner's tenure, a commissioner  
15 shall not hold another public office or be:

16 (1) a public employee;

17 (2) a candidate;

18 (3) a lobbyist;

19 (4) a government contractor; or

20 (5) an office holder in a political party at  
21 the state or federal level.

22 E. A commissioner who changes political party  
23 affiliation in violation of the provisions of Subsection A of  
24 this section or who chooses to seek or hold an office in  
25 violation of Subsection D of this section shall resign from

1 the commission or be deemed to have resigned."

2 SECTION 16. Section 10-16G-9 NMSA 1978 (being Laws  
3 2019, Chapter 86, Section 9) is amended to read:

4 "10-16G-9. COMMISSION JURISDICTION--COMPLIANCE  
5 PROVISIONS.--

6 A. The commission has jurisdiction to enforce the  
7 applicable civil compliance provisions for public officials,  
8 public employees, candidates, persons subject to the Campaign  
9 Reporting Act, government contractors, lobbyists and  
10 lobbyists' employers of:

- 11 (1) the Campaign Reporting Act;
- 12 (2) the Financial Disclosure Act;
- 13 (3) the Gift Act;
- 14 (4) the Lobbyist Regulation Act;
- 15 (5) the Voter Action Act;
- 16 (6) the Governmental Conduct Act;
- 17 (7) the Procurement Code;
- 18 (8) the State Ethics Commission Act; and
- 19 (9) Article 9, Section 14 of the  
20 constitution of New Mexico.

21 B. All complaints filed with a public agency  
22 regarding the statutes listed in Subsection A of this section  
23 shall be forwarded to the commission.

24 C. The commission may choose to act on some or all  
25 aspects of a complaint and forward other aspects of a

1 complaint to another state or federal agency with  
2 jurisdiction over the matter in accordance with Subsection E  
3 of this section.

4 D. If the commission decides not to act on a  
5 complaint, whether the complaint was filed with the  
6 commission or forwarded from another public agency, or  
7 decides only to act on part of a complaint, the commission  
8 shall promptly forward the complaint, or any part of a  
9 complaint on which it does not wish to act, to the public  
10 agency that has appropriate jurisdiction within ten days of  
11 the decision. The complainant and respondent shall be  
12 notified in writing when the complainant's request has been  
13 forwarded to another agency unless otherwise provided  
14 pursuant to Subsection H of Section 10-16G-10 NMSA 1978.

15 E. The commission may share jurisdiction with  
16 other public agencies having authority to act on a complaint  
17 or any aspect of a complaint. Such shared jurisdiction shall  
18 be formalized through an agreement entered into by all  
19 participating agencies involved with the complaint and the  
20 director. The commission may also investigate a complaint  
21 referred to the commission by the legislature, or a  
22 legislative committee, in accordance with an agreement  
23 entered into pursuant to policies of the New Mexico  
24 legislative council or rules of the house of representatives  
25 or senate.

1 F. The commission may file a court action to  
2 enforce the civil compliance provisions of an act listed in  
3 Subsection A of this section. The court action shall be  
4 filed in the district court in the county where the defendant  
5 resides."

6 SECTION 17. Section 10-16G-10 NMSA 1978 (being Laws  
7 2019, Chapter 86, Section 10) is amended to read:

8 "10-16G-10. COMPLAINTS--INVESTIGATIONS--SUBPOENAS.--

9 A. A complaint of an alleged ethics violation  
10 committed by a public official, public employee, candidate,  
11 person subject to the Campaign Reporting Act, government  
12 contractor, lobbyist, lobbyist's employer or a restricted  
13 donor subject to the Gift Act may be filed with the  
14 commission by a person who has actual knowledge of the  
15 alleged ethics violation.

16 B. The complainant shall set forth in detail the  
17 specific charges against the respondent and the factual  
18 allegations that support the charges and shall sign the  
19 complaint under penalty of false statement. The complainant  
20 shall submit any evidence the complainant has that supports  
21 the complaint. Evidence may include documents, records and  
22 names of witnesses. The commission shall prescribe the forms  
23 on which complaints are to be filed. The complaint form  
24 shall be signed under oath by the complainant.

25 C. Except as provided in Subsection H of this

1 section, the respondent shall be notified within seven days  
2 of the filing of the complaint and offered an opportunity to  
3 file a response on the merits of the complaint.

4 D. The director shall determine if the complaint  
5 is subject to referral to another state agency pursuant to an  
6 agreement or outside the jurisdiction of the commission, and  
7 if so, promptly refer the complaint to the appropriate  
8 agency. If the director determines that the complaint is  
9 within the commission's jurisdiction, the director shall have  
10 the general counsel initiate an investigation.

11 E. The general counsel shall conduct an  
12 investigation to determine whether the complaint is frivolous  
13 or unsubstantiated. If the general counsel determines that  
14 the complaint is frivolous or unsubstantiated, the complaint  
15 shall be dismissed, and the complainant and respondent shall  
16 be notified in writing of the decision and reasons for the  
17 dismissal. The commission shall not make public a complaint  
18 that has been dismissed pursuant to this subsection or the  
19 reasons for the dismissal.

20 F. If the general counsel and the respondent reach  
21 a settlement on the matters of the complaint, the settlement  
22 shall be submitted to the commission for its approval, and if  
23 the matter has been resolved to the satisfaction of the  
24 commission, the complaint and terms of the settlement shall  
25 be subject to public disclosure.

1           G. If the general counsel determines that there is  
2 probable cause, the director shall promptly notify the  
3 respondent of the finding of probable cause and of the  
4 specific allegations in the complaint that are being  
5 investigated and that a public hearing will be set. If the  
6 finding of probable cause involves a discriminatory practice  
7 or actions by the respondent against the complainant, no  
8 settlement agreement shall be reached without prior  
9 consultation with the complainant. In any case, the  
10 notification, complaint, specific allegations being  
11 investigated and any response to the complaint shall be made  
12 public thirty days following notice to the respondent.

13           H. Notwithstanding the provisions of Subsections C  
14 and G of this section, the director may delay notifying a  
15 respondent and complainant and releasing to the public the  
16 complaint and related information required by Subsection G of  
17 this section if it is deemed necessary to protect the  
18 integrity of a criminal investigation. A decision whether to  
19 delay notifying a respondent shall be taken by a majority  
20 vote of the commission and shall be documented in writing  
21 with reasonable specificity.

22           I. As part of an investigation, the general  
23 counsel may administer oaths, interview witnesses and examine  
24 books, records, documents and other evidence reasonably  
25 related to the complaint. All testimony in an investigation

1 shall be under oath, and the respondent may be represented by  
2 legal counsel. If the general counsel determines that a  
3 subpoena is necessary to obtain the testimony of a person or  
4 the production of books, records, documents or other  
5 evidence, the director shall request that the commission  
6 petition a district court to issue a subpoena.

7 J. The commission may petition the court for a  
8 subpoena for the attendance and examination of witnesses or  
9 for the production of books, records, documents or other  
10 evidence reasonably related to an investigation. If a person  
11 neglects or refuses to comply with a subpoena, the commission  
12 may apply to a district court for an order enforcing the  
13 subpoena and compelling compliance. All proceedings in the  
14 district court prior to the complaint being made public  
15 pursuant to Subsection G of this section, or upon entry of a  
16 settlement agreement, shall be sealed. A case is  
17 automatically unsealed upon notice by the commission to the  
18 court that the commission has made the complaint public. No  
19 later than July 1 of each even-numbered year, the chief  
20 justice of the supreme court shall appoint an active or pro  
21 tempore district judge to consider the issuance and  
22 enforcement of subpoenas provided for in this section. The  
23 appointment shall end on June 30 of the next even-numbered  
24 year after appointment.

25 K. A public official or state public employee who



1 is a respondent who is subject to a complaint alleging a  
2 violation made in the performance of the respondent's duties  
3 shall be entitled to representation by the risk management  
4 division of the general services department."

5 SECTION 18. A new section of the Campaign Reporting Act  
6 is enacted to read:

7 "POLITICAL COMMITTEES--ACKNOWLEDGMENT OF  
8 RESPONSIBILITIES--PENALTY.--

9 A. Beginning on July 1, 2021, for all new  
10 political committees registering with the secretary of state,  
11 the treasurer for the political committee shall submit an  
12 electronically signed statement acknowledging the political  
13 committee's responsibilities on a form prescribed by the  
14 secretary of state within ten days of registering the  
15 political committee. The signed acknowledgment statement  
16 serves as notification of the responsibilities of the  
17 political committee to comply with the financial reporting  
18 prescribed in the Campaign Reporting Act and the potential  
19 personal liability of the treasurer for penalties assessed  
20 against the political committee.

21 B. The secretary of state shall notify the  
22 political committee of any individual who has failed to  
23 submit the acknowledgment statement. Failure to return the  
24 acknowledgment statement is a violation of this section for  
25 which a fine of one hundred dollars (\$100) may be assessed

1 against the political committee. This section also applies  
2 to individuals named in an updated or amended registration  
3 who have not previously submitted an acknowledgment statement  
4 for the political committee.

5 C. For all political committees already registered  
6 with the secretary of state prior to July 1, 2021, the  
7 secretary of state shall notify the principal officer and  
8 treasurer of record requiring the treasurer to submit an  
9 acknowledgment form required in Subsection A of this section.  
10 If the political committee does not respond to the request  
11 made by the secretary of state or disputes current  
12 responsibility for the political committee, the political  
13 committee shall not raise or spend any funds until the  
14 registration is amended and the acknowledgment form has been  
15 signed.

16 D. If there are already fines accrued against a  
17 political committee previously registered with the secretary  
18 of state, the treasurer of record shall sign the  
19 acknowledgment statement accepting personal liability from  
20 that date forward. Outstanding fines are still due unless  
21 the secretary of state is compelled to file a petition in  
22 court to have the fines dissolved."

23 SECTION 19. A new section of the Campaign Reporting Act  
24 is enacted to read:

25 "POLITICAL COMMITTEES--NOTICE OF RESIGNATION OR REMOVAL

1 OF TREASURER.--

2 A. An individual who resigns as the treasurer of a  
3 political committee shall submit a written resignation  
4 statement to the secretary of state. An individual's  
5 resignation is not effective until the secretary of state  
6 receives the written resignation statement from the  
7 individual and a replacement treasurer is appointed for the  
8 political committee. If an individual is involuntarily  
9 removed from the position of treasurer, the political  
10 committee shall notify the secretary of state by amending the  
11 electronic registration maintained by the secretary of state.  
12 An individual who resigns as the treasurer of a political  
13 committee remains personally liable for any penalties or  
14 fines accrued during the time that the individual served in  
15 the position.

16 B. The secretary of state shall prescribe the form  
17 and process for notifying the secretary of state of a  
18 resignation or replacement of a treasurer and shall maintain  
19 all records electronically to the extent practicable."

20 SECTION 20. A new section of the Lobbyist Regulation  
21 Act is enacted to read:

22 "RULEMAKING AUTHORITY.--The secretary of state may  
23 promulgate rules to implement the provisions of the Lobbyist  
24 Regulation Act. In promulgating the rules, the secretary of  
25 state shall comply with the provisions of the State Rules

1 Act."

2 SECTION 21. A new section of the Financial Disclosure  
3 Act is enacted to read:

4 "RULEMAKING AUTHORITY.--The secretary of state may  
5 promulgate rules to implement the provisions of the Financial  
6 Disclosure Act. In promulgating the rules, the secretary of  
7 state shall comply with the provisions of the State Rules  
8 Act."

9 SECTION 22. REPEAL.--Section 1-19-1 NMSA 1978 (being  
10 Laws 1969, Chapter 240, Section 405) is repealed.

11 SECTION 23. EFFECTIVE DATE.--The effective date of the  
12 provisions of this act is July 1, 2021. \_\_\_\_\_

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