

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 284

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Keith J. Gardner

AN ACT

RELATING TO CHARITABLE ORGANIZATIONS; REQUIRING CERTAIN ORGANIZATIONS TO FILE INFORMATION WITH THE SECRETARY OF STATE; PROVIDING FOR PUBLIC ACCESS TO THE INFORMATION; PROVIDING A CIVIL PENALTY FOR NONCOMPLIANCE.

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

Section 1. CHARITABLE ORGANIZATIONS--INFORMATION TO BE FILED WITH THE SECRETARY OF STATE--PUBLIC ACCESS.--

A. Unless exempt pursuant to Subsection B of this section, no later than May 1 of each year, each charitable organization shall file the following information with the secretary of state:

(1) the total amount expended during the preceding calendar year for lobbying and the recipient of each expenditure;

.181344.1

underscored material = new
~~[bracketed material] = delete~~

1 (2) the total amount of political
2 contributions made during the preceding calendar year and the
3 recipient of each contribution;

4 (3) the total amount expended for voter
5 education in the preceding calendar year and the recipient of
6 each expenditure;

7 (4) the total amount expended on political
8 advocacy during the preceding calendar year and the recipient
9 of each expenditure; and

10 (5) the total compensation paid to each
11 director and officer during the preceding calendar year.

12 B. The reporting requirements of Subsection A of
13 this section do not apply to a charitable organization that has
14 not made any expenditures described in Paragraphs (1) through
15 (4) of that subsection during the previous two calendar years.

16 C. The secretary of state shall develop and
17 maintain a web site with a searchable database that contains
18 all information submitted pursuant to Subsection A of this
19 section.

20 D. Any person who files a report after the deadline
21 imposed by this section or any person who files a false or
22 incomplete report shall be liable for and shall pay to the
23 secretary of state fifty dollars (\$50.00) per day for each
24 regular working day after the time required for the filing of
25 the report until the complete report is filed. The secretary

.181344.1

1 of state may refer a matter to the attorney general or a
2 district attorney for a civil injunctive or other appropriate
3 order or enforcement.

4 E. As used in this section:

5 (1) "charitable organization" means any entity
6 that has been granted exemption from the federal income tax by
7 the United States commissioner of internal revenue as an
8 organization described in Section 501(c)(3) of the Internal
9 Revenue Code of 1986, as amended, or identifies itself to the
10 public as having a charitable purpose;

11 (2) "lobbying" means attempting to influence a
12 decision related to any matter to be considered or being
13 considered by:

14 (a) the legislative branch of state
15 government or any legislative committee;

16 (b) the executive branch of state
17 government, including its officials and agencies; or

18 (c) the governing body, an agency, an
19 employee or an official of a political subdivision of the
20 state;

21 (3) "political advocacy" means a position
22 disseminated to the public either in print, by radio or
23 television broadcast or by any other electronic means,
24 including but not limited to advertisements, telephonic
25 communications and direct or bulk mailings or other

underscored material = new
[bracketed material] = delete

1 dissemination of printed materials, that:

2 (a) advocates a position or purports to
3 educate the public on any matter to be considered or being
4 considered by: 1) the legislative branch of state government
5 or any legislative committee; 2) the executive branch of state
6 government, including its officials and agencies; or 3) the
7 governing body, an agency, an employee or an official of a
8 political subdivision of the state; or

9 (b) criticizes, supports or purports to
10 educate the public on a position taken by: 1) an elected
11 official of the state or a political subdivision of the state;
12 or 2) a candidate for an elected office of the state or a
13 political subdivision of the state; and

14 (4) "political contribution" means a gift,
15 subscription, loan, advance or deposit of money or other thing
16 of value that is made for:

17 (a) the support of a candidate for an
18 elected office of the state or a political subdivision of the
19 state; or

20 (b) political advocacy.

21 Section 2. EFFECTIVE DATE.--The effective date of the
22 provisions of this act is July 1, 2010.

23 - 4 -

24

25