

# NM Campaign Finance Reporting

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# Disclaimer

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This training is intended to give an overview of the Campaign Reporting Act, the Campaign Finance Rule, and use of the Campaign Reporting Information System.

*The information provided in this training is not legal advice and is not a substitute for legal research or the advice of an attorney.*



# Review of Terms

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- **“The Act”** is the Campaign Reporting Act, cited as NMSA 1978, Sections 1-19-25 through 1-19-36 (2019).
- **“Candidate”** is an individual who seeks an office covered by the act and has filed a declaration of candidacy/nominating petition OR has raised or spent the threshold amounts in the Act.
- **“CFIS”** is the Campaign Finance Information System, the electronic database used to file your campaign finance reports.



# Review of Terms

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- **“PAC”** is a political committee, including political parties, who in a group of two or more act primarily for a political purpose.
- **“Reporting individual”** is anyone who is supposed to file reports under the Act, which includes a public official, candidate, or treasurer of a campaign committee or a treasurer of a political committee.
- **“SOS”** is the Secretary of State’s Office.



# Review of Terms

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**“Candidate”** is an individual who seeks an office covered by the Act and:

1. Files a declaration of candidacy

**OR**

2. Raises or spends at least \$1,000 for a non-statewide office, or \$3,000 for a statewide office

# Pop Quiz!

Francisco planned to run for county commissioner and raised **\$1,500**. He decided not to run and did not file a declaration of candidacy on filing day. Is Francisco a “*candidate*” who needs to file a financial report?

**Yes.** Francisco raised more than \$1,000 on a campaign for a non-statewide office that is covered by the Campaign Reporting Act. Even if he does not file his declaration of candidacy, his fundraising makes him a “candidate” for reporting purposes and he is required to file a financial report in CFIS.



## Pop Quiz!

Jessica spent \$4,000 of her own money collecting signatures to run for Court of Appeals judge. She turned in nominating petitions on filing day, but did not have enough signatures to qualify for placement on the ballot. Is Jessica a candidate for reporting purposes? Does she have to report even though she only spent her own money?

**Yes.** Jessica spent more than \$3,000 on a campaign for a statewide office covered by the Campaign Reporting Act. Although she did not qualify to be placed on the ballot, spending more than the threshold amount for the office she was seeking qualifies her as a “candidate” for reporting purposes. This is true even though she spent her own money. Jessica must file a financial report in CFIS.

# What is CFIS?

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- Campaign Finance Information System
- Secure, web-based reporting system
- Contains information on candidates, Political Actions Committees, lobbyists and lobbyist employers, lobbying advertising campaigns, and Financial Disclosure Statement Filers
- Public and internal administrative site
  - Most information is available to the public, *however...*
  - Certain information can only be accessed by authorized SOS users
- Support is available during SOS business hours.



# Getting started in CFIS

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1. Open a separate bank account for the campaign or PAC
2. Appoint a treasurer - Candidates can serve as their own treasurer
3. Register with the Ethics Division to receive your CFIS login

## NOTE!

- *It is unlawful to spend or receive campaign money without the authorization of the candidate or treasurer.*
- *You must have a treasurer AND a separate bank account for your campaign before the SOS can open your CFIS account.*
- *You cannot remove a treasurer from your SOS records, or CFIS account until you have a successor.*

# Managing your CFIS account

## *Best Practices*

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- Make sure contact information is current
- Remove non-participating persons from the account
- User Names can be retrieved and Passwords can be reset on your own using “**Forgot your User Name or Password**” feature
- Must click on “**File**” once all information is entered



- I can register as a reporting entity in the CFIS module and log into my filer dashboard.



# I can:

- authenticate my account,
- log in,
- effectively navigate the filer dashboard.

The screenshot displays the 'NEW MEXICO CAMPAIGN FINANCE REPORTING SYSTEM' interface. The top navigation bar includes a menu icon, the system name, a user dropdown set to 'ALL', and a '+ NEW TRANSACTION' button. A left sidebar lists navigation options: Home, Contributions, Expenditures, Loans Received, Special Events, Contributor/Payee, Reports, Import Manager, Administration, Public Site, and Logout. The main content area is divided into three sections: 'Immediate To Do', 'Upcoming Statements', and 'Recently Filed Statements'. The 'Immediate To Do' section contains three items: an overdue report with a 'FILE STATEMENT' link, a late filing fine with a 'VIEW FEES AND FINES' link, and a political contribution report with an 'ENTER CONTRIBUTION' link. The 'Upcoming Statements' section lists three future reports with their respective due dates. The 'Recently Filed Statements' section shows a successfully filed report with a 'VIEW' link. On the right, a 'Reporting Activity' sidebar shows a 'Running Total Of All Transactions' of \$5,775.00 and a list of recent transactions.

**NEW MEXICO CAMPAIGN FINANCE REPORTING SYSTEM**  
SECRETARY OF STATE

ALL + NEW TRANSACTION

**Immediate To Do**

- Statements Overdue: Third Primary Report** 05/05/2020 - 05/26/2020  
11 Days Late (Due Date: 05/26/2020) [PREVIEW](#) [FILE STATEMENT](#)
- Pay Fee: Late Filing Fine**  
Due: 10 Days [VIEW FEES AND FINES](#)
- Steve Austin has been reported as recipient of a lobbyist or political committee contribution.  
There are 5 Political Contributions. [ENTER CONTRIBUTION](#)

**Upcoming Statements**

- Upcoming Statement: Fourth Primary Report** 05/27/2020 - 06/27/2020  
Due on Jul 02, 2020
- Upcoming Statement: First General Report** 06/28/2020 - 09/07/2020  
Due on Sep 14, 2020
- Upcoming Statement: Second General Report** 09/08/2020 - 10/05/2020  
Due on Oct 12, 2020

[SEE MORE](#)

**Recently Filed Statements**

- Second Primary Report** 04/07/2020 - 05/04/2020  
This statement was filed on 06/03/2020 [VIEW](#)

**Reporting Activity**

ALL TODAY

**Running Total Of All Transactions** \$5,775.00

Jun 14 6820 PAC	\$400.00
Jun 14 Wal-Mart Corporati...	-\$200.00
Jun 14 Wells Fargo	\$5,000.00
Jun 14 A Night Under The ...	\$575.00

Austin, Steve  
Steve Austin (Elect Steve Austin Committee)

NEW MEXICO CAMPAIGN FINANCE REPORTING SYSTEM  
SECRETARY OF STATE

ALL + NEW TRANSACTION

Home Contributions Expenditures Loans Received Special Events Contributor/Payee Reports Import Manager Administration Public Site Logout

Candidate/Committee Details

2020 General Election - Candidate Election Cycle

Account Status		Transaction History (2020 General Election - Candidate Election Cycle)	
Beginning Balance (06/17/2020)	\$12,325.00	Filed Contributions	\$550.00
Unfiled Contributions	\$1,400.00	Filed Loans	\$12,000.00
Unfiled Loans	\$0.00	Filed Loan Forgiveness	\$200.00
Unfiled Loan Forgiveness	\$0.00	Filed Special Events	\$575.00
Unfiled Special Events	\$0.00	Filed Expenditures	\$800.00
Unfiled Expenditures	\$0.00	Ending Balance (06/17/2020)	\$13,725.00
Current Balance	\$13,725.00		

File ID: 1999

Name: Steve Austin (Elect Steve Austin Committee) - Active

Address: 5678 N Mesa Drive, Anytown, NM 99999

Email: saustin@gmail.com

Type: Candidate

Registration ID: 44145

Jurisdiction: Bernillo

Office/District: State Senator/DISTRICT 10

- I can change my password from the login screen and the filer dashboard. effectively navigate the filer dashboard.
- I can also retrieve my user name and update my security questions.

Contributions

Expenditures

Loans Received

Special Events

Contributor/Payee

Reports

Import Manager

Administration

Public Site

Logout

USER SETTINGS

SUMMARY

FEEES AND FINES

CORRESPONDENCE/DOCUMENT IMAGES

2020 General Election - Candidate Election Cycle

Account Status		Transaction History (2020 General Election - Candidate Election Cycle)	
Beginning Balance (07/06/2020)	\$13,875.00	Filed Contributions	\$4,050.00
Unfiled Contributions	\$0.00	Filed Loans	\$11,000.00
Unfiled Loans	\$0.00	Filed Loan Forgiveness	\$2,200.00
Unfiled Loan Forgiveness	\$0.00	Filed Special Events	\$575.00
Unfiled Special Events	\$0.00	Filed Expenditures	\$1,700.00
Unfiled Expenditures	\$0.00	Ending Balance (07/06/2020)	\$13,875.00
Current Balance	\$13,875.00		

Candidate/Committee Details

Filer ID

1999

Name

Steve Austin (Elect Steve Austin Committee) - Active

Address

5678 N Nasa Drive, Anytown, NM 99999

Email

saustin@mail.com

Type

Candidate

Registration Id

44145

Jurisdiction

Bernalillo

Office/District

State Senator/DISTRICT 10

Party

LIBERTARIAN

Committee Name

Elect Steve Austin Committee

- I can amend a registration to update reporting entity or officer information.





# What do I need to report?

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- **CONTRIBUTIONS**

- Money (including the candidate's own funds)
- Things of value (in-kind contributions)

- **EXPENDITURES**

- Money spent on campaign expenses

- **NO ACTIVITY**

- If NO contributions or expenditures, file “statement of no activity”

# What are contributions?

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- Money (including candidate's funds)
- Repayment of debt
- Gifts, Subscriptions, Advances
- Loans (including loans from the candidate)
- Anything of value

# What are contributions?

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NMSA Section 1-19-26(H) “ ‘contribution’ means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made or received for a political purpose, including the payment of a debt incurred in an election campaign, but ‘contribution’ does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee. It does not include the value of the incidental use of the candidate’s personal property, home or business office for campaign purposes.”



# Contribution Limits Per Election Cycle

	From an individual (person or entity) other than the candidate	From a PAC
To a non-statewide candidate	\$5,000	\$5,000
To a statewide candidate	\$5,000	\$5,000
To a PAC	\$5,000	\$5,000

\*Primary Election Cycle: period beginning on January 1 after the last general election for the office, ending day of the primary election

\*General Election Cycle: period beginning day after the primary election for the office, ending December 31 after the general election

# What are **NOT** contributions?

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- Services provided without compensation
- Volunteer time
- Unreimbursed travel
- Volunteers' personal expenses
- PAC sponsoring organization's administrative expenses
- Incidental use of candidate's personal property

# Disclosures for Contributions

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- **Date received**
  - date you or your committee took control of the contribution (not the date deposited in your account)
- **Donor's full name** (or legal entity) **and address**
  - If more than \$200 (aggregate), report donor's occupation or business type
  - Anonymous donations permitted up to the limits outlined in the Act
- **Amount of contribution**
  - Includes estimated value of in-kind contributions



# Credit Card Contributions

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- Credit card contributions may be accepted in person or online (YOU are responsible for collecting all required information)
- Card must be physically present for contribution *unless* card security code and billing address are provided at the time of contribution N.M.S.A. §1-19-34(E)(2019)

# Credit Card Contributions

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“A candidate or political committee shall not accept a contribution made by a credit card or a debit card via the internet or where the card is not physically present unless, at the time the contribution is made, the contributor provides the card security code assigned to and printed or imprinted on the card and the billing address associated with the card.” N.M.S.A. §1-19-34(E)(2019)

# What do I do with excess contributions?

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- STOP accepting contributions when aggregate contribution is equal to or over the limits during an election cycle
- If SOS determines a contribution was made in excess of the limits, overage is deposited by SOS into the public election fund



# Addressing overages without SOS finding

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- Return the excess amount to the contributor
- Reattribute the excess to a spouse or joint account holder of the contributor
- Allocate the excess to another cycle (if received during the primary, may be attributed to the general cycle, only if it will not cause an overage in that cycle)

# Pop Quiz!

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Sadie is a candidate for county sheriff. During the primary cycle, she received a \$10,000 donation in the form of a personal check from John. The check was from the joint account of John and his wife, Mary. Which of the following ways can Sadie handle the excess contribution?

- A. Sadie can attribute \$5,000 to John and \$5,000 to Mary
- B. Sadie can allocate \$5,000 to the primary cycle and \$5,000 to the general cycle
- C. Sadie can return \$5,000 to John
- D. All of the above

# Earmarking is Prohibited!

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- “Earmarking” occurs when a donor uses a third party to make a contribution anonymously
- It is unlawful to accept a donation in the name of another or to make a donation in the name of another when there is an intention to disguise the real source





# Special Events

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- Tickets costing \$25 or less
- No single special event can raise more than \$1,000 after expenses
- Must describe event (barbecue, coffee, reception, other)
- Must disclose: sponsor, date, place, total amount received, expenses incurred, and estimated number of persons in attendance



# How to Hold Raffles: DON'T!

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- Political campaigns or committees are NOT organizations eligible to hold raffles (according to The Raffle & Bingo Act)
- Raffles are overseen by the Gaming Control Board (there is NO SOS control or jurisdiction)
- Criminal penalties incurred for violating the Raffle & Bingo Act

# Pop Quiz!

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## Miguel's BBQ

Miguel is a candidate for PRC. Gina hosted a BBQ fundraiser at her home. She donated all the food and beverages, which were valued at \$500. Thomas is a licensed alcohol server who donated his time to serve wine and beer at the event. Is Miguel required to report:

- The value of the food and beverage donated by Gina?
- Gina's occupation?
- The amount Thomas could have charged as licensed server?



# Pop Quiz!

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## Miguel's BBQ Answers

Is Miguel required to report:

- The value of the food and beverage donated by Gina? **Yes.** Gina's donation of the food and beverage should be reported as an "in kind" contribution
- Gina's occupation? **Yes.** Gina's donation was over \$200, so Miguel must report her occupation.
- The amount Thomas could have charged as licensed server? **No.** Thomas provided a service without compensation.



# Limits on Anonymous Contributions

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- \$100 per donation
- \$500 limit per cycle for non-statewide candidates
- \$2,000 limit per cycle for PACs and statewide candidates
- Excess anonymous contributions go to the general fund or to charity

# Reporting Use of Candidate Funds

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- **CONTRIBUTIONS**

- Candidate gives money to campaign by depositing in campaign bank account
- Candidate does not intend be repaid for contribution

- **LOANS**

- Candidate loans money to campaign by depositing in campaign bank account
- Candidate intends to be repaid all or part of the loan from campaign funds
- Loans can be forgiven



# Reporting Use of Candidate Funds

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- **REIMBURSEMENT FOR EXPENDITURES**
  - Candidate uses personal credit or debit card to pay for an expense
  - Candidate can be reimbursed for the expense, but must itemize the expenditures reimbursed

# What ARE expenditures?

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- Payments
- Transfers or distributions
- Obligations or promises to pay, transfer or distribute any money or thing of value for a political purpose
- Repayment of debts incurred in an election campaign or pre-primary convention



# What ARE expenditures?

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NMSA Section 1-19-26: “ ‘expenditure’ means a payment, transfer or distribution or obligation or promise to pay, transfer or distribute any money or other thing of value for a political purpose, including payment of a debt incurred in an election campaign or pre-primary convention, but does not include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.”



# Disclosures for expenditures

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- **DATE** of the expenditure: date the expense was incurred (NOT the date of the invoice or payment)
- **TO WHOM** the expenditure was made: full name or legal entity with address
- **PURPOSE** of the expenditure: the Act limits to expenditures for candidates, NOT for PACs
- **AMOUNT** of the expenditure

# Allowable expenditures

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- Expenses related to campaign
  - Includes legal expenses such as filing fees and attorney fees
- Expenses of legislators reasonably related to performing the duties of their office (excluding personal and legislative session living expenses)
- Expenditures to eliminate campaign debt
- Donations to the state general fund



# Allowable expenditures continued

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- Donations to charity
- Donations to a political committee or to another candidate
- Disbursements to return unused funds to contributors if no campaign debt exists



# PROHIBITED expenditures

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- Personal expenses: Any use of funds “to fulfill a commitment, obligation, or expense of any candidate or legislator that would exist regardless of the candidate’s campaign or responsibilities as a legislator.”
  - Clothes, hair, massages
  - Mortgage or rent for home or office
  - Utility payments for home or office

# PROHIBITED expenditures continued

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- Memberships to clubs or non-political organizations
- Candidates may not use campaign funds to pay fines imposed by SOS
- If the expense would exist *without* the campaign, then it is **not** an acceptable campaign expenditure

# Pop Quiz!

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Ann is a candidate for state representative. During the first primary reporting period, she loaned her campaign \$2,000. Her opponent filed a lawsuit to disqualify her as a candidate, so Ann hired an attorney to represent her in the lawsuit, and she bought a new suit to attend the hearing. Ann won the case and remained on the ballot. Thanks to a successful fundraiser, she was able to repay her loan. Which of these were allowable expenditures:

- Attorney fees?
- The cost of the new suit?
- The re-payment of the loan?



# Pop Quiz!

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Which of these were allowable expenditures:

- Attorney fees? **Yes.** These are expenses related to the campaign.
- The cost of the new suit? **No.** Personal expenses like clothes are not allowable expenditures.
- The re-payment of the loan? **Yes.** Repayment of loans, including loans made by the candidate, are allowable expenditures.

# I can:

- enter transactions,
- edit transactions,
- manage contributor information.

New Contribution

Election Type

Election Date

Contribution Type

Contributor Code

Amount

Date Received

Check Number

Description

0 / 120

SAVE

## Contribution

Election Type

General

Election Date

11/03/2020

Contribution Type

Monetary

Contributor Code

IND - Individual

Contributor

Amount

\$4,000.00

Date Received

08/15/2020

Check Number

4125

Actions




Edit


Return


Delete




- I can return a contribution.



Election Type   Election Date 

Payee Type 

Purpose 

Amount Paid  Date Paid  

Check Number

Description of Payment

0/120

- I can enter an expenditure.

Import Manager

IMPORT FILE

REFRESH

EXCEL FILE INSTRUCTIONS

EXCEL FILE TEMPLATE

XML FILE INSTRUCTIONS

XML FILE SCHEMA(XSD)

EXPORT ORGANIZATIONS

EXPORT BUSINESS TYPES

EXPORT OCCUPATION CODES

EXPORT BALLOT QUESTIONS

File Name	Description	Import Date	Status	Found	Created	Skipped	
<a href="#">Austin_First_General.xlsx</a>	First General Report Transactions	09/13/2020	Pending	40			<div><div></div><div>Review</div><div>Accept</div><div>Reject</div></div>
<a href="#">Austin_Fourth_Primary.xlsx</a>	Fourth Primary Report Transactions	06/30/2020	Accepted	80	79	1	<div><div></div></div>
<a href="#">Austin_Third_Primary.xlsx</a>	Third Primary Report Transactions	05/27/2020	Accepted	100	100	0	<div><div></div><div>Review</div><div>Reverse</div></div>
<a href="#">Austin_Third_Primary.xlsx</a>	Third Primary Report Transactions	05/26/2020	Error	Processed-Errors			<div><div></div></div>
							<div><div></div></div>

- Import Manager is available to upload transactions into the system.

# When reports are filed: In Election Years

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- Four **primary** election reports:

- First: April 13, 2020
- Second: May 11, 2020
- Third: May 28, 2020
- Fourth: July 2, 2020

- Four **general** election reports:

- First: September 14, 2020
- Second: October 12, 2020
- Third: October 29, 2020
- Fourth: January 7, 2021



## When reports are filed: Non-Candidate Filers

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- Biannual reports:
  - Second Monday in April (April 13, 2020)
  - Second Monday in October (October 12, 2020)

# Supplemental Reports

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- Who files supplemental reports?

*All Candidates*



# Supplemental Reports

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**What** needs to be reported?

- If not previously reported, any contributions received between 5:00 p.m. on the Tuesday before the election and 12:00 noon on the Monday before the election
- For legislative and non-statewide judicial candidates, any contributions of \$1,000 or more
- For candidates for statewide offices, any contributions of \$3,000 or more





# Supplemental Reports

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**When** are supplemental reports filed?

- Within 24 hours of receipt, or can be included in the third general report
- Contributions received after 5 p.m. on Friday may be reported by noon on Monday before the election

NEW MEXICO CAMPAIGN FINANCE REPORTING SYSTEM  
SECRETARY OF STATE

ALL

+ NEW TRANSACTION

Home  
Contributions  
Expenditures  
Loans Received  
Special Events  
Contributor/Payee  
**Reports**  
Import Manager  
Administration  
Public Site  
Logout

## Reports

UNFILED
FILED

2020 General Election - Candidate Election Cycle

Campaign Report Name	Start of Period	End of Period	Due Date ↑	Campaign Report Status	Unfiled Transactions	Campaign Report Type
2020 First Primary Report	10/05/2019	04/06/2020	04/13/2020	Unfiled		Report of Expenditures and Contributions
2020 Second Primary Report	04/07/2020	05/04/2020	05/11/2020	Unfiled		Report of Expenditures and Contributions
2020 Third Primary Report	05/05/2020	05/26/2020	05/28/2020	Unfiled		Report of Expenditures and Contributions
2020 Fourth Primary Report	05/27/2020	06/27/2020	07/02/2020	Unfiled		Report of Expenditures and Contributions
2020 First General Report	06/28/2020	09/07/2020	09/14/2020	Unfiled		Report of Expenditures and Contributions
2020 Second General Report	09/08/2020	10/05/2020	10/12/2020	Unfiled		Report of Expenditures and Contributions
2020 Third General Report	10/06/2020	10/27/2020	10/29/2020	Unfiled		Report of Expenditures and Contributions
2021 Fourth General Report	10/28/2020	12/31/2020	01/07/2021	Unfiled		Report of Expenditures and Contributions
2021 First Bi-Annual Report	01/01/2021	04/04/2021	04/11/2021	Unfiled		Report of Expenditures and Contributions
2021 Second Bi-Annual report	04/05/2021	10/04/2021	10/11/2021	Unfiled		Report of Expenditures and Contributions
2022 First Bi-Annual Report	10/05/2021	04/04/2022	04/11/2022	Unfiled		Report of Expenditures and Contributions
2022 Second Bi-Annual report	04/05/2022	10/04/2022	10/11/2022	Unfiled		Report of Expenditures and Contributions
2023 First Bi-Annual Report	10/05/2022	04/04/2023	04/11/2023	Unfiled		Report of Expenditures and Contributions
2023 Second Bi-Annual report	04/05/2023	10/04/2023	10/11/2023	Unfiled		Report of Expenditures and Contributions

14 Results

- I can view my reporting schedule.

NEW MEXICO CAMPAIGN FINANCE REPORTING SYSTEM  
SECRETARY OF STATE

ALL

+ NEW TRANSACTION

Home  
Contributions  
Expenditures  
Loans Received  
Special Events  
Contributor/Payee  
**Reports**  
Import Manager  
Administration  
Public Site  
Logout

UNFILED
FILED

2020 General Election - Candidate Election Cycle

Campaign Statement Name	Start of Period	End of Period	Due Date ↑	Campaign Statement Status	Unfiled Transactions	Campaign Statement Type	
Fourth Primary Report	05/27/2020	06/27/2020	07/02/2020	Amend Pending	There is 1 Transaction	Report of Expenditures and Contributions	⋮
First General Report	06/28/2020	09/07/2020	09/14/2020	Unfiled	There is 1 Transaction	Report of Expenditures and Contributions	⋮
Second General Report	09/08/2020	10/05/2020	10/12/2020	Unfiled		Report of Expenditures and Contributions	⋮
Third General Report	10/06/2020	10/27/2020	10/29/2020	Unfiled		Report of Expenditures and Contributions	⋮
Fourth General Report	10/28/2020	12/31/2020	01/07/2021	Unfiled		Report of Expenditures and Contributions	⋮

View Totals  
Preview  
Review Violations  
File

5 Results

Austin, Steve  
Steve Austin (Elect Steve Austin Committee)

- I can preview and file a report, review violations, and amend a report.





# What if I file a late report?

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- You will receive notice from SOS with opportunity to cure within ten (10) business days
- Statutory fines will apply to late reports (fines can be waived or reduced for good cause)
- Fines will accrue each day until the report is filed



# What if I file a late report? continued

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- Failure to respond to first notice within ten days results in second notice with updated second fine and opportunity to file the report and waive or reduce the fine
- Failure to respond to second notice will result in Notice of Final Action with an *assessed* fine, which continues to accrue daily until report is filed
- Maximum fine = \$5,000

# Penalties for non-compliance with Act

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## Administrative:

- Fines
- Exclusion from placement on ballot
- Refused certificate of nomination or election
- Disallowed from filing a declaration of candidacy for any future election



# Penalties for non-compliance with Act

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## **Civil:**

- Injunctions
- Restraining orders
- Fines
- Order to return contributions

## **Criminal:**

- Prosecution by AG or DA for willful violations

# Penalties for non-compliance with Act

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- NMSA 1978, 1-19-34.4(G) The secretary of state may refer a matter to the attorney general or a district attorney for a civil injunctive or other appropriate order or for criminal enforcement.
- NMSA 1978, § 1-19-36(A) (2019) Any person who knowingly and willfully violates any provision of the Campaign Reporting Act [[1-19-25 NMSA](#) 1978] is guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than one year or both.

← 2020 First Primary Report: 10/05/2019 - 04/06/2020

REVIEW

PREVIEW

FILE

72 Days Late (Due Date: 04/13/2020)

Inactivation <sup>?</sup>

☐

Check here if you are inactivating and this is your final report.

In order to inactivate, you cannot have any outstanding fees or fines, and after this report is filed, you cannot have any unfilled transactions or a positive cash balance.

☐

I hereby declare that I did not have any contributions or expenditure or other reportable financial activity since my last report was filed.

Please provide a written explanation for the late report

0 / 500

Beginning Cash Balance

\$0.00

- I can file a late report.



Payment

Fees

<input checked="" type="checkbox"/>	Late Filing Fine	07/27/2020	Original Amount	\$3,600.00	
	Late Filing Fine - 2020 First Primary Report - 04-13-2020		Outstanding Balance	\$3,600.00	⋮
			Amount To Pay	\$3,600.00	
<input type="checkbox"/>	Late Filing Fine	07/27/2020	Original Amount	\$2,600.00	
	Late Filing Fine - 2020 Second Primary Report - 05-11-2020		Outstanding Balance	\$2,600.00	⋮
			Amount To Pay	\$2,600.00	
<input type="checkbox"/>	Late Filing Fine	07/27/2020	Original Amount	\$2,000.00	
	Late Filing Fine - 2020 Third Primary Report - 05-28-2020		Outstanding Balance	\$2,000.00	⋮
			Amount To Pay	\$2,000.00	
<input type="checkbox"/>	Late Filing Fine	07/27/2020	Original Amount	\$750.00	
	Late Filing Fine - 2020 Fourth Primary Report - 07-02-2020		Outstanding Balance	\$750.00	⋮
			Amount To Pay	\$750.00	
				Total	\$3,600.00

CANCEL

PAY SELECTED FEES

Credit Card(+1.95 convenience fee)

E-Check

- I can pay fees and fines.



# Auditing of reports

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- Reports may be audited in response to an inquiry or complaint
- Full complaint process available at SOS website
- SOS currently charged with investigating complaints relating to the Election Code, Financial Disclosures, and Governmental Conduct Act;

# Auditing of Reports continued

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Effective January 1, 2020, the State Ethics Commission has jurisdiction to enforce the applicable civil compliance provisions for public officials, public employees, candidates, persons subject to the Campaign Reporting Act [1-19-25 through 1-19-36 NMSA 1978], government contractors, lobbyists and lobbyists' employers of: the Campaign Reporting Act, the Gift Act, the Governmental Conduct Act, the Financial Disclosure Act, and more...





# Auditing of Reports continued

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- SOS has limited investigation abilities
- SOS refers suspected violations to the Attorney General or District Attorney, and (starting January 1, 2020) to the State Ethics commission

# Auditing of Reports continued

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- SOS is required to make a random, thorough examination of 10% of reports filed during the year
  - 40 days after the general election
  - 10 days after the April biannual report

# What the SOS looks for in during an audit...

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- **CONTRIBUTIONS:** are they within limits? from lawful contributors?
- **EXPENDITURES:** are they appropriate?
- **MONEY RAISED AND SPENT** *prior* to registration?
- **LOANS, PAYMENTS, AND FORGIVENESS** *reviewed*
- **RANDOM CROSS-CHECK** of *contributions between candidates, lobbyists, and PACs*



# Closing a CFIS account

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Candidates may close their CFIS account when:

- The campaign has no outstanding debts
- All money has been spent **AND**
- The bank account(s) has been closed

*\*CFIS accounts do not expire; however, if yours remains open, you MUST continue to file timely reports*

## Immediate To Do



Gordon Ramsey 618 is eligible to deactivate in the system

[INACTIVATE](#)

[GO TO REPORTS](#)

[DISMISS](#)

← Fourth Primary Report: 05/27/2020 - 06/27/2020

[REVIEW](#)

[PREVIEW](#)

[FILE](#)

Due in 11 Days

Inactivation ?

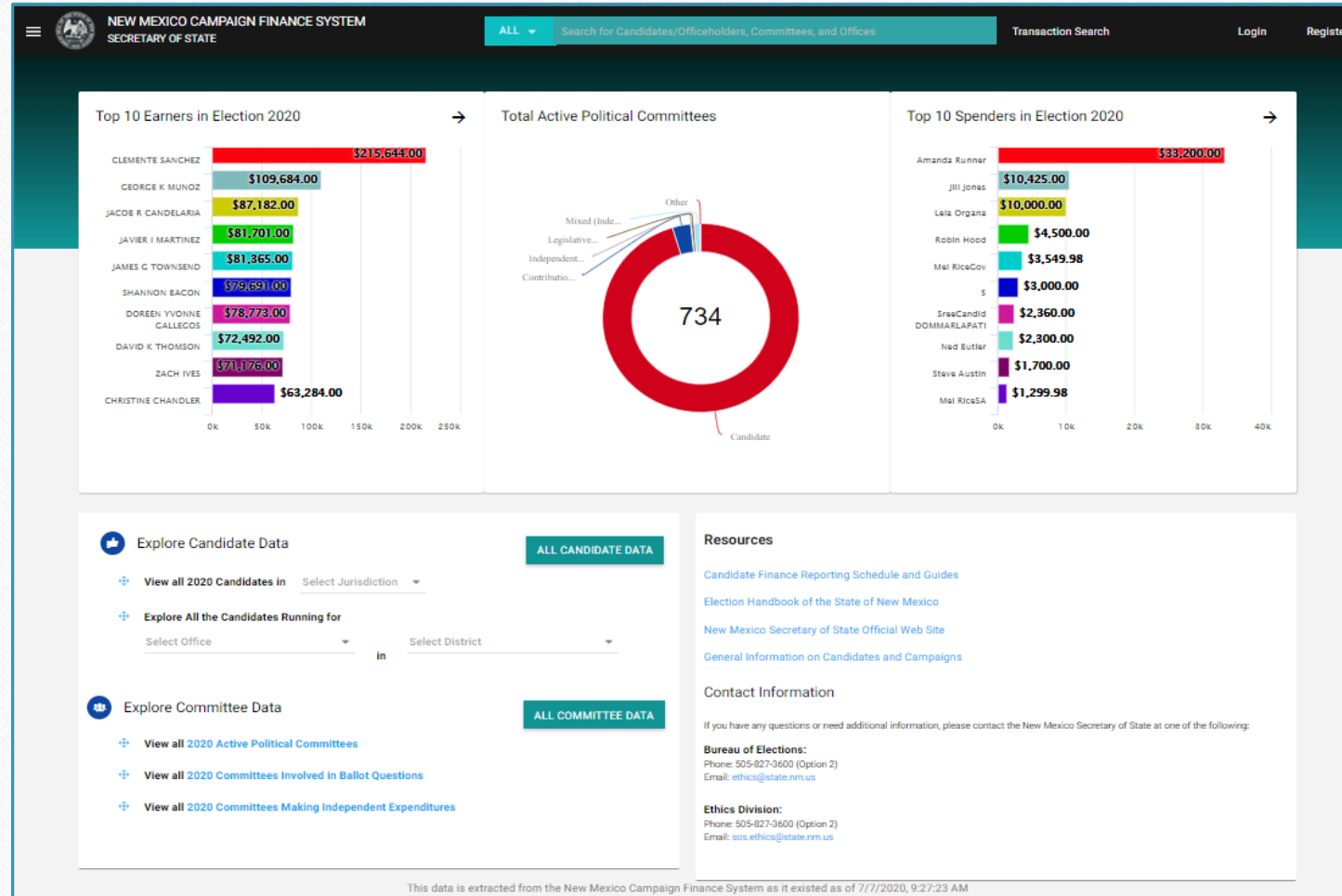


Check here if you are inactivating and this is your final report.



I hereby declare that I did not have any contributions or expenditure or other reportable financial activity since my last report was filed.

- I can close my account when my reporting obligations have been met.



- I can effectively navigate and locate information on the public site.



# Questions?



Telephone: (800) 477-3632 or (505) 827-3600

Email: [sos.ethics@state.nm.us](mailto:sos.ethics@state.nm.us)