

OFFICE OF THE NEW MEXICO SECRETARY OF STATE

IN REFERENCE:

RULEMAKING PROCEEDING FOR THE ADOPTION OF
1.10.13 NMAC – CAMPAIGN FINANCE

CONCISE EXPLANATORY STATEMENT

The Office of the New Mexico Secretary of State (“SOS”) hereby adopts the Campaign Reporting rule; that is codified as 1.10.13 NMAC.

(1) Statutory Authority for Rule Promulgation:

Section 1-2-1 NMSA 1978 and Section 1-19-26.2 of the Campaign Reporting Act.

(2) Effective Date of Rule:

March 22, 2022

(3) Date of Adoption of Rule:

March 10, 2022

(4) Reasons for Adopting Rule:

The purpose of amending this rule is to conform the rule to changes made to the Campaign Reporting Act [Sections 1-19-25 through 1-19-36 NMSA 1978] based upon that passage of House Bill 244 during the 2021 Regular Legislative Session, to update procedures based upon the secretary of state implementing a new campaign finance information system, and to make additional clarifications to the rule regarding reporting and use of campaign funds.

(5) Reasons for changes from Published Rule:

The changes made to published rules are based on written and oral public comment received.

Subsection AA of Part 1.10.13.7 NMAC, was modified to improve the readability of the definition for “unresolved discrepancy.”

Proposed hortatory language was removed from Subsection D of Part 1.10.13.8.

A new Subsection E of Part 1.10.13.11 was added to ensure proper disclosure of contributors as required in accordance with Section 1-19-27.3(D)(2).

Subsection A of Part 1.10.13.22 was modified to clarify that excess contributions shall be returned to the donor upon receipt without penalty. However, if the secretary of state discovers a discrepancy or otherwise makes a finding of excessive or illegal contributions then the reporting individual is required to forfeit the funds in accordance with Section 1-19-34.7(G) NMSA 1978.

Subsection (B)(2)(h) of Part 1.10.13.25 was modified to delete “salary” so that all payments to a candidate’s family members must be evaluated at fair market value.

Subsection (B)(3) of Part 1.10.13.25 was modified to add further clarity.

Part 1.10.13.33 was modified to add further clarity regarding the intent of the new provision that recurring contributions that were solicited and established prior to the prohibited period pursuant to Section 1-19-34.1 NMSA 1978 do not need to be cancelled or paused.

(6) Reasons for Not Accepting Substantive Arguments from Public Comment:

The SOS did not accept the argument that Subsection K of Part 1.10.13.7 NMAC should be modified to include “or the secretary of state’s designee” as part of the definition. While the Secretary of State commonly delegates decisions, the standard in other rules issued by the office is to refer to the Secretary of State as the ultimate authority regardless of whether the Secretary chooses to designate authority to another member of the staff.

The proposed rule is hereby adopted as of the date of this Concise Explanatory Statement.

IT IS SO ORDERED.

ON BEHALF OF THE OFFICE OF THE
NEW MEXICO SECRETARY OF STATE



3/10/2022

DATE

Maggie Toulouse Oliver
Secretary of State