



STATE OF NEW MEXICO

MARY HERRERA

SECRETARY OF STATE

July 27, 2009

Representative Henry "Kiki" Saavedra  
2838 2<sup>nd</sup> St., N.W.  
Albuquerque, NM 87102

Representative Saavedra:

Madam Secretary Mary Herrera asked me to communicate with you this week regarding New Mexico's campaign finance reporting issues. As you may know, the Secretary of State's office has only been appropriated \$176,500 toward a new system to replace the current Political Finance Reporting System (PFRS). With this funding, we hope to implement a new Campaign Finance Information System in the next several months, which would be able to be used for the upcoming 2010 election.

We also wish to inform you that \$176,500 is not an adequate amount of money for such an enormous task for our agency which indeed affects all candidates for state office, the citizens of the state and the media.

By comparison, in 2008 the Wyoming State Legislature in House Bill 3 appropriated \$2,500,000 for the development of their new Campaign Finance reporting system. Wyoming's 2000 population was approximately 493,782, while New Mexico's population was over 1.8 million.

New Mexico's system is currently rated at 41 and Wyoming's system is rated at 50 (the lowest) by the UCLA Law Center, which grades states in this regard.

With this information we are providing, we certainly appreciate your consideration and any effort that you would be able to make on our behalf in considering these numbers and the task which we currently facing with extremely limited funding.

I am attaching a few items for you to review. They are:

- \*Copy of Wyoming House Bill #3 from 2008
- \*Census information for Wyoming and New Mexico
- \*State campaign disclosure grading for New Mexico's current PFRS system
- \*State campaign disclosure grading for Wyoming's current disclosure system

I thank you very much for reviewing this information. On behalf of Secretary Herrera I thank you for your consideration and help with this very important issue.

If you have any questions regarding this information, please do not hesitate to contact me directly at (505) 795-5702 (cellular) or at (505) 827-3643.

Respectfully Yours,

A handwritten signature in black ink, appearing to read 'AJ Salazar', with a long horizontal flourish extending to the right.

AJ SALAZAR  
Bureau of Elections Director  
New Mexico Secretary of State

Enclosures

**Bill No.:** HB0003

**Drafter:** LGC

**LSO No.:** 08LSO-0130

**Effective Date:**

**Enrolled Act No.:** HEA0033

**Chapter No.:**

**Prime Sponsor:** Joint Corporations, Elections and Political Subdivisions Interim Committee

**Catch Title:** Campaign finance reporting-electronic filing.

**Subject:** Requires all campaign finance reports to be filed electronically starting January 1, 2010.

**Summary/Major Elements:**

- The act requires all campaign finance reports to be filed electronically starting January 1, 2010.
- The act removes the requirement that campaign finance reports be filed with county clerks.
- The act requires the secretary of state to create and maintain a searchable database of campaign finance reports filed electronically starting January 1, 2010. The database must be available to the public on the world wide web. The act requires the secretary of state to provide training and instruction on the use of the electronic filing system.
- The act appropriates \$2,500,000 to the secretary of state for development of the electronic filing system.

## HOUSE BILL NO. HB0003

Campaign finance reporting-electronic filing.

Sponsored by: Joint Corporations, Elections and Political  
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to campaign finance reporting; providing  
2 for electronic filing of campaign finance reports;  
3 specifying where reports shall be filed; providing for a  
4 searchable database of reports; providing for training;  
5 providing an appropriation; and providing for an effective  
6 date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 22-25-105, 22-25-107(a)(iv), (b),  
11 (c)(i) and by creating a new subsection (e) and 22-25-109  
12 are amended to read:

13

14 **22-25-105. Campaign reporting forms; instructions and**  
15 **warning.**

16

1        (a) The secretary of state shall prescribe ~~and~~  
2 ~~furnish~~ the forms for reporting receipts and expenditures  
3 for primary, general and special election campaigns,  
4 together with written instructions for completing the form  
5 and a warning that violators are subject to criminal  
6 charges and that a vacancy will exist if the forms are not  
7 completed and filed pursuant to law. Until January 1,  
8 2010, the forms along with instructions and warning shall  
9 be distributed to the county clerk and shall be given by  
10 the county clerk to each person filing an application for  
11 nomination in his office and to each political action  
12 committee and candidate's campaign committee required to  
13 file with the county clerk. Until January 1, 2010, the  
14 county clerk shall also distribute the reporting forms to  
15 the chairmen of the county party central committees.

16

17        (b) The secretary of state shall promulgate rules to  
18 allow the forms required pursuant to subsection (a) of this  
19 section and any other forms and reports required to be  
20 filed with him pursuant to this chapter to be filed  
21 electronically after December 31, 2009.

22

23        **22-25-107. Where statements to be filed.**

24

1           (a) All statements required under this chapter shall  
2 be filed as follows:

3

4           (iv) A county party central committee shall file  
5 with the secretary of state; ~~and county clerk,~~

6

7           (b) Until December 31, 2009, statements required to  
8 be filed at least seven (7) days before any primary,  
9 general or special election may be filed by facsimile  
10 transmission without the original signatures. Until  
11 December 31, 2009, statements required to be filed after  
12 any primary, general or special election may be filed by  
13 facsimile transmission provided that an original with the  
14 required signatures is sent. After December 31, 2009, all  
15 statements filed with the secretary of state shall be filed  
16 electronically.

17

18           (c) Any statement required under this chapter to be  
19 filed with:

20

21           (i) The secretary of state, ~~may~~ shall be filed  
22 electronically as provided under W.S. 9-2-2501 if the  
23 secretary of state has adopted rules which allow for the  
24 electronic filing;

1

2       (e) After December 31, 2009, the secretary of state  
3 shall maintain a searchable database of reports filed  
4 pursuant to this chapter available to the public on or  
5 through the Internet, the World Wide Web or a similar  
6 proprietary or common carrier electronic system. The  
7 secretary of state shall be responsible for the provision  
8 of training and instruction for filers on how to access and  
9 use the campaign finance electronic filing system. The  
10 training shall be for the purpose of educating filers about  
11 use of the system, and is not intended to assist filers  
12 with filing their reports.

13

14       **22-25-109. Reporting candidates in violation.**

15

16 The secretary of state and the county clerks shall report  
17 the names of all candidates in violation of the Election  
18 Code of the state of Wyoming to the attorney general or to  
19 the district attorney, respectively, for appropriate  
20 action.

21

22       **Section 2.** There is appropriated two million five  
23 hundred thousand dollars (\$2,500,000.00) from the general  
24 fund to the secretary of state. This appropriation shall

1 be for the period beginning with the effective date of this  
2 act and ending June 30, 2010. This appropriation shall  
3 only be expended for the purposes of establishing a system  
4 of electronic filing as provided in this act.  
5 Notwithstanding any other provision of law, this  
6 appropriation shall not be transferred or expended for any  
7 other purpose and any unexpended, unobligated funds  
8 remaining from this appropriation shall revert as provided  
9 by law on June 30, 2010. This appropriation shall not be  
10 included in the secretary of state's 2011-2012 standard  
11 biennial budget request.

12

13 **Section 3.** This act is effective immediately upon  
14 completion of all acts necessary for a bill to become law  
15 as provided by Article 4, Section 8 of the Wyoming  
16 Constitution.

17

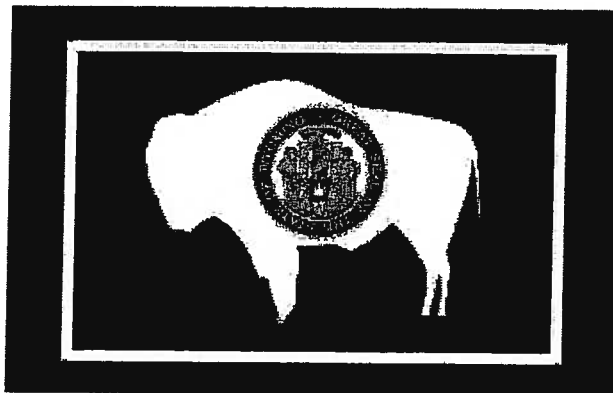
18

(END)





*"Equal Rights"*



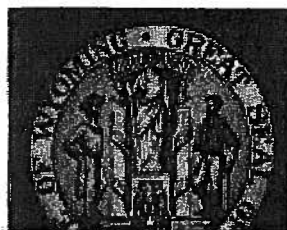
- Capital.** . . . . . Cheyenne
- Nickname.** . . . . . Big Wyoming, Equality State, Cowboy State
- Motto.** . . . . . "Equal Rights"
- Admitted To Union.** . . . . . July 10, 1890-44th State
- Size.** . . . . . 97,914 square miles, 9th largest state
- Highest Point.** . . . . . Gannett Peak, 13,804 feet
- Lowest Point.** . . . . . 3,100 feet Belle Fourche River
- Average Annual Precipitation.** . . . . . 14.5 inches
- Population (2000 Census).** . . . . . 493,782

The Wyoming State Flag, designed by Mrs. A.C. Keyes of Casper (formerly Miss Verna Keays of Buffalo) was adopted by the fourteenth legislature on January 31, 1917.

The Great Seal of Wyoming is the heart of the flag. On the bison, once the monarch of the plains, is the seal representing the custom of branding. The colors of the State Flag are the same as those of the National Flag. The red border represents the Indian; also the blood of the pioneers who gave their lives reclaiming the soil. White is the emblem of purity and uprightness over Wyoming. Blue, the color of the sky and mountains, is symbolic of fidelity, justice and virility.

**The Great Seal**

The Great Seal of the State of Wyoming was adopted by the second legislature in 1893, revised by the sixteenth legislature in 1921.



The two dates on the Great Seal, 1869 and 1890 commemorate the organization of the Territorial government and Wyoming's admission to the Union. The draped figure in the center holds a staff from which flows a banner bearing the words, "Equal Rights," and symbolizes the political status women have always enjoyed in Wyoming. The male figures typify the livestock and

New Mexico is a state of about 1.8 million spread out across a state measuring 121,598 square miles. The fifth-largest state by landmass, New Mexico's population is a diverse blend of predominately Hispanic, Anglo, and Native American populations and cultures, with a healthy integration of many other races and communities as well. Taken as a whole, Native Americans occupy four major reservations and nineteen Pueblo communities throughout the state, while close to thirty percent of the state's total population resides in its largest city, Albuquerque, and its capital city, Santa Fe.

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## New Mexico

Grade	Rank
F	41

Subcategories	Grade	Rank
Campaign Disclosure Law	D-	43
Electronic Filing Program	A	18
Disclosure Content Accessibility	F	38
Online Contextual & Technical Usability	F	50

[Grading Process](#) ■ [Subcategory Weighting](#) ■ [Methodology](#) ■ [Glossary](#)

### The State of Disclosure in New Mexico

New Mexico has earned an F in each of the five Grading State Disclosure assessments conducted since 2003, and ranked 41st in 2008. Despite its strong requirements for electronic filing, New Mexico does not offer timely access to campaign finance data online, and ranked last in terms of web site usability in 2008.

New Mexico earned a D- in 2008 and ranked 43rd in the Campaign Disclosure Law category. Candidates are required to itemize contributions of \$250 or more, and must report the occupations, but not the employers, of their donors. Candidates must also disclose large, last-minute contributions before Election Day. Campaign expenditures must be itemized, but reports do not include subvendor details. Loan disclosure and enforcement provisions are weak, and independent expenditure disclosure is not expressly required under New Mexico's disclosure law. New Mexico requires electronic filing by statewide candidates who raise \$2,500 and legislative candidates who raise \$1,000, earning the state an A in this category in 2008.

New Mexico earned an F again in the accessibility category in 2008 though the state did move up one place in the accessibility rankings since 2007 with the addition of an online, searchable database of campaign contributions. Visitors can search electronically-filed reports within the database by donor name, and search results can be sorted online. The lack of a searchable database of campaign expenditures is a major weakness of the site, and it can take up to two weeks to post reports. In May 2008, the Associated Press reported on New Mexico's "cumbersome" disclosure program, noting the system is "slow, [and] difficult to use." While the legislature has appropriated almost \$250,000 over the last two years for system enhancements, changes are not expected soon. The

Secretary of State's office reported to AP that it is planning to "bank the money and seek additional financing to eventually buy a new computer system", which is estimated by the agency to cost at least \$800,000.

New Mexico has received an F in the web site usability category in each of the five Grading State Disclosure assessments, and ranked 50th in 2008. Despite a site makeover since the last assessment, the majority of usability testers reported that the site was "very confusing" and all of the testers rated the Secretary of State's site poorly. To make the site more user-friendly, the agency could provide a clear description of the data available online, instructions for accessing data, and clearer terminology to guide site visitors.


→ *Quick Fix: Simplify the terminology used on the disclosure site. For example, "ALL YEARS Campaign Reports filed Electronically and Contribution Search" could be changed to "Search Electronically-Filed Reports."*

◆ *Editor's Pick: Itemized contributions from electronically-filed reports can be sorted online by numerous fields, including date, occupation, and amount. [View image](#)*

- **Disclosure Agency:** Secretary of State
- **Disclosure Web Site:** <http://www.sos.state.nm.us>

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2007 · 

Alabama



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## Wyoming

Grade	Rank
F	50

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Subcategories	Grade	Rank
Campaign Disclosure Law	F	48
Electronic Filing Program	F	43
Disclosure Content Accessibility	F	50
Online Contextual & Technical Usability	F	48

[Grading Process](#) ■ [Subcategory Weighting](#) ■ [Methodology](#) ■ [Glossary](#)

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### The State of Disclosure in Wyoming

Wyoming earned an F, ranked 50th in 2008, and is the only state that does not currently post campaign disclosure data on the Internet. As the result of legislation passed in 2008, however, Wyoming will launch an electronic filing and online disclosure program in 2010.

Wyoming earned an F and ranked 48th in the Campaign Disclosure Law category in 2008. Wyoming requires candidates to disclose the name and address of contributors giving over \$25, but not occupation or employer data. Campaign expenditures are not reported until after elections and do not include subvendor details. Last-minute contributions are not reported until after Election Day, and independent expenditure disclosure is not required. As noted above, Wyoming has no electronic disclosure program, but a newly-mandated program (the governor signed House Bill 3 in March 2008) will have a major impact on disclosure in Wyoming. The law requires electronic filing for all statewide and legislative candidates beginning in 2010. The new legislation also requires the Secretary of State to create an online, searchable database of campaign finance information and provides a two-year authorization of \$2,500,000 for the program's development and implementation.

Wyoming earned an F and ranked last again in the Disclosure Content Accessibility category in 2008. The public does not currently have access to campaign disclosure data on the Secretary of State's web site. Access to campaign finance records in Wyoming is limited to requesting paper copies of reports (at \$.15 per page) or traveling to the Secretary of State's office to browse the records. The creation of an online disclosure program in 2010 will bring Wyoming in line with the other 49 states and dramatically improve public access to campaign disclosure reports.

The Secretary of State's web site earned an F and ranked 48th in the Online Contextual and Technical Usability category in 2008. While the site does not offer disclosure data, there is a good amount of contextual information available, including campaign finance regulations and detailed lists of candidates. The site also uses clear terminology, and is relatively easy to navigate. Following the close of the assessment period in 2008, the Secretary of State's web site was nicely redesigned and now features easy-to-follow tabs and drop-down menus to guide site visitors. Adding a basic summary of totals raised and spent in the most recent election would make the site more useful to the public.


→ *Quick Fix:* Provide a simple comparison of the totals raised and spent by candidates for each office in the most recent election.

◆ *Editor's Pick:* Clean, attractive design of the Secretary of State's web site. [View image](#)

- **Disclosure Agency:** Secretary of State
- **Disclosure Web Site:** <http://soswy.state.wy.us>

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