

53-8-83 . Filing of annual report; initial report; supplemental report; extension of time.

A. The annual report of a domestic or foreign corporation shall be delivered to the commission [secretary of state] on or before the fifteenth day of the fifth month following the end of its taxable year, except that the first annual report of a domestic or foreign corporation shall be filed within thirty days of the date on which its certificate of incorporation or its certificate of authority was issued by the commission [secretary of state].

B. A supplemental report shall be filed with the commission [secretary of state] within thirty days if, after the filing of the annual report required under the Nonprofit Corporation Act [[Chapter 53, Article 8](#) NMSA 1978], a change is made in:

- (1) the name of the corporation;
- (2) the mailing address, street address or the geographical location of the corporation's registered office in this state and the name of the agent upon whom process against the corporation may be served;
- (3) the name or address of any of the directors or officers of the corporation or the date when the term of office of each expires; or
- (4) the corporation's principal place of business within or without the state.

C. Proof to the satisfaction of the commission [secretary of state] that prior to the due date of any report required by Subsection A or B of this section the report was deposited in the United States mail in a sealed envelope, properly addressed, with postage prepaid, shall be deemed compliance with the requirements of this section. If the commission [secretary of state] finds that the report conforms to the requirements of the Nonprofit Corporation Act [[Chapter 53, Article 8](#) NMSA 1978], it shall file the same. If the commission [secretary of state] finds that it does not conform, it shall promptly return the report to the corporation for any necessary corrections, in which event the penalties prescribed for failure to file the report within the time provided shall not apply, if the report is corrected to conform to the requirements of the Nonprofit Corporation Act and returned to the commission [secretary of state] within thirty days from the date on which it was mailed to the corporation by the commission [secretary of state].

D. Upon application by a corporation and for good cause shown, the commission [secretary of state] may extend, for no more than a total of twelve months, the date on which a return required by the provisions of the Nonprofit Corporation Act [[Chapter 53, Article 8](#) NMSA 1978] must be filed or the date on which the payment of any fee is required, but no extension shall prevent the accrual of interest as otherwise provided by law. The commission [secretary of state] shall, when an extension of time has been granted a nonprofit corporation under the United States Internal Revenue Code of 1986 for the time in which to file a return, grant the corporation the same extension of time to file the required return and to pay the required fees if a copy of the approved federal extension of time is attached to the corporation's report. An extension shall not prevent the accrual of interest as otherwise provided by law.

E. Nothing in this section prevents the collection of a fee or penalty due upon the failure of any corporation to submit the required report.

F. No annual or supplemental report required to be filed under this section shall be deemed to have been filed if the fees accompanying the report have been paid by check and the check is dishonored upon presentation.

History: 1953 Comp., § 51-14-125, enacted by Laws 1975, ch. 217, § 83; 1979, ch. 180, § 2; 1989, ch. 294, § 4; 2001, ch. 200, § 39.