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SENATE BILL 15

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Peter Wirth

AN ACT

RELATING TO CAMPAIGN FINANCE; REQUIRING REPORTING OF
INDEPENDENT EXPENDITURES; REDEFINING "POLITICAL COMMITTEE";
DEFINING "ADVERTISEMENT", "BALLOT MEASURE", "CAMPAIGN
EXPENDITURE", "COORDINATED EXPENDITURE", "INDEPENDENT
EXPENDITURE", "INDEPENDENT EXPENDITURE COMMITTEE" AND OTHER
TERMS; ADJUSTING CONTRIBUTION AND EXPENDITURE REPORTING
REQUIREMENTS AND LIMITS; CHANGING PENALTIES; RECONCILING
MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2009;
AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978;
PROVIDING PENALTIES; DECLARING AN EMERGENCY.

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

SECTION 1. A new section of the Campaign Reporting Act is
enacted to read:

"[NEW MATERIAL] INDEPENDENT EXPENDITURES--REPORTING

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1 REQUIREMENTS.--

2 A. A person who makes an independent expenditure
3 not otherwise required to be reported under the Campaign
4 Reporting Act in an amount that exceeds three hundred dollars
5 (\$300), or in an amount that, when added to the aggregate
6 amount of the independent expenditures made by the same person
7 during the preceding twelve months, exceeds three hundred
8 dollars (\$300), shall file a report with the secretary of state
9 within:

10 (1) three days after making an independent
11 expenditure of less than five thousand dollars (\$5,000); or

12 (2) twenty-four hours after making an
13 independent expenditure of five thousand dollars (\$5,000) or
14 more.

15 B. The report required by Subsection A of this
16 section shall state:

17 (1) the name and address of the person who
18 made the expenditure;

19 (2) the name and address of the person to whom
20 the independent expenditure was made and the amount, date and
21 purpose of the expenditure; if no reasonable estimate of the
22 monetary value of a particular expenditure is practicable, it
23 is sufficient to report instead a description of the services,
24 property or rights furnished through the expenditure; and

25 (3) the name and address of, and the amount of

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1 each contribution not previously reported for, each contributor
2 who contributed more than two hundred dollars (\$200) in the
3 aggregate during the twelve months preceding the expenditure
4 that were:

5 (a) earmarked by the contributor to be
6 used to make independent expenditures; or

7 (b) made in response to a solicitation
8 that requests contributions to fund independent expenditures.

9 C. For an independent expenditure of more than
10 three thousand dollars (\$3,000), or an independent expenditure
11 in an amount that, when added to the aggregate amount of the
12 independent expenditures made by the same person for
13 advertisements during the preceding twelve months, exceeds
14 three thousand dollars (\$3,000), the report required by
15 Subsection A of this section shall also state:

16 (1) if the expenditure was made from a
17 segregated bank account that consists only of funds contributed
18 to the account by individuals for the purpose of making
19 independent expenditures, the name and address of, and the
20 amount of each contribution not previously reported for, each
21 contributor who contributed more than two hundred dollars
22 (\$200) in the aggregate to the account during the twelve months
23 preceding the report; or

24 (2) if the expenditure was made from funds
25 other than those described in Paragraph (1) of this subsection,

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1 the name and address of, and amount of each contribution not
2 previously reported for, each contributor who contributed more
3 than five thousand dollars (\$5,000) in the aggregate to the
4 person who made the expenditure during the twelve months
5 preceding the report; provided, however, that a contribution is
6 exempt from reporting pursuant to this paragraph if the
7 contributor requested in writing that the contribution not be
8 used to fund independent or coordinated expenditures or make
9 contributions to a candidate, campaign committee, political
10 committee or independent expenditure committee.

11 D. Independent expenditures shall be reported
12 electronically using software provided or approved by the
13 secretary of state. The secretary of state may make exceptions
14 on a case-by-case basis for a person who lacks the
15 technological ability to file reports using the electronic
16 means provided or approved by the secretary of state.

17 E. Failure of any person to report electronically
18 pursuant to this section is a violation of the Campaign
19 Reporting Act."

20 SECTION 2. A new section of the Campaign Reporting Act is
21 enacted to read:

22 "[NEW MATERIAL] DISCLAIMERS IN ADVERTISEMENTS.--

23 A. A person who makes a campaign expenditure, a
24 coordinated expenditure or an independent expenditure for an
25 advertisement in an amount that exceeds three thousand dollars

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1 (\$3,000), or in an amount that, when added to the aggregate
2 amount of the campaign expenditures, coordinated expenditures
3 and independent expenditures for advertisements made by the
4 same person during the preceding twelve months, exceeds three
5 thousand dollars (\$3,000), shall ensure that the advertisement
6 contains:

7 (1) the name of the candidate who authorized
8 the advertisement or whose campaign committee authorized the
9 advertisement;

10 (2) if the advertisement is not authorized by
11 any candidate or campaign committee, the name, address and
12 phone number of the person who authorized it;

13 (3) the name of the person who paid for the
14 advertisement; and

15 (4) the phone number, email address or web
16 address of the person who paid for the advertisement.

17 B. Disclaimer statements required by Subsection A
18 of this section shall be set forth legibly on any advertisement
19 that is disseminated or displayed by visual media. If the
20 advertisement is transmitted by audio media, the statement
21 shall be clearly spoken at the end of the advertisement. If
22 the advertisement is transmitted by audio-visual media, the
23 statement shall be both written legibly and spoken clearly at
24 the end of the advertisement."

25 SECTION 3. Section 1-19-26 NMSA 1978 (being Laws 1979,

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1 Chapter 360, Section 2, as amended by Laws 2009, Chapter 67,
2 Section 1 and by Laws 2009, Chapter 68, Section 2) is amended
3 to read:

4 "1-19-26. DEFINITIONS.--As used in the Campaign Reporting
5 Act:

6 ~~[A. "advertising campaign" means an advertisement
7 or series of advertisements used for a political purpose and
8 disseminated to the public either in print, by radio or
9 television broadcast or by any other electronic means,
10 including telephonic communications, and may include direct or
11 bulk mailings of printed materials;]~~

12 A. "advertisement" means a communication referring
13 to a candidate, ballot measure or election that is published,
14 disseminated, distributed or displayed to the public by print,
15 broadcast, satellite, cable or electronic media, including
16 recorded phone messages, or by printed materials, including
17 mailers, handbills, signs and billboards, and that can
18 reasonably be expected to be seen or heard by at least five
19 hundred persons; but "advertisement" does not include:

20 (1) a communication by a membership
21 organization or corporation to its current members,
22 stockholders or executive or administrative personnel unless
23 the membership organization or corporation is a campaign
24 committee, a political committee or an independent expenditure
25 committee;

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1 (2) a communication appearing in a news story
2 or editorial distributed through print, broadcast, satellite,
3 cable or electronic media, unless the communication is
4 sponsored or paid for, or the media are controlled or owned, by
5 a candidate, campaign committee, political committee or
6 independent expenditure committee; or

7 (3) nonpartisan voter guides allowed by the
8 federal Internal Revenue Code of 1986 for Section 501(c)(3)
9 organizations, nonpartisan get-out-the-vote materials or
10 announcements of candidate debates or forums;

11 B. "anonymous contribution" means a contribution
12 the contributor of which is unknown to the candidate or the
13 candidate's agent or the political committee or independent
14 expenditure committee or its agent who accepts the
15 contribution;

16 C. "ballot measure" means a constitutional
17 amendment or other question submitted to the voters in an
18 election;

19 [~~G.~~] D. "bank account" means an account in a
20 financial institution [~~located in New Mexico~~] chartered and
21 regulated by the United States or a state of the United States;

22 [~~D.~~] E. "campaign committee" means an association
23 of two or more persons, [authorized by a candidate] or an
24 entity, whose primary purpose is to raise, collect [~~or~~] and
25 expend contributions on [the candidate's] behalf of and with

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1 the authorization of the candidate for the purpose of electing
2 the candidate to office;

3 F. "campaign expenditure" means an expenditure that
4 is made by a campaign committee or by a candidate or public
5 official in support of the candidate's or public official's
6 campaign in an election;

7 [~~F.~~] G. "candidate" means an individual who seeks
8 or considers an office in an election covered by the Campaign
9 Reporting Act, including a public official, who either has
10 filed a declaration of candidacy or nominating petition or:

11 (1) for a non-statewide office, has received
12 contributions or made expenditures of more than one thousand
13 dollars (\$1,000) [~~or more~~] or authorized another person or
14 campaign committee to receive contributions or make
15 expenditures of more than one thousand dollars (\$1,000) [~~or~~
16 ~~more~~] for the purpose of seeking election to the office; or

17 (2) for a statewide office, has received
18 contributions or made expenditures of more than two thousand
19 five hundred dollars (\$2,500) [~~or more~~] or authorized another
20 person or campaign committee to receive contributions or make
21 expenditures of more than two thousand five hundred dollars
22 (\$2,500) [~~or more~~] for the purpose of seeking election to the
23 office or for candidacy exploration purposes in the years prior
24 to the year of the election;

25 [~~F.~~] H. "contribution":

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1 (1) means a gift, subscription, loan, advance
2 or deposit of money or other thing of value, including the
3 estimated value of an in-kind contribution, that is ~~[made or~~
4 ~~received for a political purpose, including payment of a debt~~
5 ~~incurred in an election campaign, but "contribution"]~~:

6 (a) made to a candidate to be used in
7 the candidate's campaign for election to an office covered by
8 the Campaign Reporting Act;

9 (b) made to a campaign committee,
10 political committee or independent expenditure committee;

11 (c) earmarked by the contributor to be
12 used for independent expenditures;

13 (d) made in response to a solicitation
14 that refers to independent expenditures and requests
15 contributions to fund independent expenditures;

16 (e) deposited in a segregated bank
17 account established pursuant to Paragraph (1) of Subsection C
18 of Section 1 of this 2013 act for the purpose of making
19 independent expenditures; or

20 (f) donated without consideration to a
21 person who made independent expenditures of more than three
22 thousand dollars (\$3,000) in the aggregate during the preceding
23 twelve months and has chosen not to establish a segregated bank
24 account pursuant to Paragraph (1) of Subsection C of Section 1
25 of this 2013 act;

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1 (2) includes a coordinated expenditure; and

2 (3) does not include the value of services
3 provided without compensation or unreimbursed travel or other
4 personal expenses of individuals who volunteer a portion or all
5 of their time on behalf of a candidate [~~or political committee,~~
6 ~~nor does it include the administrative or solicitation expenses~~
7 ~~of a political committee that are paid by an organization that~~
8 ~~sponsors the committee~~], campaign committee, political
9 committee or independent expenditure committee;

10 I. "coordinated expenditure":

11 (1) means an expenditure that is made:

12 (a) by a person other than a candidate
13 or campaign committee;

14 (b) at the direction, suggestion or
15 request of, or in cooperation, consultation or concert with, a
16 candidate, campaign committee or political committee other than
17 the person making the expenditure, or any agent or
18 representative of a candidate, campaign committee or political
19 committee other than the person making the expenditure; and

20 (c) in order to pay for an advertisement
21 that: 1) expressly advocates the election or defeat of a
22 clearly identified candidate; 2) is susceptible to no other
23 reasonable interpretation than as an appeal to vote for or
24 against a clearly identified candidate; or 3) refers to a
25 clearly identified candidate, can reasonably be expected to be

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1 seen or heard by at least five hundred persons eligible to vote
2 for the candidate and is published or disseminated within
3 thirty days before the primary election or sixty days before
4 the general election at which the candidate is on the ballot;
5 and

6 (2) is deemed to constitute a contribution
7 from the person who made the expenditure to the candidate,
8 campaign committee or political committee by whom or by whose
9 agent or representative the expenditure was directed, suggested
10 or requested or in cooperation, consultation or concert with
11 whom or with whose agent or representative the expenditure was
12 made;

13 [~~G.~~] J. "deliver" or "delivery" means to deliver by
14 certified or registered mail, telecopier, electronic
15 transmission or facsimile or by personal service;

16 [~~H.~~] K. "election" means any primary, general or
17 statewide special election in New Mexico and includes county
18 and judicial retention elections but excludes municipal, school
19 board and special district elections;

20 [~~I.~~] L. "election year" means an even-numbered year
21 in which an election covered by the Campaign Reporting Act is
22 held;

23 [~~J.~~] M. "expenditure" means a payment, transfer or
24 distribution or obligation or promise to pay, transfer or
25 distribute any money or other thing of value [~~for a political~~

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1 purpose], including payment of a debt [~~incurred in an election~~
2 ~~campaign or pre-primary convention, but does not include the~~
3 ~~administrative or solicitation expenses of a political~~
4 ~~committee that are paid by an organization that sponsors the~~
5 ~~committee~~];

6 N. "independent expenditure" means an expenditure
7 that is:

8 (1) made by a person other than a candidate or
9 campaign committee;

10 (2) not a coordinated expenditure as defined
11 in the Campaign Reporting Act; and

12 (3) made to pay for an advertisement that:

13 (a) expressly advocates the election or
14 defeat of a clearly identified candidate or the passage or
15 defeat of a clearly identified ballot measure;

16 (b) is susceptible to no other
17 reasonable interpretation than as an appeal to vote for or
18 against a clearly identified candidate or ballot measure; or

19 (c) refers to a clearly identified
20 candidate or ballot measure, can reasonably be expected to be
21 seen or heard by at least five hundred persons eligible to vote
22 for the candidate or ballot measure and is published or
23 disseminated within thirty days before the primary election or
24 sixty days before the general election at which the candidate
25 or ballot measure is on the ballot;

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1 O. "independent expenditure committee" means an
2 association of two or more persons, or an entity, whose primary
3 purpose in New Mexico is to make independent expenditures and
4 that has expended more than three thousand dollars (\$3,000) for
5 that purpose within a twelve-month period;

6 ~~[K.] P. "person" means an individual or entity;~~

7 ~~[L.] Q. "political committee" means [two or more~~
8 ~~persons, other than members of a candidate's immediate family~~
9 ~~or campaign committee or a husband and wife who make a~~
10 ~~contribution out of a joint account, who are selected,~~
11 ~~appointed, chosen, associated, organized or operated primarily~~
12 ~~for a political purpose; and "political committee" includes:~~

13 ~~(1) political parties, political action~~
14 ~~committees or similar organizations composed of employees or~~
15 ~~members of any corporation, labor organization, trade or~~
16 ~~professional association or any other similar group that~~
17 ~~raises, collects, expends or contributes money or any other~~
18 ~~thing of value for a political purpose;~~

19 ~~(2) a single individual whose actions~~
20 ~~represent that the individual is a political committee; and~~

21 ~~(3) a person or an organization of two or more~~
22 ~~persons that within one calendar year expends funds in excess~~
23 ~~of five hundred dollars (\$500) to conduct an advertising~~
24 ~~campaign for a political purpose;~~

25 ~~M. "political purpose" means influencing or~~

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1 ~~attempting to influence an election or pre-primary convention,~~
2 ~~including a constitutional amendment or other question~~
3 ~~submitted to the voters]:~~

4 (1) a qualified political party; or

5 (2) an association of two or more persons, or
6 other entity, whose primary purpose in New Mexico is to make
7 contributions to candidates, campaign committees or political
8 committees or make coordinated expenditures or any combination
9 thereof;

10 [N-] R. "prescribed form" means a form or
11 electronic format prepared and prescribed by the secretary of
12 state;

13 [O-] S. "proper filing officer" means either the
14 secretary of state or the county clerk as provided in Section
15 1-19-27 NMSA 1978;

16 [P-] T. "public official" means a person elected to
17 an office in an election covered by the Campaign Reporting Act
18 or a person appointed to an office that is subject to an
19 election covered by that act; and

20 [Q-] U. "reporting individual" means every public
21 official, candidate or treasurer of a campaign committee and
22 every treasurer of a political committee or independent
23 expenditure committee."

24 SECTION 4. Section 1-19-26.1 NMSA 1978 (being Laws 1993,
25 Chapter 46, Section 2, as amended) is amended to read:

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1 "1-19-26.1. POLITICAL COMMITTEES AND INDEPENDENT
2 EXPENDITURE COMMITTEES--REGISTRATION--DISCLOSURES.--

3 A. It is unlawful for [~~any~~] a political committee
4 [~~that receives, contributes or expends in excess of five~~
5 ~~hundred dollars (\$500) in any calendar year]~~ or an independent
6 expenditure committee to continue to receive or make [~~any~~] a
7 contribution or make a coordinated or independent expenditure
8 [~~for a political purpose~~] unless that [~~political~~] committee
9 appoints and maintains a treasurer and registers with the
10 secretary of state.

11 B. A political committee shall register with the
12 secretary of state within ten days of [~~receiving, contributing~~
13 ~~or expending in excess of five hundred dollars (\$500)]~~ making a
14 contribution or a coordinated or independent expenditure, and
15 an independent expenditure committee shall register with the
16 secretary of state within ten days of expending more than three
17 thousand dollars (\$3,000) for independent expenditures within a
18 twelve-month period, by [~~paying a filing fee of fifty dollars~~
19 ~~(\$50.00) and~~] filing a statement of organization under oath on
20 a prescribed form showing:

21 (1) the full name of the [~~political~~]
22 committee, which shall fairly and accurately reflect the
23 identity of the committee [~~including any sponsoring~~
24 ~~organization~~] and its address;

25 (2) a statement of the purpose for which the

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1 ~~[political]~~ committee was organized;

2 ~~[(3) the name, address and relationship of any~~
3 ~~connected or associated organization or entity;~~

4 ~~(4)]~~ (3) the names and addresses of the
5 officers of the committee; and

6 ~~[(5)]~~ (4) an identification of ~~[the]~~ any bank
7 account used by the committee ~~[for all expenditures or]~~ to
8 receive or make contributions ~~[made or received]~~ or make
9 coordinated or independent expenditures.

10 C. The provisions of this section do not apply to a
11 political committee that is located in another state and is
12 registered with the federal election commission if the
13 political committee reports on federal reporting forms filed
14 with the federal election commission all expenditures for and
15 contributions made to reporting individuals in New Mexico and
16 files with the secretary of state, according to the schedule
17 required for the filing of forms with the federal election
18 commission, a copy of either the full report or the cover sheet
19 and the portions of the federal reporting forms that contain
20 the information on expenditures for and contributions made to
21 reporting individuals in New Mexico."

22 SECTION 5. Section 1-19-27 NMSA 1978 (being Laws 1979,
23 Chapter 360, Section 3, as amended) is amended to read:

24 "1-19-27. REPORTS REQUIRED--PROPER FILING OFFICER.--

25 A. Except for those campaign committees, candidates

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1 and public [~~officials~~] officials who file a statement of no
2 activity, all reporting individuals shall file with the proper
3 filing officer a report of expenditures and contributions on a
4 prescribed form.

5 B. The proper filing officer for filing reports of
6 expenditures and contributions by a political committee or
7 independent expenditure committee is the secretary of state.

8 C. The proper filing officer for filing reports of
9 expenditures and contributions or statements of no activity is
10 the secretary of state for all campaign committees, candidates
11 and public officials.

12 D. The secretary of state shall develop or contract
13 for services to develop an electronic reporting system for
14 receiving and for public inspection of reports of expenditures
15 and contributions and statements of no activity to the Campaign
16 Reporting Act. The electronic reporting system shall:

17 (1) enable a person to file reports online by
18 filling out forms on the secretary of state's web site; and

19 (2) provide for encrypted transmissions."

20 SECTION 6. Section 1-19-29 NMSA 1978 (being Laws 1993,
21 Chapter 46, Section 5, as amended) is amended to read:

22 "1-19-29. TIME AND PLACE OF FILING REPORTS.--

23 A. Except as otherwise provided in this section,
24 all reporting individuals shall file with the proper filing
25 officer by 5:00 p.m. on the second Monday in April and October

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1 a report of all [~~expenditures made and~~] contributions and
2 expenditures required to be reported pursuant to Section
3 1-19-31 NMSA 1978 that were made or received on or before the
4 first Monday in those months and not previously reported. The
5 report shall be filed biannually until the [~~reporting~~
6 ~~individual's bank account has been closed and the other~~]
7 provisions specified in Subsection F or G of this section have
8 been satisfied.

9 B. In an election year, instead of the biannual
10 reports provided for in Subsection A of this section, all
11 reporting individuals, except for public officials who are not
12 candidates in an election that year, shall file reports of all
13 [~~expenditures made and~~] contributions [~~received~~] and
14 expenditures required to be reported pursuant to Section
15 1-19-31 NMSA 1978 or, if applicable, statements of no activity,
16 according to the following schedule:

17 (1) by 5:00 p.m. on the second Monday in
18 April, a report of all such expenditures made and contributions
19 made or received on or before the first Monday in April and not
20 previously reported;

21 (2) by 5:00 p.m. on the second Monday in May,
22 a report of all such expenditures made and contributions made
23 or received on or before the first Monday in May and not
24 previously reported;

25 (3) by 5:00 p.m. on the second Monday in

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1 September, a report of all such expenditures made and
2 contributions made or received on or before the first Monday in
3 September and not previously reported;

4 (4) by 5:00 p.m. on the second Monday in
5 October, a report of all such expenditures made and
6 contributions made or received on or before the first Monday in
7 October and not previously reported;

8 (5) by 5:00 p.m. on the Thursday before a
9 primary, general or statewide special election, a report of all
10 such expenditures made and contributions made or received by
11 5:00 p.m. on the Tuesday before the election and not previously
12 reported. Any contribution or pledge to contribute that is
13 received after 5:00 p.m. on the Tuesday before the election and
14 that is for more than five hundred dollars (\$500) [~~or more~~] in
15 a legislative or non-statewide judicial election, or more than
16 two thousand five hundred dollars (\$2,500) [~~or more~~] in a
17 statewide election, shall be reported to the proper filing
18 officer either in a supplemental report on a prescribed form
19 within twenty-four hours of receipt or in the report to be
20 filed by 5:00 p.m. on the Thursday before a primary, general or
21 statewide special election, except that any such contribution
22 or pledge to contribute that is received after 5:00 p.m. on the
23 Friday before the election may be reported by 12:00 noon on the
24 Monday before the election; and

25 (6) by 5:00 p.m. on the thirtieth day after a

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1 primary, general or statewide special election, a report of all
2 such expenditures made and contributions made or received on or
3 before the twenty-fifth day after the election and not
4 previously reported.

5 C. If a candidate, campaign committee or public
6 official has not received any contributions and has not made
7 any expenditures since the candidate's, committee's or
8 official's last report was filed with the proper filing
9 officer, the candidate, committee or official shall only be
10 required to file a statement of no activity, which shall not be
11 required to be notarized, in lieu of a full report when that
12 report would otherwise be due and shall not be required to file
13 a full report until the next required filing date occurring
14 after an expenditure is made or a contribution is received.

15 D. In an election year, a public official who is
16 not a candidate shall file biannual reports of expenditures
17 made and contributions received or statements of no activity in
18 accordance with the schedule provided for in Subsection A of
19 this section.

20 E. A report of expenditures and contributions filed
21 after a deadline set forth in this section shall not be deemed
22 to have been timely filed.

23 F. Except for candidates, campaign committees and
24 public officials who file a statement of no activity, each
25 reporting individual for a candidate, campaign committee or

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1 public official shall file a report of expenditures and
2 contributions pursuant to the filing schedules set forth in
3 this section, regardless of whether any expenditures were made
4 or contributions were received during the reporting period.

5 Reports shall be required until the reporting individual
6 delivers a report to the proper filing officer stating that:

- 7 (1) there are no outstanding campaign debts;
8 (2) all money has been expended in accordance
9 with the provisions of Section 1-19-29.1 NMSA 1978; and
10 (3) the bank account has been closed.

11 ~~[G. Each treasurer of a political committee shall~~
12 ~~file a report of expenditures and contributions pursuant to the~~
13 ~~filing schedules set forth in this section until the treasurer~~
14 ~~files a report that affirms that the committee has dissolved or~~
15 ~~no longer exists and that its bank account has been closed.]~~

16 G. If during a non-election year an independent
17 expenditure committee or political committee has not made or
18 received any contributions or made any coordinated or
19 independent expenditures since it filed its last report
20 pursuant to this section, it need not file any report under
21 this section until the next reporting period, if any, in which
22 it makes or receives contributions or makes such expenditures.
23 An independent expenditure committee or political committee
24 that has not made any contributions or coordinated or
25 independent expenditures for a continuous period of at least

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1 one year may thereupon cancel its registration as an
2 independent expenditure committee or political committee by
3 submitting an appropriate request in writing to the proper
4 filing officer. The committee shall retain the obligation to
5 submit a new registration under Section 1-19-26.1 NMSA 1978 in
6 the event that its future activities should meet the requisites
7 for registration under that section.

8 H. A reporting individual who is a candidate within
9 the meaning of the Campaign Reporting Act because of the amount
10 of contributions the candidate receives or expenditures the
11 candidate makes and who does not ultimately file a declaration
12 of candidacy or a nominating petition with the proper filing
13 officer and does not file a statement of no activity shall file
14 biannual reports in accordance with Subsection A of this
15 section.

16 I. Reports required by this section shall be
17 subscribed and sworn to by the candidate or the treasurer of
18 the political committee or independent expenditure committee
19 or, in the case of candidates for judicial office, by the
20 treasurer of the candidate's campaign committee. A report
21 filed electronically shall be electronically authenticated by
22 the candidate or the treasurer of the [~~political~~] committee
23 using an electronic signature in conformance with the
24 Electronic Authentication of Documents Act and the Uniform
25 Electronic Transactions Act. For the purposes of the Campaign

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1 Reporting Act, a report that is electronically authenticated in
2 accordance with the provisions of this subsection shall be
3 deemed to have been subscribed and sworn to by the candidate or
4 the treasurer of the ~~[political]~~ committee who was required to
5 file the report.

6 J. Reports required by this section shall be filed
7 electronically by all reporting individuals.

8 K. Reporting individuals may apply to the secretary
9 of state for exemption from electronic filing in case of
10 hardship, which shall be defined by the secretary of state."

11 SECTION 7. Section 1-19-31 NMSA 1978 (being Laws 1979,
12 Chapter 360, Section 7, as amended) is amended to read:

13 "1-19-31. CONTENTS OF REPORT.--~~[A.]~~ Each required report
14 of expenditures and contributions shall be typed or printed
15 legibly, or on a computer disc or format approved by the
16 secretary of state, and shall include:

17 [~~(1)~~] A. the name and address of the person or
18 entity to whom ~~[an]~~ a contribution or a campaign, coordinated
19 or independent expenditure was made or from whom a contribution
20 was received, except as provided for anonymous contributions or
21 contributions received from special events as provided in
22 Section 1-19-34 NMSA 1978; provided that for contributors, the
23 name of the entity or the first and last names of any
24 individual shall be the full name of the entity or individual,
25 and initials only shall not constitute a full name unless that

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1 is the complete legal name;

2 [~~(2)~~] B. the occupation or name and type of
3 business of any person or entity making contributions of two
4 hundred fifty dollars (\$250) or more in the aggregate per
5 election;

6 [~~(3)~~] C. the amount of the campaign, coordinated or
7 independent expenditure or contribution or value thereof;

8 [~~(4)~~] D. the purpose of the campaign, coordinated
9 or independent expenditure; [~~and~~]

10 [~~(5)~~] E. the date that the campaign, coordinated or
11 independent expenditure was made or the contribution was made
12 or received; and

13 F. for campaign committees, candidates and public
14 officials that have not closed their campaign accounts, in
15 addition to the information required by Subsections A through E
16 of this section, the:

17 (1) amount, purpose and date of all campaign
18 account disbursements, except for disbursements made from a
19 petty cash fund of one hundred dollars (\$100) or less;

20 (2) person to whom each disbursement was made;

21 [~~B. Each report shall contain an~~]

22 (3) opening and closing cash balance for the
23 [~~bank~~] campaign account maintained by the reporting individual
24 during the reporting period and the name of the financial
25 institution; and

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1 ~~[G. Each report shall specify the]~~

2 (4) amount of each unpaid campaign debt and
3 the identity of the person to whom the debt is owed."

4 SECTION 8. Section 1-19-34 NMSA 1978 (being Laws 1979,
5 Chapter 360, Section 10, as amended) is amended to read:

6 "1-19-34. CANDIDATES--POLITICAL, CAMPAIGN OR INDEPENDENT
7 EXPENDITURE COMMITTEES--TREASURER--BANK ACCOUNT--ANONYMOUS
8 CONTRIBUTIONS--CONTRIBUTIONS FROM SPECIAL EVENTS.--

9 A. ~~[It is unlawful for the members of any]~~ A
10 political, campaign or independent expenditure committee or any
11 candidate ~~[to make any expenditure or solicit or accept any~~
12 ~~contribution for a political purpose unless]~~ shall ensure that:

13 (1) a treasurer has been appointed and is
14 constantly maintained; provided, however, when a duly appointed
15 treasurer is unable for any reason to continue as treasurer,
16 the candidate or ~~[political]~~ committee shall appoint a
17 successor; and provided further that a candidate may serve as
18 ~~[his]~~ the candidate's own treasurer;

19 (2) all ~~[disbursements of money and]~~ receipts
20 of contributions and all contributions and campaign,
21 coordinated or independent expenditures made are authorized by
22 and through the candidate or treasurer;

23 (3) a ~~[separate]~~ bank account has been
24 established and all receipts of money contributions are
25 deposited in and all contributions and campaign, coordinated or

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1 independent expenditures [~~of money are deposited in and~~] are
2 disbursed from [~~the one~~] a bank account maintained by the
3 treasurer in the name of the candidate or [~~political~~] committee
4 [~~provided that nothing in this section shall prohibit~~
5 ~~investments from the bank account to earn interest as long as~~
6 ~~the investments and earnings are fully reported~~]. All
7 [~~disbursements~~] campaign, coordinated or independent
8 expenditures except for [~~disbursements~~] expenditures made from
9 a petty cash fund of one hundred dollars (\$100) or less shall
10 be [~~by check made payable to the person or entity receiving the~~
11 ~~disbursement and not to "cash" or "bearer"~~] made in a form such
12 that the date, amount and payee of the transaction are
13 automatically recorded; and

14 (4) in the case of the campaign account of a
15 candidate, public official or campaign committee, a separate
16 bank account is established into which all contributions are
17 deposited and the treasurer upon disbursing or receiving money
18 or other things of value immediately enters and thereafter
19 keeps a proper record preserved by [~~him~~] the treasurer,
20 including a full, true and itemized statement and account of
21 each sum disbursed or received, the date of such disbursement or
22 receipt, to whom disbursed or from whom received and the object
23 or purpose for which it was disbursed or received.

24 B. An independent expenditure committee shall not
25 make contributions to candidates, campaign committees or

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1 political committees or make coordinated expenditures.

2 [B-] C. No anonymous contributions may be accepted
3 [~~in excess of~~] for more than one hundred dollars (\$100). The
4 aggregate amount of anonymous contributions received by a
5 reporting individual during a primary or general election or a
6 statewide special election shall not [~~exceed~~] be more than two
7 thousand dollars (\$2,000) for statewide races and five hundred
8 dollars (\$500) for all other races.

9 [G-] D. Cash contributions received at special
10 events that are unidentifiable as to specific contributor but
11 identifiable as to the special event are not subject to the
12 anonymous contribution limits provided for in this section so
13 long as no single special event raises, after expenses, more
14 than one thousand dollars (\$1,000) in such cash contributions.
15 For those contributions, due diligence and best efforts shall
16 be made to disclose on a special prescribed form the sponsor,
17 date, place, total amount received, expenses incurred,
18 estimated number of persons in attendance and other
19 identifiable factors that describe the special event. For
20 purposes of this subsection, "special event" includes an event
21 such as a barbecue or similar fundraiser where tickets costing
22 fifteen dollars (\$15.00) or less are sold or an event such as a
23 coffee, tea or similar reception.

24 [D-] E. Any contributions received pursuant to this
25 section in excess of the limits established in Subsections [B]

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1 C and [~~E~~] D of this section shall be donated to the state
2 general fund or an organization to which a federal income tax
3 deduction would be available under Subparagraph (A) of
4 Paragraph (1) of Subsection (b) of Section 170 of the Internal
5 Revenue Code of 1986, as amended."

6 **SECTION 9.** Section 1-19-34.1 NMSA 1978 (being Laws 1993,
7 Chapter 46, Section 12, as amended) is amended to read:

8 "1-19-34.1. LEGISLATIVE SESSION--FUNDRAISING
9 PROHIBITION.--

10 A. It is unlawful during the prohibited period for
11 a state legislator or a candidate for state legislator, or any
12 agent on behalf of either, to knowingly solicit a contribution
13 [~~for a political purpose~~]. For purposes of this subsection,
14 "prohibited period" means that period beginning January 1 prior
15 to any regular session of the legislature or, in the case of a
16 special session, after the proclamation has been issued, and
17 ending on adjournment of the regular or special session.

18 B. It is unlawful during the prohibited period for
19 the governor, or any agent on [~~his~~] the governor's behalf, to
20 knowingly solicit a contribution [~~for a political purpose~~].
21 For purposes of this subsection, "prohibited period" means that
22 period beginning January 1 prior to any regular session of the
23 legislature or, in the case of a special session, after the
24 proclamation has been issued, and ending on the twentieth day
25 following the adjournment of the regular or special session."

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1 SECTION 10. Section 1-19-34.6 NMSA 1978 (being Laws 1995,
2 Chapter 153, Section 19) is amended to read:

3 "1-19-34.6. CIVIL PENALTIES.--

4 A. If the secretary of state reasonably believes
5 that a person committed, or is about to commit, a violation of
6 the Campaign Reporting Act, the secretary of state shall refer
7 the matter to the attorney general or a district attorney for
8 enforcement.

9 B. With or without a referral from the secretary of
10 state, the attorney general or district attorney may institute
11 a civil action in district court for any violation of the
12 Campaign Reporting Act or to prevent a violation of that act
13 that involves an unlawful solicitation or the making or
14 acceptance of an unlawful contribution. An action for relief
15 may include a permanent or temporary injunction, a restraining
16 order or any other appropriate order, including a civil penalty
17 of [~~two hundred fifty dollars (\$250)~~] up to one thousand
18 dollars (\$1,000) for each violation not to exceed [~~five~~
19 ~~thousand dollars (\$5,000)~~] a total of twenty thousand dollars
20 (\$20,000), and forfeiture of any contribution received as a
21 result of an unlawful solicitation or unlawful contribution.
22 Each unlawful solicitation and each unlawful contribution made
23 or accepted shall be deemed a separate violation of the
24 Campaign Reporting Act.

25 C. With or without a referral from the secretary of

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1 state, the attorney general or district attorney may institute
2 a civil action in district court if a violation has occurred or
3 to prevent a violation of any provision of the Campaign
4 Reporting Act other than that specified in Subsection B of this
5 section. Relief may include a permanent or temporary
6 injunction, a restraining order or any other appropriate order,
7 including an order for a civil penalty of [~~fifty dollars~~
8 ~~(\$50.00)~~] up to one thousand dollars (\$1,000) for each
9 violation not to exceed [~~five thousand dollars (\$5,000)~~] a
10 total of twenty thousand dollars (\$20,000)."

11 SECTION 11. Section 1-19-34.7 NMSA 1978 (being Laws 2009,
12 Chapter 68, Section 1) is amended to read:

13 "1-19-34.7. CONTRIBUTION LIMITATIONS--CANDIDATES--
14 POLITICAL COMMITTEES.--

15 A. The following contributions by the following
16 persons are prohibited:

17 (1) from a person, not including a political
18 committee, to a:

19 (a) candidate for nonstatewide office,
20 including the candidate's campaign committee, in an amount that
21 will cause that person's total contributions to the candidate
22 to exceed two thousand three hundred dollars (\$2,300) during
23 [~~the~~] a primary election period or two thousand three hundred
24 dollars (\$2,300) during [~~the~~] a general election period;

25 (b) candidate for statewide office,

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1 including the candidate's campaign committee, in an amount that
2 will cause that person's total contributions to the candidate
3 to exceed five thousand dollars (\$5,000) during [~~the~~] a primary
4 election period or five thousand dollars (\$5,000) during [~~the~~]
5 a general election period; or

6 (c) political committee in an amount
7 that will cause that person's total contributions to the
8 political committee to exceed five thousand dollars (\$5,000)
9 during a primary election period or five thousand dollars
10 (\$5,000) during a general election period; and

11 (2) from a political committee to:

12 (a) a candidate for office, including
13 the candidate's campaign committee, in an amount that will
14 cause the political committee's total contributions to the
15 candidate to exceed five thousand dollars (\$5,000) during [~~the~~]
16 a primary election period or five thousand dollars (\$5,000)
17 during [~~the~~] a general election period; or

18 (b) another political committee in an
19 amount that will cause that political committee's total
20 contributions to the political committee to exceed five
21 thousand dollars (\$5,000) during a primary election period or
22 five thousand dollars (\$5,000) during a general election
23 period.

24 B. All contributions made by a person to a
25 candidate, either directly or indirectly, including

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1 contributions that are in any way earmarked or otherwise
2 directed through another person to a candidate, shall be
3 treated as contributions from the person to that candidate.

4 C. A person, including a political committee, shall
5 not knowingly accept or solicit a contribution, directly or
6 indirectly, including a contribution earmarked or otherwise
7 directed or coordinated through another person, including a
8 political committee, that violates the contribution limits
9 provided for in this section.

10 D. On the day after each general election, the
11 contribution amounts provided in Subsection A of this section
12 shall be increased by the percentage of the preceding two
13 calendar years' increase of the consumer price index for all
14 urban consumers, United States city average for all items,
15 published by the United States department of labor. The amount
16 of the increase shall be rounded to the nearest multiple of one
17 hundred dollars (\$100). The secretary of state shall publish
18 by October 1 before each general election the adjusted
19 contribution limits that shall take effect the day after the
20 following general election.

21 E. All contributions in excess of the limits
22 imposed by the provisions of this section shall be deposited in
23 the public election fund upon a finding by the secretary of
24 state that the contribution limits have been exceeded.

25 F. The limitation on contributions to a candidate

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1 provided for in Subsection A of this section shall not apply to
2 a candidate's own contribution from the candidate's personal
3 funds to the candidate's own campaign.

4 G. For the purposes of this section:

5 (1) "primary election period" means the period
6 beginning on the day after ~~[the]~~ each general election ~~[for the~~
7 ~~applicable office]~~ and ending on the day of the following
8 primary ~~[for that office]~~ election; and

9 (2) "general election period" means the period
10 beginning on the day after ~~[the]~~ each primary ~~[for the~~
11 ~~applicable office]~~ election and ending on the day of the
12 following general election ~~[for that office]~~."

13 SECTION 12. Section 1-19-36 NMSA 1978 (being Laws 1979,
14 Chapter 360, Section 12, as amended) is amended to read:

15 "1-19-36. PENALTIES--~~[CRIMINAL ENFORCEMENT]~~ EXCEPTIONS.--

16 A. Any person who knowingly and willfully violates
17 any provision of the Campaign Reporting Act is guilty of a
18 misdemeanor and shall be punished by a fine of not more than
19 one thousand dollars (\$1,000) or by imprisonment for not more
20 than one year or both.

21 B. The Campaign Reporting Act may be enforced by
22 the attorney general or the district attorney in the county
23 where the candidate resides, where a political committee or
24 independent expenditure committee has its principal place of
25 business or where the violation occurred."

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SECTION 13. REPEAL.--Sections 1-19-16 and 1-19-17 NMSA 1978 (being Laws 1973, Chapter 401, Sections 1 and 2) are repealed.

SECTION 14. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.