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HOUSE BILL 462

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

William B. Pratt and Christine Trujillo and
Susan K. Herrera and Karen C. Bash

AN ACT

RELATING TO PUBLIC CAMPAIGN FINANCING; INCLUDING THE SECRETARY
OF STATE AND ATTORNEY GENERAL IN THE VOTER ACTION ACT.

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

SECTION 1. Section 1-19A-2 NMSA 1978 (being Laws 2003,
Chapter 14, Section 2, as amended) is amended to read:

"1-19A-2. DEFINITIONS.--As used in the Voter Action Act:

A. "applicant candidate" means a candidate who is
running for a covered office and who is seeking to be a
certified candidate in a primary or general election;

B. "certified candidate" means a candidate running
for a covered office who chooses to obtain financing pursuant
to the Voter Action Act and is certified as a Voter Action Act
candidate;

C. "contested election" means an election in which

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1 there are more candidates for a position than the number to be
2 elected to that position;

3 D. "covered office" means:

4 (1) any office of the judicial department
5 subject to statewide elections; ~~and~~

6 (2) the office of public regulation
7 commissioner;

8 (3) the office of secretary of state; and

9 (4) the office of attorney general;

10 E. "election cycle" means the primary and general
11 elections for the same term of the same covered office,
12 beginning on the day after the last general election for the
13 office and ending with the general election. The primary
14 election cycle begins on the first day of the election cycle
15 and ends on the day of the primary election. The general
16 election cycle begins on the day after the primary election and
17 ends on the day of the general election;

18 F. "fund" means the public election fund;

19 G. "noncertified candidate" means either a
20 candidate running for a covered office who does not choose to
21 participate in the Voter Action Act and who is not seeking to
22 be a certified candidate or a candidate who files a declaration
23 of intent to participate but who fails to qualify;

24 H. "qualifying contribution" means a donation of
25 five dollars (\$5.00) in the form of cash or a check or money

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1 order payable to the fund in support of an applicant candidate
2 that is:

3 (1) made by a registered voter who is eligible
4 to vote for the covered office that the applicant candidate is
5 seeking;

6 (2) made during the designated qualifying
7 period and obtained through efforts made with the knowledge and
8 approval of the applicant candidate; and

9 (3) acknowledged by a receipt that identifies
10 the contributor's name and residential address on forms
11 provided by the bureau of elections of the office of the
12 secretary of state and that is signed by the contributor, one
13 copy of which is attached to the list of contributors and sent
14 to the bureau of elections;

15 I. "qualifying period" means:

16 (1) for major party applicant candidates for
17 covered offices, the period beginning October 1 immediately
18 preceding the election year and ending at 5:00 p.m. on the
19 third Tuesday of March of the election year; and

20 (2) for independent and minor party
21 candidates, the period beginning February 1 of the election
22 year and ending that year at 5:00 p.m. on the filing date for
23 independent or minor party candidates for the office for which
24 the candidate is running;

25 J. "secretary" means the secretary of state or the

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1 office of the secretary of state; and

2 K. "seed money" means a contribution raised for the
3 primary purpose of enabling applicant candidates to collect
4 qualifying contributions and petition signatures."

5 SECTION 2. Section 1-19A-4 NMSA 1978 (being Laws 2003,
6 Chapter 14, Section 4, as amended) is amended to read:

7 "1-19A-4. QUALIFYING CONTRIBUTIONS.--

8 A. Applicant candidates shall obtain qualifying
9 contributions as follows:

10 (1) for all statewide judicial elective
11 offices, the office of secretary of state and the office of
12 attorney general, the number of qualifying contributions equal
13 to one-tenth [~~of one~~] percent of the number of voters in the
14 state; and

15 (2) for the office of public regulation
16 commissioner, the number of qualifying contributions equal to
17 one-tenth [~~of one~~] percent of the number of voters in the
18 district of the office for which the candidate is running.

19 B. Applicant candidates may accept qualifying
20 contributions from persons who become registered within the
21 statutory time frame that would enable [~~that person~~] those
22 persons to vote in the primary election.

23 C. Voters registered as independent are not
24 excluded from making qualifying contributions but shall be
25 registered within the statutory time frame as independent.

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1 D. ~~[No]~~ A payment, gift or anything of value shall
2 not be given in exchange for a qualifying contribution."

3 **SECTION 3.** Section 1-19A-12 NMSA 1978 (being Laws 2003,
4 Chapter 14, Section 12) is amended to read:

5 "1-19A-12. TIMING OF FUND DISTRIBUTION.--

6 A. ~~[Beginning with the election cycle that ends~~
7 ~~with the general election in 2006]~~ The secretary shall
8 distribute money from the fund to certified candidates.

9 B. For a primary election certified candidate, the
10 secretary shall distribute the amount due to that certified
11 candidate for that covered office within one week of
12 certification.

13 C. For a candidate certified for the general
14 election, the secretary shall distribute the amount due to that
15 certified candidate for that covered office within one week
16 after the primary election or, for a minor party or independent
17 candidate, within one week after certification of the
18 candidate."

19 **SECTION 4.** Section 1-19A-13 NMSA 1978 (being Laws 2003,
20 Chapter 14, Section 13, as amended) is amended to read:

21 "1-19A-13. AMOUNT OF FUND DISTRIBUTION.--

22 A. ~~[By August 1, 2007]~~ The secretary shall
23 determine the amount of money to be distributed to each
24 certified candidate for the election cycle ~~[ending with the~~
25 ~~general election in 2008]~~, based on the type of election and

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1 the provisions of Subsections B through F of this section.

2 B. For contested primary elections, the amount of
3 money to be distributed to a certified candidate is equal to
4 the following:

5 (1) for the office of public regulation
6 commissioner, twenty-five cents (\$.25) for each voter of the
7 candidate's party in the district of the office for which the
8 candidate is running; and

9 (2) for the office of justice of the supreme
10 court, [~~and~~] judge of the court of appeals, secretary of state
11 and attorney general, fifteen cents (\$.15) for each voter of
12 the candidate's party in the state.

13 C. For uncontested primary elections, the amount of
14 money to be distributed to a certified candidate is equal to
15 fifty percent of the amount specified in Subsection B of this
16 section.

17 D. For contested general elections, the amount of
18 money to be distributed to a certified candidate is equal to
19 the following:

20 (1) for the office of public regulation
21 commissioner, twenty-five cents (\$.25) for each voter in the
22 district of the office for which the candidate is running; and

23 (2) for the office of justice of the supreme
24 court, [~~and~~] judge of the court of appeals, secretary of state
25 and attorney general, fifteen cents (\$.15) for each voter in

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1 the state.

2 E. For uncontested general elections, except as
3 provided in Subsection I of this section, the amount of money
4 to be distributed to a certified candidate is equal to fifty
5 percent of the amount specified in Subsection D of this
6 section. If a general election race that is initially
7 uncontested later becomes contested because of the
8 qualification of an independent or minor party candidate to
9 appear on the ballot for that race, an additional amount of
10 money shall be distributed to the certified candidate to make
11 that candidate's total distribution amount equal to the amount
12 distributed pursuant to Subsection D of this section.

13 F. Once the certification for candidates for the
14 primary election has been completed, the secretary shall
15 calculate the total amount of money to be distributed in the
16 primary election cycle, based on the number of certified
17 candidates and the allocations specified in this section. The
18 secretary shall increase the total amount by twenty percent to
19 provide funds for additional matching funds in the primary
20 election. The secretary shall also prepare an estimate of the
21 total amount of money that might be distributed in the general
22 election cycle. This estimate shall be increased by twenty
23 percent to provide funds for additional matching funds in the
24 general election. If the total amount to be distributed in the
25 primary election cycle, plus the added twenty percent and the

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1 estimated total amount to be distributed in the general
2 election cycle, plus the added twenty percent, all taken
3 together, exceed the amount expected to be available in the
4 fund, the secretary shall allocate the amount available between
5 the primary and general election cycles. This allocation shall
6 be based on the ratio of the two total amounts.

7 G. If the allocation specified in Subsection F of
8 this section is greater than the total amount available for
9 distribution, then the amounts to be distributed to individual
10 candidates, specified in Subsections B through E of this
11 section, shall each be reduced by the same percentage as the
12 reduction by which the total amount needed has been reduced
13 relative to the total amount available.

14 H. At least every two years [~~after January 1,~~
15 ~~2007~~], the secretary shall evaluate and modify as necessary the
16 dollar values originally determined by Subsections B through E
17 of this section and shall consider and account for inflation in
18 the evaluations.

19 I. No money shall be distributed to candidates in
20 judicial retention elections. No money shall be distributed to
21 judicial candidates in uncontested general elections, provided
22 that if a general election race that is initially uncontested
23 later becomes contested, the certified judicial candidate shall
24 receive a distribution in accordance with Subsection D of this
25 section."

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