

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 42

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

AN ACT

RELATING TO CAMPAIGN FINANCE; AMENDING THE CAMPAIGN REPORTING
ACT; REQUIRING DISCLOSURES RELATING TO ELECTRONIC
COMMUNICATIONS; CLARIFYING AND CHANGING CERTAIN REQUIREMENTS
RELATING TO CONTRIBUTIONS AND DONATIONS; AMENDING CERTAIN
REPORTING REQUIREMENTS; PROHIBITING USING CAMPAIGN FUNDS TO
REPAY LOANS MADE BY THE CANDIDATE THAT ARE SUBJECT TO A RATE OF
INTEREST; AMENDING PROVISIONS RELATED TO FUNDRAISING DURING
LEGISLATIVE SESSIONS.

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

SECTION 1. Section 1-19-26 NMSA 1978 (being Laws 1979,
Chapter 360, Section 2, as amended) is amended to read:

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

A. "advertisement" means a communication referring

.225181.2

underscored material = new
[bracketed material] = delete

1 to a candidate or ballot question that is published,
2 disseminated, distributed or displayed to the public by print,
3 broadcast, satellite, cable or electronic media, including
4 recorded phone messages, or by printed materials, including
5 mailers, handbills, signs and billboards, but "advertisement"
6 does not include:

7 (1) a communication by a membership
8 organization or corporation to its current members,
9 stockholders or executive or administrative personnel;

10 (2) a communication appearing in a news story
11 or editorial distributed through a print, broadcast, satellite,
12 cable or electronic medium;

13 (3) a candidate debate or forum or a
14 communication announcing a candidate debate or forum paid for
15 on behalf of the debate or forum sponsor; provided that two or
16 more candidates for the same position have been invited to
17 participate or, in the case of an uncontested election, that
18 the single candidate for the position has been invited to
19 participate;

20 (4) nonpartisan voter guides allowed by the
21 federal Internal Revenue Code of 1986, as amended, for Section
22 501(c)(3) organizations; or

23 (5) statements made to a court or
24 administrative board in the course of a formal judicial or
25 administrative proceeding;

.225181.2

1 B. "anonymous contribution" means a contribution
2 the contributor of which is unknown to the candidate or the
3 candidate's agent or the political committee or its agent who
4 accepts the contribution;

5 C. "ballot question" means a constitutional
6 amendment or other question submitted to the voters in an
7 election;

8 D. "bank account" means an account in a financial
9 institution regulated by the United States or a state of the
10 United States;

11 E. "campaign committee" means an association of two
12 or more persons authorized by a candidate to act on the
13 candidate's behalf for the purpose of electing the candidate to
14 office; provided that a candidate shall not authorize more than
15 one campaign committee;

16 F. "campaign expenditure" means an expenditure that
17 is made by a campaign committee or by a candidate in support of
18 the candidate's campaign in an election;

19 G. "candidate" means an individual who seeks or
20 considers an office in an election covered by the Campaign
21 Reporting Act, including a public official, who has filed a
22 declaration of candidacy and has not subsequently filed a
23 statement of withdrawal or:

24 (1) for a nonstatewide office, has received
25 contributions or made expenditures of more than one thousand

.225181.2

underscoring material = new
~~[bracketed material] = delete~~

1 dollars (\$1,000) or authorized another person or campaign
2 committee to receive contributions or make expenditures of more
3 than one thousand dollars (\$1,000) for the purpose of seeking
4 election to the office; or

5 (2) for a statewide office, has received
6 contributions or made expenditures of more than three thousand
7 dollars (\$3,000) or authorized another person or campaign
8 committee to receive contributions or make expenditures of more
9 than three thousand dollars (\$3,000) for the purpose of seeking
10 election to the office or for candidacy exploration purposes in
11 the years prior to the year of the election;

12 H. "contribution":

13 (1) means a gift, subscription, loan, advance,
14 or deposit of money or other thing of value, including the
15 estimated value of an in-kind contribution, that is made or
16 received for a political purpose, including payment of a debt
17 incurred in an election campaign;

18 (2) includes a coordinated expenditure;

19 (3) does not include the value of services
20 provided without compensation or unreimbursed travel or other
21 personal expenses of individuals who volunteer a portion or all
22 of their time on behalf of a candidate or political committee
23 nor does it include the administrative or solicitation expenses
24 of a political committee that are paid by an organization that
25 sponsors the committee; and

.225181.2

1 (4) does not include the value of the
2 incidental use of the candidate's personal property, home or
3 business office for campaign purposes;

4 I. "coordinated expenditure" means an expenditure
5 that is made:

6 (1) by a person other than a candidate or
7 campaign committee;

8 (2) at the request or suggestion of, or in
9 cooperation, consultation or concert with, a candidate,
10 campaign committee or political party or any agent or
11 representative of a candidate, campaign committee or
12 political party; and

13 (3) for the purpose of:

14 (a) supporting or opposing the
15 nomination or election of a candidate; or

16 (b) paying for an advertisement that
17 refers to a clearly identified candidate and is published and
18 disseminated to the relevant electorate in New Mexico within
19 thirty days before the primary election or sixty days before
20 the general election in which the candidate is on the ballot;

21 J. "deliver" or "delivery" means to deliver by
22 certified or registered mail, telecopier, electronic
23 transmission or facsimile or by personal service;

24 K. "election" means any primary, general or
25 statewide special election in New Mexico and includes county

.225181.2

1 and judicial retention elections but excludes federal,
2 municipal, school board and special district elections;

3 L. "election year" means an even-numbered year in
4 which an election covered by the Campaign Reporting Act is
5 held;

6 M. "expenditure" means a payment, transfer or
7 distribution or obligation or promise to pay, transfer or
8 distribute any money or other thing of value, [~~for a political~~
9 ~~purpose~~] including payment of a debt incurred in an election
10 campaign or pre-primary convention:

11 (1) by a campaign committee or a political
12 committee;

13 (2) by a public official or candidate in
14 support of the public official's or candidate's campaign for
15 office in an election covered by the Campaign Reporting Act; or

16 (3) to pay for an advertisement that refers to
17 a candidate or ballot question;

18 N. "independent expenditure" means an expenditure
19 that is:

20 (1) made by a person other than a candidate or
21 campaign committee;

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

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

25 (a) expressly advocates the election or

1 defeat of a clearly identified candidate or the passage or
2 defeat of a clearly identified ballot question;

3 (b) is susceptible to no other
4 reasonable interpretation than as an appeal to vote for or
5 against a clearly identified candidate or ballot question; or

6 (c) refers to a clearly identified
7 candidate or ballot question and is published and disseminated
8 to the relevant electorate in New Mexico within thirty days
9 before the primary election or sixty days before the general
10 election at which the candidate or ballot question is on the
11 ballot;

12 O. "legislative caucus committee" means a political
13 committee established by the members of a political party in a
14 chamber of the legislature;

15 P. "person" means an individual or entity;

16 Q. "political committee" means:

17 (1) a political party;
18 (2) a legislative caucus committee;
19 (3) an association that consists of two or
20 more persons whose primary purpose is to make contributions to
21 candidates, campaign committees or political committees or make
22 coordinated expenditures or any combination thereof; or

23 (4) an association that consists of two or
24 more persons whose primary purpose is to make independent
25 expenditures and that has received more than five thousand

.225181.2

1 dollars (\$5,000) in contributions or made independent
2 expenditures of more than five thousand dollars (\$5,000) in the
3 election cycle;

4 R. "political party" means an association that has
5 qualified as a political party pursuant to the provisions of
6 Section 1-7-2 NMSA 1978;

7 S. "political purpose" means for the purpose of
8 supporting or opposing a ballot question or the nomination or
9 election of a candidate;

10 T. "prescribed form" means a form or electronic
11 format prepared and prescribed by the secretary of state;

12 U. "public official" means a person elected to an
13 office in an election covered by the Campaign Reporting Act or
14 a person appointed to an office that is subject to an election
15 covered by that act; and

16 V. "reporting individual" means a public official,
17 candidate or treasurer of a campaign committee or a treasurer
18 of a political committee."

19 SECTION 2. Section 1-19-26.3 NMSA 1978 (being Laws 2002,
20 Chapter 89, Section 1) is amended to read:

21 "1-19-26.3. CAMPAIGN COMMITTEE AND POLITICAL COMMITTEE
22 EXPENDITURES--DISCLOSURE--TELEPHONE CALLS OR ELECTRONIC
23 COMMUNICATIONS--RECORDS.--

24 A. A campaign committee or political committee that
25 is required to register pursuant to the Campaign Reporting Act

.225181.2

1 shall not expend campaign or political committee funds to,
2 directly or indirectly, pay for a telephone call or electronic
3 communication without disclosing to the recipient the name of
4 the organization that authorized or paid for the call or
5 electronic communication if the call or electronic
6 communication:

7 (1) is one of five hundred or more calls or
8 electronic communications that are similar in nature made
9 during an election cycle by an individual or individuals, or by
10 electronic means; and

11 (2) advocates support for, or opposition to, a
12 candidate for public office or ballot measure.

13 B. The campaign committee or political committee
14 that pays for a call or electronic communication referred to in
15 Subsection A of this section shall be disclosed in the call or
16 electronic communication unless the organization that
17 authorized the call or electronic communication and in whose
18 name it is placed has filing obligations pursuant to the
19 Campaign Reporting Act and the name announced in the call or
20 electronic communication is either:

21 (1) the full name by which the organization or
22 individual is identified in any statement or report required to
23 be filed pursuant to the Campaign Reporting Act; or

24 (2) the name by which the organization or
25 individual is commonly known.

.225181.2

1 C. A campaign committee or political committee that
2 pays directly or indirectly for telephone calls or electronic
3 communications as described in Subsection A of this section
4 shall maintain a record of the script of the calls or
5 electronic communications for at least ninety days following
6 election day. If any of the calls or electronic communications
7 qualifying pursuant to Subsection A of this section are
8 recorded messages, a copy of the recording shall also be
9 maintained for that period.

10 D. A campaign committee or political committee may
11 not contract with a phone bank vendor or electronic
12 communication vendor that does not disclose the information
13 required to be disclosed by Subsection A or B of this section."

14 SECTION 3. Section 1-19-27.3 NMSA 1978 (being Laws 2019,
15 Chapter 262, Section 1) is amended to read:

16 "1-19-27.3. INDEPENDENT EXPENDITURES--REPORTING
17 REQUIREMENTS.--

18 A. A person who makes an independent expenditure
19 [~~not otherwise required to be reported under the Campaign~~
20 ~~Reporting Act~~] shall file a report with the secretary of state
21 within:

22 (1) three days of making the expenditure if
23 the expenditure, by itself or aggregated with all independent
24 expenditures made by the same person during the election cycle,
25 exceeds one thousand dollars (\$1,000) in a nonstatewide

.225181.2

1 election or three thousand dollars (\$3,000) in a statewide
2 election; or

3 (2) twenty-four hours of making the
4 expenditure if the expenditure is in an amount of three
5 thousand dollars (\$3,000) or more and is made within seven days
6 before a nonstatewide or statewide election.

7 B. The report required by Subsection A of this
8 section shall state:

9 (1) the name and address of the person who
10 made the independent expenditure;

11 (2) the name and address of the person to whom
12 the independent expenditure was made and the amount, date and
13 purpose of the independent expenditure. If no reasonable
14 estimate of the monetary value of a particular expenditure is
15 practicable, it is sufficient to report instead a description
16 of the services, property or rights furnished through the
17 expenditure; and

18 (3) the source of the contributions or
19 donations used to make the independent expenditure as provided
20 in Subsections C and D of this section.

21 C. A person who makes independent expenditures
22 required to be reported under this section in an amount
23 totaling three thousand dollars (\$3,000) or less in a
24 nonstatewide election or nine thousand dollars (\$9,000) or less
25 in a statewide election shall report the name and address of

.225181.2

1 each person who has made [~~contributions~~] donations of more than
2 a total of two hundred dollars (\$200) in the election cycle
3 that were earmarked for or made in response to a solicitation
4 to fund independent expenditures and shall report the amount of
5 each such [~~contribution~~] donation made by that person.

6 D. A person who makes independent expenditures
7 required to be reported under this section in an amount
8 totaling more than three thousand dollars (\$3,000) in a
9 nonstatewide election or nine thousand dollars (\$9,000) in a
10 statewide election, in addition to reporting the information
11 specified in Subsection C of this section, shall either:

12 (1) if the expenditures were made exclusively
13 from a segregated bank account consisting only of funds
14 [~~contributed~~] donated to the account by individuals to be used
15 for making independent expenditures, report the name and
16 address of, and amount of each [~~contribution~~] donation made by,
17 each [~~contributor~~] donor who [~~contributed~~] donated more than
18 two hundred dollars (\$200) to that account in the election
19 cycle; or

20 (2) if the expenditures were made in whole or
21 part from funds other than those described in Paragraph (1) of
22 this subsection, report the name and address of, and amount of
23 each [~~contribution~~] donation made by, each [~~contributor~~] donor
24 who [~~contributed~~] donated more than a total of five thousand
25 dollars (\$5,000) during the election cycle to the person making

1 the expenditures; provided, however, that a ~~[contribution]~~
2 donation is exempt from reporting pursuant to this paragraph
3 if:

4 (a) the ~~[contributor]~~ donor requested in
5 writing that the ~~[contribution]~~ donation not be used to fund
6 independent or coordinated expenditures or to make
7 contributions to a candidate, campaign committee or political
8 committee; and

9 (b) the donation is deposited in a
10 segregated bank account that is not used to fund independent or
11 coordinated expenditures or to make contributions to a
12 candidate, campaign committee or political committee.

13 E. If a person who has made a report required by
14 this section is required to make subsequent reports during the
15 election cycle, the information concerning contributions or
16 donations in the subsequent reports shall cover only
17 contributions or donations not previously reported.

18 F. For the purposes of this section, "donation"
19 means a payment or transfer, or promise of payment or transfer,
20 of money or other thing of value to a person who makes
21 independent expenditures, but "donation" does not include:

22 (1) a payment or transfer made in a commercial
23 transaction in the ordinary course of a trade or business;

24 (2) compensation for services rendered,
25 capital invested or payment for a sale of property that is

.225181.2

1 reasonable in amount and commensurate with the value of the
2 services rendered, the magnitude of the risk undertaken on the
3 investment or the property sold;

4 (3) a commercially reasonable loan made in the
5 ordinary course of business by an institution authorized by the
6 laws of the state to engage in the business of making loans;

7 (4) a gift on a special occasion from a family
8 member or close personal friend; or

9 (5) a personal loan from a family member or a
10 repayment of such a loan."

11 SECTION 4. Section 1-19-29 NMSA 1978 (being Laws 1993,
12 Chapter 46, Section 5, as amended) is amended to read:

13 "1-19-29. TIME AND PLACE OF FILING REPORTS.--

14 A. Except as otherwise provided in this section,
15 all reporting individuals shall file with the secretary of
16 state no later than the second Monday in April and October a
17 report of all expenditures made and contributions received on
18 or before the first Monday in those months and not previously
19 reported; provided that, if the date falls on a state holiday,
20 the report shall be filed no later than the next business day.
21 The report shall be filed biannually until the provisions
22 specified in Subsection F or G [~~or~~ H] of this section have been
23 satisfied.

24 B. In an election year, instead of the biannual
25 reports provided for in Subsection A of this section, all

1 reporting individuals, except for public officials who are not
2 candidates in an election that year, shall file reports of all
3 expenditures made and contributions received or, if applicable,
4 statements of no activity, according to the following schedule:

5 (1) no later than the second Monday in April,
6 a report of all expenditures made and contributions received on
7 or before the first Monday in April and not previously
8 reported;

9 (2) no later than the second Monday in May, a
10 report of all expenditures made and contributions received on
11 or before the first Monday in May and not previously reported;

12 (3) no later than the second Monday in
13 September, a report of all expenditures made and contributions
14 received on or before the first Monday in September and not
15 previously reported;

16 (4) no later than the second Monday in
17 October, a report of all expenditures made and contributions
18 received on or before the first Monday in October and not
19 previously reported; provided that if the second Monday of
20 October is a state holiday, the report shall be made on the
21 following day;

22 (5) no later than the Thursday before a
23 primary, general or statewide special election, a report of all
24 expenditures made and contributions received by 5:00 p.m. on
25 the Tuesday before the election and not previously reported.

.225181.2

1 Any expenditure that is made or contribution or pledge to
2 contribute that is received after 5:00 p.m. on the Tuesday
3 before the election and that is for more than one thousand
4 dollars (\$1,000) in a nonstatewide election, or more than three
5 thousand dollars (\$3,000) in a statewide election, shall be
6 reported to the secretary of state either in a supplemental
7 report on a prescribed form within twenty-four hours [~~of~~
8 ~~receipt~~] or in the report to be filed no later than the
9 Thursday before a primary, general or statewide special
10 election, except that any such expenditure that is made or
11 contribution or pledge to contribute that is received after
12 5:00 p.m. on the Friday before the election may be reported by
13 12:00 noon on the Monday before the election;

14 (6) no later than the thirtieth day after a
15 primary election, a report by all reporting individuals, except
16 those individuals that become candidates after the primary
17 election, of all expenditures made and contributions received
18 on or before the twenty-fifth day after the primary election
19 and not previously reported;

20 (7) no later than the thirtieth day after a
21 statewide special election, a report of all expenditures made
22 and contributions received on or before the twenty-fifth day
23 after the statewide special election and not previously
24 reported; and

25 (8) no later than January 7 after a general

1 election, a report of all expenditures made and contributions
2 received on or before December 31 after the general election
3 and not previously reported.

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

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

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

22 F. Except for candidates, campaign committees and
23 public officials who file a statement of no activity, each
24 candidate, campaign committee or public official shall file a
25 report of expenditures and contributions pursuant to the filing

.225181.2

1 schedules set forth in this section, regardless of whether any
2 expenditures were made or contributions were received during
3 the reporting period. Reports shall be required until the
4 reporting individual delivers a report to the secretary of
5 state stating that:

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

10 ~~[G. If, during a nonelection year, a political~~
11 ~~committee has not received any contributions or made any~~
12 ~~coordinated or independent expenditures since it filed its last~~
13 ~~report pursuant to this section, it need not file any report~~
14 ~~under this section until the next reporting period, if any, in~~
15 ~~which it receives contributions or makes expenditures. A~~
16 ~~political committee that has not received any contributions or~~
17 ~~made any coordinated or independent expenditures for a~~
18 ~~continuous period of at least one year may cancel its~~
19 ~~registration as a political committee by submitting an~~
20 ~~appropriate request in writing to the secretary of state. The~~
21 ~~committee shall retain the obligation to submit a new~~
22 ~~registration pursuant to Section 1-19-26.1 NMSA 1978 in the~~
23 ~~event that its future activities meet the requisites for~~
24 ~~registration under that section.~~

25 H.] G. A reporting individual who is a candidate

1 within the meaning of the Campaign Reporting Act because of the
2 amount of contributions the candidate receives or expenditures
3 the candidate makes and who does not ultimately file a
4 declaration of candidacy or a nominating petition with the
5 secretary of state and does not file a statement of no activity
6 shall file biannual reports in accordance with Subsection A of
7 this section.

8 ~~[F.]~~ H. Reports required by this section shall be
9 subscribed and sworn to by the candidate or the treasurer of
10 the political committee or, in the case of candidates for
11 judicial office, by the treasurer of the candidate's campaign
12 committee. A report filed electronically shall be
13 electronically authenticated by the candidate or the treasurer
14 of the committee using an electronic signature in conformance
15 with the Electronic Authentication of Documents Act and the
16 Uniform Electronic Transactions Act. For the purposes of the
17 Campaign Reporting Act, a report that is electronically
18 authenticated in accordance with the provisions of this
19 subsection shall be deemed to have been subscribed and sworn to
20 by the candidate or the treasurer of the committee who was
21 required to file the report.

22 ~~[J.]~~ I. Reports required by this section shall be
23 filed electronically by all reporting individuals.

24 ~~[K.]~~ J. Reporting individuals may apply to the
25 secretary of state for exemption from electronic filing in case

.225181.2

1 of hardship, which shall be defined by the secretary of state."

2 SECTION 5. Section 1-19-29.1 NMSA 1978 (being Laws 1993,
3 Chapter 46, Section 6, as amended) is amended to read:

4 "1-19-29.1. CAMPAIGN FUNDS--LIMITATION ON USE.--

5 A. It is unlawful for a candidate or the
6 candidate's agent to make an expenditure of contributions
7 received, except for the following purposes or as otherwise
8 provided in this section:

9 (1) expenditures of the campaign;

10 (2) expenditures of legislators that are
11 reasonably related to performing the duties of the office held,
12 including mail, telephone and travel expenditures to serve
13 constituents, but excluding personal and legislative session
14 living expenses;

15 (3) donations to the state general fund;

16 (4) donations to an organization to which a
17 federal income tax deduction would be permitted under
18 Subparagraph (A) of Paragraph (1) of Subsection (b) of Section
19 170 of the Internal Revenue Code of 1986, as amended;

20 (5) expenditures to eliminate the campaign
21 debt of the candidate for the office sought or expenditures
22 incurred by the candidate when seeking election to another
23 public office covered by the Campaign Reporting Act;

24 (6) donations to a political committee or to
25 another candidate seeking election to public office covered by

.225181.2

1 the Campaign Reporting Act; or

2 (7) disbursements to return unused funds pro
3 rata to the contributors if no campaign debt exists.

4 B. It is unlawful for any person to make an
5 expenditure to repay a loan that is received from the candidate
6 that includes a rate of interest.

7 [~~B.~~] C. A judge subject to a nonpartisan retention
8 election or a candidate for judicial office shall solicit or
9 accept campaign funds and return unused funds in accordance
10 with the provisions of the Code of Judicial Conduct.

11 [~~C.~~] D. No contributions solicited for or received
12 in a federal election campaign may be used in a state election
13 campaign."

14 **SECTION 6.** Section 1-19-31 NMSA 1978 (being Laws 1979,
15 Chapter 360, Section 7, as amended) is amended to read:

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

20 A. the name and address of the person or entity to
21 whom an expenditure was made or from whom a contribution was
22 received, except as provided for anonymous contributions or
23 contributions received from special events as provided in
24 Section 1-19-34 NMSA 1978; provided that for contributors, the
25 name of the entity or the first and last names of any

.225181.2

1 individual shall be the full name of the entity or individual,
2 and initials only shall not constitute a full name unless that
3 is the complete legal name;

4 B. the occupation, name and type of business, as
5 applicable, of any individual or entity making contributions of
6 two hundred dollars (\$200) or more in the aggregate per
7 election;

8 C. the amount of the expenditure or contribution or
9 value thereof;

10 D. the purpose of the expenditure;

11 E. the date that the expenditure was made or the
12 contribution was received;

13 F. the opening and closing cash balance for the
14 bank accounts maintained by the reporting individual during the
15 reporting period and the name of the financial institution for
16 each account; and

17 G. the amount of each unpaid debt and the identity
18 of the person to whom the debt is owed, the terms of any loan
19 that a candidate makes to the candidate's campaign committee
20 and evidence of any loan that a candidate makes to the
21 candidate's campaign committee."

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

24 "1-19-34.1. LEGISLATIVE SESSION FUNDRAISING
25 PROHIBITION.--

.225181.2

1 A. It is unlawful during the prohibited period for
2 ~~[a state legislator, the attorney general, the secretary of~~
3 ~~state, the state treasurer, the commissioner of public lands or~~
4 ~~the state auditor or a candidate for state legislator, attorney~~
5 ~~general, secretary of state, state treasurer, commissioner of~~
6 ~~public lands or state auditor, or any agent on behalf of the~~
7 ~~attorney general, the secretary of state, the state treasurer,~~
8 ~~the commissioner of public lands or the state auditor or a~~
9 ~~candidate for attorney general, the secretary of state, state~~
10 ~~treasurer, commissioner of public lands or state auditor] an~~
11 ~~incumbent or candidate for a proscribed office, a campaign~~
12 ~~committee or a legislative caucus committee to [knowingly]:~~

13 (1) solicit a contribution governed by the
14 Campaign Reporting Act; ~~[For purposes of this subsection,~~
15 ~~"prohibited period" means that period beginning January 1 prior~~
16 ~~to any regular session of the legislature or, in the case of a~~
17 ~~special session, after the proclamation has been issued, and~~
18 ~~ending on adjournment of the regular or special session.~~

19 B. ~~It is unlawful during the prohibited period for~~
20 ~~the governor or the lieutenant governor, or any agent on the~~
21 ~~governor's or the lieutenant governor's behalf, to knowingly~~
22 ~~solicit a contribution governed by the Campaign Reporting Act.~~
23 ~~For purposes of this subsection, "prohibited period" means that~~
24 ~~period beginning January 1 prior to any regular session of the~~
25 ~~legislature or, in the case of a special session, after the~~

.225181.2

1 ~~proclamation has been issued, and ending on the twentieth day~~
2 ~~following the adjournment of the regular or special session.]~~
3 or

4 (2) accept a contribution from a lobbyist,
5 lobbyist's employer, incumbent or candidate, campaign committee
6 or political committee.

7 B. As used in this section:

8 (1) "incumbent or candidate" means:

9 (a) a person currently holding an office
10 subject to election;

11 (b) a person who is a candidate for an
12 office subject to election;

13 (c) a campaign committee; or

14 (d) an agent on behalf of a person or a
15 committee described in Subparagraphs (a) through (c) of this
16 paragraph;

17 (2) "lobbyist" means a person who is required
18 to register as a lobbyist pursuant to the provisions of the
19 Lobbyist Regulation Act;

20 (3) "lobbyist's employer" means the person
21 whose interests are being represented and by whom a lobbyist is
22 directly or indirectly retained, compensated or employed;

23 (4) "prohibited period" means:

24 (a) for an incumbent or candidate for
25 any proscribed office other than governor or lieutenant

1 governor and for a campaign committee or a legislative caucus
2 committee, the period beginning January 1 prior to any regular
3 session of the legislature or, in the case of a special or
4 extraordinary session, the lesser of the period beginning after
5 the proclamation has been issued or seventy-two hours prior to
6 the start of the special or extraordinary session, and ending
7 on the first calendar day after adjournment of the regular,
8 special or extraordinary session; and

9 (b) for an incumbent or candidate for
10 governor or lieutenant governor, the period beginning January 1
11 prior to any regular session of the legislature or, in the case
12 of a special or extraordinary session, the lesser of the period
13 beginning after the proclamation has been issued or seventy-two
14 hours prior to the start of the special or extraordinary
15 session, and ending on the earlier of the twenty-first day
16 following adjournment of the regular, special or extraordinary
17 session or the first calendar day after all bills passed by the
18 legislature have been signed or vetoed and deposited with the
19 secretary of state; and

20 (5) "proscribed office" means:

- 21 (a) governor;
22 (b) lieutenant governor;
23 (c) secretary of state;
24 (d) attorney general;
25 (e) state auditor;

.225181.2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- (f) state treasurer;
- (g) commissioner of public lands;
- (h) state senator; and
- (i) state representative."

underscoring material = new
[bracketed material] = delete