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HOUSE BILL 820

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

W. Ken Martinez

AN ACT

RELATING TO THE LEGISLATURE; PROHIBITING THE EXPENDITURE OF
CAMPAIGN CONTRIBUTIONS RECEIVED BY MEMBERS OF THE LEGISLATURE
FOR DUTIES REASONABLY RELATED TO THEIR OFFICE; PROVIDING FOR AN
ANNUAL DISTRIBUTION TO MEMBERS OF THE LEGISLATURE FOR EXPENSES
DIRECTLY RELATED TO THE DUTIES OF THEIR OFFICE.

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

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

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

A. It is unlawful for [~~any~~] a candidate or [~~his~~]
the candidate's agent to make an expenditure of contributions
received, except for the following purposes or as otherwise
provided in this section:

- (1) expenditures of the campaign;

underscored material = new
[bracketed material] = delete

1 [~~(2)~~] expenditures of legislators that are
2 reasonably related to performing the duties of the office held,
3 including mail, telephone and travel expenditures to serve
4 constituents, but excluding personal and legislative session
5 living expenses;

6 ~~(3)~~] (2) donations to the state general fund;

7 [~~(4)~~] (3) donations to an organization to
8 which a federal income tax deduction would be permitted under
9 Subparagraph (A) of Paragraph (1) of Subsection (b) of Section
10 170 of the Internal Revenue Code of 1986, as amended;

11 [~~(5)~~] (4) expenditures to eliminate the
12 campaign debt of the candidate for the office sought or
13 expenditures incurred by the candidate when seeking election to
14 another public office covered by the Campaign Reporting Act;

15 [~~(6)~~] (5) donations to a political party or to
16 another candidate seeking election to public office; or

17 [~~(7)~~] (6) disbursements to return unused funds
18 pro rata to the contributors if no campaign debt exists.

19 B. A judge subject to a nonpartisan retention
20 election or a candidate for judicial office shall solicit or
21 accept campaign funds and return unused funds in accordance
22 with the provisions of the Code of Judicial Conduct.

23 C. No contributions solicited for or received in a
24 federal election campaign may be used in a state election
25 campaign."

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underscored material = new
[bracketed material] = delete

1 Section 2. A new section of Chapter 2, Article 1 NMSA
2 1978 is enacted to read:

3 "[NEW MATERIAL] EXPENSES OF LEGISLATORS DIRECTLY RELATED
4 TO THE DUTIES OF THEIR OFFICE--DISTRIBUTION REQUIRED.--

5 A. Pursuant to Article 4, Section 10 of the
6 constitution of New Mexico, each member of the legislature
7 shall receive an annual distribution for expenses directly
8 related to the duties of the member's office in an amount equal
9 to fifteen percent of the annual salary provided for justices
10 of the New Mexico supreme court.

11 B. The New Mexico legislative council shall adopt a
12 policy to carry out the provisions of Subsection A of this
13 section."

14 Section 3. CONTINGENT EFFECTIVE DATE.--The provisions of
15 this act shall become effective upon certification by the
16 secretary of state that the constitution of New Mexico has been
17 amended as proposed by a joint resolution of the first session
18 of the forty-eighth legislature entitled "A JOINT RESOLUTION
19 PROPOSING AN AMENDMENT TO ARTICLE 4, SECTION 10 OF THE
20 CONSTITUTION OF NEW MEXICO TO PROVIDE AN ANNUAL DISTRIBUTION TO
21 MEMBERS OF THE LEGISLATURE FOR EXPENSES DIRECTLY RELATED TO THE
22 DUTIES OF THEIR OFFICE IN AN AMOUNT NOT TO EXCEED FIFTEEN
23 PERCENT OF THE ANNUAL SALARY PROVIDED FOR JUSTICES OF THE NEW
24 MEXICO SUPREME COURT".