

SENATE RULES COMMITTEE SUBSTITUTE FOR
SENATE BILLS 116, 262, 346 & 521

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

AN ACT

RELATING TO ELECTIONS; LIMITING CONTRIBUTIONS BY PERSONS AND
POLITICAL COMMITTEES TO CANDIDATES AND POLITICAL COMMITTEES IN
ELECTIONS COVERED BY THE CAMPAIGN REPORTING ACT; ALLOWING
DONATION OF CAMPAIGN FUNDS TO A POLITICAL COMMITTEE.

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] CONTRIBUTION LIMITATIONS--CANDIDATES--
POLITICAL COMMITTEES.--

A. The following contributions shall not knowingly
be made by the following persons, directly or indirectly,
including a contribution earmarked or otherwise directed or
coordinated through a third party:

(1) from a person, not including a political

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underscored material = new
[bracketed material] = delete

SRC/SB 116, et al.

1 committee, to a:

2 (a) candidate for office, including the
3 candidate's campaign committee, in an amount that will cause
4 that person's aggregate amount of contributions to the
5 candidate to exceed two thousand three hundred dollars (\$2,300)
6 in a calendar year;

7 (b) political committee other than a
8 political party, in an amount that will cause that person's
9 aggregate amount of contributions to the political committee to
10 exceed five thousand dollars (\$5,000) in a calendar year; or

11 (c) political party in an amount that
12 will cause that person's aggregate amount of contributions to
13 the political party to exceed ten thousand dollars (\$10,000) in
14 a calendar year;

15 (2) from a political committee, other than a
16 political party, to:

17 (a) a candidate for office, including
18 the candidate's campaign committee, in an amount that will
19 cause that political committee's aggregate amount of
20 contributions to the candidate to exceed five thousand dollars
21 (\$5,000) in a calendar year; or

22 (b) another political committee in an
23 amount that will cause that political committee's aggregate
24 amount of contributions to the political committee to exceed
25 five thousand dollars (\$5,000) in a calendar year; and

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1 (3) from a political party to:

2 (a) a candidate for office, including
3 the candidate's campaign committee, in an amount that will
4 cause the combined total of all local and state chapters of
5 that political party's aggregate amount of contributions to the
6 candidate to exceed ten thousand dollars (\$10,000) in a
7 calendar year; or

8 (b) another political committee in an
9 amount that will cause that political party's aggregate amount
10 of contributions to the political committee to exceed ten
11 thousand dollars (\$10,000) in a calendar year.

12 B. All contributions made by a person, either
13 directly or indirectly, including contributions that are in any
14 way earmarked or otherwise directed through an intermediary or
15 conduit to a candidate, shall be treated as contributions from
16 the person to that candidate.

17 C. A person shall not knowingly accept or solicit a
18 contribution, directly or indirectly, including a contribution
19 earmarked or otherwise directed or coordinated through a third
20 party, that violates the contribution limits provided for in
21 this section.

22 D. The limitation on contributions to a candidate
23 provided for in Subsection A of this section shall not apply to
24 a candidate's own contribution from the candidate's personal
25 funds to the candidate's own campaign."

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SRC/SB 116, et al.

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

3 "1-19-29.1. CAMPAIGN FUNDS--LIMITATION ON USE.--

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

8 (1) expenditures of the campaign;

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

14 (3) donations to the state general fund;

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

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

23 (6) donations to a political [~~party~~] committee
24 or to another candidate seeking election to public office; or

25 (7) disbursements to return unused funds pro

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1 rata to the contributors if no campaign debt exists.

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

6 C. No contributions solicited for or received in a
7 federal election campaign may be used in a state election
8 campaign."

9 Section 3. Section 1-19-34.3 NMSA 1978 (being Laws 1993,
10 Chapter 46, Section 14, as amended) is amended to read:

11 "1-19-34.3. CONTRIBUTIONS IN ONE NAME GIVEN FOR ANOTHER
12 PROHIBITED.--It is unlawful for a person [~~or political~~
13 ~~committee to make, or a candidate or his agent to accept, a~~
14 ~~contribution that is reported as coming from one person or~~
15 ~~entity when the candidate or his agent knows that the~~
16 ~~contribution is actually from another person or entity that~~
17 ~~directed that the contribution not be publicly reported] to
18 make a contribution in the name of another person, and no
19 person shall knowingly accept a contribution made by one person
20 in the name of another person."~~

21 Section 4. DELAYED REPEAL.--Section 1 of this act is
22 repealed effective January 1, 2013.

23 Section 5. EFFECTIVE DATE.--The effective date of the
24 provisions of this act is January 1, 2011.