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SENATE BILL 11

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

Peter Wirth

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO CAMPAIGN FINANCE; REQUIRING REPORTING OF
INDEPENDENT EXPENDITURES; REQUIRING DISCLAIMERS IN
ADVERTISEMENTS; REDEFINING "POLITICAL COMMITTEE"; DEFINING
"ADVERTISEMENT", "BALLOT MEASURE", "CAMPAIGN EXPENDITURE",
"COORDINATED EXPENDITURE", "INDEPENDENT EXPENDITURE" AND
"INDEPENDENT EXPENDITURE COMMITTEE"; RECONCILING MULTIPLE
AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2009; AMENDING,
REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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
REQUIREMENTS.--

A. Within three days after making an independent

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1 expenditure that is not otherwise required to be reported
2 pursuant to the Campaign Reporting Act, the person who made the
3 expenditure shall file a report of the expenditure with the
4 secretary of state.

5 B. The report required by Subsection A of this
6 section shall state:

7 (1) the name and address of the person who
8 made the expenditure;

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

15 (3) the amount and the name and address of the
16 contributor of each contribution of one hundred dollars (\$100)
17 or more that was:

18 (a) earmarked by the contributor to be
19 used to make the independent expenditure covered by the report;
20 or

21 (b) made in response to a solicitation
22 that refers to the independent expenditure to be covered by the
23 report and requests contributions to fund that independent
24 expenditure.

25 C. Independent expenditures shall be reported

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1 electronically using software provided or approved by the
2 secretary of state. The secretary of state may make exceptions
3 on a case-by-case basis for a person who lacks the
4 technological ability to file reports using the electronic
5 means provided or approved by the secretary of state.

6 D. Failure of any person to report electronically
7 pursuant to this section is a violation of the Campaign
8 Reporting Act."

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

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

12 A. A person who makes an expenditure of three
13 hundred dollars (\$300) or more for an advertisement shall
14 ensure that the advertisement contains:

15 (1) the name of the candidate who authorized
16 the advertisement or whose campaign committee authorized the
17 advertisement;

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

21 (3) the name of the person who paid for the
22 advertisement; and

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

25 B. Disclaimer statements required by Subsection A

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1 of this section shall be set forth legibly on any advertisement
2 that is disseminated or displayed by visual media. If the
3 advertisement is transmitted by audio media, the statement
4 shall be clearly spoken at the end of the communication. If
5 the advertisement is transmitted by audio-visual media, the
6 statement shall be both written legibly and spoken clearly at
7 the end of the advertisement."

8 SECTION 3. Section 1-19-26 NMSA 1978 (being Laws 1979,
9 Chapter 360, Section 2, as amended by Laws 2009, Chapter 67,
10 Section 1 and by Laws 2009, Chapter 68, Section 2) is amended
11 to read:

12 "1-19-26. DEFINITIONS.--As used in the Campaign Reporting
13 Act:

14 ~~[A. "advertising campaign" means an advertisement~~
15 ~~or series of advertisements used for a political purpose and~~
16 ~~disseminated to the public either in print, by radio or~~
17 ~~television broadcast or by any other electronic means,~~
18 ~~including telephonic communications, and may include direct or~~
19 ~~bulk mailings of printed materials;]~~

20 A. "advertisement" means a communication referring
21 to a candidate, ballot measure or election that is published,
22 disseminated, distributed or displayed to the public by print,
23 broadcast, satellite, cable or electronic media, including
24 recorded phone messages, or by printed materials, including
25 mailers, handbills, signs and billboards, and that can

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1 reasonably be expected to be seen or heard by at least one
2 thousand persons; but "advertisement" does not include:

3 (1) an internal political communication
4 primarily limited to:

5 (a) the contributors to a qualified
6 political party, political committee, independent expenditure
7 committee or similar enterprise;

8 (b) the officers, management, staff and
9 stockholders of a corporation or similar enterprise; or

10 (c) the members of a labor organization
11 or other membership organization;

12 (2) communications appearing in a news story,
13 commentary or editorial distributed through print, broadcast,
14 satellite, cable or electronic media, unless such media are
15 owned or controlled by a candidate, political party, political
16 committee or independent expenditure committee; or

17 (3) nonpartisan voter guides, nonpartisan
18 get-out-the-vote materials or announcements of candidate
19 debates or forums;

20 B. "anonymous contribution" means a contribution
21 the contributor of which is unknown to the candidate or the
22 candidate's agent or the political committee or its agent who
23 accepts the contribution;

24 C. "ballot measure" means a constitutional
25 amendment or other question submitted to the voters in an

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1 election;

2 ~~[G-]~~ D. "bank account" means an account in a
3 financial institution located in New Mexico;

4 ~~[D-]~~ E. "campaign committee" means two or more
5 persons authorized by a candidate to raise, collect or expend
6 contributions on the candidate's behalf for the purpose of
7 electing the candidate to office;

8 F. "campaign expenditure" means a payment or
9 transfer or promise to pay or transfer money or other thing of
10 value that is made by a campaign committee or by a candidate in
11 furtherance of the candidate's campaign in an election;

12 ~~[E-]~~ G. "candidate" means an individual who seeks
13 or considers an office in an election covered by the Campaign
14 Reporting Act, including a public official, who either has
15 filed a declaration of candidacy or nominating petition or:

16 (1) for a non-statewide office, has received
17 contributions or made expenditures of one thousand dollars
18 (\$1,000) or more or authorized another person or campaign
19 committee to receive contributions or make expenditures of one
20 thousand dollars (\$1,000) or more for the purpose of seeking
21 election to the office; or

22 (2) for a statewide office, has received
23 contributions or made expenditures of two thousand five hundred
24 dollars (\$2,500) or more or authorized another person or
25 campaign committee to receive contributions or make

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1 expenditures of two thousand five hundred dollars (\$2,500) or
2 more for the purpose of seeking election to the office or for
3 candidacy exploration purposes in the years prior to the year
4 of the election;

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

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

11 (a) made to a candidate to be used in
12 the candidate's campaign for election to an office covered by
13 the Campaign Reporting Act;

14 (b) made to a campaign committee,
15 political committee or independent expenditure committee;

16 (c) earmarked by the contributor to be
17 used for an independent expenditure; or

18 (d) made in response to a solicitation
19 that refers to the independent expenditure to be covered by the
20 report and requests contributions to fund that independent
21 expenditure;

22 (2) includes a coordinated expenditure; and

23 (3) does not include the value of services
24 provided without compensation or unreimbursed travel or other
25 personal expenses of individuals who volunteer a portion or all

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1 of their time on behalf of a candidate or political committee,
2 nor does it include the administrative or solicitation expenses
3 of a political committee [~~that are paid by an organization that~~
4 ~~sponsors the committee~~];

5 I. "coordinated expenditure":

6 (1) means a payment or transfer or promise to
7 pay or transfer money or other thing of value that is made:

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

10 (b) at the direction, suggestion or
11 request of, or in consultation with, a candidate, campaign
12 committee or political committee other than the person making
13 the expenditure, or by any agent or representative of a
14 candidate, campaign committee or political committee other than
15 the person making the expenditure; and

16 (c) in order to pay for an advertisement
17 that: 1) expressly advocates the election or defeat of a
18 clearly identified candidate; 2) is susceptible to no other
19 reasonable interpretation than as an appeal to vote for or
20 against a clearly identified candidate; or 3) refers to a
21 clearly identified candidate, is published or disseminated
22 within sixty days before the general election or thirty days
23 before the primary election at which the candidate is on the
24 ballot and can reasonably be expected to be seen or heard by at
25 least five hundred persons eligible to vote for the candidate;

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1 and

2 (2) is deemed to constitute a contribution
3 from the person who made the expenditure to the candidate,
4 campaign committee or political committee by whom or by whose
5 agent or representative the expenditure was directed, suggested
6 or requested or in consultation with whom or with whose agent
7 or representative the expenditure was made;

8 [G.] J. "deliver" or "delivery" means to deliver by
9 certified or registered mail, telecopier, electronic
10 transmission or facsimile or by personal service;

11 [H.] K. "election" means any primary, general or
12 statewide special election in New Mexico and includes county
13 and judicial retention elections but excludes municipal, school
14 board and special district elections;

15 [I.] L. "election year" means an even-numbered year
16 in which an election covered by the Campaign Reporting Act is
17 held;

18 [J.] M. "expenditure" means a [~~payment, transfer or~~
19 ~~distribution or obligation or promise to pay, transfer or~~
20 ~~distribute any money or other thing of value for a political~~
21 ~~purpose, including payment of a debt incurred in an election~~
22 ~~campaign or pre-primary convention, but does not include the~~
23 ~~administrative or solicitation expenses of a political~~
24 ~~committee that are paid by an organization that sponsors the~~
25 ~~committee] campaign expenditure, a coordinated expenditure or~~

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1 an independent expenditure;

2 N. "independent expenditure" means a payment or
3 transfer or promise to pay or transfer money or other thing
4 having a value of three hundred dollars (\$300) or more that is:

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

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

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

10 (a) expressly advocates the election or
11 defeat of a clearly identified candidate or the passage or
12 defeat of a clearly identified ballot measure;

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

16 (c) refers to a clearly identified
17 candidate or ballot measure, is published or disseminated
18 within sixty days before the general election or thirty days
19 before the primary election at which the candidate or ballot
20 measure is on the ballot and 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;

23 O. "independent expenditure committee" means an
24 association of two or more persons the primary purpose of which
25 is to make independent expenditures and that has expended two

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1 thousand dollars (\$2,000) or more for that purpose in a
2 calendar year;

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

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

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

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

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

22 ~~M. "political purpose" means influencing or~~
23 ~~attempting to influence an election or pre-primary convention,~~
24 ~~including a constitutional amendment or other question~~
25 ~~submitted to the voters] a qualified political party or an~~

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1 association of two or more persons the primary purpose of which
2 is to make contributions to candidates, campaign committees or
3 political committees or make coordinated expenditures or any
4 combination thereof;

5 [N-] R. "prescribed form" means a form or
6 electronic format prepared and prescribed by the secretary of
7 state;

8 [O-] S. "proper filing officer" means either the
9 secretary of state or the county clerk as provided in Section
10 1-19-27 NMSA 1978;

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

15 [Q-] U. "reporting individual" means every public
16 official, candidate or treasurer of a campaign committee and
17 every treasurer of a political committee or independent
18 expenditure committee."

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

21 "1-19-26.1. POLITICAL COMMITTEES AND INDEPENDENT
22 EXPENDITURE COMMITTEES--REGISTRATION--DISCLOSURES.--

23 A. It is unlawful for [~~any~~] a political committee
24 [~~that receives, contributes or expends in excess of five~~
25 ~~hundred dollars (\$500) in any calendar year~~], or an independent

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1 expenditure committee that receives or expends in excess of two
2 thousand dollars (\$2,000) in any calendar year, to continue to
3 receive or make [~~any~~] a contribution or expenditure [~~for a~~
4 ~~political purpose~~] unless that [~~political~~] committee appoints
5 and maintains a treasurer and registers with the secretary of
6 state.

7 B. A political committee shall register with the
8 secretary of state within ten days of [~~receiving, contributing~~
9 ~~or expending in excess of five hundred dollars (\$500)]~~
10 organizing, and an independent expenditure committee shall
11 register with the secretary of state within ten days of
12 receiving or expending in excess of two thousand dollars
13 (\$2,000), by paying a filing fee of fifty dollars (\$50.00) and
14 filing a statement of organization under oath on a prescribed
15 form showing:

16 (1) the full name of the [~~political~~]
17 committee, which shall fairly and accurately reflect the
18 identity of the committee, including any sponsoring
19 organization, and its address;

20 (2) a statement of the purpose for which the
21 [~~political~~] committee was organized;

22 (3) the name, address and relationship of any
23 connected or associated organization or entity;

24 (4) the names and addresses of the officers of
25 the committee; and

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1 (5) an identification of the bank account
2 established pursuant to Section 1-19-34 NMSA 1978 that is used
3 by the committee for all expenditures or contributions made or
4 received.

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

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

20 "1-19-29. TIME AND PLACE OF FILING REPORTS.--

21 A. Except as otherwise provided in this section,
22 all reporting individuals shall file with the proper filing
23 officer by 5:00 p.m. on the second Monday in April and October
24 a report of all expenditures made and contributions received on
25 or before the first Monday in those months and not previously

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1 reported. The report shall be filed biannually until the
2 reporting individual's bank account has been closed and the
3 other provisions specified in Subsection F of this section have
4 been satisfied.

5 B. In an election year, instead of the biannual
6 reports provided for in Subsection A of this section, all
7 reporting individuals, except for public officials who are not
8 candidates in an election that year, shall file reports of all
9 expenditures made and contributions received or, if applicable,
10 statements of no activity, according to the following schedule:

11 (1) by 5:00 p.m. on the second Monday in
12 April, a report of all expenditures made and contributions
13 received on or before the first Monday in April and not
14 previously reported;

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

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

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

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1 (5) by 5:00 p.m. on the Thursday before a
2 primary, general or statewide special election, a report of all
3 expenditures made and contributions received by 5:00 p.m. on
4 the Tuesday before the election. Any contribution or pledge to
5 contribute that is received after 5:00 p.m. on the Tuesday
6 before the election and that is for five hundred dollars (\$500)
7 or more in a legislative or non-statewide judicial election, or
8 two thousand five hundred dollars (\$2,500) or more in a
9 statewide election, shall be reported to the proper filing
10 officer either in a supplemental report on a prescribed form
11 within twenty-four hours of receipt or in the report to be
12 filed by 5:00 p.m. on the Thursday before a primary, general or
13 statewide special election, except that any such contribution
14 or pledge to contribute that is received after 5:00 p.m. on the
15 Friday before the election may be reported by 12:00 noon on the
16 Monday before the election; and

17 (6) by 5:00 p.m. on the thirtieth day after a
18 primary, general or statewide special election, a report of all
19 expenditures made and contributions received on or before the
20 twenty-fifth day after the election and not previously
21 reported.

22 C. If a candidate or public official has not
23 received any contributions and has not made any expenditures
24 since the candidate's or official's last report was filed with
25 the proper filing officer, the candidate or official shall only

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1 be required to file a statement of no activity, which shall not
2 be required to be notarized, in lieu of a full report when that
3 report would otherwise be due and shall not be required to file
4 a full report until the next required filing date occurring
5 after an expenditure is made or a contribution is received.

6 D. In an election year, a public official who is
7 not a candidate shall file biannual reports of expenditures
8 made and contributions received or statements of no activity in
9 accordance with the schedule provided for in Subsection A of
10 this section.

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

14 F. Except for candidates and public officials who
15 file a statement of no activity, each reporting individual
16 shall file a report of expenditures and contributions pursuant
17 to the filing schedules set forth in this section, regardless
18 of whether any expenditures were made or contributions were
19 received during the reporting period. Reports shall be
20 required until the reporting individual delivers a report to
21 the proper filing officer stating that:

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

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1 G. Each treasurer of a political committee or
2 independent expenditure committee shall file a report of
3 expenditures and contributions pursuant to the filing schedules
4 set forth in this section until the treasurer files a report
5 that affirms that the committee has dissolved or no longer
6 exists and that its bank account has been closed.

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

15 I. Reports required by this section shall be
16 subscribed and sworn to by the candidate or the treasurer of
17 the political committee or independent expenditure committee.
18 A report filed electronically shall be electronically
19 authenticated by the candidate or the treasurer of the
20 [~~political~~] committee using an electronic signature in
21 conformance with the Electronic Authentication of Documents Act
22 and the Uniform Electronic Transactions Act. For the purposes
23 of the Campaign Reporting Act, a report that is electronically
24 authenticated in accordance with the provisions of this
25 subsection shall be deemed to have been subscribed and sworn to

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1 by the candidate or the treasurer of the [~~political~~] committee
2 who was required to file the report.

3 J. Reports required by this section shall be filed
4 electronically by all reporting individuals.

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

8 SECTION 6. Section 1-19-34 NMSA 1978 (being Laws 1979,
9 Chapter 360, Section 10, as amended) is amended to read:

10 "1-19-34. CANDIDATES--POLITICAL, CAMPAIGN OR INDEPENDENT
11 EXPENDITURE COMMITTEES--TREASURER--BANK ACCOUNT--ANONYMOUS
12 CONTRIBUTIONS--CONTRIBUTIONS FROM SPECIAL EVENTS.--

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

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

23 (2) all disbursements of money and receipts of
24 contributions are authorized by and through the candidate or
25 treasurer;

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1 (3) a separate bank account has been
2 established and all receipts of money contributions and all
3 expenditures of money are deposited in and disbursed from the
4 one bank account maintained by the treasurer in the name of the
5 candidate or ~~[political]~~ committee; provided that nothing in
6 this section shall prohibit investments from the bank account
7 to earn interest as long as the investments and earnings are
8 fully reported. All disbursements except for disbursements
9 made from a petty cash fund of one hundred dollars (\$100) or
10 less shall be by check made payable to the person or entity
11 receiving the disbursement and not to "cash" or "bearer"; and

12 (4) the treasurer upon disbursing or receiving
13 money or other things of value immediately enters and
14 thereafter keeps a proper record preserved by ~~[him]~~ the
15 treasurer, including a full, true and itemized statement and
16 account of each sum disbursed or received, the date of such
17 disbursal or receipt, to whom disbursed or from whom received
18 and the object or purpose for which it was disbursed or
19 received.

20 B. No anonymous contributions may be accepted in
21 excess of one hundred dollars (\$100). The aggregate amount of
22 anonymous contributions received by a reporting individual
23 during a primary or general election or a statewide special
24 election shall not exceed two thousand dollars (\$2,000) for
25 statewide races and five hundred dollars (\$500) for all other

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1 races.

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

17 D. Any contributions received pursuant to this
18 section in excess of the limits established in Subsections B
19 and C of this section shall be donated to the state general
20 fund or an organization to which a federal income tax deduction
21 would be available under Subparagraph (A) of Paragraph (1) of
22 Subsection (b) of Section 170 of the Internal Revenue Code of
23 1986, as amended."

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

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1 "1-19-34.1. LEGISLATIVE SESSION FUNDRAISING

2 PROHIBITION.--

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

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

19 SECTION 8. REPEAL.--Sections 1-19-16 and 1-19-17 NMSA
20 1978 (being Laws 1973, Chapter 401, Sections 1 and 2) are
21 repealed.

22 SECTION 9. EFFECTIVE DATE.--The effective date of the
23 provisions of this act is July 1, 2012.