

underscored material = new  
[bracketed material] = delete

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

SENATE BILL 370

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

INTRODUCED BY

Eric G. Griego

AN ACT

RELATING TO ELECTIONS; PROHIBITING CERTAIN CONTRIBUTIONS AND  
FUNDRAISING BY BUSINESS ENTITIES, LOBBYISTS AND STATE  
CONTRACTORS AND THEIR PRINCIPALS; RECONCILING MULTIPLE  
AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2009.

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] BUSINESS ENTITIES--CONTRIBUTIONS AND  
FUNDRAISING FOR CANDIDATES PROHIBITED.--

A. A business entity shall not make or bundle  
contributions or sponsor or host fundraising on behalf of a  
public officer, a candidate for nomination or election to a  
public office or a campaign committee established by the  
candidate.

underscored material = new  
[bracketed material] = delete

1           B. A public officer or candidate described in  
2 Subsection A of this section shall not accept or solicit a  
3 contribution prohibited by that subsection."

4           **SECTION 2.** A new section of the Campaign Reporting Act is  
5 enacted to read:

6           "[NEW MATERIAL] LOBBYISTS--CONTRIBUTIONS AND FUNDRAISING  
7 FOR CANDIDATES PROHIBITED.--

8           A. A lobbyist, subject to the Lobbyist Regulation  
9 Act, shall not make or bundle contributions or sponsor or host  
10 fundraising on behalf of a public officer, a candidate for  
11 nomination or election to a public office or a campaign  
12 committee established by the candidate.

13           B. A public officer or candidate described in  
14 Subsection A of this section shall not solicit or accept a  
15 contribution prohibited by that subsection.

16           C. The provisions of this section shall not  
17 restrict a lobbyist from establishing a campaign committee for  
18 the lobbyist's own campaign."

19           **SECTION 3.** A new section of the Campaign Reporting Act is  
20 enacted to read:

21           "[NEW MATERIAL] STATE CONTRACTORS--CONTRIBUTIONS AND  
22 FUNDRAISING FOR CANDIDATES PROHIBITED.--

23           A. A state contractor or a principal of a state  
24 contractor shall not make or bundle contributions or sponsor or  
25 host fundraising on behalf of a public officer, a candidate for

.188506.2

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

1 nomination or election to a public office or a campaign  
2 committee established by the candidate.

3 B. A public candidate officer or candidate  
4 described in Subsection A of this section shall not accept or  
5 solicit a contribution prohibited by that subsection.

6 C. The provisions of this section shall not  
7 restrict a principal of a state contractor from establishing a  
8 campaign committee for the principal's own campaign."

9 SECTION 4. Section 1-19-26 NMSA 1978 (being Laws 1979,  
10 Chapter 360, Section 2, as amended by Laws 2009, Chapter 67,  
11 Section 1 and by Laws 2009, Chapter 68, Section 2) is amended  
12 to read:

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

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

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

25 C. "bank account" means an account in a financial

.188506.2

underscored material = new  
[bracketed material] = delete

1 institution located in New Mexico;

2 D. "business entity" includes, whether organized  
3 inside or outside of this state, a sole proprietorship,  
4 partnership, joint venture, limited liability company,  
5 corporation and any other association, organization or entity  
6 that is engaged in the operation of a business or profit-making  
7 activity;

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

12 [~~E-~~] F. "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

.188506.2

underscored material = new  
[bracketed material] = delete

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.]~~ G. "contribution" means a gift, subscription,  
6 loan, advance or deposit of money or other thing of value,  
7 including the estimated value of an in-kind contribution, that  
8 is made or received for a political purpose, including payment  
9 of a debt incurred in an election campaign, but "contribution"  
10 does not include the value of services provided without  
11 compensation or unreimbursed travel or other personal expenses  
12 of individuals who volunteer a portion or all of their time on  
13 behalf of a candidate or political committee, nor does it  
14 include the administrative or solicitation expenses of a  
15 political committee that are paid by an organization that  
16 sponsors the committee;

17 ~~[G.]~~ H. "deliver" or "delivery" means to deliver by  
18 certified or registered mail, telecopier, electronic  
19 transmission or facsimile or by personal service;

20 ~~[H.]~~ I. "election" means any primary, general or  
21 statewide special election in New Mexico and includes county  
22 and judicial retention elections but excludes municipal, school  
23 board and special district elections;

24 ~~[I.]~~ J. "election year" means an even-numbered year  
25 in which an election covered by the Campaign Reporting Act is

.188506.2

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

1 held;

2           ~~[J-]~~ K. "expenditure" means a payment, transfer or  
3 distribution or obligation or promise to pay, transfer or  
4 distribute any money or other thing of value for a political  
5 purpose, including payment of a debt incurred in an election  
6 campaign or pre-primary convention, but does not include the  
7 administrative or solicitation expenses of a political  
8 committee that are paid by an organization that sponsors the  
9 committee;

10           ~~[K-]~~ L. "person" means an individual or entity;

11           ~~[L-]~~ M. "political committee" means two or more  
12 persons, other than members of a candidate's immediate family  
13 or campaign committee or a husband and wife who make a  
14 contribution out of a joint account, who are selected,  
15 appointed, chosen, associated, organized or operated primarily  
16 for a political purpose; and "political committee" includes:

17                   (1) political parties, political action  
18 committees or similar organizations composed of employees or  
19 members of any corporation, labor organization, trade or  
20 professional association or any other similar group that  
21 raises, collects, expends or contributes money or any other  
22 thing of value for a political purpose;

23                   (2) a single individual whose actions  
24 represent that the individual is a political committee; and

25                   (3) a person or an organization of two or more

.188506.2

underscored material = new  
[bracketed material] = delete

1 persons that within one calendar year expends funds in excess  
2 of five hundred dollars (\$500) to conduct an advertising  
3 campaign for a political purpose;

4 ~~[M.]~~ N. "political purpose" means influencing or  
5 attempting to influence an election or pre-primary convention,  
6 including a constitutional amendment or other question  
7 submitted to the voters;

8 ~~[N.]~~ O. "prescribed form" means a form or  
9 electronic format prepared and prescribed by the secretary of  
10 state;

11 P. "principal of a state contractor" means, in  
12 addition to the state contractor itself:

13 (1) a person who is a member of the board of  
14 directors of, or has an ownership interest in, a state  
15 contractor, except for an individual who owns less than five  
16 percent of the shares of that state contractor that is a  
17 publicly traded corporation;

18 (2) a person who is employed by a state  
19 contractor that is a business entity, as president, treasurer  
20 or executive or senior vice president;

21 (3) a person who is the chief executive  
22 officer of a state contractor;

23 (4) an employee of any state contractor who  
24 has managerial or discretionary responsibilities with respect  
25 to a state contract; or

.188506.2

underscored material = new  
[bracketed material] = delete

1                   (5) the spouse or a dependent child of a  
2 person described in Paragraphs (1) through (4) of this  
3 subsection;

4                   [~~Q.~~] Q. "proper filing officer" means either the  
5 secretary of state or the county clerk as provided in Section  
6 1-19-27 NMSA 1978;

7                   [~~P.~~] R. "public officer" or "public official" means  
8 a person elected to an office in an election covered by the  
9 Campaign Reporting Act or a person appointed to an office that  
10 is subject to an election covered by that act; [~~and~~

11                   [~~Q.~~] S. "reporting individual" means every public  
12 official, candidate or treasurer of a campaign committee and  
13 every treasurer of a political committee;

14                   T. "state agency" means an office, department,  
15 board, council, commission, institution or other agency in the  
16 executive, legislative or judicial branch of state government  
17 or an institution or instrumentality of the state;

18                   U. "state contract" means an agreement or contract  
19 with the state or any state agency having a value of twenty  
20 thousand dollars (\$20,000) or more in a fiscal year, or a  
21 combination or series of such agreements or contracts having a  
22 value of twenty thousand dollars (\$20,000) or more in a fiscal  
23 year, for:

24                                 (1) the rendition of services, including  
25 professional services and financial services;

.188506.2



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

- 1                   (2) the furnishing of any material, supplies  
2 or equipment;  
3                   (3) the construction, alteration or repair of  
4 any public building or public work;  
5                   (4) the acquisition, sale or lease of any land  
6 or building;  
7                   (5) a licensing arrangement;  
8                   (6) a grant, loan or loan guarantee; or  
9                   (7) the purchase or sale of financial  
10 securities or instruments or investment of public money; and

11                   V. "state contractor" means a person, including a  
12 business entity or nonprofit organization, that enters into a  
13 state contract, which person shall be deemed to be a state  
14 contractor until the termination of the contract. "State  
15 contractor" does not include a municipality or any other  
16 political subdivision of the state or an employee of a state  
17 agency, whether full- or part-time, in that person's capacity  
18 as an employee of the state."