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SENATE BILL 18

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

Peter Wirth

AN ACT

RELATING TO CAMPAIGN FINANCE; REQUIRING REPORTING OF
INDEPENDENT EXPENDITURES; REDEFINING "POLITICAL COMMITTEE";
DEFINING "ADVERTISEMENT", "BALLOT MEASURE", "CAMPAIGN
EXPENDITURE", "COORDINATED EXPENDITURE", "INDEPENDENT
EXPENDITURE", "INDEPENDENT EXPENDITURE COMMITTEE" AND OTHER
TERMS; ADJUSTING CONTRIBUTION AND EXPENDITURE REPORTING
REQUIREMENTS AND LIMITS; CHANGING PENALTIES; RECONCILING
MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2009;
AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978;
PROVIDING PENALTIES.

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

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1 REQUIREMENTS.--

2 A. A person who makes an independent expenditure
3 not otherwise required to be reported under the Campaign
4 Reporting Act in an amount that exceeds eight hundred dollars
5 (\$800), or in an amount that, when added to the aggregate
6 amount of the independent expenditures made by the same person
7 during the preceding twelve months, exceeds eight hundred
8 dollars (\$800), shall file a report with the secretary of state
9 within:

10 (1) three days after making an independent
11 expenditure of less than five thousand dollars (\$5,000); or

12 (2) twenty-four hours after making an
13 independent expenditure of five thousand dollars (\$5,000) or
14 more.

15 B. The report required by Subsection A of this
16 section shall state:

17 (1) the name and address of the person who
18 made the expenditure;

19 (2) the name and address of the person to whom
20 the independent expenditure was made and the amount, date and
21 purpose of the expenditure; if no reasonable estimate of the
22 monetary value of a particular expenditure is practicable, it
23 is sufficient to report instead a description of the services,
24 property or rights furnished through the expenditure; and

25 (3) the name and address of, and the amount of

1 each contribution not previously reported for, each contributor
2 who contributed more than two hundred dollars (\$200) in the
3 aggregate during the twelve months preceding the expenditure
4 that were:

5 (a) earmarked by the contributor to be
6 used to make independent expenditures; or

7 (b) made in response to a solicitation
8 that requests contributions to fund independent expenditures.

9 C. For an independent expenditure of more than
10 three thousand dollars (\$3,000), or an independent expenditure
11 in an amount that, when added to the aggregate amount of the
12 independent expenditures made by the same person during the
13 preceding twelve months, exceeds three thousand dollars
14 (\$3,000), the report required by Subsection A of this section
15 shall also state:

16 (1) if the expenditure was made from a
17 segregated bank account that consists only of funds contributed
18 to the account by individuals for the purpose of making
19 independent expenditures, the name and address of, and the
20 amount of each contribution not previously reported for, each
21 contributor who contributed more than two hundred dollars
22 (\$200) in the aggregate to the account during the twelve months
23 preceding the report; or

24 (2) if the expenditure was made from funds
25 other than those described in Paragraph (1) of this subsection,

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1 the name and address of, and amount of each contribution not
2 previously reported for, each contributor who contributed more
3 than five thousand dollars (\$5,000) in the aggregate to the
4 person who made the expenditure during the twelve months
5 preceding the report.

6 D. Independent expenditures shall be reported
7 electronically using software provided or approved by the
8 secretary of state. The secretary of state may make exceptions
9 on a case-by-case basis for a person who lacks the
10 technological ability to file reports using the electronic
11 means provided or approved by the secretary of state.

12 E. Failure of any person to report electronically
13 pursuant to this section is a violation of the Campaign
14 Reporting Act."

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

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

18 A. A person who makes a campaign expenditure, a
19 coordinated expenditure or an independent expenditure for an
20 advertisement in an amount that exceeds three thousand dollars
21 (\$3,000), or in an amount that, when added to the aggregate
22 amount of the campaign expenditures, coordinated expenditures
23 and independent expenditures for advertisements made by the
24 same person during the preceding twelve months, exceeds three
25 thousand dollars (\$3,000), shall ensure that the advertisement

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1 contains:

2 (1) the name of the candidate who authorized
3 the advertisement or whose campaign committee authorized the
4 advertisement; or

5 (2) if the advertisement is not authorized by
6 any candidate or campaign committee, the name and the phone
7 number or web address of the person who authorized and paid for
8 the advertisement.

9 B. The disclaimer statements required by Subsection
10 A of this section shall be set forth legibly on any
11 advertisement that is disseminated or displayed by visual
12 media. If the advertisement is transmitted by audio media, the
13 statement shall be clearly spoken at the end of the
14 advertisement. If the advertisement is transmitted by
15 audiovisual media, the statement shall be both written legibly
16 and spoken clearly at the end of the advertisement."

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

21 "1-19-26. DEFINITIONS.--As used in the Campaign Reporting
22 Act:

23 ~~[A. "advertising campaign" means an advertisement~~
24 ~~or series of advertisements used for a political purpose and~~
25 ~~disseminated to the public either in print, by radio or~~

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1 ~~television broadcast or by any other electronic means,~~
2 ~~including telephonic communications, and may include direct or~~
3 ~~bulk mailings of printed materials;]~~

4 A. "advertisement" means a communication referring
5 to a candidate, ballot measure or election that is published,
6 disseminated, distributed or displayed to the public by print,
7 broadcast, satellite, cable or electronic media, including
8 recorded phone messages, or by printed materials, including
9 mailers, handbills, signs and billboards, and that can
10 reasonably be expected to be seen or heard by at least five
11 hundred persons; but "advertisement" does not include:

12 (1) a communication by a membership
13 organization or corporation to its current members,
14 stockholders or executive or administrative personnel unless
15 the membership organization or corporation is a campaign
16 committee, a political committee or an independent expenditure
17 committee;

18 (2) a communication appearing in a news story
19 or editorial distributed through a print, broadcast, satellite,
20 cable or electronic medium, unless the communication is
21 sponsored or paid for, or the medium controlled or owned, by a
22 candidate, campaign committee, political committee or
23 independent expenditure committee;

24 (3) a candidate debate or forum or a
25 communication announcing a candidate debate or forum paid for

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1 on behalf of the debate or forum sponsor; provided that two or
2 more candidates for the same position have been invited to
3 participate; or

4 (4) nonpartisan voter guides allowed by the
5 federal Internal Revenue Code of 1986 for Section 501(c)(3)
6 organizations or nonpartisan get-out-the-vote materials;

7 B. "anonymous contribution" means a contribution
8 the contributor of which is unknown to the candidate or the
9 candidate's agent or the political committee or independent
10 expenditure committee or its agent who accepts the
11 contribution;

12 C. "ballot measure" means a constitutional
13 amendment or other question submitted to the voters in an
14 election;

15 ~~[G.]~~ D. "bank account" means an account in a
16 financial institution ~~[located in New Mexico]~~ chartered and
17 regulated by the United States or a state of the United States;

18 ~~[D.]~~ E. "campaign committee" means an association
19 of two or more persons, [authorized by a candidate] or an
20 entity, whose primary purpose is to raise, collect [or] and
21 expend contributions on [the candidate's] behalf of and with
22 the authorization of the candidate for the purpose of electing
23 the candidate to office;

24 F. "campaign expenditure" means an expenditure that
25 is made by a campaign committee or by a candidate or public

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1 official in support of the candidate's or public official's
2 campaign in an election;

3 ~~[E-]~~ G. "candidate" means an individual who seeks
4 or considers an office in an election covered by the Campaign
5 Reporting Act, including a public official, who either has
6 filed a declaration of candidacy or nominating petition and has
7 not subsequently filed a statement of withdrawal or:

8 (1) for a non-statewide office, has received
9 contributions or made expenditures of more than one thousand
10 dollars (\$1,000) [~~or more~~] or authorized another person or
11 campaign committee to receive contributions or make
12 expenditures of more than one thousand dollars (\$1,000) [~~or~~
13 ~~more~~] for the purpose of seeking election to the office; or

14 (2) for a statewide office, has received
15 contributions or made expenditures of more than two thousand
16 five hundred dollars (\$2,500) [~~or more~~] or authorized another
17 person or campaign committee to receive contributions or make
18 expenditures of more than two thousand five hundred dollars
19 (\$2,500) [~~or more~~] for the purpose of seeking election to the
20 office or for candidacy exploration purposes in the years prior
21 to the year of the election;

22 ~~[F-]~~ H. "contribution":

23 (1) means a gift, subscription, loan, advance
24 or deposit of money or other thing of value, including the
25 estimated value of an in-kind contribution, that is [~~made or~~

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1 ~~received for a political purpose, including payment of a debt~~
2 ~~incurred in an election campaign, but "contribution"]:~~

3 (a) made to a candidate to be used in
4 the candidate's campaign for election to an office covered by
5 the Campaign Reporting Act;

6 (b) made to a campaign committee,
7 political committee or independent expenditure committee or
8 person who becomes such a committee within the succeeding
9 twelve months;

10 (c) earmarked by the contributor to be
11 used for independent expenditures;

12 (d) made in response to a solicitation
13 that refers to independent expenditures and requests
14 contributions to fund independent expenditures;

15 (e) deposited in a segregated bank
16 account established pursuant to Paragraph (1) of Subsection C
17 of Section 1 of this 2014 act for the purpose of making
18 independent expenditures; or

19 (f) donated to a person who makes
20 independent expenditures of more than three thousand dollars
21 (\$3,000) in the aggregate and has chosen not to establish a
22 segregated bank account pursuant to Paragraph (1) of Subsection
23 C of Section 1 of this 2014 act;

24 (2) includes a coordinated expenditure; and

25 (3) does not include the value of services

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1 provided without compensation or unreimbursed travel or other
2 personal expenses of individuals who volunteer a portion or all
3 of their time on behalf of a candidate, independent expenditure
4 committee or political committee, nor does it include the
5 administrative or solicitation expenses of a political or
6 independent expenditure committee that are paid by an
7 organization that sponsors the committee;

8 I. "coordinated expenditure":

9 (1) means an expenditure that is made:

10 (a) by a person other than a candidate
11 or campaign committee;

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

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

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1 thirty days before the primary election or sixty days before
2 the general election at which the candidate is on the ballot;
3 and

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

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

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

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

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

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1 independent expenditure committee that are paid by an
2 organization that sponsors the committee;

3 N. "independent expenditure" means an expenditure
4 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, can reasonably be expected to be
18 seen or heard by at least five hundred persons eligible to vote
19 for the candidate or ballot measure and is published or
20 disseminated within thirty days before the primary election or
21 sixty days before the general election at which the candidate
22 or ballot measure is on the ballot;

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

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1 expended more than three thousand dollars (\$3,000) for that
2 purpose within a twelve-month period;

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];~~

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- 1 (1) a qualified political party; or
- 2 (2) an association of two or more persons, or
- 3 an entity, whose primary purpose is to make contributions to
- 4 candidates, campaign committees or political committees or make
- 5 coordinated expenditures or any combination thereof;

6 [~~N.~~] R. "prescribed form" means a form or

7 electronic format prepared and prescribed by the secretary of

8 state;

9 [~~Q.~~] S. "proper filing officer" means [~~either~~] the

10 secretary of state; [~~or the county clerk as provided in Section~~

11 ~~1-19-27 NMSA 1978;~~

12 [~~P.~~] T. "public official" means a person elected to

13 an office in an election covered by the Campaign Reporting Act

14 or a person appointed to an office that is subject to an

15 election covered by that act; and

16 [~~Q.~~] U. "reporting individual" means every public

17 official, candidate or treasurer of a campaign committee and

18 every treasurer of a political committee or independent

19 expenditure committee."

20 SECTION 4. Section 1-19-26.1 NMSA 1978 (being Laws 1993,

21 Chapter 46, Section 2, as amended) is amended to read:

22 "1-19-26.1. POLITICAL COMMITTEES AND INDEPENDENT

23 EXPENDITURE COMMITTEES--REGISTRATION--DISCLOSURES.--

24 A. It is unlawful for [~~any~~] a political committee

25 [~~that receives, contributes or expends in excess of five~~

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1 ~~hundred dollars (\$500) in any calendar year]~~ or an independent
2 expenditure committee to continue to receive or make [~~any~~] a
3 contribution or make a coordinated or independent expenditure
4 [~~for a political purpose unless that political committee~~
5 ~~appoints and maintains a treasurer and registers with the~~
6 ~~secretary of state]~~ if that committee fails to meet the
7 requirements of Subsections B through D of this section.

8 B. A political committee shall [~~register~~] appoint
9 and maintain a treasurer and file a statement of organization
10 with the secretary of state within [~~ten~~] three days of
11 receiving, contributing or expending in excess of five hundred
12 dollars (\$500) by paying a filing fee of fifty dollars (\$50.00)
13 and filing a statement of organization.

14 C. An independent expenditure committee shall
15 appoint and maintain a treasurer and file a statement of
16 organization with the secretary of state within three days of
17 making independent expenditures of more than three thousand
18 dollars (\$3,000) within a twelve-month period, or within
19 twenty-four hours of making independent expenditures of more
20 than five thousand dollars (\$5,000) within a twelve-month
21 period, whichever is earlier.

22 D. A statement of organization required by
23 Subsection B or C of this section shall be made under oath on a
24 prescribed form showing:

25 (1) the full name of the [~~political~~]

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1 committee, which shall fairly and accurately reflect the
2 identity of the committee [~~including any sponsoring~~
3 ~~organization~~] and its address;

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

6 [~~(3) the name, address and relationship of any~~
7 ~~connected or associated organization or entity;~~

8 ~~(4)]~~ (3) the names and addresses of the
9 officers of the committee; and

10 [~~(5)]~~ (4) an identification of [~~the~~] any bank
11 account used by the committee [~~for all expenditures or~~] to
12 receive or make contributions [~~made or received~~] or make
13 coordinated or independent expenditures.

14 [~~G.~~] E. The provisions of this section do not apply
15 to a political committee that is located in another state and
16 is registered with the federal election commission if the
17 political committee reports on federal reporting forms filed
18 with the federal election commission all expenditures for and
19 contributions made to reporting individuals in New Mexico and
20 files with the secretary of state, according to the schedule
21 required for the filing of forms with the federal election
22 commission, a copy of either the full report or the cover sheet
23 and the portions of the federal reporting forms that contain
24 the information on expenditures for and contributions made to
25 reporting individuals in New Mexico."

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1 SECTION 5. Section 1-19-27 NMSA 1978 (being Laws 1979,
2 Chapter 360, Section 3, as amended) is amended to read:

3 "1-19-27. REPORTS REQUIRED--~~[PROPER FILING OFFICER]~~
4 ELECTRONIC REPORTING SYSTEM.--

5 ~~[A. Except for those candidates and public~~
6 ~~officials who file a statement of no activity, all reporting~~
7 ~~individuals shall file with the proper filing officer a report~~
8 ~~of expenditures and contributions on a prescribed form.~~

9 ~~B. The proper filing officer for filing reports of~~
10 ~~expenditures and contributions by a political committee is the~~
11 ~~secretary of state.~~

12 ~~C. The proper filing officer for filing reports of~~
13 ~~expenditures and contributions or statements of no activity is~~
14 ~~the secretary of state for all candidates and public~~
15 ~~officials.]~~

16 A. All reporting individuals shall file with the
17 secretary of state the reports of expenditures and
18 contributions and statements of no activity when required by
19 the Campaign Reporting Act on forms prescribed by the secretary
20 of state.

21 ~~[D.]~~ B. The secretary of state shall develop or
22 contract for services to develop an electronic reporting system
23 for receiving and for public inspection of reports of
24 expenditures and contributions and statements of no activity to
25 the Campaign Reporting Act. The electronic reporting system

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1 shall:

2 (1) enable a person to file reports online by
3 filling out forms on the secretary of state's web site; and

4 (2) provide for encrypted transmissions."

5 SECTION 6. Section 1-19-29 NMSA 1978 (being Laws 1993,
6 Chapter 46, Section 5, as amended) is amended to read:

7 "1-19-29. TIME AND PLACE OF FILING REPORTS.--

8 A. Except as otherwise provided in this section,
9 all reporting individuals shall file with the proper filing
10 officer by [~~5:00 p.m.~~] midnight on the second Monday in April
11 and October a report of all [~~expenditures made and~~
12 contributions and expenditures required to be reported pursuant
13 to Section 1-19-31 NMSA 1978 that were made or received on or
14 before the first Monday in those months and not previously
15 reported. The report shall be filed biannually until the
16 [~~reporting individual's bank account has been closed and the~~
17 other] provisions specified in Subsection F, G or H of this
18 section have been satisfied.

19 B. In an election year, instead of the biannual
20 reports provided for in Subsection A of this section, all
21 reporting individuals, except for public officials who are not
22 candidates in an election that year, shall file reports of all
23 [~~expenditures made and~~] contributions [~~received~~] and
24 expenditures required to be reported pursuant to Section
25 1-19-31 NMSA 1978 or, if applicable, statements of no activity,

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1 according to the following schedule:

2 (1) by [~~5:00 p.m.~~] midnight on the second
3 Monday in April, a report of all such expenditures made and
4 contributions made or received on or before the first Monday in
5 April and not previously reported;

6 (2) by [~~5:00 p.m.~~] midnight on the second
7 Monday in May, a report of all such expenditures made and
8 contributions made or received on or before the first Monday in
9 May and not previously reported;

10 (3) by [~~5:00 p.m.~~] midnight on the second
11 Monday in September, a report of all such expenditures made and
12 contributions made or received on or before the first Monday in
13 September and not previously reported;

14 (4) by [~~5:00 p.m.~~] midnight on the second
15 Monday in October, a report of all such expenditures made and
16 contributions made or received on or before the first Monday in
17 October and not previously reported;

18 (5) by [~~5:00 p.m.~~] midnight on the Thursday
19 before a primary or general [~~or statewide special~~] election, a
20 report of all such expenditures made and contributions received
21 by 5:00 p.m. on the Tuesday before the election and not
22 previously reported. Any such contribution or pledge to
23 contribute that is made or received after 5:00 p.m. on the
24 Tuesday before the election and that is for more than five
25 hundred dollars (\$500) [~~or more~~] in a legislative or non-

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

11 (6) by the earlier of midnight on the Thursday
12 before a primary or general election, or within twenty-four
13 hours of the independent expenditure, a report of each
14 independent expenditure made after 5:00 p.m. on the Tuesday
15 before the election that is for more than five hundred dollars
16 (\$500) in a legislative or non-statewide judicial election or
17 more than two thousand five hundred dollars (\$2,500) in a
18 statewide election. Such expenditures shall be reported to the
19 proper filing officer either in a supplemental report on a
20 prescribed form within twenty-four hours of being made or in
21 the report to be filed by midnight on the Thursday before a
22 primary or general election, except that any such expenditure
23 that is made after 5:00 p.m. on the Friday before the election
24 may be reported by 12:00 noon on the Monday before the
25 election;

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1 [~~(6)~~] (7) by [~~5:00 p.m.~~] midnight on the
2 thirtieth day after a primary [~~general or statewide special~~]
3 election, a report by all reporting individuals, except those
4 individuals that become candidates after the primary election,
5 of all such expenditures made and contributions made or
6 received on or before the twenty-fifth day after the primary
7 election and not previously reported; and

8 (8) by midnight on the thirtieth day after a
9 general election, a report of all such expenditures made and
10 contributions made or received on or before the twenty-fifth
11 day after the general election and not previously reported.

12 C. If a candidate, political committee, campaign
13 committee or public official has not received any contributions
14 and has not made any expenditures since the candidate's,
15 committee's or official's last report was filed with the proper
16 filing officer, the candidate, committee or official shall only
17 be required to file a statement of no activity, which shall not
18 be required to be notarized, in lieu of a full report when that
19 report would otherwise be due and shall not be required to file
20 a full report until the next required filing date occurring
21 after an expenditure is made or a contribution is received.

22 D. In an election year, a public official who is
23 not a candidate shall file biannual reports of expenditures
24 made and contributions received or statements of no activity in
25 accordance with the schedule provided for in Subsection A of

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1 this section.

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

5 F. Except for candidates, political committees,
6 campaign committees and public officials who file a statement
7 of no activity, each reporting individual for a candidate,
8 political committee, campaign committee or public official
9 shall file a report of expenditures and contributions pursuant
10 to the filing schedules set forth in this section, regardless
11 of whether any expenditures were made or contributions were
12 received during the reporting period. Reports shall be
13 required until the reporting individual delivers a report to
14 the proper filing officer stating that:

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

19 G. Each treasurer of a political committee shall
20 file a report of expenditures and contributions pursuant to the
21 filing schedules set forth in this section until the treasurer
22 files a report that affirms that the committee has dissolved or
23 no longer exists and that its bank account has been closed.

24 H. An independent expenditure committee that has
25 not made any contributions or independent expenditures for a

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1 continuous period of at least one year may thereupon cancel its
2 registration as an independent expenditure committee by
3 submitting an appropriate request in writing to the proper
4 filing officer. The committee shall retain the obligation to
5 submit a new statement of organization under Section 1-19-26.1
6 NMSA 1978 in the event that its future activities should meet
7 the requisites for filing a statement of organization under
8 that section.

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

17 [H.] J. Reports required by this section shall be
18 subscribed and sworn to by the candidate or the treasurer of
19 the political committee or independent expenditure committee
20 or, in the case of candidates for judicial office, by the
21 treasurer of the candidate's campaign committee. A report
22 filed electronically shall be electronically authenticated by
23 the candidate or the treasurer of the [political] committee
24 using an electronic signature in conformance with the
25 Electronic Authentication of Documents Act and the Uniform

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1 Electronic Transactions Act. For the purposes of the Campaign
2 Reporting Act, a report that is electronically authenticated in
3 accordance with the provisions of this subsection shall be
4 deemed to have been subscribed and sworn to by the candidate or
5 the treasurer of the [~~political~~] committee who was required to
6 file the report.

7 [~~J.~~] K. Reports required by this section shall be
8 filed electronically by all reporting individuals.

9 [~~K.~~] L. Reporting individuals may apply to the
10 secretary of state for exemption from electronic filing in case
11 of hardship, which shall be defined by the secretary of state."

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

14 "1-19-31. CONTENTS OF REPORT.--~~[A.]~~ Each required report
15 of expenditures and contributions shall be typed or printed
16 legibly, or on a computer disc or format approved by the
17 secretary of state, and shall include:

18 [~~(1)~~] A. the name and address of the person or
19 entity to whom ~~[an]~~ a contribution or a campaign, coordinated
20 or independent expenditure was made or from whom a contribution
21 was received during the previous twelve months and not
22 previously reported, except as provided for anonymous
23 contributions or contributions received from special events as
24 provided in Section 1-19-34 NMSA 1978; provided that for
25 contributors, the name of the entity or the first and last

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

4 [~~2~~] B. the occupation [~~or~~], name and type of
5 business, as applicable, of any person or entity making
6 contributions of two hundred fifty dollars (\$250) or more in
7 the aggregate per election;

8 [~~3~~] C. the amount of the campaign, coordinated or
9 independent expenditure or contribution or value thereof;

10 [~~4~~] D. the purpose of the campaign, coordinated
11 or independent expenditure; [~~and~~

12 [~~5~~] E. the date that the campaign, coordinated or
13 independent expenditure was made or the contribution was made
14 or received;

15 F. for independent expenditure committees, the name
16 of each identifiable candidate or ballot measure that is
17 referred to in an advertisement sponsored by the committee and
18 whether:

19 (1) the candidate or ballot measure is
20 supported or opposed in the advertisement; or

21 (2) the advertisement takes or does not take a
22 position on the candidate or ballot measure; and

23 G. for political committees, campaign committees,
24 candidates and public officials that have not closed their
25 campaign accounts, in addition to the information required by

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1 Subsections A through E of this section, the:

2 (1) amount, purpose and date of all campaign
3 account disbursements, except for disbursements made from a
4 petty cash fund of one hundred dollars (\$100) or less;

5 (2) person to whom each disbursement was made;

6 [~~B. Each report shall contain an~~]

7 (3) opening and closing cash balance for the
8 [~~bank~~] campaign account maintained by the reporting individual
9 during the reporting period and the name of the financial
10 institution; and

11 [~~G. Each report shall specify the~~]

12 (4) amount of each unpaid campaign debt and
13 the identity of the person to whom the debt is owed."

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

16 "1-19-34. CANDIDATES--POLITICAL, CAMPAIGN OR INDEPENDENT
17 EXPENDITURE COMMITTEES--TREASURER--BANK ACCOUNT--ANONYMOUS
18 CONTRIBUTIONS--CONTRIBUTIONS FROM SPECIAL EVENTS.--

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

23 (1) a treasurer has been appointed and is
24 constantly maintained; provided, however, that when a duly
25 appointed treasurer is unable for any reason to continue as

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1 treasurer, the candidate or ~~[political]~~ committee shall appoint
2 a successor; and provided further that a candidate may serve as
3 the candidate's own treasurer;

4 (2) all ~~[disbursements of money and]~~ receipts
5 of contributions and all contributions and campaign,
6 coordinated or independent expenditures are authorized by and
7 through the candidate or treasurer;

8 (3) a ~~[separate]~~ bank account has been
9 established and all receipts of money contributions are
10 deposited in and all contributions and campaign, coordinated or
11 independent expenditures ~~[of money are deposited in and]~~ are
12 disbursed from ~~[the]~~ one or more bank ~~[account]~~ accounts
13 maintained by the treasurer in the name of the candidate or
14 ~~[political]~~ committee ~~[provided that nothing in this section~~
15 ~~shall prohibit investments from the bank account to earn~~
16 ~~interest as long as the investments and earnings are fully~~
17 ~~reported]~~. All ~~[disbursements]~~ campaign, coordinated or
18 independent expenditures except for ~~[disbursements]~~
19 expenditures made from a petty cash fund of one hundred dollars
20 (\$100) or less shall be made in a form such that the date,
21 amount and payee of the transaction are automatically recorded
22 or by check made payable to the person or entity receiving the
23 disbursement and not to "cash" or "bearer"; and

24 (4) in the case of the campaign account of a
25 candidate, public official, political committee or campaign

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1 committee, a separate bank account is established into which
2 all contributions are deposited and the treasurer, upon
3 disbursing or receiving money or other things of value,
4 immediately enters and thereafter keeps a proper record
5 preserved by the treasurer, including a full, true and itemized
6 statement and account of each sum disbursed or received, the
7 date of such disbursal or receipt, to whom disbursed or from
8 whom received and the object or purpose for which it was
9 disbursed or received.

10 B. An independent expenditure committee shall not
11 make contributions to candidates, campaign committees or
12 political committees or make coordinated expenditures.

13 [~~B.~~] C. No anonymous contributions may be accepted
14 [~~in excess of~~] for more than one hundred dollars (\$100). The
15 aggregate amount of anonymous contributions received by a
16 reporting individual during a primary or general election or a
17 statewide special election shall not [~~exceed~~] be more than two
18 thousand dollars (\$2,000) for statewide races and five hundred
19 dollars (\$500) for all other races.

20 [~~C.~~] D. Cash contributions received at special
21 events that are unidentifiable as to specific contributor but
22 identifiable as to the special event are not subject to the
23 anonymous contribution limits provided for in this section so
24 long as no single special event raises, after expenses, more
25 than [~~one thousand dollars (\$1,000)]~~ five thousand dollars

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1 (\$5,000) in such cash contributions. For those contributions,
2 due diligence and best efforts shall be made to disclose on a
3 special prescribed form the sponsor, date, place, total amount
4 received, expenses incurred, estimated number of persons in
5 attendance and other identifiable factors that describe the
6 special event. For purposes of this subsection, "special
7 event" includes an event such as a barbecue or similar
8 fundraiser where tickets costing [~~fifteen dollars (\$15.00)~~]
9 twenty-five dollars (\$25.00) or less are sold or an event such
10 as a coffee, tea or similar reception; provided that no person
11 shall contribute more than twenty-five dollars (\$25.00) in cash
12 at a special event.

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

20 **SECTION 9.** Section 1-19-34.1 NMSA 1978 (being Laws 1993,
21 Chapter 46, Section 12, as amended) is amended to read:

22 "1-19-34.1. LEGISLATIVE SESSION--FUNDRAISING
23 PROHIBITION.--

24 A. It is unlawful during the prohibited period for
25 a state legislator or a candidate for state legislator, or any

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

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

15 SECTION 10. Section 1-19-34.6 NMSA 1978 (being Laws 1995,
16 Chapter 153, Section 19) is amended to read:

17 "1-19-34.6. CIVIL PENALTIES.--

18 A. If the secretary of state reasonably believes
19 that a person committed, or is about to commit, a violation of
20 the Campaign Reporting Act, the secretary of state shall refer
21 the matter to the attorney general or a district attorney for
22 enforcement.

23 B. With or without a referral from the secretary of
24 state, the attorney general or district attorney may institute
25 a civil action in district court for any violation of the

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1 Campaign Reporting Act or to prevent a violation of that act
2 that involves an unlawful solicitation or the making or
3 acceptance of an unlawful contribution. An action for relief
4 may include a permanent or temporary injunction, a restraining
5 order or any other appropriate order, including a civil penalty
6 of [~~two hundred fifty dollars (\$250)~~] up to one thousand
7 dollars (\$1,000) for each violation not to exceed [~~five~~
8 ~~thousand dollars (\$5,000)~~] a total of twenty thousand dollars
9 (\$20,000), and forfeiture of any contribution received as a
10 result of an unlawful solicitation or unlawful contribution.
11 Each unlawful solicitation and each unlawful contribution made
12 or accepted shall be deemed a separate violation of the
13 Campaign Reporting Act.

14 C. With or without a referral from the secretary of
15 state, the attorney general or district attorney may institute
16 a civil action in district court if a violation has occurred or
17 to prevent a violation of any provision of the Campaign
18 Reporting Act other than that specified in Subsection B of this
19 section. Relief may include a permanent or temporary
20 injunction, a restraining order or any other appropriate order,
21 including an order for a civil penalty of [~~fifty dollars~~
22 ~~(\$50.00)~~] up to one thousand dollars (\$1,000) for each
23 violation not to exceed [~~five thousand dollars (\$5,000)~~] a
24 total of twenty thousand dollars (\$20,000)."

25 SECTION 11. Section 1-19-34.7 NMSA 1978 (being Laws 2009,

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1 Chapter 68, Section 1) is amended to read:

2 "1-19-34.7. CONTRIBUTION LIMITATIONS--CANDIDATES--
3 POLITICAL COMMITTEES.--

4 A. The following contributions by the following
5 persons are prohibited:

6 (1) from a person, not including a political
7 committee, to a:

8 (a) candidate for non-statewide office,
9 including the candidate's campaign committee, in an amount that
10 will cause that person's total contributions to the candidate
11 to exceed two thousand three hundred dollars (\$2,300) during
12 [~~the~~] a primary election cycle or two thousand three hundred
13 dollars (\$2,300) during [~~the~~] a general election cycle;

14 (b) candidate for statewide office,
15 including the candidate's campaign committee, in an amount that
16 will cause that person's total contributions to the candidate
17 to exceed five thousand dollars (\$5,000) during [~~the~~] a primary
18 election cycle or five thousand dollars (\$5,000) during [~~the~~] a
19 general election cycle; or

20 (c) political committee in an amount
21 that will cause that person's total contributions to the
22 political committee to exceed five thousand dollars (\$5,000)
23 during a primary election cycle or five thousand dollars
24 (\$5,000) during a general election cycle; and

25 (2) from a political committee to:

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1 (a) a candidate for office, including
2 the candidate's campaign committee, in an amount that will
3 cause the political committee's total contributions to the
4 candidate to exceed five thousand dollars (\$5,000) during [~~the~~]
5 a primary election cycle or five thousand dollars (\$5,000)
6 during [~~the~~] a general election cycle; or

7 (b) another political committee in an
8 amount that will cause that political committee's total
9 contributions to the political committee to exceed five
10 thousand dollars (\$5,000) during a primary election cycle or
11 five thousand dollars (\$5,000) during a general election cycle.

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

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

23 D. On the day after each general election, the
24 contribution amounts provided in Subsection A of this section
25 shall be increased by the percentage of the preceding two

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1 calendar years' increase of the consumer price index for all
2 urban consumers, United States city average for all items,
3 published by the United States department of labor. The amount
4 of the increase shall be rounded to the nearest multiple of one
5 hundred dollars (\$100). The secretary of state shall publish
6 by October 1 before each general election the adjusted
7 contribution limits that shall take effect the day after the
8 following general election.

9 E. All contributions in excess of the limits
10 imposed by the provisions of this section shall be deposited in
11 the public election fund upon a finding by the secretary of
12 state that the contribution limits have been exceeded.

13 F. The limitation on contributions to a candidate
14 provided for in Subsection A of this section shall not apply to
15 a candidate's own contribution from the candidate's personal
16 funds to the candidate's own campaign.

17 ~~[G. For the purposes of this section:~~

18 ~~(1) "primary election" means the period~~
19 ~~beginning on the day after the general election for the~~
20 ~~applicable office and ending on the day of the primary for that~~
21 ~~office; and~~

22 ~~(2) "general election" means the period~~
23 ~~beginning on the day after the primary for the applicable~~
24 ~~office and ending on the day of the general election for that~~
25 ~~office.]"~~

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