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HOUSE BILL 310

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Nora Espinoza and Cathrynn N. Brown

AN ACT

RELATING TO CAMPAIGN FINANCE; DEFINING ACCEPTABLE USE OF
CAMPAIGN FUNDS FOR "EXPENDITURES OF THE CAMPAIGN" AND DEFINING
PROHIBITED USES OF CAMPAIGN FUNDS FOR "PERSONAL EXPENSES".

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

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

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

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

(1) expenditures of the campaign, excluding
personal expenses;

(2) expenditures of legislators that are

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1 reasonably related to performing the duties of the office held,
2 including mail, telephone and travel expenditures to serve
3 constituents, but excluding personal expenses and legislative
4 session living expenses;

5 (3) donations to the state general fund;

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

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

14 (6) donations to a political committee or to
15 another candidate seeking election to public office; or

16 (7) disbursements to return unused funds pro
17 rata to the contributors if no campaign debt exists.

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

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

25 D. As used in this section:

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1 (1) "expenditures of the campaign" means the
2 promoting of the nomination or election of the candidate who
3 established the campaign committee; provided that a candidate
4 for lieutenant governor may use funds raised in the election
5 cycle to support the candidate's joint candidacy for the
6 offices of governor and lieutenant governor. "Expenditures of
7 the campaign" includes:

8 (a) advertising in electronic and print
9 media;

10 (b) any other form of printed
11 advertising or communications, including "thank you"
12 advertising after the election;

13 (c) campaign items, including brochures,
14 leaflets, flyers, invitations, stationery, envelopes, reply
15 cards, return envelopes, campaign business cards, direct
16 mailings, postcards, palm cards, "thank you" notes, sample
17 ballots and other similar items;

18 (d) political banners and billboards;

19 (e) political paraphernalia that is
20 customarily given or sold to supporters, including campaign
21 buttons, stickers, pins, pencils, pens, matchbooks, balloons,
22 pads, calendars, magnets, key chains, hats, tee shirts,
23 sweatshirts, Frisbees, potholders, jar openers and similar
24 items;

25 (f) purchasing office supplies for

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1 campaign or political purposes, campaign photographs, permits
2 required by law, fundraiser prizes, postage, express mail
3 delivery services, bulk mail permits and computer supplies and
4 services;

5 (g) banking service charges to maintain
6 campaign and political accounts;

7 (h) subscriptions to newspapers and
8 periodicals that enhance the candidacy of the candidate or
9 party;

10 (i) lease or rental of office space for
11 campaign or political purposes and related expenses, including
12 furniture, parking, storage space, utilities and maintenance of
13 vehicles for campaign use only;

14 (j) lease, rental or use charges of any
15 ordinary and necessary campaign office equipment, including
16 copy machines, telephones, postage meters, facsimile machines
17 and computer hardware, software and printers;

18 (k) compensation for campaign or
19 campaign committee staff, fringe benefits and payroll taxes;
20 provided that the candidate and any member of the candidate's
21 family shall not receive compensation;

22 (l) travel, meals and lodging expenses
23 of speakers, campaign or campaign committee workers, the
24 candidate and the candidate's spouse for political and campaign
25 purposes;

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- 1 (m) fundraising;
- 2 (n) reimbursements to candidates and
3 campaign or campaign committee workers made in accordance with
4 the provisions of this section for expenditures of the campaign
5 for which a receipt is received by the treasurer;
- 6 (o) campaign or campaign committee
7 services of attorneys, accountants, consultants or other
8 professional persons for campaign activities, obtaining or
9 contesting ballot status, nomination or election and compliance
10 with the Election Code;
- 11 (p) auditing, accounting and filing of
12 campaign finance reports;
- 13 (q) conducting polls concerning any
14 political party, issue, candidate or individual;
- 15 (r) gifts to campaign or campaign
16 committee workers or purchasing flowers or other commemorative
17 items for political purposes not to exceed one hundred dollars
18 (\$100) to any one recipient in a calendar year or for the
19 campaign;
- 20 (s) purchasing tickets or advertising
21 from charities, inaugural committees or other civic
22 organizations, if for a political purpose, for any candidate, a
23 candidate's spouse, a member of a candidate's campaign staff or
24 members of campaign committees;
- 25 (t) the inauguration of an elected

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1 candidate;

2 (u) hiring of halls, rooms, music and
3 other entertainment for political meetings and events; and

4 (v) any other necessary routine and
5 normally recognized campaign or political expense;

6 (2) "family" means an individual's spouse,
7 parents, children or siblings, by consanguinity or affinity;
8 and

9 (3) "personal expenses" means expenses for
10 personal use, including:

11 (a) expenditures to defray normal living
12 expenses for the candidate, the family of the candidate or any
13 other individual and expenditures for the personal benefit of
14 the candidate or any other individual having no direct
15 connection with, or effect upon, the campaign of the candidate
16 or the lawful purposes of the campaign committee;

17 (b) telephone, cell phone or internet
18 services for the candidate or candidate's family having no
19 direct connection with, or effect upon, the campaign of the
20 candidate or the lawful purposes of the campaign committee;

21 (c) clothing, shoes, jewelry, watches or
22 grooming for the candidate, including manicures, pedicures or
23 hair styling; and

24 (d) medical expenses of the candidate or
25 candidate's family, including all health care and alternative

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1 health care providers, eye care, glasses, contacts and exams,
2 health insurance or deductibles, massages and gym or spa
3 memberships."

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