

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

HOUSE BILL 399

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Matthew McQueen and Patricio Ruiloba

AN ACT

RELATING TO PUBLIC FINANCING OF ELECTIONS; INCLUDING CANDIDATES FOR SECRETARY OF STATE IN THE VOTER ACTION ACT; REMOVING SEED MONEY REQUIREMENTS; ALLOWING CERTAIN CONTRIBUTIONS; LIMITING POLITICAL PARTY CONTRIBUTIONS TO CERTIFIED CANDIDATES; DEFINING TERMS; CHANGING DISTRIBUTION AND MATCHING FUND PROVISIONS; LIMITING DISTRIBUTION OF FUNDS TO CANDIDATES IN UNCONTESTED RACES; CLARIFYING PENALTY PROVISIONS; AMENDING, REPEALING AND ENACTING SECTIONS OF THE VOTER ACTION ACT.

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

SECTION 1. Section 1-19A-1 NMSA 1978 (being Laws 2003, Chapter 14, Section 1) is amended to read:

"1-19A-1. SHORT TITLE.--~~[Sections 1 through 17 of this act]~~ Chapter 1, Article 19A NMSA 1978 may be cited as the "Voter Action Act"."

.205205.5

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

underscored material = new
[bracketed material] = delete

1 SECTION 2. Section 1-19A-2 NMSA 1978 (being Laws 2003,
2 Chapter 14, Section 2, as amended) is amended to read:

3 "1-19A-2. DEFINITIONS.--As used in the Voter Action Act:

4 A. "applicant candidate" means a candidate who is
5 running for a covered office and who is seeking to be a
6 certified candidate in a primary or general election;

7 B. "certified candidate" means a candidate running
8 for a covered office who chooses to obtain financing pursuant
9 to the Voter Action Act and is certified as a Voter Action Act
10 candidate;

11 C. "contested election" means an election in which
12 there are more candidates for a position than the number to be
13 elected to that position;

14 D. "contribution" means a gift, subscription, loan,
15 advance or deposit of money or other thing of value, including
16 the estimated value of an in-kind contribution, that is made or
17 received for the purpose of supporting or opposing the
18 nomination for election or election of a candidate for public
19 office, including payment of a debt incurred in an election
20 campaign and also including a coordinated expenditure, but
21 "contribution" does not include a qualifying contribution, nor
22 the value of services provided without compensation or
23 unreimbursed travel or other personal expenses of individuals
24 who volunteer a portion or all of their time on behalf of a
25 candidate;

.205205.5

underscored material = new
[bracketed material] = delete

1 E. "coordinated expenditure" means an expenditure
2 that is made:

3 (1) by a person other than a candidate or
4 campaign committee;

5 (2) at the request or suggestion of, or in
6 cooperation, consultation or concert with, a candidate,
7 campaign committee or political party or any agent or
8 representative of such a candidate, campaign committee or
9 political party; and

10 (3) for the purpose of:

11 (a) supporting or opposing the
12 nomination or election of a candidate; or

13 (b) paying for an advertisement that
14 refers to a clearly identified candidate and is published and
15 disseminated to the relevant electorate in New Mexico within
16 thirty days before the primary election or sixty days before
17 the general election in which the candidate is on the ballot;

18 ~~[D-]~~ F. "covered office" means any office of the
19 judicial department subject to statewide elections, the office
20 of secretary of state and the office of public regulation
21 commissioner;

22 ~~[E-]~~ G. "election cycle" means the primary and
23 general elections for the same term of the same covered office,
24 beginning on the day after the last general election for the
25 office and ending with the general election. The primary

underscored material = new
[bracketed material] = delete

1 election cycle begins on the first day of the election cycle
2 and ends on the day of the primary election. The general
3 election cycle begins on the day after the primary election and
4 ends on the day of the general election;

5 H. "expenditure" means a payment, transfer or
6 distribution or promise to pay, transfer or distribute any
7 money or other thing of value for the purpose of supporting or
8 opposing the nomination or election of a candidate;

9 [~~F.~~] I. "fund" means the public election fund;

10 [~~G.~~] ~~"noncertified candidate" means either a~~
11 ~~candidate running for a covered office who does not choose to~~
12 ~~participate in the Voter Action Act and who is not seeking to~~
13 ~~be a certified candidate or a candidate who files a declaration~~
14 ~~of intent to participate but who fails to qualify;~~

15 [~~H.~~] J. "qualifying contribution" means a donation
16 of five dollars (\$5.00) in the form of cash or a check or money
17 order payable to the fund in support of an applicant candidate
18 that is:

19 (1) made by a [~~registered~~] voter who is
20 eligible to vote for the covered office that the applicant
21 candidate is seeking;

22 (2) made during the designated qualifying
23 period and obtained through efforts made with the knowledge and
24 approval of the applicant candidate; and

25 (3) acknowledged by a receipt that identifies

underscored material = new
[bracketed material] = delete

1 the contributor's name and residential address on forms
2 provided by the bureau of elections and that is signed by the
3 contributor, one copy of which is attached to the list of
4 contributors and sent to the bureau of elections;

5 [~~F.~~] K. "qualifying period" means:

6 (1) for major party applicant candidates for
7 covered offices, the period beginning October 1 immediately
8 preceding the election year and ending at 5:00 p.m. on the
9 third Tuesday of March of the election year; and

10 (2) for independent and minor party
11 candidates, the period beginning [~~February~~] January 1 of the
12 election year and ending that year at 5:00 p.m. on the filing
13 date for independent or minor party candidates for the office
14 for which the candidate is running; and

15 [~~J.~~] L. "secretary" means the secretary of state or
16 the office of the secretary of state [~~and~~

17 ~~K. "seed money" means a contribution raised for the~~
18 ~~primary purpose of enabling applicant candidates to collect~~
19 ~~qualifying contributions and petition signatures]."~~

20 SECTION 3. Section 1-19A-3 NMSA 1978 (being Laws 2003,
21 Chapter 14, Section 3) is amended to read:

22 "1-19A-3. TERMS OF PARTICIPATION--DECLARATION OF
23 INTENT.--

24 A. A [~~candidate~~] person choosing to obtain
25 financing pursuant to the Voter Action Act shall first file

.205205.5

underscored material = new
[bracketed material] = delete

1 with the secretary a declaration of intent to participate in
2 that act as an applicant candidate for a stated covered office.
3 The declaration of intent shall be filed with the secretary
4 prior to or during the qualifying period according to forms and
5 procedures developed by the secretary.

6 B. To become an applicant candidate [~~choosing to~~]
7 and participate in the Voter Action Act, a person shall submit
8 a declaration of intent prior to collecting any qualifying
9 contributions or other contributions and make explicit in the
10 declaration that the candidate has complied with and will
11 continue to comply with that act's contribution and expenditure
12 limits and all other requirements set forth in that act and
13 rules issued by the secretary.

14 C. A [~~candidate~~] person shall not be eligible to
15 become an applicant candidate if the [~~candidate~~] person has
16 accepted contributions totaling [~~five hundred dollars (\$500) or~~]
17 [~~more or made expenditures totaling five hundred dollars (\$500)~~]
18 [~~or more between the beginning of the qualifying period and~~]
19 [~~filing a declaration of intent~~] more than one hundred dollars
20 (\$100) from any one contributor during the primary election
21 cycle in which the person is running for office."

22 SECTION 4. Section 1-19A-4 NMSA 1978 (being Laws 2003,
23 Chapter 14, Section 4, as amended) is amended to read:

24 "1-19A-4. QUALIFYING CONTRIBUTIONS.--

25 A. Applicant candidates shall obtain qualifying

.205205.5

underscoring material = new
[bracketed material] = delete

1 contributions as follows:

2 (1) for all statewide judicial elective
3 offices, the number of qualifying contributions equal to one-
4 tenth of one percent of the number of voters in the state;
5 [~~and~~]

6 (2) for the office of public regulation
7 commissioner, the number of qualifying contributions equal to
8 one-tenth of one percent of the number of voters in the
9 district of the office for which the candidate is running; and

10 (3) for the office of secretary of state, the
11 number of qualifying contributions equal to one-tenth of one
12 percent of the number of voters in the state.

13 B. Applicant candidates may accept qualifying
14 contributions from persons who become registered within the
15 statutory time frame that would enable that person to vote in
16 the primary election.

17 C. Voters [~~registered as independent~~] who have not
18 designated a party affiliation on their certificates of
19 registration are not excluded from making qualifying
20 contributions but shall be registered within the statutory time
21 frame as [~~independent~~] such.

22 D. No payment, gift or anything of value shall be
23 given in exchange for a qualifying contribution."

24 SECTION 5. Section 1-19A-6 NMSA 1978 (being Laws 2003,
25 Chapter 14, Section 6) is amended to read:

.205205.5

1 "1-19A-6. CERTIFICATION.--

2 A. Upon receipt of a final submittal of qualifying
3 contributions by an applicant candidate, the secretary shall
4 determine from the applicant candidate's statement whether the
5 applicant candidate has:

6 (1) signed and filed a declaration of intent
7 to obtain financing pursuant to the Voter Action Act in
8 accordance with the requirements of that act;

9 (2) collected and submitted the appropriate
10 number of qualifying contributions after filing a declaration
11 of intent;

12 (3) [~~qualified as~~] the qualifications to be a
13 candidate pursuant to other applicable state election law;

14 (4) complied with [~~seed money~~] contribution
15 and expenditure restrictions; and

16 (5) otherwise met the requirements for
17 obtaining financing pursuant to the Voter Action Act.

18 B. The secretary shall certify applicant candidates
19 complying with the requirements of this section as certified
20 candidates as soon as possible and no later than ten days after
21 final submittal of qualifying contributions and certification
22 as a candidate pursuant to other applicable state election law.

23 C. A certified candidate shall comply with all
24 requirements of the Voter Action Act after certification and
25 throughout the primary election and general election cycles. A

.205205.5

underscored material = new
[bracketed material] = delete

1 certified candidate who accepts public campaign finance funds
2 for the primary election shall comply with all the requirements
3 of the Voter Action Act for the remainder of the election cycle
4 in question, even if [~~he~~] the certified candidate decides not
5 to accept such funds for the general election."

6 SECTION 6. Section 1-19A-7 NMSA 1978 (being Laws 2003,
7 Chapter 14, Section 7, as amended) is amended to read:

8 "1-19A-7. GUIDELINES AND RESTRICTIONS FOR CONTRIBUTIONS
9 TO AND EXPENDITURES OF CERTIFIED CANDIDATES.--

10 A. All money distributed to a certified candidate
11 shall be used only for that candidate's campaign-related
12 purposes in the election [~~cycle~~] in which the money was
13 distributed.

14 B. Money from the fund received by a candidate
15 shall not be used for:

16 (1) the candidate's personal living expenses
17 or compensation to the candidate or the candidate's spouse,
18 children or stepchildren;

19 (2) a contribution to another campaign of the
20 candidate or a payment to retire debt from another such
21 campaign;

22 (3) a contribution to the campaign of another
23 candidate or to a political party or political committee or to
24 a campaign supporting or opposing a ballot proposition;

25 (4) an expenditure supporting the election of

.205205.5

underscored material = new
[bracketed material] = delete

1 another candidate or the passage or defeat of a ballot
2 proposition or the defeat of any candidate other than an
3 opponent of the participating candidate;

4 (5) payment of legal expenses relating to
5 violations of the Voter Action Act or Campaign Reporting Act or
6 any fine levied by a court or the secretary of state; or

7 (6) any gift or transfer for which
8 compensating value is not received.

9 ~~[B-]~~ C. A certified candidate shall return to the
10 fund any amount that is unspent or unencumbered at the time
11 that person ceases to be a candidate before a primary or
12 general election for which the fund money was distributed.

13 ~~[G-]~~ D. A certified candidate shall limit total
14 campaign expenditures ~~[and debts]~~ to the amount of money
15 distributed to that candidate from the fund, the value of in-
16 kind contributions received from a political party pursuant to
17 Section 1-19A-8 NMSA 1978 and contributions collected pursuant
18 to Section 10 of this 2017 act. A certified candidate shall
19 not accept contributions ~~[or loans]~~ from any other source
20 except the certified candidate's political party, as specified
21 in Section 1-19A-8 NMSA 1978 and contributions collected
22 pursuant to Section 10 of this 2017 act.

23 ~~[D-]~~ E. A certified candidate that does not remain
24 a candidate in the general election shall ~~[return to the~~
25 ~~secretary]~~, within thirty days after the primary election, ~~[any~~

.205205.5

underscored material = new
[bracketed material] = delete

1 ~~amount that is~~ transfer to the secretary for deposit in the
2 fund any amount received from the fund or from private
3 contributors pursuant to Section 10 of this 2017 act that
4 remains unspent or unencumbered by the date of the primary
5 election. [~~for direct deposit into the fund.~~

6 ~~E.]~~ F. A certified candidate shall [~~return to the~~
7 ~~secretary~~], within thirty days after the general election, [~~any~~
8 ~~amount that is~~] transfer to the secretary for deposit in the
9 fund any amount received from the fund or from private
10 contributors pursuant to Section 10 of this 2017 act that
11 remains unspent or unencumbered by the date of the general
12 election [~~for direct deposit into the fund~~].

13 G. If a certified candidate withdraws or otherwise
14 ceases to be a certified candidate, the candidate shall, within
15 thirty days thereafter, transfer to the secretary for deposit
16 in the fund any amount received from the fund or from private
17 contributors pursuant to Section 10 of this 2017 act that
18 remains unspent or unencumbered by the date the candidate
19 withdraws or otherwise ceases to be a certified candidate."

20 **SECTION 7.** Section 1-19A-8 NMSA 1978 (being Laws 2003,
21 Chapter 14, Section 8) is amended to read:

22 "1-19A-8. POLITICAL PARTY EXPENDITURES--IN-KIND
23 CONTRIBUTIONS TO CERTIFIED CANDIDATES.--

24 A. A certified candidate may accept [~~monetary or~~
25 in-kind contributions from a political party; provided that the

.205205.5

underscored material = new
[bracketed material] = delete

1 aggregate amount of such contributions from all political party
2 committees combined does not exceed the equivalent of ten
3 percent of the value of that candidate's aggregate public
4 financing per election cycle.

5 B. All in-kind contributions from a political party
6 distributed to certified candidates shall be used for campaign-
7 related purposes.

8 C. Nothing in this section shall prevent political
9 party funds from being used for general operating expenses of
10 the party; conventions; nominating and endorsing candidates;
11 identifying, researching and developing the party's position on
12 issues; party platform activities; noncandidate-specific voter
13 registration; noncandidate-specific get-out-the-vote drives;
14 travel expenses for noncandidate party leaders and staff; and
15 other noncandidate-specific party building activities."

16 SECTION 8. Section 1-19A-9 NMSA 1978 (being Laws 2003,
17 Chapter 14, Section 9) is amended to read:

18 "1-19A-9. CANDIDATE REPORTING REQUIREMENTS.--

19 A. The secretary shall publish guidelines outlining
20 permissible campaign-related expenditures and penalties for
21 violations of the Voter Action Act by September 1, 2017.

22 B. Applicant candidates shall file a report listing
23 [~~seed money~~] contributions and expenditures with their
24 application for certification.

25 C. Applicant candidates shall file qualifying

underscoring material = new
[bracketed material] = delete

1 contributions with the secretary during the qualifying period
2 according to procedures developed by the secretary. In
3 developing these procedures, the secretary shall use existing
4 campaign reporting procedures and deadlines whenever practical.

5 D. Certified candidates shall report all
6 contributions and expenditures according to the campaign
7 reporting [~~requirements~~] schedule specified in the [~~Election~~
8 Code.

9 ~~E. In addition to the campaign contribution and~~
10 ~~expenditure reports specified in the Election Code, all~~
11 ~~noncertified candidates who have as an opponent a certified~~
12 ~~candidate shall report to the secretary ten days before the~~
13 ~~primary and general elections the amount of money spent by that~~
14 ~~noncertified candidate. This report shall include all~~
15 ~~previously unreported transactions through 5:00 p.m. two days~~
16 ~~before the report is due.~~

17 F. ~~A person or political committee that makes~~
18 ~~expenditures to influence a race involving a certified~~
19 ~~candidate shall report to the secretary the amount that person~~
20 ~~or political committee has spent. These reports shall include~~
21 ~~all previously unreported transactions through 5:00 p.m. two~~
22 ~~days before the report is due, and shall be submitted as~~
23 follows:

24 ~~(1) for the primary election, by 5:00 p.m. on~~
25 ~~the second Monday in May, by 5:00 p.m. on the eleventh day~~

.205205.5

underscored material = new
[bracketed material] = delete

1 ~~before the election and by 5:00 p.m. on the Thursday before the~~
2 ~~election; and~~

3 ~~(2) for the general election, by 5:00 p.m. the~~
4 ~~first Tuesday in October, by 5:00 p.m. on the eleventh day~~
5 ~~before the election and by 5:00 p.m. on the Thursday before the~~
6 ~~election] Campaign Reporting Act."~~

7 SECTION 9. Section 1-19A-10 NMSA 1978 (being Laws 2003,
8 Chapter 14, Section 10, as amended) is amended to read:

9 "1-19A-10. PUBLIC ELECTION FUND--CREATION--USE.--

10 A. There is created in the state treasury the
11 "public election fund" solely for the purposes of:

12 (1) financing the election campaigns of
13 certified candidates for covered offices;

14 (2) paying administrative and enforcement
15 costs of the Voter Action Act; and

16 (3) carrying out all other specified
17 provisions of the Voter Action Act.

18 B. The state treasurer shall invest the funds as
19 other state funds are invested, and all income derived from the
20 fund shall be credited directly to the fund. Remaining
21 balances at the end of a fiscal year shall remain in the public
22 election fund and not revert to the general fund.

23 C. Money received from the following sources shall
24 be deposited directly into the fund:

25 (1) qualifying contributions that have been

.205205.5

underscored material = new
[bracketed material] = delete

1 submitted to the secretary;

2 (2) any recurring balance of unspent fund
3 money distributed to a certified candidate who does not remain
4 a candidate through the primary or general election period for
5 which the money was distributed;

6 (3) money that remains unspent or unencumbered
7 by a certified candidate following the date of the primary
8 election;

9 (4) money that remains unspent or unencumbered
10 by a certified candidate following the date of the general
11 election;

12 (5) unspent [~~seed money that cannot be used~~
13 ~~for any other purpose~~] contributions to a candidate;

14 (6) money distributed to the fund from funds
15 received pursuant to the Uniform Unclaimed Property Act (1995);
16 and

17 (7) money appropriated by the legislature.

18 D. A subaccount shall be established in the fund,
19 and money in the subaccount shall only be used to pay the costs
20 of carrying out the provisions of the Voter Action Act related
21 to public regulation commission elections.

22 E. Two hundred thousand dollars (\$200,000) per year
23 shall be collected and deposited in the subaccount for public
24 regulation commission elections as follows:

25 (1) one hundred thousand dollars (\$100,000)

.205205.5

underscored material = new
[bracketed material] = delete

1 from inspection and supervision fees collected pursuant to
2 Section 62-8-8 NMSA 1978; and

3 (2) one hundred thousand dollars (\$100,000)
4 from utility and carrier inspection fees collected pursuant to
5 Section 63-7-20 NMSA 1978."

6 SECTION 10. A new section of the Voter Action Act is
7 enacted to read:

8 "[NEW MATERIAL] ALLOWABLE CONTRIBUTIONS--PROHIBITION ON
9 COORDINATED EXPENDITURES--EXCEPTION.--

10 A. An applicant candidate may collect contributions
11 during the sixty days immediately preceding the qualifying
12 period and throughout the qualifying period from voters in the
13 candidate's district. An applicant candidate shall not accept
14 contributions from any other source.

15 B. A certified candidate may collect contributions
16 from any voter in the state. A certified candidate shall not
17 accept contributions from any other source, except as allowed
18 pursuant to Section 1-19A-8 NMSA 1978.

19 C. Total contributions from a voter to a candidate
20 may not exceed one hundred dollars (\$100) in a primary election
21 cycle and one hundred dollars (\$100) in a general election
22 cycle, and a candidate may not accept contributions allocated
23 to the general election cycle during the primary election
24 cycle, or vice versa.

25 D. A candidate may not use contributions received

.205205.5

underscored material = new
[bracketed material] = delete

1 during the primary election cycle for general election
2 expenses, nor contributions received during the general
3 election cycle for primary election expenses."

4 SECTION 11. Section 1-19A-13 NMSA 1978 (being Laws 2003,
5 Chapter 14, Section 13, as amended) is amended to read:

6 "1-19A-13. AMOUNT OF FUND DISTRIBUTION.--

7 A. By ~~[August 1, 2007]~~ September 1 of each odd-
8 numbered year, the secretary shall determine the amount of
9 money to be distributed to each certified candidate for the
10 election cycle ending with the next general election [~~in 2008~~],
11 based on the type of election and the provisions of Subsections
12 B through F of this section.

13 B. For contested primary elections, the amount of
14 money to be distributed to a certified candidate is equal to
15 the following:

16 (1) for the office of public regulation
17 commissioner, twenty-five cents (\$.25) for each voter of the
18 candidate's party in the district of the office for which the
19 candidate is running; and

20 (2) for the office of secretary of state,
21 justice of the supreme court and judge of the court of appeals,
22 fifteen cents (\$.15) for each voter of the candidate's party in
23 the state.

24 C. For uncontested primary elections, the amount of
25 money to be distributed to a certified candidate is equal to

.205205.5

underscored material = new
[bracketed material] = delete

1 ~~[fifty]~~ ten percent of the amount specified in Subsection B of
2 this section.

3 D. For contested general elections, the amount of
4 money to be distributed to a certified candidate is equal to
5 the following:

6 (1) for the office of public regulation
7 commissioner, twenty-five cents (\$.25) for each voter in the
8 district of the office for which the candidate is running; and

9 (2) for the office of secretary of state,
10 justice of the supreme court and judge of the court of appeals,
11 fifteen cents (\$.15) for each voter in the state.

12 E. For uncontested general elections, except as
13 provided in Subsection I of this section, the amount of money
14 to be distributed to a certified candidate is equal to ~~[fifty]~~
15 ten percent of the amount specified in Subsection D of this
16 section. If a general election race that is initially
17 uncontested later becomes contested because of the
18 qualification of an independent or minor party candidate to
19 appear on the ballot for that race, an additional amount of
20 money shall be distributed to the certified candidate to make
21 that candidate's total distribution amount equal to the amount
22 distributed pursuant to Subsection D of this section.

23 F. Once the certification for candidates for the
24 primary election has been completed, the secretary shall
25 calculate the total amount of money to be distributed in the

.205205.5

underscored material = new
[bracketed material] = delete

1 primary election cycle, based on the number of certified
2 candidates and the allocations specified in this section. [~~The~~
3 ~~secretary shall increase the total amount by twenty percent to~~
4 ~~provide funds for additional matching funds in the primary~~
5 ~~election.~~] The secretary shall also prepare an estimate of the
6 total amount of money that might be distributed in the general
7 election cycle. [~~This estimate shall be increased by twenty~~
8 ~~percent to provide funds for additional matching funds in the~~
9 ~~general election.~~] If the total amount to be distributed in the
10 primary election cycle [~~plus the added twenty percent~~] and the
11 estimated total amount to be distributed in the general
12 election cycle [~~plus the added twenty percent, all~~] taken
13 together exceed the amount expected to be available in the
14 fund, the secretary shall allocate the amount available between
15 the primary and general election cycles. This allocation shall
16 be based on the ratio of the two total amounts.

17 G. If the allocation specified in Subsection F of
18 this section is greater than the total amount available for
19 distribution, then the amounts to be distributed to individual
20 candidates, specified in Subsections B through E of this
21 section, shall each be reduced by the same percentage as the
22 reduction by which the total amount needed has been reduced
23 relative to the total amount available.

24 H. At least every two years after January 1, 2007,
25 the secretary shall evaluate and modify as necessary the dollar

.205205.5

underscored material = new
[bracketed material] = delete

1 values originally determined by Subsections B through E of this
2 section and shall consider and account for inflation in the
3 evaluations.

4 I. No money shall be distributed to candidates in
5 judicial retention elections. No money shall be distributed to
6 judicial candidates in uncontested general elections; provided
7 that if a general election race that is initially uncontested
8 later becomes contested, the certified judicial candidate shall
9 receive a distribution in accordance with Subsection D of this
10 section."

11 SECTION 12. Section 1-19A-17 NMSA 1978 (being Laws 2003,
12 Chapter 14, Section 17) is amended to read:

13 "1-19A-17. PENALTIES.--

14 A. In addition to other penalties that may be
15 applicable, a person who violates a provision of the Voter
16 Action Act is subject to a civil penalty of up to ten thousand
17 dollars (\$10,000) per violation. In addition to a fine, a
18 certified candidate found in violation of that act may be
19 required to return to the fund all amounts distributed to the
20 candidate from the fund. If the secretary makes a
21 determination that a violation of that act has occurred, the
22 secretary shall impose a fine [~~or~~] and transmit the finding to
23 the attorney general for criminal prosecution pursuant to
24 Subsection B of this section. In determining whether a
25 certified candidate is in violation of the expenditure limits

.205205.5

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

1 of that act, the secretary may consider as a mitigating factor
2 any circumstances out of the candidate's control.

3 B. A person who willfully or knowingly violates the
4 provisions of the Voter Action Act or rules of the secretary or
5 knowingly makes a false statement in a report required by that
6 act is guilty of a fourth degree felony and, if ~~[he]~~ the person
7 is a certified candidate, shall return to the fund all money
8 distributed to that candidate."

9 SECTION 13. REPEAL.--Sections 1-19A-5 and 1-19A-14 NMSA
10 1978 (being Laws 2003, Chapter 14, Sections 5 and 14, as
11 amended) are repealed.

12 SECTION 14. EFFECTIVE DATE.--The effective date of the
13 provisions of this act is July 1, 2017.

