

SENATE BILL 387

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Peter Wirth

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO CAMPAIGN FINANCE; Sf11→REQUIRING A PERSON SERVING
IN AN APPLICABLE OFFICE WHO IS CONCURRENTLY RUNNING FOR FEDERAL
OFFICE TO FILE REPORTS OF CAMPAIGN CONTRIBUTIONS RECEIVED OR
PLEGGED DURING A LEGISLATIVE SESSION;←Sf11 AMENDING THE
CAMPAIGN REPORTING ACT; REQUIRING A CONTRIBUTION TO BE
DEPOSITED IN A SEGREGATED BANK ACCOUNT TO BE EXEMPT FROM THE
INDEPENDENT EXPENDITURE REPORTING REQUIREMENTS Sf11→; DECLARING
AN EMERGENCY←Sf11 .

.218625.3AIC March 11, 2021 (3:22pm)

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

Sf11→SECTION 1. [NEW MATERIAL] PROHIBITED PERIOD--
FEDERAL FUNDRAISING--REPORT REQUIRED.--

A. For every ten days of a prohibited period as defined in Section 1-19-34.1 NMSA 1978, a person serving in an applicable office who is a candidate for federal office shall file a report with the secretary of state setting forth the persons from whom campaign contributions were received or pledged for the federal office during the ten-day period and the amount donated or pledged.

B. The reports required by this section shall be filed within two days after the end of each ten-day period.←Sf11

SECTION Sf11→1.←Sf11 Sf11→2.←Sf11 Section 1-19-27.3 NMSA 1978 (being Laws 2019, Chapter 262, Section 1) is amended to read:

"1-19-27.3. INDEPENDENT EXPENDITURES--REPORTING REQUIREMENTS.--

A. A person who makes an independent expenditure not otherwise required to be reported under the Campaign Reporting Act shall file a report with the secretary of state within:

(1) three days of making the expenditure if the expenditure, by itself or aggregated with all independent

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expenditures made by the same person during the election cycle, exceeds one thousand dollars (\$1,000) in a nonstatewide election or three thousand dollars (\$3,000) in a statewide election; or

(2) twenty-four hours of making the expenditure if the expenditure is in an amount of three thousand dollars (\$3,000) or more and is made within seven days before a nonstatewide or statewide election.

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

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

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

(3) the source of the contributions used to make the independent expenditure as provided in Subsections C and D of this section.

C. A person who makes independent expenditures required to be reported under this section in an amount totaling three thousand dollars (\$3,000) or less in a

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nonstatewide election or nine thousand dollars (\$9,000) or less in a statewide election shall report the name and address of each person who has made contributions of more than a total of two hundred dollars (\$200) in the election cycle that were earmarked or made in response to a solicitation to fund independent expenditures and shall report the amount of each such contribution made by that person.

D. A person who makes independent expenditures required to be reported under this section in an amount totaling more than three thousand dollars (\$3,000) in a nonstatewide election or nine thousand dollars (\$9,000) in a statewide election, in addition to reporting the information specified in Subsection C of this section, shall either:

(1) if the expenditures were made exclusively from a segregated bank account consisting only of funds contributed to the account by individuals to be used for making independent expenditures, report the name and address of, and amount of each contribution made by, each contributor who contributed more than two hundred dollars (\$200) to that account in the election cycle; or

(2) if the expenditures were made in whole or part from funds other than those described in Paragraph (1) of this subsection, report the name and address of, and amount of each contribution made by, each contributor who contributed more than a total of five thousand dollars (\$5,000) during the

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election cycle to the person making the expenditures; provided, however, that a contribution is exempt from reporting pursuant to this paragraph if:

(a) the contributor requested in writing that the contribution not be used to fund independent or coordinated expenditures or to make contributions to a candidate, campaign committee or political committee; and

(b) the contribution is deposited in a segregated bank account that is not used to fund independent or coordinated expenditures or to make contributions to a candidate, campaign committee or political committee.

E. If a person who has made a report required by this section is required to make subsequent reports during the election cycle, the information concerning contributions in the subsequent reports shall cover only contributions not previously reported."

Sf11→SECTION 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.←Sf11