

LFC Requester:

Emily Hilla

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov*(Analysis must be uploaded as a PDF)***SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute, or a correction of a previous bill}*Date Prepared: 01/23/25

Check all that apply:

Bill Number: SB 85Original Correction Amendment Substitute Sponsor: WirthShort Title: CAMPAIGN FINANCE CHANGES

Agency Name

and Code

OSA - 308

Number:

Person Writing

David CraigPhone: 5054699911Email David.Craig@osa.nm.**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Senate Bill 85 (SB85) amends the Campaign Reporting Act (the Act) to clarify and expand provisions. SB85 expands on definitions of expenditure and donation. SB85 provides disclosure requirements for electronic communications to include who is paying for the communication. SB85 changes the deadlines for reporting to the Secretary of State to later in the year or the following year. SB85 creates new special provisions and shortens the time for reporting expenditures regarding primary elections and allows for reporting after the general election. SB85 requires political action committees (PACs) to report, removing a waiver if no additional monies have been received. SB85 prevents the payment of interest on loans and requires reporting of loans between a candidate and the campaign committee. SB85 reorganizes the section preventing the solicitation of campaign contributions for elected officers during the Legislative session.

SB85 does not carry an appropriation.

FISCAL IMPLICATIONS

SB85 has de minimis impacts to political campaigns and candidates. There may be some administrative costs to the Secretary of State, but the amounts are indeterminate.

SIGNIFICANT ISSUES

SB85 seeks to remove ambiguity in the current Act by removing the phrase “for a political purpose” from the definition and including a list of debt payment types such as by a campaign committee of PAC, a public official or candidate and to pay for an advertisement for a campaign or ballot question.

SB85 includes electronic communication disclosure in the existing expenditure disclosure provisions for telephone calls but does not define electronic communications.

SB85 allows new exemptions from independent expenditure reporting for donation segregated in a bank account not used to fund independent or coordinated expenditures or make contributions to a candidate, campaign committee or PAC.

SB85 exempts from donations payments in the ordinary transaction of business, compensation for services rendered, cash invested, sale of a property, commercial loans, gifts on a special occasion from family members or close personal friends or a personal loan from a family member or repayment of such.

SB85 extends the deadline to report to the SOS from the second Monday in April and October to the Tuesday after the first Monday in June and January 7th of the subsequent year. Allows for next day filling in case of a holiday.

SB85 also changes the threshold for special reporting of expenditures near an election to remove variances between non-statewide to statewide and now requires only reporting above \$1,000. SB85 changes the deadlines for these special reports from the 30th day following a primary for all expenditures made on or before the 25th day after a primary to the seventh day following a primary for all expenditures made up to the day of the primary. SB85 also requires a new report no later than the seventh day after a general election of all expenditures made and contributions received not previously reported.

SB85 also creates new requirements for a candidate that is subject to the fundraising prohibition to file a report of all monies received but not returned no later than the seventh day after the prohibited period.

SB85 removes waivers for PACs to report if they have not received any new contributions or made any expenditures on page 20 of the original bill.

SB85 makes it unlawful to pay back loans to candidates with interest and requires reporting the terms of any loan that a candidate makes to the campaign committee and reporting evidence of such loan being made.

SB85 clarifies and reorganizes and clarifies sections of the law regarding legislative session fundraising prohibitions for state officials, including the state auditor.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS