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SENATE BILL

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

DISCUSSION DRAFT

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO ELECTIONS; PROVIDING REQUIREMENTS FOR CONTRIBUTIONS
MADE TO A CANDIDATE OR A POLITICAL COMMITTEE VIA THE INTERNET
BY CREDIT OR DEBIT CARD.

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

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

"1-19-34. CANDIDATES--POLITICAL COMMITTEES--TREASURER--
BANK ACCOUNT--ANONYMOUS CONTRIBUTIONS--CONTRIBUTIONS FROM
SPECIAL EVENTS--CREDIT AND DEBIT CARD CONTRIBUTIONS.--

A. It is unlawful for the members of any political
committee or any candidate to make any expenditure or solicit
or accept any contribution for a political purpose unless:

(1) a treasurer has been appointed and is
constantly maintained; provided, however, when a duly appointed

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1 treasurer is unable for any reason to continue as treasurer,
2 the candidate or political committee shall appoint a successor;
3 and provided further that a candidate may serve as the
4 candidate's own treasurer;

5 (2) all disbursements of money and receipts of
6 contributions are authorized by and through the candidate or
7 treasurer;

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

21 (4) the treasurer upon disbursing or receiving
22 money or other things of value immediately enters and
23 thereafter keeps a proper record preserved by the treasurer,
24 including a full, true and itemized statement and account of
25 each sum disbursed or received, the date of such disbursal or

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1 receipt, to whom disbursed or from whom received and the object
2 or purpose for which it was disbursed or received.

3 B. No anonymous contributions may be accepted in
4 excess of one hundred dollars (\$100). The aggregate amount of
5 anonymous contributions received by a reporting individual
6 during a primary or general election or a statewide special
7 election shall not exceed two thousand dollars (\$2,000) for
8 statewide races and five hundred dollars (\$500) for all other
9 races.

10 C. Cash contributions received at special events
11 that are unidentifiable as to specific contributor but
12 identifiable as to the special event are not subject to the
13 anonymous contribution limits provided for in this section so
14 long as no single special event raises, after expenses, more
15 than one thousand dollars (\$1,000) in such cash contributions.
16 For those contributions, due diligence and best efforts shall
17 be made to disclose on a special prescribed form the sponsor,
18 date, place, total amount received, expenses incurred,
19 estimated number of persons in attendance and other
20 identifiable factors that describe the special event. For
21 purposes of this subsection, "special event" includes an event
22 such as a barbecue or similar fundraiser where tickets costing
23 fifteen dollars (\$15.00) or less are sold or an event such as a
24 coffee, tea or similar reception.

25 D. Any contributions received pursuant to this

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1 section in excess of the limits established in Subsections B
2 and C of this section shall be donated to the state general
3 fund or an organization to which a federal income tax deduction
4 would be available under Subparagraph (A) of Paragraph (1) of
5 Subsection (b) of Section 170 of the Internal Revenue Code of
6 1986, as amended.

7 E. A candidate or political committee shall not
8 accept a contribution made via the internet by a credit card or
9 a debit card unless, at the time the contribution is made, the
10 contributor provides:

11 (1) the card security code assigned to and
12 printed or imprinted on the card; and

13 (2) either:

14 (a) the billing address associated with
15 the card, which shall be within the United States; or

16 (b) if the contributor is a United
17 States citizen living outside the United States, the United
18 States mailing address used by the contributor for the purpose
19 of voter registration.

20 F. An entity that processes a contribution
21 described in Subsection E of this section shall register with
22 the secretary of state, and the secretary of state shall review
23 the entity's processing method, including any related computer
24 software."