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AN ACT
RELATING TO ELECTIONS; LIMITING CONTRIBUTIONS BY PERSONS AND
POLITICAL COMMITTEES TO CANDIDATES AND POLITICAL COMMITTEES
IN ELECTIONS COVERED BY THE CAMPAIGN REPORTING ACT; ALLOWING
DONATION OF CAMPAIGN FUNDS TO A POLITICAL COMMITTEE.

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

Section 1. A new section of the Campaign Reporting Act
is enacted to read:

"CONTRIBUTION LIMITATIONS--CANDIDATES--POLITICAL
COMMITTEES.--

A. The following contributions by the following
persons are prohibited:

(1) from a person, not including a political
committee, to a:

(a) candidate for nonstatewide office,
including the candidate's campaign committee, in an amount
that will cause that person's total contributions to the
candidate to exceed two thousand three hundred dollars
(\$2,300) during the primary election or two thousand three
hundred dollars (\$2,300) during the general election;

(b) candidate for statewide office,
including the candidate's campaign committee, in an amount
that will cause that person's total contributions to the
candidate to exceed five thousand dollars (\$5,000) during the

1 primary election or five thousand dollars (\$5,000) during the
2 general election; or

3 (c) political committee in an amount
4 that will cause that person's total contributions to the
5 political committee to exceed five thousand dollars (\$5,000)
6 during a primary election or five thousand dollars (\$5,000)
7 during a general election; and

8 (2) from a political committee to:

9 (a) a candidate for office, including
10 the candidate's campaign committee, in an amount that will
11 cause the political committee's total contributions to the
12 candidate to exceed five thousand dollars (\$5,000) during the
13 primary election or five thousand dollars (\$5,000) during the
14 general election; or

15 (b) another political committee in an
16 amount that will cause that political committee's total
17 contributions to the political committee to exceed five
18 thousand dollars (\$5,000) during a primary election or five
19 thousand dollars (\$5,000) during a general election.

20 B. All contributions made by a person to a
21 candidate, either directly or indirectly, including
22 contributions that are in any way earmarked or otherwise
23 directed through another person to a candidate, shall be
24 treated as contributions from the person to that candidate.

25 C. A person, including a political committee,

1 shall not knowingly accept or solicit a contribution,
2 directly or indirectly, including a contribution earmarked or
3 otherwise directed or coordinated through another person,
4 including a political committee, that violates the
5 contribution limits provided for in this section.

6 D. On the day after each general election, the
7 contribution amounts provided in Subsection A of this section
8 shall be increased by the percentage of the preceding two
9 calendar year's increase of the consumer price index for all
10 urban consumers, United States city average for all items,
11 published by the United States department of labor. The
12 amount of the increase shall be rounded to the nearest
13 multiple of one hundred dollars (\$100). The secretary of
14 state shall publish by October 1 before each general election
15 the adjusted contribution limits that shall take effect the
16 day after the following general election.

17 E. All contributions in excess of the limits
18 imposed by the provisions of this section shall be deposited
19 in the public election fund upon a finding by the secretary
20 of state that the contribution limits have been exceeded.

21 F. The limitation on contributions to a candidate
22 provided for in Subsection A of this section shall not apply
23 to a candidate's own contribution from the candidate's
24 personal funds to the candidate's own campaign.

25 G. For the purposes of this section:

1 (1) "primary election" means the period
2 beginning on the day after the general election for the
3 applicable office and ending on the day of the primary for
4 that office; and

5 (2) "general election" means the period
6 beginning on the day after the primary for the applicable
7 office and ending on the day of the general election for that
8 office."

9 Section 2. Section 1-19-26 NMSA 1978 (being Laws 1979,
10 Chapter 360, Section 2, as amended) is amended to read:

11 "1-19-26. DEFINITIONS.--As used in the Campaign
12 Reporting Act:

13 A. "advertising campaign" means an advertisement
14 or series of advertisements used for a political purpose and
15 disseminated to the public either in print, by radio or
16 television broadcast or by any other electronic means,
17 including telephonic communications, and may include direct
18 or bulk mailings of printed materials;

19 B. "anonymous contribution" means a contribution
20 the contributor of which is unknown to the candidate or the
21 candidate's agent or the political committee or its agent who
22 accepts the contribution;

23 C. "bank account" means an account in a financial
24 institution located in New Mexico;

25 D. "campaign committee" means two or more persons

1 authorized by a candidate to raise, collect or expend
2 contributions on the candidate's behalf for the purpose of
3 electing the candidate to office;

4 E. "candidate" means an individual who seeks or
5 considers an office in an election covered by the Campaign
6 Reporting Act, including a public official, who either has
7 filed a declaration of candidacy or nominating petition or:

8 (1) for a non-statewide office, has received
9 contributions or made expenditures of one thousand dollars
10 (\$1,000) or more or authorized another person or campaign
11 committee to receive contributions or make expenditures of
12 one thousand dollars (\$1,000) or more for the purpose of
13 seeking election to the office; or

14 (2) for a statewide office, has received
15 contributions or made expenditures of two thousand five
16 hundred dollars (\$2,500) or more or authorized another person
17 or campaign committee to receive contributions or make
18 expenditures of two thousand five hundred dollars (\$2,500) or
19 more for the purpose of seeking election to the office or for
20 candidacy exploration purposes in the years prior to the year
21 of the election;

22 F. "contribution" means a gift, subscription,
23 loan, advance or deposit of money or other thing of value,
24 including the estimated value of an in-kind contribution,
25 that is made or received for a political purpose, including

1 payment of a debt incurred in an election campaign, but
2 "contribution" does not include the value of services
3 provided without compensation or unreimbursed travel or other
4 personal expenses of individuals who volunteer a portion or
5 all of their time on behalf of a candidate or political
6 committee, nor does it include the administrative or
7 solicitation expenses of a political committee that are paid
8 by an organization that sponsors the committee;

9 G. "deliver" or "delivery" means to deliver by
10 certified or registered mail, telecopier, electronic
11 transmission or facsimile or by personal service;

12 H. "election" means any primary, general or
13 statewide special election in New Mexico and includes county
14 and judicial retention elections but excludes municipal,
15 school board and special district elections;

16 I. "election year" means an even-numbered year in
17 which an election covered by the Campaign Reporting Act is
18 held;

19 J. "expenditure" means a payment, transfer or
20 distribution or obligation or promise to pay, transfer or
21 distribute any money or other thing of value for a political
22 purpose, including payment of a debt incurred in an election
23 campaign or pre-primary convention, but does not include the
24 administrative or solicitation expenses of a political
25 committee that are paid by an organization that sponsors the

1 committee;

2 K. "person" means an individual or entity;

3 L. "political committee" means two or more
4 persons, other than members of a candidate's immediate family
5 or campaign committee or a husband and wife who make a
6 contribution out of a joint account, who are selected,
7 appointed, chosen, associated, organized or operated
8 primarily for a political purpose; and "political committee"
9 includes:

10 (1) political parties, political action
11 committees or similar organizations composed of employees or
12 members of any corporation, labor organization, trade or
13 professional association or any other similar group that
14 raises, collects, expends or contributes money or any other
15 thing of value for a political purpose;

16 (2) a single individual whose actions
17 represent that the individual is a political committee; and

18 (3) a person or an organization of two or
19 more persons that within one calendar year expends funds in
20 excess of five hundred dollars (\$500) to conduct an
21 advertising campaign for a political purpose;

22 M. "political purpose" means influencing or
23 attempting to influence an election or pre-primary
24 convention, including a constitutional amendment or other
25 question submitted to the voters;

1 N. "prescribed form" means a form or electronic
2 format prepared and prescribed by the secretary of state;

3 O. "proper filing officer" means either the
4 secretary of state or the county clerk as provided in Section
5 1-19-27 NMSA 1978;

6 P. "public official" means a person elected to an
7 office in an election covered by the Campaign Reporting Act
8 or a person appointed to an office that is subject to an
9 election covered by that act;

10 Q. "reporting individual" means every public
11 official, candidate or treasurer of a campaign committee and
12 every treasurer of a political committee; and

13 R. "statement of exception" or "statement" means
14 the prescribed form subscribed and sworn to by a candidate to
15 indicate that the candidate does not intend to raise or
16 expend the minimum amount required for the filing of a report
17 of expenditures and contributions as provided in Section
18 1-19-33 NMSA 1978."

19 Section 3. Section 1-19-29.1 NMSA 1978 (being Laws
20 1993, Chapter 46, Section 6, as amended) is amended to read:

21 "1-19-29.1. CAMPAIGN FUNDS--LIMITATION ON USE.--

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

1 (1) expenditures of the campaign;

2 (2) expenditures of legislators that are
3 reasonably related to performing the duties of the office
4 held, including mail, telephone and travel expenditures to
5 serve constituents, but excluding personal and legislative
6 session living expenses;

7 (3) donations to the state general fund;

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

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

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

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

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

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

1 campaign."

2 Section 4. Section 1-19-34.3 NMSA 1978 (being Laws
3 1993, Chapter 46, Section 14, as amended) is amended to read:

4 "1-19-34.3. CONTRIBUTIONS IN ONE NAME GIVEN FOR ANOTHER
5 PROHIBITED.--It is unlawful for a person to make a
6 contribution in the name of another person, and no person
7 shall knowingly accept a contribution made by one person in
8 the name of another person."

9 Section 5. SEVERABILITY.--If any part or application of
10 this act is held invalid, the remainder or its application to
11 other situations or persons shall not be affected.

12 Section 6. EFFECTIVE DATE.--The effective date of the
13 provisions of this act is November 3, 2010. _____

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