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SENATE BILL 675

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

Howie C. Morales

AN ACT

RELATING TO ELECTION ADVERTISING; ENACTING THE TRUTH IN  
POLITICAL ADVERTISING ACT; REQUIRING ALL CAMPAIGN  
ADVERTISEMENTS FOR NON-JUDICIAL STATEWIDE ELECTIONS AND  
LEGISLATIVE ELECTIONS TO BE SUBMITTED TO TWO REVIEW AGENCIES TO  
BE RATED ON THE TRUTHFULNESS OF THE ADVERTISEMENT; ESTABLISHING  
PENALTIES; MAKING AN APPROPRIATION.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be  
cited as the "Truth in Political Advertising Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the  
Truth in Political Advertising Act:

A. "advertisement" means an advertisement or series  
of advertisements used for a political purpose and disseminated  
to the public either in print, by radio or television broadcast

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1 or by any other electronic means, including telephonic  
2 communications, and may include direct or bulk mailings of  
3 printed materials;

4 B. "person" means an individual or entity;

5 C. "political purpose" means for the purpose of  
6 supporting or opposing the nomination or election of  
7 candidates; and

8 D. "review agency" means a public or private entity  
9 chosen by the office of the attorney general to review  
10 advertisements under the terms of the Truth in Political  
11 Advertising Act.

12 SECTION 3. [NEW MATERIAL] REVIEW OF ADVERTISEMENTS  
13 REQUIRED.--

14 A. An advertisement for a statewide election,  
15 except for a campaign for judicial office, or for the state  
16 legislature shall be reviewed by two review agencies prior to  
17 the advertisement being broadcast, distributed, mailed or  
18 otherwise disseminated to the public. The person sponsoring or  
19 paying for the advertisement shall submit the advertisement to  
20 two of the three review agencies contracted with the office of  
21 the attorney general under the Truth in Political Advertising  
22 Act.

23 B. A review agency shall promptly review an  
24 advertisement that is submitted for review and shall score the  
25 advertisement on two scales, as follows:

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1 (1) for its truth or falsity, with a one being  
2 untruthful or false and a five being completely truthful; and

3 (2) for whether the advertisement is  
4 misleading, with a one being an advertisement that is  
5 completely misleading and a five being an advertisement that is  
6 not at all misleading.

7 C. The score given to an advertisement shall be  
8 represented graphically for each of the subcategories in  
9 Subsection B of this section, except that advertisements  
10 produced for radio shall state the score from each review  
11 agency at the conclusion of the advertisement. The graphical  
12 representations showing the score from each review agency shall  
13 be placed at the bottom or the end of each advertisement  
14 reviewed.

15 D. If the two review agencies to which the  
16 advertisement has been submitted disagree on the truthfulness  
17 of the advertisement by more than one step for either of the  
18 subcategories in Subsection B of this section, the person  
19 sponsoring or paying for the advertisement shall submit the  
20 advertisement to the third review agency for review.

21 E. In the event that an advertisement cannot be  
22 reviewed, the statement "This advertisement cannot be rated"  
23 shall be printed prominently in place of the graphical  
24 representation required pursuant to Subsection C of this  
25 section; except that a radio advertisement shall state "This

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[bracketed material] = delete

1 advertisement cannot be rated" at the end of the advertisement.

2 SECTION 4. [NEW MATERIAL] CHOOSING NOT TO HAVE AN  
3 ADVERTISEMENT REVIEWED--PENALTIES.--

4 A. If the person sponsoring or paying for the  
5 advertisement does not submit an advertisement for review to at  
6 least two review agencies, the person shall be punished with a  
7 fine of two times the cost of producing and distributing the  
8 advertisement. In addition, the advertisement shall print a  
9 disclaimer stating "This advertisement has not been submitted  
10 for a rating" prominently in place of the graphic  
11 representation required pursuant to Subsection C of Section 3  
12 of the Truth in Political Advertising Act; except that a radio  
13 advertisement shall state "This advertisement has not been  
14 submitted for a rating" at the end of the advertisement.

15 B. A person that does not include the disclaimer  
16 required in Subsection A of this section shall be punished with  
17 a fine of twenty times the cost of producing and distributing  
18 the advertisement.

19 SECTION 5. [NEW MATERIAL] OFFICE OF THE ATTORNEY GENERAL  
20 TO CONTRACT WITH REVIEW AGENCIES.--The office of the attorney  
21 general shall contract with three nonpartisan public or private  
22 entities to serve as the review agencies to score  
23 advertisements under the Truth in Political Advertising Act.

24 SECTION 6. [NEW MATERIAL] RULES.--The office of the  
25 attorney general shall establish rules to administer the

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