

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 96

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

Peter Wirth and James E. Smith

AN ACT

RELATING TO CAMPAIGN FINANCE; REQUIRING REPORTING OF  
INDEPENDENT EXPENDITURES; REDEFINING "POLITICAL COMMITTEE";  
DEFINING "ADVERTISEMENT", "BALLOT MEASURE", "CAMPAIGN  
EXPENDITURE", "COORDINATED EXPENDITURE", "INDEPENDENT  
EXPENDITURE" AND OTHER TERMS; ADJUSTING CONTRIBUTION AND  
EXPENDITURE REPORTING REQUIREMENTS, LIMITS AND THRESHOLDS;  
CHANGING PENALTIES; PROVIDING PENALTIES; AMENDING, REPEALING  
AND ENACTING SECTIONS OF THE NMSA 1978.

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:

"[NEW MATERIAL] INDEPENDENT EXPENDITURES--REPORTING  
REQUIREMENTS.--

A. A person who makes an independent expenditure

underscored material = new  
~~[bracketed material] = delete~~

underscoring material = new  
~~[bracketed material] = delete~~

1 not otherwise required to be reported under the Campaign  
2 Reporting Act in an amount that exceeds one thousand dollars  
3 (\$1,000), or in an amount that, when added to the aggregate  
4 amount of the independent expenditures made by the same person  
5 during the preceding twelve months, exceeds one thousand  
6 dollars (\$1,000), shall file a report with the secretary of  
7 state within:

8 (1) twenty-four hours after making an  
9 independent expenditure of three thousand dollars (\$3,000) or  
10 more within fourteen days before a primary or general election;  
11 or

12 (2) three days after making any other  
13 independent expenditure for which a report is required by this  
14 section.

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

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

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

.205055.4

underscored material = new  
~~[bracketed material] = delete~~

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

4                   C. A person who makes independent expenditures  
5 totaling three thousand dollars (\$3,000) or less that are  
6 required to be reported pursuant to this section shall report  
7 the name and address of each person who has made contributions  
8 of more than a total of two hundred dollars (\$200) in the  
9 previous twelve months that were earmarked or made in response  
10 to a solicitation to fund independent expenditures, and shall  
11 report the amount of each such contribution made by that  
12 person.

13                   D. A person who makes independent expenditures  
14 totaling more than three thousand dollars (\$3,000) that are  
15 required to be reported pursuant to this section, in addition  
16 to reporting the information specified in Subsection C of this  
17 section, shall either:

18                   (1) establish a segregated bank account,  
19 consisting only of funds contributed to the account by  
20 individuals to be used for making independent expenditures, and  
21 report the name and address of, and amount of each contribution  
22 made by, each contributor who contributed more than two hundred  
23 dollars (\$200) to that account in the previous twelve months;  
24 or

25                   (2) report the name and address of, and amount

underscoring material = new  
[bracketed material] = delete

1 of each contribution made by, each contributor who contributed  
2 more than a total of five thousand dollars (\$5,000) to the  
3 person in the previous twelve months; provided, however, that a  
4 contribution is exempt from reporting pursuant to this  
5 paragraph if the contributor requested in writing that the  
6 contribution not be used to fund independent or coordinated  
7 expenditures or make contributions to a candidate, campaign  
8 committee or political committee.

9 E. Independent expenditures shall be reported  
10 electronically using software provided or approved by the  
11 secretary of state.

12 F. Failure of any person to report electronically  
13 pursuant to this section is a violation of the Campaign  
14 Reporting Act."

15 SECTION 2. A new section of the Campaign Reporting Act is  
16 enacted to read:

17 "[NEW MATERIAL] DISCLAIMERS IN ADVERTISEMENTS.--

18 A. A person who makes a campaign expenditure, a  
19 coordinated expenditure or an independent expenditure for an  
20 advertisement in an amount that exceeds one thousand dollars  
21 (\$1,000), or in an amount that, when added to the aggregate  
22 amount of the campaign expenditures, coordinated expenditures  
23 and independent expenditures for advertisements made by the  
24 same person during the preceding twelve months, exceeds one  
25 thousand dollars (\$1,000), shall ensure that the advertisement

.205055.4

underscored material = new  
[bracketed material] = delete

1 contains the name of the candidate, committee or other person  
2 who authorized and paid for the advertisement.

3 B. The requirements of Subsection A of this section  
4 do not apply to the following:

5 (1) bumper stickers, pins, buttons, pens and  
6 similar small items upon which the disclaimer cannot be  
7 conveniently printed; or

8 (2) skywriting, water towers, wearing apparel  
9 or other means of displaying an advertisement of such a nature  
10 that the inclusion of a disclaimer would be impracticable.

11 C. The disclaimer statements required by Subsection  
12 A of this section shall be set forth legibly on any  
13 advertisement that is disseminated or displayed by visual  
14 media. If the advertisement is transmitted by audio media, the  
15 statement shall be clearly spoken during the advertisement. If  
16 the advertisement is transmitted by audiovisual media, the  
17 statement shall be both written legibly and spoken clearly  
18 during the advertisement."

19 SECTION 3. Section 1-19-26 NMSA 1978 (being Laws 1979,  
20 Chapter 360, Section 2, as amended by Laws 2009, Chapter 67,  
21 Section 1 and by Laws 2009, Chapter 68, Section 2) is amended  
22 to read:

23 "1-19-26. DEFINITIONS.--As used in the Campaign Reporting  
24 Act:

25 [~~A. "advertising campaign" means an advertisement~~

.205055.4

underscored material = new  
[bracketed material] = delete

1 ~~or series of advertisements used for a political purpose and~~  
2 ~~disseminated to the public either in print, by radio or~~  
3 ~~television broadcast or by any other electronic means,~~  
4 ~~including telephonic communications, and may include direct or~~  
5 ~~bulk mailings of printed materials]~~

6 A. "advertisement" means a communication referring  
7 to a candidate or ballot measure that is published  
8 disseminated, distributed or displayed to the public by print,  
9 broadcast, satellite, cable or electronic media, including  
10 recorded phone messages, or by printed materials, including  
11 mailers, handbills, signs and billboards, but "advertisement"  
12 does not include:

13 (1) a communication by a membership  
14 organization or corporation to its current members,  
15 stockholders or executive or administrative personnel;

16 (2) a communication appearing in a news story  
17 or editorial distributed through a print, broadcast, satellite,  
18 cable or electronic medium, unless the communication is paid  
19 for or the medium is controlled or owned by a candidate,  
20 campaign committee or political committee;

21 (3) a candidate debate or forum or a  
22 communication announcing a candidate debate or forum paid for  
23 on behalf of the debate or forum sponsor; provided that two or  
24 more candidates for the same position have been invited to  
25 participate; or

.205055.4

underscored material = new  
[bracketed material] = delete

1                   (4) nonpartisan voter guides allowed by the  
2 federal Internal Revenue Code of 1986 for Section 501(c)(3)  
3 organizations;

4                   B. "anonymous contribution" means a contribution  
5 the contributor of which is unknown to the candidate or the  
6 candidate's agent or the political committee or its agent who  
7 accepts the contribution;

8                   C. "ballot measure" means a constitutional  
9 amendment or other question submitted to the voters in an  
10 election;

11                  [~~E.~~] D. "bank account" means an account in a  
12 financial institution [~~located in New Mexico~~] chartered and  
13 regulated by the United States or a state of the United States;

14                  [~~D.~~] E. "campaign committee" means an association  
15 of two or more persons, authorized by a candidate to [~~raise,~~  
16 ~~collect or expend contributions~~] act on the candidate's behalf  
17 for the purpose of electing the candidate to office; provided  
18 that a candidate may have only one campaign committee;

19                  F. "campaign expenditure" means an expenditure that  
20 is made by a campaign committee or by a candidate in support of  
21 the candidate's campaign in an election;

22                  [~~E.~~] G. "candidate" means an individual who seeks  
23 or considers an office in an election covered by the Campaign  
24 Reporting Act, including a public official, who either has  
25 filed a declaration of candidacy or nominating petition and has

.205055.4

underscored material = new  
[bracketed material] = delete

1 not subsequently filed a statement of withdrawal or:

2 (1) for a nonstatewide office, has received  
3 contributions or made expenditures of more than one thousand  
4 dollars (\$1,000) [~~or more~~] or authorized another person or  
5 campaign committee to receive contributions or make  
6 expenditures of more than one thousand dollars (\$1,000) [~~or~~  
7 ~~more~~] for the purpose of seeking election to the office; or

8 (2) for a statewide office, has received  
9 contributions or made expenditures of [~~two thousand five~~  
10 ~~hundred dollars (\$2,500) or~~] more than three thousand dollars  
11 (\$3,000) or authorized another person or campaign committee to  
12 receive contributions or make expenditures of [~~two thousand~~  
13 ~~five hundred dollars (\$2,500) or~~] more than three thousand  
14 dollars (\$3,000) for the purpose of seeking election to the  
15 office or for candidacy exploration purposes in the years prior  
16 to the year of the election;

17 [~~F-~~] H. "contribution":

18 (1) means a gift, subscription, loan, advance  
19 or deposit of money or other thing of value, including the  
20 estimated value of an in-kind contribution, that is made or  
21 received for a political purpose, including payment of a debt  
22 incurred in an election campaign [~~but "contribution"~~];

23 (2) includes a coordinated expenditure; and

24 (3) does not include the value of services  
25 provided without compensation or unreimbursed travel or other

.205055.4



underscored material = new  
[bracketed material] = delete

1 personal expenses of individuals who volunteer a portion or all  
2 of their time on behalf of a candidate or political committee  
3 nor does it include the administrative or solicitation expenses  
4 of a political committee that are paid by an organization that  
5 sponsors the committee;

6 I. "coordinated expenditure" means an expenditure  
7 that is made:

8 (1) by a person other than a candidate or  
9 campaign committee;

10 (2) at the request or suggestion of, or in  
11 cooperation, consultation or concert with, a candidate,  
12 campaign committee or political party or any agent or  
13 representative of such a candidate, campaign committee or  
14 political party; and

15 (3) for the purpose of:

16 (a) supporting or opposing the  
17 nomination or election of a candidate; or

18 (b) paying for an advertisement that  
19 refers to a clearly identified candidate and is published and  
20 disseminated to the relevant electorate in New Mexico within  
21 thirty days before the primary election or sixty days before  
22 the general election in which the candidate is on the ballot;

23 [~~G.~~] J. "deliver" or "delivery" means to deliver by  
24 certified or registered mail, telecopier, electronic  
25 transmission or facsimile or by personal service;

.205055.4

underscored material = new  
[bracketed material] = delete

1           [~~H.~~] K. "election" means any primary, general or  
2 statewide special election in New Mexico and includes county  
3 and judicial retention elections but excludes federal,  
4 municipal, school board and special district elections;

5           [~~I.~~] L. "election year" means an even-numbered year  
6 in which an election covered by the Campaign Reporting Act is  
7 held;

8           [~~J.~~] M. "expenditure" means a payment, transfer or  
9 distribution or obligation or promise to pay, transfer or  
10 distribute any money or other thing of value for a political  
11 purpose, including payment of a debt incurred in an election  
12 campaign or pre-primary convention [~~but does not include the~~  
13 ~~administrative or solicitation expenses of a political~~  
14 ~~committee that are paid by an organization that sponsors the~~  
15 ~~committee~~];

16           N. "independent expenditure" means an expenditure  
17 that is:

18                   (1) made by a person other than a candidate or  
19 campaign committee;

20                   (2) not a coordinated expenditure as defined  
21 in the Campaign Reporting Act; and

22                   (3) made to pay for an advertisement that:

23                           (a) expressly advocates the election or  
24 defeat of a clearly identified candidate or the passage or  
25 defeat of a clearly identified ballot measure;

.205055.4

underscored material = new  
[bracketed material] = delete

1                                    (b) is susceptible to no other  
2                                    reasonable interpretation than as an appeal to vote for or  
3                                    against a clearly identified candidate or ballot measure; or

4                                    (c) refers to a clearly identified  
5                                    candidate or ballot measure and is published and disseminated  
6                                    to the relevant electorate in New Mexico within thirty days  
7                                    before the primary election or sixty days before the general  
8                                    election at which the candidate or ballot measure is on the  
9                                    ballot;

10                                  ~~[K.]~~ O. "person" means an individual or entity;

11                                  ~~[L.]~~ P. "political committee" means ~~[two or more~~  
12                                  ~~persons, other than members of a candidate's immediate family~~  
13                                  ~~or campaign committee or a husband and wife who make a~~  
14                                  ~~contribution out of a joint account, who are selected,~~  
15                                  ~~appointed, chosen, associated, organized or operated primarily~~  
16                                  ~~for a political purpose; and "political committee" includes:~~

17    ~~(1) political parties, political action~~  
18    ~~committees or similar organizations composed of employees or~~  
19    ~~members of any corporation, labor organization, trade or~~  
20    ~~professional association or any other similar group that~~  
21    ~~raises, collects, expends or contributes money or any other~~  
22    ~~thing of value for a political purpose;~~

23    ~~(2) a single individual whose actions~~  
24    ~~represent that the individual is a political committee; and~~

25    ~~(3) a person or an organization of two or more~~

underscored material = new  
[bracketed material] = delete

1 ~~persons that within one calendar year expends funds in excess~~  
2 ~~of five hundred dollars (\$500) to conduct an advertising~~  
3 ~~campaign for a political purpose]:~~

4 (1) a political party;

5 (2) an association that consists of two or  
6 more persons whose primary purpose is to make contributions to  
7 candidates, campaign committees or political committees or make  
8 coordinated expenditures or any combination thereof; or

9 (3) an association that consists of two or  
10 more persons whose primary purpose is to make independent  
11 expenditures and that has received more than five thousand  
12 dollars (\$5,000) in contributions or made independent  
13 expenditures of more than five thousand dollars (\$5,000) in the  
14 preceding twelve months;

15 Q. "political party" means an association that has  
16 qualified as a political party pursuant to the provisions of  
17 Section 1-7-2 NMSA 1978;

18 ~~[M.] R. "political purpose" means [influencing or~~  
19 ~~attempting to influence an election or pre-primary convention,~~  
20 ~~including a constitutional amendment or other question~~  
21 ~~submitted to the voters] for the purpose of supporting or~~  
22 opposing the nomination or election of a candidate or the  
23 passage of a ballot measure;

24 ~~[N.] S. "prescribed form" means a form or~~  
25 ~~electronic format prepared and prescribed by the secretary of~~

.205055.4

underscored material = new  
[bracketed material] = delete

1 state;

2 [Θ.] T. "proper filing officer" means [~~either~~] the  
3 secretary of state; [~~or the county clerk as provided in Section~~  
4 ~~1-19-27 NMSA 1978;~~

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

9 [Q.] V. "reporting individual" means every public  
10 official, candidate or treasurer of a campaign committee and  
11 every treasurer of a political committee."

12 SECTION 4. Section 1-19-26.1 NMSA 1978 (being Laws 1993,  
13 Chapter 46, Section 2, as amended) is amended to read:

14 "1-19-26.1. POLITICAL COMMITTEES--REGISTRATION--  
15 DISCLOSURES.--

16 A. It is unlawful for [~~any~~] a political committee  
17 [~~that receives, contributes or expends in excess of five~~  
18 ~~hundred dollars (\$500) in any calendar year]~~ to continue to  
19 receive or make any contribution or expenditure for a political  
20 purpose [~~unless that political committee appoints and maintains~~  
21 ~~a treasurer and registers with the secretary of state]~~ if that  
22 committee fails to meet the requirements of Subsections B and C  
23 of this section.

24 B. A political committee shall [~~register~~] appoint  
25 and maintain a treasurer and file a statement of organization

.205055.4

underscored material = new  
[bracketed material] = delete

1 with the secretary of state [~~within ten days of receiving,~~  
2 ~~contributing or expending in excess of five hundred dollars~~  
3 ~~(\$500)~~] by paying a filing fee of fifty dollars (\$50.00) and  
4 filing a statement of organization.

5 C. A statement of organization required by  
6 Subsection B of this section shall be made under oath on a  
7 prescribed form showing:

8 (1) the full name of the [~~political~~]  
9 committee, which shall fairly and accurately reflect the  
10 identity of the committee, including any sponsoring  
11 organization, and its address;

12 (2) a statement of the purpose for which the  
13 [~~political~~] committee was organized;

14 [~~(3) the name, address and relationship of any~~  
15 ~~connected or associated organization or entity;~~

16 ~~(4)]~~ (3) the names and addresses of the  
17 officers of the committee; and

18 [~~(5)]~~ (4) an identification of [~~the~~] any bank  
19 account used by the committee [~~for all expenditures or~~] to  
20 receive or make contributions [~~made or received~~] or make  
21 expenditures.

22 [~~G. The provisions of this section do not apply to~~  
23 ~~a political committee that is located in another state and is~~  
24 ~~registered with the federal election commission if the~~  
25 ~~political committee reports on federal reporting forms filed~~

.205055.4

underscored material = new  
[bracketed material] = delete

1 with the federal election commission all expenditures for and  
2 contributions made to reporting individuals in New Mexico and  
3 files with the secretary of state, according to the schedule  
4 required for the filing of forms with the federal election  
5 commission, a copy of either the full report or the cover sheet  
6 and the portions of the federal reporting forms that contain  
7 the information on expenditures for and contributions made to  
8 reporting individuals in New Mexico.]"

9 SECTION 5. Section 1-19-29 NMSA 1978 (being Laws 1993,  
10 Chapter 46, Section 5, as amended) is amended to read:

11 "1-19-29. TIME AND PLACE OF FILING REPORTS.--

12 A. Except as otherwise provided in this section,  
13 all reporting individuals shall file with the proper filing  
14 officer by [~~5:00 p.m.~~] 11:59 p.m. on the second Monday in April  
15 and October a report of all expenditures made and contributions  
16 received on or before the first Monday in those months and not  
17 previously reported. The report shall be filed biannually  
18 until the [~~reporting individual's bank account has been closed~~  
19 ~~and the other~~] provisions specified in Subsection F, G or H of  
20 this section have been satisfied.

21 B. In an election year, instead of the biannual  
22 reports provided for in Subsection A of this section, all  
23 reporting individuals, except for public officials who are not  
24 candidates in an election that year, shall file reports of all  
25 expenditures made and contributions received or, if applicable,

.205055.4

underscored material = new  
[bracketed material] = delete

1 statements of no activity, according to the following schedule:

2 (1) by [~~5:00 p.m.~~] 11:59 p.m. on the second  
3 Monday in April, a report of all expenditures made and  
4 contributions received on or before the first Monday in April  
5 and not previously reported;

6 (2) by [~~5:00 p.m.~~] 11:59 p.m. on the second  
7 Monday in May, a report of all expenditures made and  
8 contributions received on or before the first Monday in May and  
9 not previously reported;

10 (3) by [~~5:00 p.m.~~] 11:59 p.m. on the second  
11 Monday in September, a report of all expenditures made and  
12 contributions received on or before the first Monday in  
13 September and not previously reported;

14 (4) by [~~5:00 p.m.~~] 11:59 p.m. on the second  
15 Monday in October, a report of all expenditures made and  
16 contributions received on or before the first Monday in October  
17 and not previously reported;

18 (5) by [~~5:00 p.m.~~] 11:59 p.m. on the Thursday  
19 before a primary, general or statewide special election, a  
20 report of all expenditures made and contributions received by  
21 5:00 p.m. on the Tuesday before the election and not previously  
22 reported. Any contribution or pledge to contribute that is  
23 received after 5:00 p.m. on the Tuesday before the election and  
24 that is for [~~five hundred dollars (\$500) or~~] more than one  
25 thousand dollars (\$1,000) in a [~~legislative or~~] nonstatewide

.205055.4



underscored material = new  
[bracketed material] = delete

1 [judicial] election, or [~~two thousand five hundred dollars~~  
2 ~~(\$2,500) or~~] more than three thousand dollars (\$3,000) in a  
3 statewide election, shall be reported to the proper filing  
4 officer either in a supplemental report on a prescribed form  
5 within twenty-four hours of receipt or in the report to be  
6 filed by [~~5:00 p.m.~~] 11:59 p.m. on the Thursday before a  
7 primary, general or statewide special election, except that any  
8 such contribution or pledge to contribute that is received  
9 after 5:00 p.m. on the Friday before the election may be  
10 reported by 12:00 noon on the Monday before the election; [~~and~~]

11 (6) by 11:59 p.m. on the Thursday before a  
12 primary or general election, or within twenty-four hours of the  
13 independent expenditure, a report of each independent  
14 expenditure made after 5:00 p.m. on the Tuesday before the  
15 election that is for more than one thousand dollars (\$1,000) in  
16 a nonstatewide election or more than three thousand dollars  
17 (\$3,000) in a statewide election. Such expenditures shall be  
18 reported to the proper filing officer either in a supplemental  
19 report on a prescribed form within twenty-four hours of being  
20 made or in the report to be filed by 11:59 p.m. on the Thursday  
21 before a primary or general election, except that any such  
22 expenditure that is made after 5:00 p.m. on the Friday before  
23 the election may be reported by 12:00 noon on the Monday before  
24 the election;

25 [~~(6)~~] (7) by [~~5:00 p.m.~~] 11:59 p.m. on the

.205055.4

underscored material = new  
[bracketed material] = delete

1 thirtieth day after a primary [~~general or statewide special~~]  
2 election, a report by all reporting individuals, except those  
3 individuals that become candidates after the primary election,  
4 of all expenditures made and contributions received on or  
5 before the twenty-fifth day after the primary election and not  
6 previously reported; and

7 (8) by 11:59 p.m. on the thirtieth day after a  
8 general or statewide special election, a report of all  
9 expenditures made and contributions received on or before the  
10 twenty-fifth day after the general or statewide special  
11 election and not previously reported.

12 C. If a candidate, political committee, campaign  
13 committee or public official has not received any contributions  
14 and has not made any expenditures since the candidate's,  
15 committee's or official's last report was filed with the proper  
16 filing officer, the candidate, committee or official shall only  
17 be required to file a statement of no activity, which shall not  
18 be required to be notarized, in lieu of a full report when that  
19 report would otherwise be due and shall not be required to file  
20 a full report until the next required filing date occurring  
21 after an expenditure is made or a contribution is received.

22 D. In an election year, a public official who is  
23 not a candidate shall file biannual reports of expenditures  
24 made and contributions received or statements of no activity in  
25 accordance with the schedule provided for in Subsection A of

.205055.4

underscored material = new  
[bracketed material] = delete

1 this section.

2 E. A report of expenditures and contributions filed  
3 after a deadline set forth in this section shall not be deemed  
4 to have been timely filed.

5 F. Except for candidates, campaign committees and  
6 public officials who file a statement of no activity, each  
7 reporting individual candidate, campaign committee or public  
8 official shall file a report of expenditures and contributions  
9 pursuant to the filing schedules set forth in this section,  
10 regardless of whether any expenditures were made or  
11 contributions were received during the reporting period.  
12 Reports shall be required until the reporting individual  
13 delivers a report to the proper filing officer stating that:

- 14 (1) there are no outstanding campaign debts;  
15 (2) all money has been expended in accordance  
16 with the provisions of Section 1-19-29.1 NMSA 1978; and  
17 (3) the bank [~~account has~~] accounts have been  
18 closed.

19 G. [~~Each treasurer of a political committee shall~~  
20 ~~file a report of expenditures and contributions pursuant to the~~  
21 ~~filing schedules set forth in this section until the treasurer~~  
22 ~~files a report that affirms that the committee has dissolved or~~  
23 ~~no longer exists and that its bank account has been closed] If,  
24 during a nonelection year, a political committee has not  
25 received any contributions or made any coordinated or~~

.205055.4

underscored material = new  
[bracketed material] = delete

1 independent expenditures since it filed its last report  
2 pursuant to this section, it need not file any report under  
3 this section until the next reporting period, if any, in which  
4 it receives contributions or makes such expenditures. A  
5 political committee that has not received any contributions or  
6 made any coordinated or independent expenditures for a  
7 continuous period of at least one year may thereupon cancel its  
8 registration as a political committee by submitting an  
9 appropriate request in writing to the proper filing officer.  
10 The committee shall retain the obligation to submit a new  
11 registration pursuant to Section 1-19-26.1 NMSA 1978 in the  
12 event that its future activities should meet the requisites for  
13 registration under that section.

14 H. A reporting individual who is a candidate within  
15 the meaning of the Campaign Reporting Act because of the amount  
16 of contributions the candidate receives or expenditures the  
17 candidate makes and who does not ultimately file a declaration  
18 of candidacy or a nominating petition with the proper filing  
19 officer and does not file a statement of no activity shall file  
20 biannual reports in accordance with Subsection A of this  
21 section.

22 I. Reports required by this section shall be  
23 subscribed and sworn to by the candidate or the treasurer of  
24 the political committee or, in the case of candidates for  
25 judicial office, by the treasurer of the candidate's campaign

.205055.4

underscored material = new  
[bracketed material] = delete

1 committee. A report filed electronically shall be  
2 electronically authenticated by the candidate or the treasurer  
3 of the [~~political~~] committee using an electronic signature in  
4 conformance with the Electronic Authentication of Documents Act  
5 and the Uniform Electronic Transactions Act. For the purposes  
6 of the Campaign Reporting Act, a report that is electronically  
7 authenticated in accordance with the provisions of this  
8 subsection shall be deemed to have been subscribed and sworn to  
9 by the candidate or the treasurer of the [~~political~~] committee  
10 who was required to file the report.

11 J. Reports required by this section shall be filed  
12 electronically by all reporting individuals.

13 K. Reporting individuals may apply to the secretary  
14 of state for exemption from electronic filing in case of  
15 hardship, which shall be defined by the secretary of state."

16 SECTION 6. Section 1-19-31 NMSA 1978 (being Laws 1979,  
17 Chapter 360, Section 7, as amended) is amended to read:

18 "1-19-31. CONTENTS OF REPORT.--[A.] Each required report  
19 of expenditures and contributions shall be typed or printed  
20 legibly, or on a computer disc or format approved by the  
21 secretary of state, and shall include:

22 [~~(1)~~] A. the name and address of the person or  
23 entity to whom an expenditure was made or from whom a  
24 contribution was received, except as provided for anonymous  
25 contributions or contributions received from special events as

.205055.4

underscored material = new  
[bracketed material] = delete

1 provided in Section 1-19-34 NMSA 1978; provided that for  
2 contributors, the name of the entity or the first and last  
3 names of any individual shall be the full name of the entity or  
4 individual, and initials only shall not constitute a full name  
5 unless that is the complete legal name;

6 [~~(2)~~] B. the occupation [~~or~~], name and type of  
7 business, as applicable, of any [~~person~~] individual or entity  
8 making contributions of two hundred fifty dollars (\$250) or  
9 more in the aggregate per election;

10 [~~(3)~~] C. the amount of the expenditure or  
11 contribution or value thereof;

12 [~~(4)~~] D. the purpose of the expenditure; [~~and~~

13 [~~(5)~~] E. the date that the expenditure was made or  
14 the contribution was received;

15 [~~B. Each report shall contain an~~

16 F. the opening and closing cash balance for the  
17 bank [~~account~~] accounts maintained by the reporting individual  
18 during the reporting period and the name of the financial  
19 institution for each account; and

20 [~~G. Each report shall specify the~~

21 G. the amount of each unpaid debt and the identity  
22 of the person to whom the debt is owed."

23 SECTION 7. Section 1-19-34 NMSA 1978 (being Laws 1979,  
24 Chapter 360, Section 10, as amended) is amended to read:

25 "1-19-34. CANDIDATES--POLITICAL OR CAMPAIGN COMMITTEES--

.205055.4

underscored material = new  
[bracketed material] = delete

1       TREASURER--BANK ACCOUNT--ANONYMOUS CONTRIBUTIONS--CONTRIBUTIONS  
2       FROM SPECIAL EVENTS.--

3               A. ~~[It is unlawful for the members of any]~~ A  
4       political or campaign committee or any candidate ~~[to make any~~  
5       ~~expenditure or solicit or accept any contribution for a~~  
6       ~~political purpose unless]~~ shall ensure that:

7                       (1) a treasurer has been appointed and is  
8       constantly maintained; provided, however, that when a duly  
9       appointed treasurer is unable for any reason to continue as  
10      treasurer, the candidate or ~~[political]~~ committee shall appoint  
11      a successor; and provided further that a candidate may serve as  
12      the candidate's own treasurer;

13                      (2) all disbursements of money and receipts of  
14      contributions are authorized by and through the candidate or  
15      treasurer;

16                      (3) a ~~[separate]~~ bank account has been  
17      established and all receipts of money contributions are  
18      deposited in and all expenditures of money are ~~[deposited in~~  
19      ~~and]~~ disbursed from ~~[the]~~ one or more bank ~~[account]~~ accounts  
20      maintained by the treasurer in the name of the candidate or  
21      ~~[political]~~ committee; provided that nothing in this section  
22      shall prohibit investments from ~~[the]~~ a bank account to earn  
23      interest as long as the investments and earnings are fully  
24      reported. All disbursements except for disbursements made from  
25      a petty cash fund of one hundred dollars (\$100) or less shall

.205055.4

underscored material = new  
[bracketed material] = delete

1 be made in a form such that the date, amount and payee of the  
2 transaction are automatically recorded or by check made payable  
3 to the person or entity receiving the disbursement and not to  
4 "cash" or "bearer"; and

5 (4) the treasurer, upon disbursing or  
6 receiving money or other things of value, immediately enters  
7 and thereafter keeps a proper record preserved by the  
8 treasurer, including a full, true and itemized statement and  
9 account of each sum disbursed or received, the date of such  
10 disbursal or receipt, to whom disbursed or from whom received  
11 and the object or purpose for which it was disbursed or  
12 received.

13 B. No anonymous contributions may be accepted [~~in~~  
14 ~~excess of~~] for more than one hundred dollars (\$100). The  
15 aggregate amount of anonymous contributions received by a  
16 reporting individual during a primary or general election or a  
17 statewide special election shall not exceed two thousand  
18 dollars (\$2,000) for statewide races and five hundred dollars  
19 (\$500) for all other races.

20 C. Cash contributions received at special events  
21 that are unidentifiable as to specific contributor but  
22 identifiable as to the special event are not subject to the  
23 anonymous contribution limits provided for in this section so  
24 long as no single special event raises, after expenses, more  
25 than one thousand dollars (\$1,000) in such cash contributions.

.205055.4



underscored material = new  
[bracketed material] = delete

1 For those contributions, due diligence and best efforts shall  
2 be made to disclose on a special prescribed form the sponsor,  
3 date, place, total amount received, expenses incurred,  
4 estimated number of persons in attendance and other  
5 identifiable factors that describe the special event. For  
6 purposes of this subsection, "special event" includes an event  
7 such as a barbecue or similar fundraiser where tickets costing  
8 [~~fifteen dollars (\$15.00)~~] twenty-five dollars (\$25.00) or less  
9 are sold or an event such as a coffee, tea or similar  
10 reception; provided that no person shall contribute more than  
11 twenty-five dollars (\$25.00) in cash at a special event.

12 D. Any contributions received pursuant to this  
13 section in excess of the limits established in Subsections B  
14 and C of this section shall be donated to the state general  
15 fund or an organization to which a federal income tax deduction  
16 would be available under Subparagraph (A) of Paragraph (1) of  
17 Subsection (b) of Section 170 of the Internal Revenue Code of  
18 1986, as amended."

19 SECTION 8. Section 1-19-34.3 NMSA 1978 (being Laws 1993,  
20 Chapter 46, Section 14, as amended) is amended to read:

21 "1-19-34.3. CONTRIBUTIONS IN ONE NAME GIVEN FOR ANOTHER  
22 PROHIBITED--CONCEALING SOURCE OF CONTRIBUTIONS USED FOR  
23 INDEPENDENT EXPENDITURES.--

24 A. It is unlawful for a person to make a  
25 contribution in the name of another person, and no person shall

.205055.4

underscored material = new  
[bracketed material] = delete

1 knowingly accept a contribution made by one person in the name  
2 of another person.

3 B. No person may make contributions or expenditures  
4 with an intent to conceal the names of persons who are the true  
5 source of funds used to make independent expenditures."

6 SECTION 9. Section 1-19-34.6 NMSA 1978 (being Laws 1995,  
7 Chapter 153, Section 19) is amended to read:

8 "1-19-34.6. CIVIL PENALTIES.--

9 A. If the secretary of state reasonably believes  
10 that a person committed, or is about to commit, a violation of  
11 the Campaign Reporting Act, the secretary of state shall refer  
12 the matter to the attorney general or a district attorney for  
13 enforcement.

14 B. With or without a referral from the secretary of  
15 state, the attorney general or district attorney may institute  
16 a civil action in district court for any violation of the  
17 Campaign Reporting Act or to prevent a violation of that act  
18 that involves an unlawful solicitation or the making or  
19 acceptance of an unlawful contribution. An action for relief  
20 may include a permanent or temporary injunction, a restraining  
21 order or any other appropriate order, including a civil penalty  
22 of [~~two hundred fifty dollars (\$250)~~] up to one thousand  
23 dollars (\$1,000) for each violation not to exceed [~~five~~  
24 ~~thousand dollars (\$5,000)~~] a total of twenty thousand dollars  
25 (\$20,000), and forfeiture of any contribution received as a

.205055.4

underscored material = new  
[bracketed material] = delete

1 result of an unlawful solicitation or unlawful contribution.  
2 Each unlawful solicitation and each unlawful contribution made  
3 or accepted shall be deemed a separate violation of the  
4 Campaign Reporting Act.

5 C. With or without a referral from the secretary of  
6 state, the attorney general or district attorney may institute  
7 a civil action in district court if a violation has occurred or  
8 to prevent a violation of any provision of the Campaign  
9 Reporting Act other than that specified in Subsection B of this  
10 section. Relief may include a permanent or temporary  
11 injunction, a restraining order or any other appropriate order,  
12 including an order for a civil penalty of [~~fifty dollars~~  
13 ~~(\$50.00)~~] up to one thousand dollars (\$1,000) for each  
14 violation not to exceed [~~five thousand dollars (\$5,000)~~] a  
15 total of twenty thousand dollars (\$20,000)."

16 SECTION 10. Section 1-19-34.7 NMSA 1978 (being Laws 2009,  
17 Chapter 68, Section 1) is amended to read:

18 "1-19-34.7. CONTRIBUTION LIMITATIONS--CANDIDATES--  
19 POLITICAL COMMITTEES.--

20 A. [~~The following contributions by the following~~  
21 ~~persons are prohibited:~~

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

24 (~~a) candidate for nonstatewide office,~~  
25 ~~including the candidate's campaign committee, in an amount that~~

underscored material = new  
[bracketed material] = delete

1 ~~will cause that person's total contributions to the candidate~~  
2 ~~to exceed two thousand three hundred dollars (\$2,300) during~~  
3 ~~the primary election or two thousand three hundred dollars~~  
4 ~~(\$2,300) during the general election;~~

5 ~~(b) candidate for statewide office,~~  
6 ~~including the candidate's campaign committee, in an amount that~~  
7 ~~will cause that person's total contributions to the candidate~~  
8 ~~to exceed five thousand dollars (\$5,000) during the primary~~  
9 ~~election or five thousand dollars (\$5,000) during the general~~  
10 ~~election; or~~

11 ~~(c) political committee in an amount~~  
12 ~~that will cause that person's total contributions to the~~  
13 ~~political committee to exceed five thousand dollars (\$5,000)~~  
14 ~~during a primary election or five thousand dollars (\$5,000)~~  
15 ~~during a general election; and~~

16 ~~(2) from a political committee to:~~

17 ~~(a) a candidate for office, including~~  
18 ~~the candidate's campaign committee, in an amount that will~~  
19 ~~cause the political committee's total contributions to the~~  
20 ~~candidate to exceed five thousand dollars (\$5,000) during the~~  
21 ~~primary election or five thousand dollars (\$5,000) during the~~  
22 ~~general election; or~~

23 ~~(b) another political committee in an~~  
24 ~~amount that will cause that political committee's total~~  
25 ~~contributions to the political committee to exceed five~~

.205055.4

underscored material = new  
[bracketed material] = delete

1 ~~thousand dollars (\$5,000) during a primary election or five~~  
2 ~~thousand dollars (\$5,000) during a general election]~~ Except as  
3 provided in Subsections F and G of this section, a person,  
4 including a political committee, shall not make a contribution  
5 to a candidate, including the candidate's campaign committee,  
6 or to a political committee in an amount that will cause that  
7 person's total contributions to the candidate or political  
8 committee to exceed five thousand dollars (\$5,000) during a  
9 primary election cycle or five thousand dollars (\$5,000) during  
10 a general election cycle.

11 B. All contributions made by a person to a  
12 candidate, either directly or indirectly, including  
13 contributions that are in any way earmarked or otherwise  
14 directed through another person to a candidate, shall be  
15 treated as contributions from the person to that candidate.

16 C. A person, including a political committee, shall  
17 not knowingly accept or solicit a contribution, directly or  
18 indirectly, including a contribution earmarked or otherwise  
19 directed or coordinated through another person, including a  
20 political committee, that violates the contribution limits  
21 provided for in this section.

22 D. On the day after each general election, the  
23 contribution amounts provided in Subsection A of this section  
24 shall be increased by the percentage of the preceding two  
25 calendar ~~[year's]~~ years' increase of the consumer price index

.205055.4

underscored material = new  
[bracketed material] = delete

1 for all urban consumers, United States city average for all  
2 items, published by the United States department of labor. The  
3 amount of the increase shall be rounded to the nearest multiple  
4 of one hundred dollars (\$100). The secretary of state shall  
5 publish by October 1 before each general election the adjusted  
6 contribution limits that shall take effect the day after the  
7 following general election.

8 E. All contributions in excess of the limits  
9 imposed by the provisions of this section shall be deposited in  
10 the public election fund upon a finding by [~~the secretary of~~  
11 ~~state~~] a district court that the contribution limits have been  
12 exceeded.

13 F. The limitation on contributions to a candidate  
14 provided for in Subsection A of this section shall not apply to  
15 a candidate's own contribution from the candidate's personal  
16 funds to the candidate's own campaign.

17 [~~G. For the purposes of this section:~~

18 (1) ~~"primary election" means the period~~  
19 ~~beginning on the day after the general election for the~~  
20 ~~applicable office and ending on the day of the primary for that~~  
21 ~~office; and~~

22 (2) ~~"general election" means the period~~  
23 ~~beginning on the day after the primary for the applicable~~  
24 ~~office and ending on the day of the general election for that~~  
25 ~~office.]~~

.205055.4

underscored material = new  
[bracketed material] = delete

1           G. The limitations on contributions to political  
2           committees provided for in Subsection A of this section shall  
3           not apply to a political committee that makes only independent  
4           expenditures or to any contribution to a political committee  
5           that is deposited in a segregated bank account that may only be  
6           used to make independent expenditures."

7           SECTION 11. Section 1-19-36 NMSA 1978 (being Laws 1979,  
8           Chapter 360, Section 12, as amended) is amended to read:

9           "1-19-36. PENALTIES [~~CRIMINAL ENFORCEMENT~~].--

10           A. Any person who knowingly and willfully violates  
11           any provision of the Campaign Reporting Act is guilty of a  
12           misdemeanor and shall be punished by a fine of not more than  
13           one thousand dollars (\$1,000) or by imprisonment for not more  
14           than one year or both.

15           B. The Campaign Reporting Act may be enforced by  
16           the attorney general or the district attorney in the county  
17           where the candidate resides, where a political committee has  
18           its principal place of business or where the violation  
19           occurred."

20           SECTION 12. TEMPORARY PROVISION.--The secretary of state,  
21           in consultation with the attorney general, shall promulgate  
22           rules to implement the amendatory provisions of this act by  
23           August 1, 2017.

24           SECTION 13. REPEAL.--Sections 1-19-16 and 1-19-17 NMSA  
25           1978 (being Laws 1973, Chapter 401, Sections 1 and 2) are

.205055.4

underscoring material = new  
~~[bracketed material] = delete~~

1 repealed.

2 SECTION 14. EFFECTIVE DATE.--The effective date of the  
3 provisions of this act is July 1, 2017.

4 - 32 -

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25