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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:

"INDEPENDENT EXPENDITURES--REPORTING REQUIREMENTS.--

A. A person who makes an independent expenditure  
not otherwise required to be reported under the Campaign  
Reporting Act in an amount that exceeds one thousand dollars  
(\$1,000), or in an amount that, when added to the aggregate  
amount of the independent expenditures made by the same  
person during the election cycle, exceeds one thousand  
dollars (\$1,000), shall file a report with the secretary of  
state within three days of making an expenditure for which a  
report is required by this section, or, if an independent  
expenditure of three thousand dollars (\$3,000) or more is  
made within fourteen days before a primary or general

1 election, within twenty-four hours after making the  
2 expenditure.

3 B. The report required by Subsection A of this  
4 section shall state:

5 (1) the name and address of the person who  
6 made the independent expenditure;

7 (2) the name and address of the person to  
8 whom the independent expenditure was made and the amount,  
9 date and purpose of the independent expenditure. If no  
10 reasonable estimate of the monetary value of a particular  
11 expenditure is practicable, it is sufficient to report  
12 instead a description of the services, property or rights  
13 furnished through the expenditure; and

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

17 C. A person who makes independent expenditures  
18 totaling three thousand dollars (\$3,000) or less that are  
19 required to be reported pursuant to this section shall report  
20 the name and address of each person who has made  
21 contributions of more than a total of two hundred dollars  
22 (\$200) in the election cycle that were earmarked or made in  
23 response to a solicitation to fund independent expenditures,  
24 and shall report the amount of each such contribution made by  
25 that person.

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

6                   (1) establish a segregated bank account,  
7 consisting only of funds contributed to the account by  
8 individuals to be used for making independent expenditures,  
9 and report the name and address of, and amount of each  
10 contribution made by, each contributor who contributed more  
11 than two hundred dollars (\$200) to that account in the  
12 election cycle; or

13                   (2) report the name and address of, and  
14 amount of each contribution made by, each contributor who  
15 contributed more than a total of five thousand dollars  
16 (\$5,000) to the person in the election cycle; provided,  
17 however, that a contribution is exempt from reporting  
18 pursuant to this paragraph if the contributor requested in  
19 writing that the contribution not be used to fund independent  
20 or coordinated expenditures or make contributions to a  
21 candidate, campaign committee or political committee."

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

24           "DISCLAIMERS IN ADVERTISEMENTS.--

25           A. A person who makes a campaign expenditure, a

1 coordinated expenditure or an independent expenditure for an  
2 advertisement 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 campaign expenditures, coordinated expenditures  
5 and independent expenditures for advertisements made by the  
6 same person during the election cycle, exceeds one thousand  
7 dollars (\$1,000), shall ensure that the advertisement  
8 contains the name of the candidate, committee or other person  
9 who authorized and paid for the advertisement.

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

12 (1) bumper stickers, pins, buttons, pens and  
13 similar small items upon which the disclaimer cannot be  
14 conveniently printed; or

15 (2) skywriting, water towers, wearing  
16 apparel or other means of displaying an advertisement of such  
17 a nature that the inclusion of a disclaimer would be  
18 impracticable.

19 C. The disclaimer statements required by  
20 Subsection A of this section shall be set forth legibly on  
21 any advertisement that is disseminated or displayed by visual  
22 media. If the advertisement is transmitted by audio media,  
23 the statement shall be clearly spoken during the  
24 advertisement. If the advertisement is transmitted by  
25 audiovisual media, the statement shall be both written

1 legibly and spoken clearly during the advertisement."

2 SECTION 3. Section 1-1-3.1 NMSA 1978 (being Laws 2003,  
3 Chapter 356, Section 1, as amended) is amended to read:

4 "1-1-3.1. ELECTION CYCLE.--Except as otherwise  
5 provided, as used in the Election Code:

6 A. "election cycle" means the period beginning on  
7 January 1 after the last general election and ending on  
8 December 31 after the general election;

9 B. "general election cycle" means the period  
10 beginning on the day after the primary election and ending on  
11 December 31 after the general election; and

12 C. "primary election cycle" means the period  
13 beginning on January 1 after the last general election and  
14 ending on the day of the primary election."

15 SECTION 4. Section 1-19-26 NMSA 1978 (being Laws 1979,  
16 Chapter 360, Section 2, as amended by Laws 2009, Chapter 67,  
17 Section 1 and by Laws 2009, Chapter 68, Section 2) is amended  
18 to read:

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

21 A. "advertisement" means a communication referring  
22 to a candidate or ballot measure that is published  
23 disseminated, distributed or displayed to the public by  
24 print, broadcast, satellite, cable or electronic media,  
25 including recorded phone messages, or by printed materials,

1 including mailers, handbills, signs and billboards, but  
2 "advertisement" does not include:

3 (1) a communication by a membership  
4 organization or corporation to its current members,  
5 stockholders or executive or administrative personnel;

6 (2) a communication appearing in a news  
7 story or editorial distributed through a print, broadcast,  
8 satellite, cable or electronic medium, unless the  
9 communication is paid for or the medium is controlled or  
10 owned by a candidate, campaign committee or political  
11 committee;

12 (3) a candidate debate or forum or a  
13 communication announcing a candidate debate or forum paid for  
14 on behalf of the debate or forum sponsor; provided that two  
15 or more candidates for the same position have been invited to  
16 participate; or

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

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

24 C. "ballot measure" means a constitutional  
25 amendment or other question submitted to the voters in an

1 election;

2 D. "bank account" means an account in a financial  
3 institution chartered and regulated by the United States or a  
4 state of the United States;

5 E. "campaign committee" means an association of  
6 two or more persons, authorized by a candidate to act on the  
7 candidate's behalf for the purpose of electing the candidate  
8 to office; provided that a candidate may not authorize more  
9 than one campaign committee;

10 F. "campaign expenditure" means an expenditure  
11 that is made by a campaign committee or by a candidate in  
12 support of the candidate's campaign in an election;

13 G. "candidate" means an individual who seeks or  
14 considers an office in an election covered by the Campaign  
15 Reporting Act, including a public official, who either has  
16 filed a declaration of candidacy or nominating petition and  
17 has not subsequently filed a statement of withdrawal or:

18 (1) for a nonstatewide office, has received  
19 contributions or made expenditures of more than one thousand  
20 dollars (\$1,000) or authorized another person or campaign  
21 committee to receive contributions or make expenditures of  
22 more than one thousand dollars (\$1,000) for the purpose of  
23 seeking election to the office; or

24 (2) for a statewide office, has received  
25 contributions or made expenditures of more than three

1 thousand dollars (\$3,000) or authorized another person or  
2 campaign committee to receive contributions or make  
3 expenditures of more than three thousand dollars (\$3,000) for  
4 the purpose of seeking election to the office or for  
5 candidacy exploration purposes in the years prior to the year  
6 of the election;

7 H. "contribution":

8 (1) means a gift, subscription, loan,  
9 advance or deposit of money or other thing of value,  
10 including the estimated value of an in-kind contribution,  
11 that is made or received for a political purpose, including  
12 payment of a debt incurred in an election campaign;

13 (2) includes a coordinated expenditure;

14 (3) does not include the value of services  
15 provided without compensation or unreimbursed travel or other  
16 personal expenses of individuals who volunteer a portion or  
17 all of their time on behalf of a candidate or political  
18 committee nor does it include the administrative or  
19 solicitation expenses of a political committee that are paid  
20 by an organization that sponsors the committee; and

21 (4) does not include the value of the  
22 incidental use of the candidate's personal property, home or  
23 business office for campaign purposes; provided that for each  
24 occurrence, the fair market value does not exceed fifty  
25 dollars (\$50.00);

1 I. "coordinated expenditure" means an expenditure  
2 that is made:

3 (1) by a person other than a candidate or  
4 campaign committee;

5 (2) at the request or suggestion of, or in  
6 cooperation, consultation or concert with, a candidate,  
7 campaign committee or political party or any agent or  
8 representative of such a candidate, campaign committee or  
9 political party; and

10 (3) for the purpose of:

11 (a) supporting or opposing the  
12 nomination or election of a candidate; or

13 (b) paying for an advertisement that  
14 refers to a clearly identified candidate and is published and  
15 disseminated to the relevant electorate in New Mexico within  
16 thirty days before the primary election or sixty days before  
17 the general election in which the candidate is on the ballot;

18 J. "deliver" or "delivery" means to deliver by  
19 certified or registered mail, telecopier, electronic  
20 transmission or facsimile or by personal service;

21 K. "election" means any primary, general or  
22 statewide special election in New Mexico and includes county  
23 and judicial retention elections but excludes federal,  
24 municipal, school board and special district elections;

25 L. "election year" means an even-numbered year in

1 which an election covered by the Campaign Reporting Act is  
2 held;

3 M. "expenditure" means a payment, transfer or  
4 distribution or obligation or promise to pay, transfer or  
5 distribute any money or other thing of value for a political  
6 purpose, including payment of a debt incurred in an election  
7 campaign or pre-primary convention;

8 N. "independent expenditure" means an expenditure  
9 that is:

10 (1) made by a person other than a candidate  
11 or campaign committee;

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

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

15 (a) expressly advocates the election or  
16 defeat of a clearly identified candidate or the passage or  
17 defeat of a clearly identified ballot measure;

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

21 (c) refers to a clearly identified  
22 candidate or ballot measure and is published and disseminated  
23 to the relevant electorate in New Mexico within thirty days  
24 before the primary election or sixty days before the general  
25 election at which the candidate or ballot measure is on the

1 ballot;

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

3 P. "political committee" means:

4 (1) a political party;

5 (2) an association that consists of two or  
6 more persons whose primary purpose is to make contributions  
7 to candidates, campaign committees or political committees or  
8 make 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  
14 the election cycle;

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 R. "political purpose" means for the purpose of  
19 supporting or opposing a ballot measure or the nomination or  
20 election of a candidate;

21 S. "prescribed form" means a form or electronic  
22 format prepared and prescribed by the secretary of state;

23 T. "proper filing officer" means the secretary of  
24 state;

25 U. "public official" means a person elected to an

1 office in an election covered by the Campaign Reporting Act  
2 or a person appointed to an office that is subject to an  
3 election covered by that act; and

4 V. "reporting individual" means every public  
5 official, candidate or treasurer of a campaign committee and  
6 every treasurer of a political committee."

7 SECTION 5. Section 1-19-26.1 NMSA 1978 (being Laws  
8 1993, Chapter 46, Section 2, as amended) is amended to read:

9 "1-19-26.1. POLITICAL COMMITTEES--REGISTRATION--  
10 DISCLOSURES.--

11 A. It is unlawful for a political committee to  
12 continue to receive or make any contribution or expenditure  
13 for a political purpose if that committee fails to meet the  
14 requirements of Subsections B and C of this section.

15 B. A political committee shall appoint and  
16 maintain a treasurer and file a statement of organization  
17 with the secretary of state by paying a filing fee of fifty  
18 dollars (\$50.00) and filing a statement of organization.

19 C. A statement of organization required by  
20 Subsection B of this section shall be made under oath on a  
21 prescribed form showing:

22 (1) the full name of the committee, which  
23 shall fairly and accurately reflect the identity of the  
24 committee, including any sponsoring organization, and its  
25 address;

1                   (2) a statement of the purpose for which the  
2 committee was organized;

3                   (3) the names and addresses of the officers  
4 of the committee; and

5                   (4) an identification of any bank account  
6 used by the committee to receive or make contributions or  
7 make expenditures.

8                   D. The provisions of this section do not apply to  
9 a political committee that is located in another state and is  
10 registered with the federal election commission if the  
11 political committee reports on federal reporting forms filed  
12 with the federal election commission all expenditures for and  
13 contributions made to reporting individuals in New Mexico and  
14 files with the secretary of state, according to the schedule  
15 required for the filing of forms with the federal election  
16 commission, a copy of either the full report or the cover  
17 sheet and the portions of the federal reporting forms that  
18 contain the information on expenditures for and contributions  
19 made to reporting individuals in New Mexico."

20                   SECTION 6. Section 1-19-29 NMSA 1978 (being Laws 1993,  
21 Chapter 46, Section 5, as amended) is amended to read:

22                   "1-19-29. TIME AND PLACE OF FILING REPORTS.--

23                   A. Except as otherwise provided in this section,  
24 all reporting individuals shall file with the proper filing  
25 officer no later than the second Monday in April and October

1 a report of all expenditures made and contributions received  
2 on or before the first Monday in those months and not  
3 previously reported. The report shall be filed biannually  
4 until the provisions specified in Subsection F, G or H of  
5 this section have been satisfied.

6 B. In an election year, instead of the biannual  
7 reports provided for in Subsection A of this section, all  
8 reporting individuals, except for public officials who are  
9 not candidates in an election that year, shall file reports  
10 of all expenditures made and contributions received or, if  
11 applicable, statements of no activity, according to the  
12 following schedule:

13 (1) no later than the second Monday in  
14 April, a report of all expenditures made and contributions  
15 received on or before the first Monday in April and not  
16 previously reported;

17 (2) no later than the second Monday in May,  
18 a report of all expenditures made and contributions received  
19 on or before the first Monday in May and not previously  
20 reported;

21 (3) no later than the second Monday in  
22 September, a report of all expenditures made and  
23 contributions received on or before the first Monday in  
24 September and not previously reported;

25 (4) no later than the second Monday in

1 October, a report of all expenditures made and contributions  
2 received on or before the first Monday in October and not  
3 previously reported;

4 (5) no later than the Thursday before a  
5 primary, general or statewide special election, a report of  
6 all expenditures made and contributions received by 5:00 p.m.  
7 on the Tuesday before the election and not previously  
8 reported. Any contribution or pledge to contribute that is  
9 received after 5:00 p.m. on the Tuesday before the election  
10 and that is for more than one thousand dollars (\$1,000) in a  
11 nonstatewide election, or more than three thousand dollars  
12 (\$3,000) in a statewide election, shall be reported to the  
13 proper filing officer either in a supplemental report on a  
14 prescribed form within twenty-four hours of receipt or in the  
15 report to be filed no later than the Thursday before a  
16 primary, general or statewide special election, except that  
17 any such contribution or pledge to contribute that is  
18 received after 5:00 p.m. on the Friday before the election  
19 may be reported by 12:00 noon on the Monday before the  
20 election;

21 (6) no later than the Thursday before a  
22 primary or general election, or within twenty-four hours of  
23 the independent expenditure, a report of each independent  
24 expenditure made after 5:00 p.m. on the Tuesday before the  
25 election that is for more than one thousand dollars (\$1,000)

1 in a nonstatewide election or more than three thousand  
2 dollars (\$3,000) in a statewide election. Such expenditures  
3 shall be reported to the proper filing officer either in a  
4 supplemental report on a prescribed form within twenty-four  
5 hours of being made or in the report to be filed no later  
6 than the Thursday before a primary or general election,  
7 except that any such expenditure that is made after 5:00 p.m.  
8 on the Friday before the election may be reported by 12:00  
9 noon on the Monday before the election;

10 (7) no later than the thirtieth day after a  
11 primary election, a report by all reporting individuals,  
12 except those individuals that become candidates after the  
13 primary election, of all expenditures made and contributions  
14 received on or before the twenty-fifth day after the primary  
15 election and not previously reported;

16 (8) no later than on the thirtieth day after  
17 a statewide special election, a report of all expenditures  
18 made and contributions received on or before the twenty-fifth  
19 day after the statewide special election and not previously  
20 reported; and

21 (9) no later than January 7 after a general  
22 election, a report of all expenditures made and contributions  
23 received on or before December 31 after the general election  
24 and not previously reported.

25 C. If a candidate, political committee, campaign

1 committee or public official has not received any  
2 contributions and has not made any expenditures since the  
3 candidate's, committee's or official's last report was filed  
4 with the proper filing officer, the candidate, committee or  
5 official shall only be required to file a statement of no  
6 activity, which shall not be required to be notarized, in  
7 lieu of a full report when that report would otherwise be due  
8 and shall not be required to file a full report until the  
9 next required filing date occurring after an expenditure is  
10 made or a contribution is received.

11 D. In an election year, a public official who is  
12 not a candidate shall file biannual reports of expenditures  
13 made and contributions received or statements of no activity  
14 in accordance with the schedule provided for in Subsection A  
15 of this section.

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

19 F. Except for candidates, campaign committees and  
20 public officials who file a statement of no activity, each  
21 reporting individual candidate, campaign committee or public  
22 official shall file a report of expenditures and  
23 contributions pursuant to the filing schedules set forth in  
24 this section, regardless of whether any expenditures were  
25 made or contributions were received during the reporting

1 period. Reports shall be required until the reporting  
2 individual delivers a report to the proper filing officer  
3 stating that:

- 4 (1) there are no outstanding campaign debts;
- 5 (2) all money has been expended in  
6 accordance with the provisions of Section 1-19-29.1 NMSA  
7 1978; and
- 8 (3) the bank accounts have been closed.

9 G. If, during a nonelection year, a political  
10 committee has not received any contributions or made any  
11 coordinated or independent expenditures since it filed its  
12 last report pursuant to this section, it need not file any  
13 report under this section until the next reporting period, if  
14 any, in which it receives contributions or makes such  
15 expenditures. A political committee that has not received  
16 any contributions or made any coordinated or independent  
17 expenditures for a continuous period of at least one year may  
18 thereupon cancel its registration as a political committee by  
19 submitting an appropriate request in writing to the proper  
20 filing officer. The committee shall retain the obligation to  
21 submit a new registration pursuant to Section 1-19-26.1 NMSA  
22 1978 in the event that its future activities should meet the  
23 requisites for registration under that section.

24 H. A reporting individual who is a candidate  
25 within the meaning of the Campaign Reporting Act because of

1 the amount of contributions the candidate receives or  
2 expenditures the candidate makes and who does not ultimately  
3 file a declaration of candidacy or a nominating petition with  
4 the proper filing officer and does not file a statement of no  
5 activity shall file biannual reports in accordance with  
6 Subsection A of this section.

7 I. Reports required by this section shall be  
8 subscribed and sworn to by the candidate or the treasurer of  
9 the political committee or, in the case of candidates for  
10 judicial office, by the treasurer of the candidate's campaign  
11 committee. A report filed electronically shall be  
12 electronically authenticated by the candidate or the  
13 treasurer of the committee using an electronic signature in  
14 conformance with the Electronic Authentication of Documents  
15 Act and the Uniform Electronic Transactions Act. For the  
16 purposes of the Campaign Reporting Act, a report that is  
17 electronically authenticated in accordance with the  
18 provisions of this subsection shall be deemed to have been  
19 subscribed and sworn to by the candidate or the treasurer of  
20 the committee who was required to file the report.

21 J. Reports required by this section shall be filed  
22 electronically by all reporting individuals.

23 K. Reporting individuals may apply to the  
24 secretary of state for exemption from electronic filing in  
25 case of hardship, which shall be defined by the secretary of

1 state."

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

4 "1-19-31. CONTENTS OF REPORT.--Each required report of  
5 expenditures and contributions shall be typed or printed  
6 legibly, or on a computer disc or format approved by the  
7 secretary of state, and shall include:

8 A. the name and address of the person or entity to  
9 whom an expenditure was made or from whom a contribution was  
10 received, except as provided for anonymous contributions or  
11 contributions received from special events as provided in  
12 Section 1-19-34 NMSA 1978; provided that for contributors,  
13 the name of the entity or the first and last names of any  
14 individual shall be the full name of the entity or  
15 individual, and initials only shall not constitute a full  
16 name unless that is the complete legal name;

17 B. the occupation, name and type of business, as  
18 applicable, of any individual or entity making contributions  
19 of two hundred fifty dollars (\$250) or more in the aggregate  
20 per election;

21 C. the amount of the expenditure or contribution  
22 or value thereof;

23 D. the purpose of the expenditure;

24 E. the date that the expenditure was made or the  
25 contribution was received;

1 F. the opening and closing cash balance for the  
2 bank accounts maintained by the reporting individual during  
3 the reporting period and the name of the financial  
4 institution for each account; and

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

7 SECTION 8. Section 1-19-34 NMSA 1978 (being Laws 1979,  
8 Chapter 360, Section 10, as amended) is amended to read:

9 "1-19-34. CANDIDATES--POLITICAL OR CAMPAIGN  
10 COMMITTEES--TREASURER--BANK ACCOUNT--ANONYMOUS  
11 CONTRIBUTIONS--CONTRIBUTIONS FROM SPECIAL EVENTS.--

12 A. A political or campaign committee or any  
13 candidate shall ensure that:

14 (1) a treasurer has been appointed and is  
15 constantly maintained; provided, however, that when a duly  
16 appointed treasurer is unable for any reason to continue as  
17 treasurer, the candidate or committee shall appoint a  
18 successor; and provided further that a candidate may serve as  
19 the candidate's own treasurer;

20 (2) all disbursements of money and receipts  
21 of contributions are authorized by and through the candidate  
22 or treasurer;

23 (3) a bank account has been established and  
24 all receipts of money contributions are deposited in and all  
25 expenditures of money are disbursed from one or more bank

1 accounts maintained by the treasurer in the name of the  
2 candidate or committee; provided that nothing in this section  
3 shall prohibit investments from a bank account to earn  
4 interest as long as the investments and earnings are fully  
5 reported. All disbursements except for disbursements made  
6 from a petty cash fund of one hundred dollars (\$100) or less  
7 shall be made in a form such that the date, amount and payee  
8 of the transaction are automatically recorded or by check  
9 made payable to the person or entity receiving the  
10 disbursement and not to "cash" or "bearer"; and

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

19 B. No anonymous contributions may be accepted for  
20 more than one hundred dollars (\$100). The aggregate amount  
21 of anonymous contributions received by a reporting individual  
22 during a primary or general election or a statewide special  
23 election shall not exceed two thousand dollars (\$2,000) for  
24 statewide races and five hundred dollars (\$500) for all other  
25 races.

1           C. Cash contributions received at special events  
2 that are unidentifiable as to specific contributor but  
3 identifiable as to the special event are not subject to the  
4 anonymous contribution limits provided for in this section so  
5 long as no single special event raises, after expenses, more  
6 than one thousand dollars (\$1,000) in such cash  
7 contributions. For those contributions, due diligence and  
8 best efforts shall be made to disclose on a special  
9 prescribed form the sponsor, date, place, total amount  
10 received, expenses incurred, estimated number of persons in  
11 attendance and other identifiable factors that describe the  
12 special event. For purposes of this subsection, "special  
13 event" includes an event such as a barbecue or similar  
14 fundraiser where tickets costing twenty-five dollars (\$25.00)  
15 or less are sold or an event such as a coffee, tea or similar  
16 reception; provided that no candidate shall accept a  
17 contribution of more than twenty-five dollars (\$25.00) in  
18 cash at a special event from any one contributor.

19           D. Any contributions received pursuant to this  
20 section in excess of the limits established in Subsections B  
21 and C of this section shall be donated to the state general  
22 fund or an organization to which a federal income tax  
23 deduction would be available under Subparagraph (A) of  
24 Paragraph (1) of Subsection (b) of Section 170 of the  
25 Internal Revenue Code of 1986, as amended."

1 SECTION 9. Section 1-19-34.3 NMSA 1978 (being Laws  
2 1993, Chapter 46, Section 14, as amended) is amended to read:

3 "1-19-34.3. CONTRIBUTIONS IN ONE NAME GIVEN FOR ANOTHER  
4 PROHIBITED--CONCEALING SOURCE OF CONTRIBUTIONS USED FOR  
5 INDEPENDENT EXPENDITURES.--

6 A. It is unlawful for a person to make a  
7 contribution in the name of another person, and no person  
8 shall knowingly accept a contribution made by one person in  
9 the name of another person.

10 B. No person may make contributions or  
11 expenditures with an intent to conceal the names of persons  
12 who are the true source of funds used to make independent  
13 expenditures or the true recipients of the expenditures."

14 SECTION 10. Section 1-19-34.6 NMSA 1978 (being Laws  
15 1995, Chapter 153, Section 19) is amended to read:

16 "1-19-34.6. CIVIL PENALTIES.--

17 A. If the secretary of state reasonably believes  
18 that a person committed, or is about to commit, a violation  
19 of the Campaign Reporting Act, the secretary of state shall  
20 refer the matter to the attorney general or a district  
21 attorney for enforcement.

22 B. With or without a referral from the secretary  
23 of state, the attorney general or district attorney may  
24 institute a civil action in district court for any violation  
25 of the Campaign Reporting Act or to prevent a violation of

1 that act that involves an unlawful solicitation or the making  
2 or acceptance of an unlawful contribution. An action for  
3 relief may include a permanent or temporary injunction, a  
4 restraining order or any other appropriate order, including a  
5 civil penalty of up to one thousand dollars (\$1,000) for each  
6 violation not to exceed a total of twenty thousand dollars  
7 (\$20,000), and forfeiture of any contribution received as a  
8 result of an unlawful solicitation or unlawful contribution.  
9 Each unlawful solicitation and each unlawful contribution  
10 made or accepted shall be deemed a separate violation of the  
11 Campaign Reporting Act.

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

22 SECTION 11. Section 1-19-34.7 NMSA 1978 (being Laws  
23 2009, Chapter 68, Section 1) is amended to read:

24 "1-19-34.7. CONTRIBUTION LIMITATIONS--CANDIDATES--  
25 POLITICAL COMMITTEES.--

1           A. Except as provided in Subsections F and G of  
2 this section, a person, including a political committee,  
3 shall not make a contribution to a candidate, including the  
4 candidate's campaign committee, or to a political committee  
5 in an amount that will cause that person's total  
6 contributions to the candidate or political committee to  
7 exceed five thousand dollars (\$5,000) during a primary  
8 election cycle or five thousand dollars (\$5,000) during a  
9 general election cycle; provided that a person may make a  
10 contribution attributable to the general election cycle  
11 during the primary election cycle even though the person has  
12 contributed the maximum amount allowed for the primary  
13 election cycle if that contribution is not used to pay for  
14 any expenditure related to the primary election and, if the  
15 candidate is not on the general election ballot, all  
16 contributions made to the candidate for the general election  
17 are returned to the persons who made such contributions to  
18 the candidate's campaign or deposited in the public election  
19 fund. A primary election candidate who does not become a  
20 candidate on the general election ballot shall remain subject  
21 to the contribution limits of the primary election cycle and  
22 shall not accept a contribution from a person who has  
23 contributed the maximum allowable amount during the primary  
24 election cycle to pay for primary election expenditures of  
25 the campaign.

1           B. All contributions made by a person to a  
2 candidate, either directly or indirectly, including  
3 contributions that are in any way earmarked or otherwise  
4 directed through another person to a candidate, shall be  
5 treated as contributions from the person to that candidate.

6           C. A person, including a political committee,  
7 shall not knowingly accept or solicit a contribution,  
8 directly or indirectly, including a contribution earmarked or  
9 otherwise directed or coordinated through another person,  
10 including a political committee, that violates the  
11 contribution limits provided for in this section.

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

23           E. All contributions in excess of the limits  
24 imposed by the provisions of this section shall be deposited  
25 in the public election fund upon a finding by a district

1 court that the contribution limits have been exceeded.

2 F. The limitation on contributions to a candidate  
3 provided for in Subsection A of this section shall not apply  
4 to a candidate's own contribution from the candidate's  
5 personal funds to the candidate's own campaign.

6 G. The limitations on contributions to political  
7 committees provided for in Subsection A of this section shall  
8 not apply to a political committee that makes only  
9 independent expenditures or to any contribution to a  
10 political committee that is deposited in a segregated bank  
11 account that may only be used to make independent  
12 expenditures."

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

15 "1-19-36. PENALTIES.--

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

21 B. The Campaign Reporting Act may be enforced by  
22 the attorney general or the district attorney in the county  
23 where the candidate resides, where a political committee has  
24 its principal place of business or where the violation  
25 occurred."

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SECTION 13. TEMPORARY PROVISION.--The secretary of state, in consultation with the attorney general, shall promulgate rules to implement the amendatory provisions of this act by August 1, 2017.

SECTION 14. REPEAL.--Sections 1-19-16 and 1-19-17 NMSA 1978 (being Laws 1973, Chapter 401, Sections 1 and 2) are repealed.

SECTION 15. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2018. \_\_\_\_\_