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SENATE BILL 796

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Mary Jane M. Garcia

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AN ACT

RELATING TO THE LEGISLATURE; PROHIBITING THE EXPENDITURE OF CAMPAIGN CONTRIBUTIONS RECEIVED BY MEMBERS OF THE LEGISLATURE FOR DUTIES REASONABLY RELATED TO THEIR OFFICE; PROVIDING FOR AN ANNUAL DISTRIBUTION TO MEMBERS OF THE LEGISLATURE FOR EXPENSES DIRECTLY RELATED TO THE DUTIES OF THEIR OFFICE.

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

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

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

It is unlawful for [any] a candidate or [his] the candidate's agent to make an expenditure of contributions received, except for the following purposes or as otherwise provided in this section:

expenditures of the campaign;

.165014.3

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2	reasonably related to performing the duties of the office held,
3	including mail, telephone and travel expenditures to serve
4	constituents, but excluding personal and legislative session
5	living expenses;
6	$\frac{(3)}{(2)}$ donations to the state general fund;
7	$[\frac{(4)}{(3)}]$ donations to an organization to
8	which a federal income tax deduction would be permitted under
9	Subparagraph (A) of Paragraph (l) of Subsection (b) of Section
10	170 of the Internal Revenue Code of 1986, as amended;
11	$[\frac{(5)}{(4)}]$ expenditures to eliminate the
12	campaign debt of the candidate for the office sought or
13	expenditures incurred by the candidate when seeking election to
14	another public office covered by the Campaign Reporting Act;
15	$[\frac{(6)}{(5)}]$ donations to a political party or to
16	another candidate seeking election to public office; or
17	$[\frac{(7)}{(6)}]$ disbursements to return unused funds
18	pro rata to the contributors if no campaign debt exists.
19	B. A judge subject to a nonpartisan retention
20	election or a candidate for judicial office shall solicit or
21	accept campaign funds and return unused funds in accordance
22	with the provisions of the Code of Judicial Conduct.
23	C. No contributions solicited for or received in a
24	federal election campaign may be used in a state election
25	campaign."

[(2) expenditures of legislators that are

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Section 2. A new section of Chapter 2, Article 1 NMSA 1978 is enacted to read:

"[NEW MATERIAL] EXPENSES OF LEGISLATORS DIRECTLY RELATED TO THE DUTIES OF THEIR OFFICE--DISTRIBUTION REQUIRED. --

- Pursuant to Article 4, Section 10 of the constitution of New Mexico, each member of the legislature shall receive an annual distribution for expenses directly related to the duties of the member's office in an amount equal to fifteen percent of the annual salary provided for justices of the New Mexico supreme court.
- The New Mexico legislative council shall adopt a policy to carry out the provisions of Subsection A of this section."

Section 3. CONTINGENT EFFECTIVE DATE. -- The provisions of this act shall become effective upon certification by the secretary of state that the constitution of New Mexico has been amended as proposed by a joint resolution of the first session of the forty-eighth legislature entitled "A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE 4, SECTION 10 OF THE CONSTITUTION OF NEW MEXICO TO PROVIDE AN ANNUAL DISTRIBUTION TO MEMBERS OF THE LEGISLATURE FOR EXPENSES DIRECTLY RELATED TO THE DUTIES OF THEIR OFFICE IN AN AMOUNT NOT TO EXCEED FIFTEEN PERCENT OF THE ANNUAL SALARY PROVIDED FOR JUSTICES OF THE NEW MEXICO SUPREME COURT".

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