

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 346

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Bernadette M. Sanchez

AN ACT

RELATING TO ELECTIONS; LIMITING CONTRIBUTIONS BY PERSONS AND
POLITICAL COMMITTEES TO CANDIDATES AND POLITICAL COMMITTEES IN
ELECTIONS COVERED BY THE CAMPAIGN REPORTING ACT.

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] CONTRIBUTIONS LIMITATIONS--CANDIDATES--
POLITICAL COMMITTEES.--

A. The following contributions shall not knowingly
be made by the following persons, directly or indirectly,
including a contribution earmarked or otherwise directed or
coordinated through a third party:

(1) from a person, including a political
committee, to a:

.175610.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 (a) candidate for nonstatewide office,
2 including the candidate's campaign committee, in an amount that
3 will cause that person's aggregate amount of contributions to
4 the candidate to exceed one thousand dollars (\$1,000) during
5 the primary election cycle or one thousand dollars (\$1,000)
6 during the general election cycle; or

7 (b) candidate for statewide office,
8 including the candidate's campaign committee, on or after
9 January 1, 2011, in an amount that will cause that person's
10 aggregate amount of contributions to the candidate to exceed
11 two thousand three hundred dollars (\$2,300) during the primary
12 election cycle or two thousand three hundred dollars (\$2,300)
13 during the general election cycle; and

14 (2) from a person, including a political
15 committee, to a political committee in an amount that will
16 cause that person's aggregate amount of contributions to the
17 political committee to exceed five thousand dollars (\$5,000) in
18 a calendar year.

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

24 C. A person shall not knowingly accept or solicit a
25 contribution, directly or indirectly, including a contribution

.175610.1

underscoring material = new
[bracketed material] = delete

1 earmarked or otherwise directed or coordinated through a third
2 party, that violates the contribution limits provided for in
3 this section.

4 D. For the purposes of this section, contributions
5 to a political committee established or controlled in whole or
6 in part by a candidate or a public official shall be considered
7 to be contributions to that candidate's or public official's
8 campaign committee in the primary or general election cycle
9 during which the contribution is received and shall count
10 against the limits imposed by Paragraph (1) of Subsection A of
11 this section.

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

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

.175610.1

underscored material = new
[bracketed material] = delete

1 funds to the candidate's own campaign.

2 G. For the purposes of this section:

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

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

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

13 "1-19-34.3. CONTRIBUTIONS IN ONE NAME GIVEN FOR ANOTHER
14 PROHIBITED.--It is unlawful for a person [~~or political~~
15 ~~committee to make, or a candidate or his agent to accept, a~~
16 ~~contribution that is reported as coming from one person or~~
17 ~~entity when the candidate or his agent knows that the~~
18 ~~contribution is actually from another person or entity that~~
19 ~~directed that the contribution not be publicly reported] to
20 make a contribution in the name of another person, and no
21 person shall knowingly accept a contribution made by one person
22 in the name of another person."~~

23 Section 3. EFFECTIVE DATE.--The effective date of the
24 provisions of this act is July 1, 2009.

25 - 4 -