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SENATE BILL 521

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

INTRODUCED BY

Peter Wirth

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; ALLOWING  
DONATION OF CAMPAIGN FUNDS TO A POLITICAL COMMITTEE.

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, not including a political

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1 committee, to a:

2 (a) candidate for office, including the  
3 candidate's campaign committee, in an amount that will cause  
4 that person's aggregate amount of contributions to the  
5 candidate to exceed two thousand three hundred dollars (\$2,300)  
6 for the primary election cycle or two thousand three hundred  
7 dollars (\$2,300) for the general election cycle;

8 (b) political committee other than a  
9 political party, in an amount that will cause that person's  
10 aggregate amount of contributions to the political committee to  
11 exceed five thousand dollars (\$5,000) in a calendar year; or

12 (c) political party in an amount that  
13 will cause that person's aggregate amount of contributions to  
14 the political party to exceed ten thousand dollars (\$10,000) in  
15 a calendar year;

16 (2) from a political committee, other than a  
17 political party, to:

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

24 (b) another political committee in an  
25 amount that will cause that political committee's aggregate

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1 amount of contributions to the political committee to exceed  
2 five thousand dollars (\$5,000) in a calendar year; and

3 (3) from a political party to:

4 (a) a candidate for nonstatewide office,  
5 including the candidate's campaign committee, in an amount that  
6 will cause the combined total of all local and state chapters  
7 of that political party's aggregate amount of contributions to  
8 the candidate to exceed five thousand dollars (\$5,000) for the  
9 primary election cycle or five thousand dollars (\$5,000) for  
10 the general election cycle;

11 (b) a candidate for statewide office,  
12 including the candidate's campaign committee, in an amount that  
13 will cause the combined total of all local and state chapters  
14 of that political party's aggregate amount of contributions to  
15 the candidate to exceed ten thousand dollars (\$10,000) for the  
16 primary election cycle or ten thousand dollars (\$10,000) for  
17 the general election cycle; or

18 (c) another political committee in an  
19 amount that will cause that political party's aggregate amount  
20 of contributions to the political committee to exceed five  
21 thousand dollars (\$5,000) in a calendar year.

22 B. Subject to the limitations on contributors  
23 provided for in Subsection A of this section:

24 (1) money raised for a primary election may be  
25 used for the general election or carried over to subsequent

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1 election cycles to use in a primary or general election;

2 (2) money raised for a general election may be  
3 carried over to subsequent election cycles and used in a  
4 subsequent primary or general election; and

5 (3) within an election cycle for a given  
6 office, a candidate may collect contributions for the primary  
7 election at any time as long as those contributions are counted  
8 against the contributor's contribution limits for that primary  
9 election cycle, or, if there is an existing primary election  
10 debt from the previous primary election and the contributions  
11 collected are used only to pay off that debt, those  
12 contributions shall be counted against a contributor's  
13 contribution limits for that previous primary election.

14 C. All contributions made by a person, either  
15 directly or indirectly, including contributions that are in any  
16 way earmarked or otherwise directed through an intermediary or  
17 conduit to a candidate, shall be treated as contributions from  
18 the person to that candidate.

19 D. A person shall not knowingly accept or solicit a  
20 contribution, directly or indirectly, including a contribution  
21 earmarked or otherwise directed or coordinated through a third  
22 party, that violates the contribution limits provided for in  
23 this section.

24 E. The limitation on contributions to a candidate  
25 provided for in Subsection A of this section shall not apply to

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1 a candidate's own contribution from the candidate's personal  
2 funds to the candidate's own campaign.

3 F. For the purposes of this section:

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

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

12 Section 2. Section 1-19-29.1 NMSA 1978 (being Laws 1993,  
13 Chapter 46, Section 6, as amended) is amended to read:

14 "1-19-29.1. CAMPAIGN FUNDS--LIMITATION ON USE.--

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

19 (1) expenditures of the campaign;

20 (2) expenditures of legislators that are  
21 reasonably related to performing the duties of the office held,  
22 including mail, telephone and travel expenditures to serve  
23 constituents, but excluding personal and legislative session  
24 living expenses;

25 (3) donations to the state general fund;

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1 (4) donations to an organization to which a  
2 federal income tax deduction would be permitted under  
3 Subparagraph (A) of Paragraph (1) of Subsection (b) of Section  
4 170 of the Internal Revenue Code of 1986, as amended;

5 (5) expenditures to eliminate the campaign  
6 debt of the candidate for the office sought or expenditures  
7 incurred by the candidate when seeking election to another  
8 public office covered by the Campaign Reporting Act;

9 (6) donations to a political ~~[party]~~ committee  
10 or to another candidate seeking election to public office; or

11 (7) disbursements to return unused funds pro  
12 rata to the contributors if no campaign debt exists.

13 B. A judge subject to a nonpartisan retention  
14 election or a candidate for judicial office shall solicit or  
15 accept campaign funds and return unused funds in accordance  
16 with the provisions of the Code of Judicial Conduct.

17 C. No contributions solicited for or received in a  
18 federal election campaign may be used in a state election  
19 campaign."

20 Section 3. Section 1-19-34.3 NMSA 1978 (being Laws 1993,  
21 Chapter 46, Section 14, as amended) is amended to read:

22 "1-19-34.3. CONTRIBUTIONS IN ONE NAME GIVEN FOR ANOTHER  
23 PROHIBITED.--It is unlawful for a person ~~[or political~~  
24 ~~committee to make, or a candidate or his agent to accept, a~~  
25 ~~contribution that is reported as coming from one person or~~

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1 ~~entity when the candidate or his agent knows that the~~  
2 ~~contribution is actually from another person or entity that~~  
3 ~~directed that the contribution not be publicly reported] to~~  
4 make a contribution in the name of another person, and no  
5 person shall knowingly accept a contribution made by one person  
6 in the name of another person."

7 Section 4. EFFECTIVE DATE.--The effective date of the  
8 provisions of this act is July 1, 2009.

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