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SENATE BILL 535

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

INTRODUCED BY

Bernadette M. Sanchez

AN ACT

RELATING TO ELECTIONS; BROADENING THE DEFINITION OF POLITICAL COMMITTEE AND POLITICAL PURPOSE TO INCLUDE ENTITIES THAT HAVE A POLITICAL PURPOSE AND DIRECTLY OR INDIRECTLY ATTEMPT TO INFLUENCE AN ELECTION.

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

Section 1. Section 1-19-26 NMSA 1978 (being Laws 1979, Chapter 360, Section 2, as amended) is amended to read:

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

A. "advertising campaign" means an advertisement or series of advertisements used for a political purpose and disseminated to the public either in print, by radio or television broadcast or by any other electronic means, including telephonic communications, and may include direct or

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1 bulk mailings of printed materials;

2 B. "anonymous contribution" means a contribution
3 the contributor of which is unknown to the candidate or [~~his~~]
4 the candidate's agent or the political committee or its agent
5 who accepts the contribution;

6 C. "bank account" means an account in a financial
7 institution located in New Mexico;

8 D. "campaign committee" means two or more persons
9 authorized by a candidate to raise, collect or expend
10 contributions on the candidate's behalf for the purpose of
11 electing [~~him~~] the candidate to office;

12 E. "candidate" means an individual who seeks or
13 considers an office in an election covered by the Campaign
14 Reporting Act, including a public official, who either has
15 filed a declaration of candidacy or nominating petition or:

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

22 (2) for a statewide office, has received
23 contributions or made expenditures of two thousand five hundred
24 dollars (\$2,500) or more or authorized another person or
25 campaign committee to receive contributions or make

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1 expenditures of two thousand five hundred dollars (\$2,500) or
2 more for the purpose of seeking election to the office or for
3 candidacy exploration purposes in the years prior to the year
4 of the election;

5 F. "contribution" means a gift, subscription, loan,
6 advance or deposit of money or other thing of value, including
7 the estimated value of an in-kind contribution, that is made or
8 received for a political purpose, including payment of a debt
9 incurred in an election campaign, but does not include the
10 value of services provided without compensation or unreimbursed
11 travel or other personal expenses of individuals who volunteer
12 a portion or all of their time on behalf of a candidate or
13 political committee, nor does it include the administrative or
14 solicitation expenses of a political committee that are paid by
15 an organization that sponsors the committee;

16 G. "deliver" or "delivery" means to deliver by
17 certified or registered mail, telecopier, electronic
18 transmission or facsimile or by personal service;

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

23 I. "election year" means an even-numbered year in
24 which an election covered by the Campaign Reporting Act is
25 held;

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1 J. "expenditure" means a payment, transfer or
2 distribution or obligation or promise to pay, transfer or
3 distribute any money or other thing of value for a political
4 purpose, including payment of a debt incurred in an election
5 campaign or pre-primary convention, but does not include the
6 administrative or solicitation expenses of a political
7 committee that are paid by an organization that sponsors the
8 committee;

9 K. "person" means an individual or entity;

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

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

23 (2) a single individual [~~who by his~~] whose
24 actions [~~represents~~] represent that [~~he~~] the individual is a
25 political committee; and

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1 (3) a person or an organization of two or more
2 persons that within one calendar year expends funds in excess
3 of five hundred dollars (\$500) to conduct an advertising
4 campaign for a political purpose;

5 M. "political purpose" means directly or
6 indirectly influencing or attempting to influence an election
7 or pre-primary convention, including a constitutional amendment
8 or other question submitted to the voters;

9 N. "prescribed form" means a form or electronic
10 format prepared and prescribed by the secretary of state;

11 O. "proper filing officer" means either the
12 secretary of state or the county clerk as provided in Section
13 1-19-27 NMSA 1978;

14 P. "public official" means a person elected to an
15 office in an election covered by the Campaign Reporting Act or
16 a person appointed to an office that is subject to an election
17 covered by that act;

18 Q. "reporting individual" means every public
19 official, candidate or treasurer of a campaign committee and
20 every treasurer of a political committee; and

21 R. "statement of exception" or "statement" means
22 the prescribed form subscribed and sworn to by a candidate to
23 indicate that the candidate does not intend to raise or expend
24 the minimum amount required for the filing of a report of
25 expenditures and contributions as provided in Section 1-19-33

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NMSA 1978."

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