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SENATE BILL 116

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

Dede Feldman

AN ACT

RELATING TO CAMPAIGN FUNDS; ELIMINATING THE USE OF LEGISLATIVE
CAMPAIGN FUNDS FOR CONSTITUENT AND CERTAIN OTHER EXPENSES;
MAKING THE ACT CONTINGENT ON PASSAGE OF CONSTITUTIONAL
AMENDMENT.

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.--

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

(1) expenditures of the campaign;

~~[(2) expenditures of legislators that are~~

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1 ~~reasonably related to performing the duties of the office held,~~
2 ~~including mail, telephone and travel expenditures to serve~~
3 ~~constituents, but excluding personal and legislative session~~
4 ~~living expenses;~~

5 ~~(3)~~ (2) donations to the state general fund;

6 [~~(4)~~] (3) donations to an organization to
7 which a federal income tax deduction would be permitted under
8 Subparagraph (A) of Paragraph (1) of Subsection (b) of Section
9 170 of the Internal Revenue Code of 1986, as amended;

10 [~~(5)~~] (4) expenditures to eliminate the
11 campaign debt of the candidate for the office sought or
12 expenditures incurred by the candidate when seeking election to
13 another public office covered by the Campaign Reporting Act;

14 [~~(6)~~] (5) donations to a political committee
15 or to another candidate seeking election to public office; or

16 [~~(7)~~] (6) disbursements to return unused funds
17 pro rata to the contributors if no campaign debt exists.

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

22 C. No contributions solicited for or received in a
23 federal election campaign may be used in a state election
24 campaign."

25 SECTION 2. CONTINGENT EFFECTIVE DATE.--The effective date

.188495.1

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1 of the provisions of this act is the date that the state
2 canvassing board certifies the adoption of a constitutional
3 amendment that reads: "PROPOSING TO AMEND ARTICLE 4, SECTION
4 10 OF THE CONSTITUTION OF NEW MEXICO TO ALLOW LIMITED
5 REIMBURSEMENT TO LEGISLATORS FOR ACTUAL COSTS OF PROVIDING
6 CONSTITUENT SERVICES AND PERFORMING OTHER LEGISLATIVE DUTIES
7 NOT OTHERWISE PROVIDED FOR."

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