

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE RULES COMMITTEE SUBSTITUTE FOR  
SENATE BILL 15

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

AN ACT

RELATING TO CAMPAIGN FINANCE; REQUIRING REPORTING OF  
INDEPENDENT EXPENDITURES; REDEFINING "POLITICAL COMMITTEE";  
DEFINING "ADVERTISEMENT", "BALLOT MEASURE", "CAMPAIGN  
EXPENDITURE", "COORDINATED EXPENDITURE", "INDEPENDENT  
EXPENDITURE", "INDEPENDENT EXPENDITURE COMMITTEE" AND OTHER  
TERMS; ADJUSTING CONTRIBUTION AND EXPENDITURE REPORTING  
REQUIREMENTS AND LIMITS; CHANGING PENALTIES; RECONCILING  
MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2009;  
AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978;  
PROVIDING PENALTIES; DECLARING AN EMERGENCY.

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] INDEPENDENT EXPENDITURES--REPORTING

.193186.2

underscored material = new  
[bracketed material] = delete

1 REQUIREMENTS.--

2 A. A person who makes an independent expenditure  
3 not otherwise required to be reported under the Campaign  
4 Reporting Act in an amount that exceeds eight hundred dollars  
5 (\$800), or in an amount that, when added to the aggregate  
6 amount of the independent expenditures made by the same person  
7 during the preceding twelve months, exceeds eight hundred  
8 dollars (\$800), shall file a report with the secretary of state  
9 within:

10 (1) three days after making an independent  
11 expenditure of less than five thousand dollars (\$5,000); or

12 (2) twenty-four hours after making an  
13 independent expenditure of five thousand dollars (\$5,000) or  
14 more.

15 B. The report required by Subsection A of this  
16 section shall state:

17 (1) the name and address of the person who  
18 made the expenditure;

19 (2) the name and address of the person to whom  
20 the independent expenditure was made and the amount, date and  
21 purpose of the expenditure; if no reasonable estimate of the  
22 monetary value of a particular expenditure is practicable, it  
23 is sufficient to report instead a description of the services,  
24 property or rights furnished through the expenditure; and

25 (3) the name and address of, and the amount of

1 each contribution not previously reported for, each contributor  
2 who contributed more than two hundred dollars (\$200) in the  
3 aggregate during the twelve months preceding the expenditure  
4 that were:

5 (a) earmarked by the contributor to be  
6 used to make independent expenditures; or

7 (b) made in response to a solicitation  
8 that requests contributions to fund independent expenditures.

9 C. For an independent expenditure of more than  
10 three thousand dollars (\$3,000), or an independent expenditure  
11 in an amount that, when added to the aggregate amount of the  
12 independent expenditures made by the same person for  
13 advertisements during the preceding twelve months, exceeds  
14 three thousand dollars (\$3,000), the report required by  
15 Subsection A of this section shall also state:

16 (1) if the expenditure was made from a  
17 segregated bank account that consists only of funds contributed  
18 to the account by individuals for the purpose of making  
19 independent expenditures, the name and address of, and the  
20 amount of each contribution not previously reported for, each  
21 contributor who contributed more than two hundred dollars  
22 (\$200) in the aggregate to the account during the twelve months  
23 preceding the report; or

24 (2) if the expenditure was made from funds  
25 other than those described in Paragraph (1) of this subsection,

.193186.2

1 the name and address of, and amount of each contribution not  
2 previously reported for, each contributor who contributed more  
3 than five thousand dollars (\$5,000) in the aggregate to the  
4 person who made the expenditure during the twelve months  
5 preceding the report; provided, however, that a contribution is  
6 exempt from reporting pursuant to this paragraph if the  
7 contributor requested in writing that the contribution not be  
8 used to fund independent or coordinated expenditures or make  
9 contributions to a candidate, campaign committee, political  
10 committee or independent expenditure committee.

11 D. Independent expenditures shall be reported  
12 electronically using software provided or approved by the  
13 secretary of state. The secretary of state may make exceptions  
14 on a case-by-case basis for a person who lacks the  
15 technological ability to file reports using the electronic  
16 means provided or approved by the secretary of state.

17 E. Failure of any person to report electronically  
18 pursuant to this section is a violation of the Campaign  
19 Reporting Act."

20 SECTION 2. A new section of the Campaign Reporting Act is  
21 enacted to read:

22 "[NEW MATERIAL] DISCLAIMERS IN ADVERTISEMENTS.--

23 A. A person who makes a campaign expenditure, a  
24 coordinated expenditure or an independent expenditure for an  
25 advertisement in an amount that exceeds three thousand dollars

1 (\$3,000), or in an amount that, when added to the aggregate  
2 amount of the campaign expenditures, coordinated expenditures  
3 and independent expenditures for advertisements made by the  
4 same person during the preceding twelve months, exceeds three  
5 thousand dollars (\$3,000), shall ensure that the advertisement  
6 contains:

7 (1) the name of the candidate who authorized  
8 the advertisement or whose campaign committee authorized the  
9 advertisement; or

10 (2) if the advertisement is not authorized by  
11 any candidate or campaign committee, the name and the phone  
12 number or web address of the person who authorized and paid for  
13 the advertisement.

14 B. Disclaimer statements required by Subsection A  
15 of this section shall be set forth legibly on any advertisement  
16 that is disseminated or displayed by visual media. If the  
17 advertisement is transmitted by audio media, the statement  
18 shall be clearly spoken at the end of the advertisement. If  
19 the advertisement is transmitted by audio-visual media, the  
20 statement shall be both written legibly and spoken clearly at  
21 the end of the advertisement."

22 **SECTION 3.** Section 1-19-26 NMSA 1978 (being Laws 1979,  
23 Chapter 360, Section 2, as amended by Laws 2009, Chapter 67,  
24 Section 1 and by Laws 2009, Chapter 68, Section 2) is amended  
25 to read:

.193186.2

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

3 ~~[A. "advertising campaign" means an advertisement  
4 or series of advertisements used for a political purpose and  
5 disseminated to the public either in print, by radio or  
6 television broadcast or by any other electronic means,  
7 including telephonic communications, and may include direct or  
8 bulk mailings of printed materials;]~~

9 A. "advertisement" means a communication referring  
10 to a candidate, ballot measure or election that is published,  
11 disseminated, distributed or displayed to the public by print,  
12 broadcast, satellite, cable or electronic media, including  
13 recorded phone messages, or by printed materials, including  
14 mailers, handbills, signs and billboards, and that can  
15 reasonably be expected to be seen or heard by at least five  
16 hundred persons; but "advertisement" does not include:

17 (1) a communication by a membership  
18 organization or corporation to its current members,  
19 stockholders or executive or administrative personnel unless  
20 the membership organization or corporation is a campaign  
21 committee, a political committee or an independent expenditure  
22 committee;

23 (2) a communication appearing in a news story  
24 or editorial distributed through print, broadcast, satellite,  
25 cable or electronic media, unless the communication is

1 sponsored or paid for, or the media are controlled or owned, by  
 2 a candidate, campaign committee, political committee or  
 3 independent expenditure committee;

4 (3) a candidate debate or forum or a  
 5 communication announcing a candidate debate or forum paid for  
 6 on behalf of the debate or forum sponsor; provided that two or  
 7 more candidates for the same position have been invited to  
 8 participate; or

9 (4) nonpartisan voter guides allowed by the  
 10 federal Internal Revenue Code of 1986 for Section 501(c)(3)  
 11 organizations or nonpartisan get-out-the-vote materials;

12 B. "anonymous contribution" means a contribution  
 13 the contributor of which is unknown to the candidate or the  
 14 candidate's agent or the political committee or independent  
 15 expenditure committee or its agent who accepts the  
 16 contribution;

17 C. "ballot measure" means a constitutional  
 18 amendment or other question submitted to the voters in an  
 19 election;

20 [~~G.~~] D. "bank account" means an account in a  
 21 financial institution [~~located in New Mexico~~] chartered and  
 22 regulated by the United States or a state of the United States;

23 [~~D.~~] E. "campaign committee" means an association  
 24 of two or more persons, [authorized by a candidate] or an  
 25 entity, whose primary purpose is to raise, collect [~~or~~] and

1 expend contributions on [~~the candidate's~~] behalf of and with  
2 the authorization of the candidate for the purpose of electing  
3 the candidate to office;

4 F. "campaign expenditure" means an expenditure that  
5 is made by a campaign committee or by a candidate or public  
6 official in support of the candidate's or public official's  
7 campaign in an election;

8 [~~E.~~] G. "candidate" means an individual who seeks  
9 or considers an office in an election covered by the Campaign  
10 Reporting Act, including a public official, who either has  
11 filed a declaration of candidacy or nominating petition and has  
12 not subsequently filed a statement of withdrawal or:

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

19 (2) for a statewide office, has received  
20 contributions or made expenditures of more than two thousand  
21 five hundred dollars (\$2,500) [~~or more~~] or authorized another  
22 person or campaign committee to receive contributions or make  
23 expenditures of more than two thousand five hundred dollars  
24 (\$2,500) [~~or more~~] for the purpose of seeking election to the  
25 office or for candidacy exploration purposes in the years prior



1 to the year of the election;

2 ~~[F.]~~ H. "contribution":

3 (1) means a gift, subscription, loan, advance  
4 or deposit of money or other thing of value, including the  
5 estimated value of an in-kind contribution, that is ~~made or~~  
6 ~~received for a political purpose, including payment of a debt~~  
7 ~~incurred in an election campaign, but "contribution"]:~~

8 (a) made to a candidate to be used in  
9 the candidate's campaign for election to an office covered by  
10 the Campaign Reporting Act;

11 (b) made to a campaign committee,  
12 political committee or independent expenditure committee or  
13 person who becomes such a committee within the succeeding  
14 twelve months;

15 (c) earmarked by the contributor to be  
16 used for independent expenditures;

17 (d) made in response to a solicitation  
18 that refers to independent expenditures and requests  
19 contributions to fund independent expenditures;

20 (e) deposited in a segregated bank  
21 account established pursuant to Paragraph (1) of Subsection C  
22 of Section 1 of this 2013 act for the purpose of making  
23 independent expenditures; or

24 (f) donated to a person who makes  
25 independent expenditures of more than three thousand dollars

.193186.2

1 (\$3,000) in the aggregate and has chosen not to establish a  
2 segregated bank account pursuant to Paragraph (1) of Subsection  
3 C of Section 1 of this 2013 act;

4 (2) includes a coordinated expenditure; and

5 (3) does not include the value of services  
6 provided without compensation or unreimbursed travel or other  
7 personal expenses of individuals who volunteer a portion or all  
8 of their time on behalf of a candidate [~~or political committee,~~  
9 ~~nor does it include the administrative or solicitation expenses~~  
10 ~~of a political committee that are paid by an organization that~~  
11 ~~sponsors the committee], campaign committee, political~~  
12 committee or independent expenditure committee;

13 I. "coordinated expenditure":

14 (1) means an expenditure that is made:

15 (a) by a person other than a candidate  
16 or campaign committee;

17 (b) at the direction, suggestion or  
18 request of, or in cooperation, consultation or concert with, a  
19 candidate, campaign committee or political committee other than  
20 the person making the expenditure, or any agent or  
21 representative of a candidate, campaign committee or political  
22 committee other than the person making the expenditure; and

23 (c) in order to pay for an advertisement  
24 that: 1) expressly advocates the election or defeat of a  
25 clearly identified candidate; 2) is susceptible to no other

1 reasonable interpretation than as an appeal to vote for or  
 2 against a clearly identified candidate; or 3) refers to a  
 3 clearly identified candidate, can reasonably be expected to be  
 4 seen or heard by at least five hundred persons eligible to vote  
 5 for the candidate and is published or disseminated within  
 6 thirty days before the primary election or sixty days before  
 7 the general election at which the candidate is on the ballot;  
 8 and

9 (2) is deemed to constitute a contribution  
 10 from the person who made the expenditure to the candidate,  
 11 campaign committee or political committee by whom or by whose  
 12 agent or representative the expenditure was directed, suggested  
 13 or requested or in cooperation, consultation or concert with  
 14 whom or with whose agent or representative the expenditure was  
 15 made;

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

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

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

.193186.2

1           ~~[J-]~~ M. "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           N. "independent expenditure" means an expenditure  
10 that is:

11                   (1) made by a person other than a candidate or  
12 campaign committee;

13                   (2) not a coordinated expenditure as defined  
14 in the Campaign Reporting Act; and

15                   (3) made to pay for an advertisement that:

16                           (a) expressly advocates the election or  
17 defeat of a clearly identified candidate or the passage or  
18 defeat of a clearly identified ballot measure;

19                           (b) is susceptible to no other  
20 reasonable interpretation than as an appeal to vote for or  
21 against a clearly identified candidate or ballot measure; or

22                           (c) refers to a clearly identified  
23 candidate or ballot measure, can reasonably be expected to be  
24 seen or heard by at least five hundred persons eligible to vote  
25 for the candidate or ballot measure and is published or

1 disseminated within thirty days before the primary election or  
 2 sixty days before the general election at which the candidate  
 3 or ballot measure is on the ballot;

4 Q. "independent expenditure committee" means an  
 5 association of two or more persons, or an entity, whose primary  
 6 purpose in New Mexico is to make independent expenditures and  
 7 that has expended more than three thousand dollars (\$3,000) for  
 8 that purpose within a twelve-month period;

9 ~~[K.]~~ P. "person" means an individual or entity;

10 ~~[L.]~~ Q. "political committee" means ~~[two or more~~  
 11 ~~persons, other than members of a candidate's immediate family~~  
 12 ~~or 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 primarily~~  
 15 ~~for a political purpose; and "political committee" includes:~~

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

22 ~~(2) a single individual whose actions~~  
 23 ~~represent that the individual is a political committee; and~~

24 ~~(3) a person or an organization of two or more~~  
 25 ~~persons that within one calendar year expends funds in excess~~

.193186.2

1 ~~of five hundred dollars (\$500) to conduct an advertising~~  
2 ~~campaign for a political purpose;~~

3 ~~M. "political purpose" means influencing or~~  
4 ~~attempting to influence an election or pre-primary convention,~~  
5 ~~including a constitutional amendment or other question~~  
6 ~~submitted to the voters];~~

7 (1) a qualified political party; or

8 (2) an association of two or more persons, or  
9 other entity, whose primary purpose in New Mexico is to make  
10 contributions to candidates, campaign committees or political  
11 committees or make coordinated expenditures or any combination  
12 thereof;

13 ~~[N.]~~ R. "prescribed form" means a form or  
14 electronic format prepared and prescribed by the secretary of  
15 state;

16 ~~[O.]~~ S. "proper filing officer" means ~~[either]~~ the  
17 secretary of state; ~~[or the county clerk as provided in Section~~  
18 ~~1-19-27 NMSA 1978;~~

19 ~~P.]~~ T. "public official" means a person elected to  
20 an office in an election covered by the Campaign Reporting Act  
21 or a person appointed to an office that is subject to an  
22 election covered by that act; and

23 ~~[Q.]~~ U. "reporting individual" means every public  
24 official, candidate or treasurer of a campaign committee and  
25 every treasurer of a political committee or independent

1 expenditure committee."

2 SECTION 4. Section 1-19-26.1 NMSA 1978 (being Laws 1993,  
3 Chapter 46, Section 2, as amended) is amended to read:

4 "1-19-26.1. POLITICAL COMMITTEES AND INDEPENDENT  
5 EXPENDITURE COMMITTEES--REGISTRATION--DISCLOSURES.--

6 A. It is unlawful for [~~any~~] a political committee  
7 [~~that receives, contributes or expends in excess of five~~  
8 ~~hundred dollars (\$500) in any calendar year] or an independent  
9 expenditure committee to continue to receive or make [~~any~~] a  
10 contribution or make a coordinated or independent expenditure  
11 [~~for a political purpose unless that political committee~~  
12 ~~appoints and maintains a treasurer and registers with the~~  
13 ~~secretary of state] if that committee fails to meet the  
14 requirements of Subsections B through D of this section.~~~~

15 B. A political committee shall [~~register~~] appoint  
16 and maintain a treasurer and file a statement of organization  
17 with the secretary of state within [~~ten~~] three days of  
18 [~~receiving, contributing or expending in excess of five hundred~~  
19 ~~dollars (\$500) by paying a filing fee of fifty dollars (\$50.00)~~  
20 ~~and filing a statement of organization] making a contribution  
21 or a coordinated or independent expenditure, or within twenty-  
22 four hours of making contributions or coordinated or  
23 independent expenditures of more than five thousand dollars  
24 (\$5,000), whichever is earlier.~~

25 C. An independent expenditure committee shall

.193186.2

1 appoint and maintain a treasurer and file a statement of  
2 organization with the secretary of state within three days of  
3 making independent expenditures of more than three thousand  
4 dollars (\$3,000) within a twelve-month period, or within  
5 twenty-four hours of making independent expenditures of more  
6 than five thousand dollars (\$5,000) within a twelve-month  
7 period, whichever is earlier.

8 D. A statement of organization required by  
9 Subsection B or C of this section shall be made under oath on a  
10 prescribed form showing:

11 (1) the full name of the ~~[political]~~  
12 committee, which shall fairly and accurately reflect the  
13 identity of the committee ~~[including any sponsoring~~  
14 ~~organization]~~ and its address;

15 (2) a statement of the purpose for which the  
16 ~~[political]~~ committee was organized;

17 ~~[(3) the name, address and relationship of any~~  
18 ~~connected or associated organization or entity;~~

19 ~~(4)]~~ (3) the names and addresses of the  
20 officers of the committee; and

21 ~~[(5)]~~ (4) an identification of ~~[the]~~ any bank  
22 account used by the committee ~~[for all expenditures or]~~ to  
23 receive or make contributions ~~[made or received]~~ or make  
24 coordinated or independent expenditures.

25 ~~[G.]~~ E. The provisions of this section do not apply



1 to a political committee that is located in another state and  
 2 is registered with the federal election commission if the  
 3 political committee reports on federal reporting forms filed  
 4 with the federal election commission all expenditures for and  
 5 contributions made to reporting individuals in New Mexico and  
 6 files with the secretary of state, according to the schedule  
 7 required for the filing of forms with the federal election  
 8 commission, a copy of either the full report or the cover sheet  
 9 and the portions of the federal reporting forms that contain  
 10 the information on expenditures for and contributions made to  
 11 reporting individuals in New Mexico."

12 SECTION 5. Section 1-19-27 NMSA 1978 (being Laws 1979,  
 13 Chapter 360, Section 3, as amended) is amended to read:

14 "1-19-27. REPORTS REQUIRED--~~[PROPER FILING OFFICER]~~  
 15 ELECTRONIC REPORTING SYSTEM.--

16 ~~[A. Except for those candidates and public~~  
 17 ~~officials who file a statement of no activity, all reporting~~  
 18 ~~individuals shall file with the proper filing officer a report~~  
 19 ~~of expenditures and contributions on a prescribed form.~~

20 ~~B. The proper filing officer for filing reports of~~  
 21 ~~expenditures and contributions by a political committee is the~~  
 22 ~~secretary of state.~~

23 ~~C. The proper filing officer for filing reports of~~  
 24 ~~expenditures and contributions or statements of no activity is~~  
 25 ~~the secretary of state for all candidates and public~~

.193186.2

1 ~~officials.]~~

2 A. All reporting individuals shall file with the  
3 secretary of state the reports of expenditures and  
4 contributions and statements of no activity when required by  
5 the Campaign Reporting Act on forms prescribed by the secretary  
6 of state.

7 ~~[D.]~~ B. The secretary of state shall develop or  
8 contract for services to develop an electronic reporting system  
9 for receiving and for public inspection of reports of  
10 expenditures and contributions and statements of no activity to  
11 the Campaign Reporting Act. The electronic reporting system  
12 shall:

13 (1) enable a person to file reports online by  
14 filling out forms on the secretary of state's web site; and

15 (2) provide for encrypted transmissions."

16 SECTION 6. Section 1-19-29 NMSA 1978 (being Laws 1993,  
17 Chapter 46, Section 5, as amended) is amended to read:

18 "1-19-29. TIME AND PLACE OF FILING REPORTS.--

19 A. Except as otherwise provided in this section,  
20 all reporting individuals shall file with the proper filing  
21 officer by ~~[5:00 p.m.]~~ midnight on the second Monday in April  
22 and October a report of all ~~[expenditures made and]~~  
23 contributions and expenditures required to be reported pursuant  
24 to Section 1-19-31 NMSA 1978 that were made or received on or  
25 before the first Monday in those months and not previously

.193186.2

1 reported. The report shall be filed biannually until the  
 2 [~~reporting individual's bank account has been closed and the~~  
 3 ~~other~~] provisions specified in Subsection F or G of this  
 4 section have been satisfied.

5 B. In an election year, instead of the biannual  
 6 reports provided for in Subsection A of this section, all  
 7 reporting individuals, except for public officials who are not  
 8 candidates in an election that year, shall file reports of all  
 9 [~~expenditures made and~~] contributions [~~received~~] and  
 10 expenditures required to be reported pursuant to Section  
 11 1-19-31 NMSA 1978 or, if applicable, statements of no activity,  
 12 according to the following schedule:

13 (1) by [~~5:00 p.m.~~] midnight on the second  
 14 Monday in April, a report of all such expenditures made and  
 15 contributions made or received on or before the first Monday in  
 16 April and not previously reported;

17 (2) by [~~5:00 p.m.~~] midnight on the second  
 18 Monday in May, a report of all such expenditures made and  
 19 contributions made or received on or before the first Monday in  
 20 May and not previously reported;

21 (3) by [~~5:00 p.m.~~] midnight on the second  
 22 Monday in September, a report of all such expenditures made and  
 23 contributions made or received on or before the first Monday in  
 24 September and not previously reported;

25 (4) by [~~5:00 p.m.~~] midnight on the second

.193186.2

1 Monday in October, a report of all such expenditures made and  
2 contributions made or received on or before the first Monday in  
3 October and not previously reported;

4 (5) by [~~5:00 p.m.~~] midnight on the Thursday  
5 before a primary or general [~~or statewide special~~] election, a  
6 report of all such expenditures made and contributions made or  
7 received by 5:00 p.m. on the Tuesday before the election and  
8 not previously reported. Any such expenditure that is made or  
9 any such contribution or pledge to contribute that is made or  
10 received after 5:00 p.m. on the Tuesday before the election and  
11 that is for more than five hundred dollars (\$500) [~~or more~~] in  
12 a legislative or non-statewide judicial election, or more than  
13 two thousand five hundred dollars (\$2,500) [~~or more~~] in a  
14 statewide election, shall be reported to the proper filing  
15 officer either in a supplemental report on a prescribed form  
16 within twenty-four hours of receipt, or of being made, or in  
17 the report to be filed by [~~5:00 p.m.~~] midnight on the Thursday  
18 before a primary or general [~~or statewide special~~] election,  
19 except that any such expenditure or contribution or pledge to  
20 contribute that is made or received after 5:00 p.m. on the  
21 Friday before the election may be reported by 12:00 noon on the  
22 Monday before the election; [~~and~~]

23 (6) by [~~5:00 p.m.~~] midnight on the thirtieth  
24 day after a primary [~~general or statewide special~~] election, a  
25 report by all reporting individuals, except those individuals

1 that become candidates after the primary election, of all such  
2 expenditures made and contributions made or received on or  
3 before the twenty-fifth day after the primary election and not  
4 previously reported; and

5 (7) by midnight on the thirtieth day after a  
6 general election, a report of all such expenditures made and  
7 contributions made or received on or before the twenty-fifth  
8 day after the general election and not previously reported.

9 C. If a candidate, campaign committee or public  
10 official has not received any contributions and has not made  
11 any expenditures since the candidate's, committee's or  
12 official's last report was filed with the proper filing  
13 officer, the candidate, committee or official shall only be  
14 required to file a statement of no activity, which shall not be  
15 required to be notarized, in lieu of a full report when that  
16 report would otherwise be due and shall not be required to file  
17 a full report until the next required filing date occurring  
18 after an expenditure is made or a contribution is received.

19 D. In an election year, a public official who is  
20 not a candidate shall file biannual reports of expenditures  
21 made and contributions received or statements of no activity in  
22 accordance with the schedule provided for in Subsection A of  
23 this section.

24 E. A report of expenditures and contributions filed  
25 after a deadline set forth in this section shall not be deemed

.193186.2

1 to have been timely filed.

2 F. Except for candidates, campaign committees and  
3 public officials who file a statement of no activity, each  
4 reporting individual for a candidate, campaign committee or  
5 public official shall file a report of expenditures and  
6 contributions pursuant to the filing schedules set forth in  
7 this section, regardless of whether any expenditures were made  
8 or contributions were received during the reporting period.  
9 Reports shall be required until the reporting individual  
10 delivers a report to the proper filing officer stating that:

- 11 (1) there are no outstanding campaign debts;  
12 (2) all money has been expended in accordance  
13 with the provisions of Section 1-19-29.1 NMSA 1978; and  
14 (3) the bank account has been closed.

15 ~~[G. Each treasurer of a political committee shall~~  
16 ~~file a report of expenditures and contributions pursuant to the~~  
17 ~~filing schedules set forth in this section until the treasurer~~  
18 ~~files a report that affirms that the committee has dissolved or~~  
19 ~~no longer exists and that its bank account has been closed.]~~

20 G. If during a non-election year an independent  
21 expenditure committee or political committee has not made or  
22 received any contributions or made any coordinated or  
23 independent expenditures since it filed its last report  
24 pursuant to this section, it need not file any report under  
25 this section until the next reporting period, if any, in which

1 it makes or receives contributions or makes such expenditures.  
2 An independent expenditure committee or political committee  
3 that has not made any contributions or coordinated or  
4 independent expenditures for a continuous period of at least  
5 one year may thereupon cancel its registration as an  
6 independent expenditure committee or political committee by  
7 submitting an appropriate request in writing to the proper  
8 filing officer. The committee shall retain the obligation to  
9 submit a new statement of organization under Section 1-19-26.1  
10 NMSA 1978 in the event that its future activities should meet  
11 the requisites for filing a statement of organization under  
12 that section.

13 H. A reporting individual who is a candidate within  
14 the meaning of the Campaign Reporting Act because of the amount  
15 of contributions the candidate receives or expenditures the  
16 candidate makes and who does not ultimately file a declaration  
17 of candidacy or a nominating petition with the proper filing  
18 officer and does not file a statement of no activity shall file  
19 biannual reports in accordance with Subsection A of this  
20 section.

21 I. Reports required by this section shall be  
22 subscribed and sworn to by the candidate or the treasurer of  
23 the political committee or independent expenditure committee  
24 or, in the case of candidates for judicial office, by the  
25 treasurer of the candidate's campaign committee. A report

.193186.2

1 filed electronically shall be electronically authenticated by  
2 the candidate or the treasurer of the [~~political~~] committee  
3 using an electronic signature in conformance with the  
4 Electronic Authentication of Documents Act and the Uniform  
5 Electronic Transactions Act. For the purposes of the Campaign  
6 Reporting Act, a report that is electronically authenticated in  
7 accordance with the provisions of this subsection shall be  
8 deemed to have been subscribed and sworn to by the candidate or  
9 the treasurer of the [~~political~~] committee who was required to  
10 file the report.

11 J. Reports required by this section shall be filed  
12 electronically by all reporting individuals.

13 K. Reporting individuals may apply to the secretary  
14 of state for exemption from electronic filing in case of  
15 hardship, which shall be defined by the secretary of state."

16 SECTION 7. Section 1-19-31 NMSA 1978 (being Laws 1979,  
17 Chapter 360, Section 7, as amended) is amended to read:

18 "1-19-31. CONTENTS OF REPORT.--[A.] Each required report  
19 of expenditures and contributions shall be typed or printed  
20 legibly, or on a computer disc or format approved by the  
21 secretary of state, and shall include:

22 [~~(1)~~] A. the name and address of the person or  
23 entity to whom [~~an~~] a contribution or a campaign, coordinated  
24 or independent expenditure was made or from whom a contribution  
25 was received during the previous twelve months and not



1 previously reported, except as provided for anonymous  
 2 contributions or contributions received from special events as  
 3 provided in Section 1-19-34 NMSA 1978; provided that for  
 4 contributors, the name of the entity or the first and last  
 5 names of any individual shall be the full name of the entity or  
 6 individual, and initials only shall not constitute a full name  
 7 unless that is the complete legal name;

8 [~~2~~] B. the occupation or name and type of  
 9 business of any person or entity making contributions of two  
 10 hundred fifty dollars (\$250) or more in the aggregate per  
 11 election;

12 [~~3~~] C. the amount of the campaign, coordinated or  
 13 independent expenditure or contribution or value thereof;

14 [~~4~~] D. the purpose of the campaign, coordinated  
 15 or independent expenditure; [~~and~~

16 ~~5~~] E. the date that the campaign, coordinated or  
 17 independent expenditure was made or the contribution was made  
 18 or received;

19 F. for independent expenditure committees, the name  
 20 of each identifiable candidate or ballot measure that is  
 21 referred to in an advertisement sponsored by the committee and  
 22 whether:

23 (1) the candidate or ballot measure is  
 24 supported or opposed in the advertisement; or

25 (2) the advertisement takes or does not take a

1 position on the candidate or ballot measure; and

2 G. for campaign committees, candidates and public  
3 officials that have not closed their campaign accounts, in  
4 addition to the information required by Subsections A through E  
5 of this section, the:

6 (1) amount, purpose and date of all campaign  
7 account disbursements, except for disbursements made from a  
8 petty cash fund of one hundred dollars (\$100) or less;

9 (2) person to whom each disbursement was made;

10 [~~B. Each report shall contain an~~]

11 (3) opening and closing cash balance for the  
12 [~~bank~~] campaign account maintained by the reporting individual  
13 during the reporting period and the name of the financial  
14 institution; and

15 [~~G. Each report shall specify the~~]

16 (4) amount of each unpaid campaign debt and  
17 the identity of the person to whom the debt is owed."

18 SECTION 8. Section 1-19-34 NMSA 1978 (being Laws 1979,  
19 Chapter 360, Section 10, as amended) is amended to read:

20 "1-19-34. CANDIDATES--POLITICAL, CAMPAIGN OR INDEPENDENT  
21 EXPENDITURE COMMITTEES--TREASURER--BANK ACCOUNT--ANONYMOUS  
22 CONTRIBUTIONS--CONTRIBUTIONS FROM SPECIAL EVENTS.--

23 A. [~~It is unlawful for the members of any~~] A  
24 political, campaign or independent expenditure committee or any  
25 candidate [to make any expenditure or solicit or accept any

.193186.2

underscored material = new  
[bracketed material] = delete

1 ~~contribution for a political purpose unless~~ shall ensure that:

2 (1) a treasurer has been appointed and is  
3 constantly maintained; provided, however, when a duly appointed  
4 treasurer is unable for any reason to continue as treasurer,  
5 the candidate or ~~political~~ committee shall appoint a  
6 successor; and provided further that a candidate may serve as  
7 ~~his~~ the candidate's own treasurer;

8 (2) all ~~disbursements of money and~~ receipts  
9 of contributions and all contributions and campaign,  
10 coordinated or independent expenditures made are authorized by  
11 and through the candidate or treasurer;

12 (3) a ~~separate~~ bank account has been  
13 established and all receipts of money contributions are  
14 deposited in and all contributions and campaign, coordinated or  
15 independent expenditures ~~[of money are deposited in and]~~ are  
16 disbursed from ~~[the one bank account]~~ one or more bank accounts  
17 maintained by the treasurer in the name of the candidate or  
18 ~~political~~ committee ~~[provided that nothing in this section~~  
19 ~~shall prohibit investments from the bank account to earn~~  
20 ~~interest as long as the investments and earnings are fully~~  
21 ~~reported]~~. All ~~disbursements~~ campaign, coordinated or  
22 independent expenditures except for ~~disbursements~~  
23 expenditures made from a petty cash fund of one hundred dollars  
24 (\$100) or less shall be made in a form such that the date,  
25 amount and payee of the transaction are automatically recorded

.193186.2

1 or by check made payable to the person or entity receiving the  
2 disbursement and not to "cash" or "bearer"; and

3 (4) in the case of the campaign account of a  
4 candidate, public official or campaign committee, a separate  
5 bank account is established into which all contributions are  
6 deposited and the treasurer upon disbursing or receiving money  
7 or other things of value immediately enters and thereafter  
8 keeps a proper record preserved by [~~him~~] the treasurer,  
9 including a full, true and itemized statement and account of  
10 each sum disbursed or received, the date of such disbursal or  
11 receipt, to whom disbursed or from whom received and the object  
12 or purpose for which it was disbursed or received.

13 B. An independent expenditure committee shall not  
14 make contributions to candidates, campaign committees or  
15 political committees or make coordinated expenditures.

16 [~~B.~~] C. No anonymous contributions may be accepted  
17 [~~in excess of~~] for more than one hundred dollars (\$100). The  
18 aggregate amount of anonymous contributions received by a  
19 reporting individual during a primary or general election or a  
20 statewide special election shall not [~~exceed~~] be more than two  
21 thousand dollars (\$2,000) for statewide races and five hundred  
22 dollars (\$500) for all other races.

23 [~~C.~~] D. Cash contributions received at special  
24 events that are unidentifiable as to specific contributor but  
25 identifiable as to the special event are not subject to the

1 anonymous contribution limits provided for in this section so  
 2 long as no single special event raises, after expenses, more  
 3 than [~~one thousand dollars (\$1,000)~~] five thousand dollars  
 4 (\$5,000) in such cash contributions. For those contributions,  
 5 due diligence and best efforts shall be made to disclose on a  
 6 special prescribed form the sponsor, date, place, total amount  
 7 received, expenses incurred, estimated number of persons in  
 8 attendance and other identifiable factors that describe the  
 9 special event. For purposes of this subsection, "special  
 10 event" includes an event such as a barbecue or similar  
 11 fundraiser where tickets costing [~~fifteen dollars (\$15.00)~~]  
 12 twenty-five dollars (\$25.00) or less are sold or an event such  
 13 as a coffee, tea or similar reception; provided that no person  
 14 shall contribute more than twenty-five dollars (\$25.00) in cash  
 15 at a special event.

16 [~~D.~~] E. Any contributions received pursuant to this  
 17 section in excess of the limits established in Subsections [~~B~~]  
 18 C and [~~E~~] D of this section shall be donated to the state  
 19 general fund or an organization to which a federal income tax  
 20 deduction would be available under Subparagraph (A) of  
 21 Paragraph (1) of Subsection (b) of Section 170 of the Internal  
 22 Revenue Code of 1986, as amended."

23 **SECTION 9.** Section 1-19-34.1 NMSA 1978 (being Laws 1993,  
 24 Chapter 46, Section 12, as amended) is amended to read:

25 "1-19-34.1. LEGISLATIVE SESSION--FUNDRAISING

.193186.2

1 PROHIBITION.--

2 A. It is unlawful during the prohibited period for  
3 a state legislator or a candidate for state legislator, or any  
4 agent on behalf of either, to knowingly solicit a contribution  
5 [~~for a political purpose~~]. For purposes of this subsection,  
6 "prohibited period" means that period beginning January 1 prior  
7 to any regular session of the legislature or, in the case of a  
8 special session, after the proclamation has been issued, and  
9 ending on adjournment of the regular or special session.

10 B. It is unlawful during the prohibited period for  
11 the governor, or any agent on [~~his~~] the governor's behalf, to  
12 knowingly solicit a contribution [~~for a political purpose~~].  
13 For purposes of this subsection, "prohibited period" means that  
14 period beginning January 1 prior to any regular session of the  
15 legislature or, in the case of a special session, after the  
16 proclamation has been issued, and ending on the twentieth day  
17 following the adjournment of the regular or special session."

18 SECTION 10. Section 1-19-34.6 NMSA 1978 (being Laws 1995,  
19 Chapter 153, Section 19) is amended to read:

20 "1-19-34.6. CIVIL PENALTIES.--

21 A. If the secretary of state reasonably believes  
22 that a person committed, or is about to commit, a violation of  
23 the Campaign Reporting Act, the secretary of state shall refer  
24 the matter to the attorney general or a district attorney for  
25 enforcement.

.193186.2

underscored material = new  
[bracketed material] = delete

1           B. With or without a referral from the secretary of  
2 state, the attorney general or district attorney may institute  
3 a civil action in district court for any violation of the  
4 Campaign Reporting Act or to prevent a violation of that act  
5 that involves an unlawful solicitation or the making or  
6 acceptance of an unlawful contribution. An action for relief  
7 may include a permanent or temporary injunction, a restraining  
8 order or any other appropriate order, including a civil penalty  
9 of [~~two hundred fifty dollars (\$250)~~] up to one thousand  
10 dollars (\$1,000) for each violation not to exceed [~~five~~  
11 ~~thousand dollars (\$5,000)~~] a total of twenty thousand dollars  
12 (\$20,000), and forfeiture of any contribution received as a  
13 result of an unlawful solicitation or unlawful contribution.  
14 Each unlawful solicitation and each unlawful contribution made  
15 or accepted shall be deemed a separate violation of the  
16 Campaign Reporting Act.

17           C. With or without a referral from the secretary of  
18 state, the attorney general or district attorney may institute  
19 a civil action in district court if a violation has occurred or  
20 to prevent a violation of any provision of the Campaign  
21 Reporting Act other than that specified in Subsection B of this  
22 section. Relief may include a permanent or temporary  
23 injunction, a restraining order or any other appropriate order,  
24 including an order for a civil penalty of [~~fifty dollars~~  
25 ~~(\$50.00)~~] up to one thousand dollars (\$1,000) for each

.193186.2

1 violation not to exceed [~~five thousand dollars (\$5,000)~~] a  
2 total of twenty thousand dollars (\$20,000)."

3 SECTION 11. Section 1-19-34.7 NMSA 1978 (being Laws 2009,  
4 Chapter 68, Section 1) is amended to read:

5 "1-19-34.7. CONTRIBUTION LIMITATIONS--CANDIDATES--  
6 POLITICAL COMMITTEES.--

7 A. The following contributions by the following  
8 persons are prohibited:

9 (1) from a person, not including a political  
10 committee, to a:

11 (a) candidate for nonstatewide office,  
12 including the candidate's campaign committee, in an amount that  
13 will cause that person's total contributions to the candidate  
14 to exceed two thousand three hundred dollars (\$2,300) during  
15 [~~the~~] a primary election cycle or two thousand three hundred  
16 dollars (\$2,300) during [~~the~~] a general election cycle;

17 (b) candidate for statewide office,  
18 including the candidate's campaign committee, in an amount that  
19 will cause that person's total contributions to the candidate  
20 to exceed five thousand dollars (\$5,000) during [~~the~~] a primary  
21 election cycle or five thousand dollars (\$5,000) during [~~the~~] a  
22 general election cycle; or

23 (c) political committee in an amount  
24 that will cause that person's total contributions to the  
25 political committee to exceed five thousand dollars (\$5,000)

.193186.2



1 during a primary election cycle or five thousand dollars  
2 (\$5,000) during a general election cycle; and

3 (2) from a political committee to:

4 (a) a candidate for office, including  
5 the candidate's campaign committee, in an amount that will  
6 cause the political committee's total contributions to the  
7 candidate to exceed five thousand dollars (\$5,000) during [~~the~~]  
8 a primary election cycle or five thousand dollars (\$5,000)  
9 during [~~the~~] a general election cycle; or

10 (b) another political committee in an  
11 amount that will cause that political committee's total  
12 contributions to the political committee to exceed five  
13 thousand dollars (\$5,000) during a primary election cycle or  
14 five thousand dollars (\$5,000) during a general election cycle.

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

20 C. A person, including a political committee, shall  
21 not knowingly accept or solicit a contribution, directly or  
22 indirectly, including a contribution earmarked or otherwise  
23 directed or coordinated through another person, including a  
24 political committee, that violates the contribution limits  
25 provided for in this section.

.193186.2

1           D. On the day after each general election, the  
2 contribution amounts provided in Subsection A of this section  
3 shall be increased by the percentage of the preceding two  
4 calendar years' increase of the consumer price index for all  
5 urban consumers, United States city average for all items,  
6 published by the United States department of labor. The amount  
7 of the increase shall be rounded to the nearest multiple of one  
8 hundred dollars (\$100). The secretary of state shall publish  
9 by October 1 before each general election the adjusted  
10 contribution limits that shall take effect the day after the  
11 following general election.

12           E. All contributions in excess of the limits  
13 imposed by the provisions of this section shall be deposited in  
14 the public election fund upon a finding by the secretary of  
15 state that the contribution limits have been exceeded.

16           F. The limitation on contributions to a candidate  
17 provided for in Subsection A of this section shall not apply to  
18 a candidate's own contribution from the candidate's personal  
19 funds to the candidate's own campaign.

20           ~~[G. For the purposes of this section:~~

21                   ~~(1) "primary election" means the period~~  
22 ~~beginning on the day after the general election for the~~  
23 ~~applicable office and ending on the day of the primary for that~~  
24 ~~office; and~~

25                   ~~(2) "general election" means the period~~

1 ~~beginning on the day after the primary for the applicable~~  
2 ~~office and ending on the day of the general election for that~~  
3 ~~office.]"~~

4 SECTION 12. Section 1-19-36 NMSA 1978 (being Laws 1979,  
5 Chapter 360, Section 12, as amended) is amended to read:

6 "1-19-36. PENALTIES [~~CRIMINAL ENFORCEMENT~~].--

7 A. Any person who knowingly and willfully violates  
8 any provision of the Campaign Reporting Act is guilty of a  
9 misdemeanor and shall be punished by a fine of not more than  
10 one thousand dollars (\$1,000) or by imprisonment for not more  
11 than one year or both.

12 B. The Campaign Reporting Act may be enforced by  
13 the attorney general or the district attorney in the county  
14 where the candidate resides, where a political committee or  
15 independent expenditure committee has its principal place of  
16 business or where the violation occurred."

17 SECTION 13. REPEAL.--Sections 1-19-16 and 1-19-17 NMSA  
18 1978 (being Laws 1973, Chapter 401, Sections 1 and 2) are  
19 repealed.

20 SECTION 14. EMERGENCY.--It is necessary for the public  
21 peace, health and safety that this act take effect immediately.