

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

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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 three hundred dollars
5 (\$300), 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 three hundred
8 dollars (\$300), 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,

.192734.1

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;

10 (2) if the advertisement is not authorized by
11 any candidate or campaign committee, the name, address and
12 phone number of the person who authorized it;

13 (3) the name of the person who paid for the
14 advertisement; and

15 (4) the phone number, email address or web
16 address of the person who paid for the advertisement.

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

25 SECTION 3. Section 1-19-26 NMSA 1978 (being Laws 1979,

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1 Chapter 360, Section 2, as amended by Laws 2009, Chapter 67,
2 Section 1 and by Laws 2009, Chapter 68, Section 2) is amended
3 to read:

4 "1-19-26. DEFINITIONS.--As used in the Campaign Reporting
5 Act:

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

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

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

1 (2) a communication appearing in a news story
 2 or editorial distributed through print, broadcast, satellite,
 3 cable or electronic media, unless the communication is
 4 sponsored or paid for, or the media are controlled or owned, by
 5 a candidate, campaign committee, political committee or
 6 independent expenditure committee; or

7 (3) nonpartisan voter guides allowed by the
 8 federal Internal Revenue Code of 1986 for Section 501(c)(3)
 9 organizations, nonpartisan get-out-the-vote materials or
 10 announcements of candidate debates or forums;

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

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

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

22 [~~D.~~] E. "campaign committee" means an association
 23 of two or more persons, [authorized by a candidate] or an
 24 entity, whose primary purpose is to raise, collect [~~or~~] and
 25 expend contributions on [the candidate's] behalf of and with

.192734.1

1 the authorization of the candidate for the purpose of electing
2 the candidate to office;

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

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

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

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

.192734.1

[F-] H. "contribution":

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

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

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

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

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

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

(f) donated to a person who makes independent expenditures of more than three thousand dollars (\$3,000) in the aggregate and has chosen not to establish a

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1 segregated bank account pursuant to Paragraph (1) of Subsection
2 C of Section 1 of this 2013 act;

3 (2) includes a coordinated expenditure; and

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

12 I. "coordinated expenditure":

13 (1) means an expenditure that is made:

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

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

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

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

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

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

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

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

25 [~~J.~~] M. "expenditure" means a payment, transfer or

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

8 N. "independent expenditure" means an expenditure
9 that is:

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

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

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

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

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

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

1 sixty days before the general election at which the candidate
 2 or ballot measure is on the ballot;

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

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

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

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

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

23 ~~(3) a person or an organization of two or more~~
 24 ~~persons that within one calendar year expends funds in excess~~
 25 ~~of five hundred dollars (\$500) to conduct an advertising~~

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1 ~~campaign for a political purpose;~~

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

6 (1) a qualified political party; or

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

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

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

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

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

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

3 "1-19-26.1. POLITICAL COMMITTEES AND INDEPENDENT
4 EXPENDITURE COMMITTEES--REGISTRATION--DISCLOSURES.--

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

14 B. A political committee shall appoint and maintain
15 a treasurer and register with the secretary of state within ten
16 days of [~~receiving, contributing or expending in excess of five~~
17 ~~hundred dollars (\$500)] making a contribution or a coordinated
18 or independent expenditure, and an independent expenditure
19 committee shall appoint and maintain a treasurer and register
20 with the secretary of state within ten days of expending more
21 than three thousand dollars (\$3,000) for independent
22 expenditures within a twelve-month period, by [~~paying a filing~~
23 ~~fee of fifty dollars (\$50.00) and]~~ filing a statement of
24 organization under oath on a prescribed form showing:~~

- 25 (1) the full name of the [~~political~~]

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1 committee, which shall fairly and accurately reflect the
2 identity of the committee [~~including any sponsoring~~
3 ~~organization~~] and its address;

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

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

8 ~~(4)]~~ (3) the names and addresses of the
9 officers of the committee; and

10 [~~(5)]~~ (4) an identification of [~~the~~] any bank
11 account used by the committee [~~for all expenditures or~~] to
12 receive or make contributions [~~made or received~~] or make
13 coordinated or independent expenditures.

14 C. The provisions of this section do not apply to a
15 political committee that is located in another state and is
16 registered with the federal election commission if the
17 political committee reports on federal reporting forms filed
18 with the federal election commission all expenditures for and
19 contributions made to reporting individuals in New Mexico and
20 files with the secretary of state, according to the schedule
21 required for the filing of forms with the federal election
22 commission, a copy of either the full report or the cover sheet
23 and the portions of the federal reporting forms that contain
24 the information on expenditures for and contributions made to
25 reporting individuals in New Mexico."

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

3 "1-19-27. REPORTS REQUIRED--~~[PROPER FILING OFFICER]~~
4 ELECTRONIC REPORTING SYSTEM.--

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

9 ~~B. The proper filing officer for filing reports of~~
10 ~~expenditures and contributions by a political committee is the~~
11 ~~secretary of state.~~

12 ~~C. The proper filing officer for filing reports of~~
13 ~~expenditures and contributions or statements of no activity is~~
14 ~~the secretary of state for all candidates and public~~
15 ~~officials.]~~

16 A. All reporting individuals shall file with the
17 secretary of state the reports of expenditures and
18 contributions and statements of no activity when required by
19 the Campaign Reporting Act on forms prescribed by the secretary
20 of state.

21 ~~[D.]~~ B. The secretary of state shall develop or
22 contract for services to develop an electronic reporting system
23 for receiving and for public inspection of reports of
24 expenditures and contributions and statements of no activity to
25 the Campaign Reporting Act. The electronic reporting system

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1 shall:

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

4 (2) provide for encrypted transmissions."

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

7 "1-19-29. TIME AND PLACE OF FILING REPORTS.--

8 A. Except as otherwise provided in this section,
9 all reporting individuals shall file with the proper filing
10 officer by [~~5:00 p.m.~~] midnight on the second Monday in April
11 and October a report of all [~~expenditures made and~~
12 contributions and expenditures required to be reported pursuant
13 to Section 1-19-31 NMSA 1978 that were made or received on or
14 before the first Monday in those months and not previously
15 reported. The report shall be filed biannually until the
16 [~~reporting individual's bank account has been closed and the~~
17 other] provisions specified in Subsection F or G of this
18 section have been satisfied.

19 B. In an election year, instead of the biannual
20 reports provided for in Subsection A of this section, all
21 reporting individuals, except for public officials who are not
22 candidates in an election that year, shall file reports of all
23 [~~expenditures made and~~] contributions [~~received~~] and
24 expenditures required to be reported pursuant to Section
25 1-19-31 NMSA 1978 or, if applicable, statements of no activity,

.192734.1

1 according to the following schedule:

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

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

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

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

18 (5) by [~~5:00 p.m.~~] midnight on the Thursday
19 before a primary or general [~~or statewide special~~] election, a
20 report of all such expenditures made and contributions made or
21 received by 5:00 p.m. on the Tuesday before the election and
22 not previously reported. Any contribution or pledge to
23 contribute that is received after 5:00 p.m. on the Tuesday
24 before the election and that is for more than five hundred
25 dollars (\$500) [~~or more~~] in a legislative or non-statewide

.192734.1

1 judicial election, or more than two thousand five hundred
2 dollars (\$2,500) [~~or more~~] in a statewide election, shall be
3 reported to the proper filing officer either in a supplemental
4 report on a prescribed form within twenty-four hours of receipt
5 or in the report to be filed by [~~5:00 p.m.~~] midnight on the
6 Thursday before a primary or general [~~or statewide special~~]
7 election, except that any such contribution or pledge to
8 contribute that is received after 5:00 p.m. on the Friday
9 before the election may be reported by 12:00 noon on the Monday
10 before the election; [~~and~~]

11 (6) by [~~5:00 p.m.~~] midnight on the thirtieth
12 day after a primary [~~general or statewide special~~] election, a
13 report by all reporting individuals, except those individuals
14 that become candidates after the primary election, of all such
15 expenditures made and contributions made or received on or
16 before the twenty-fifth day after the primary election and not
17 previously reported; and

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

22 C. If a candidate, campaign committee or public
23 official has not received any contributions and has not made
24 any expenditures since the candidate's, committee's or
25 official's last report was filed with the proper filing

1 officer, the candidate, committee or official shall only be
2 required to file a statement of no activity, which shall not be
3 required to be notarized, in lieu of a full report when that
4 report would otherwise be due and shall not be required to file
5 a full report until the next required filing date occurring
6 after an expenditure is made or a contribution is received.

7 D. In an election year, a public official who is
8 not a candidate shall file biannual reports of expenditures
9 made and contributions received or statements of no activity in
10 accordance with the schedule provided for in Subsection A of
11 this section.

12 E. A report of expenditures and contributions filed
13 after a deadline set forth in this section shall not be deemed
14 to have been timely filed.

15 F. Except for candidates, campaign committees and
16 public officials who file a statement of no activity, each
17 reporting individual for a candidate, campaign committee or
18 public official shall file a report of expenditures and
19 contributions pursuant to the filing schedules set forth in
20 this section, regardless of whether any expenditures were made
21 or contributions were received during the reporting period.
22 Reports shall be required until the reporting individual
23 delivers a report to the proper filing officer stating that:

- 24 (1) there are no outstanding campaign debts;
25 (2) all money has been expended in accordance

.192734.1

1 with the provisions of Section 1-19-29.1 NMSA 1978; and

2 (3) the bank account has been closed.

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

8 G. If during a non-election year an independent
9 expenditure committee or political committee has not made or
10 received any contributions or made any coordinated or
11 independent expenditures since it filed its last report
12 pursuant to this section, it need not file any report under
13 this section until the next reporting period, if any, in which
14 it makes or receives contributions or makes such expenditures.
15 An independent expenditure committee or political committee
16 that has not made any contributions or coordinated or
17 independent expenditures for a continuous period of at least
18 one year may thereupon cancel its registration as an
19 independent expenditure committee or political committee by
20 submitting an appropriate request in writing to the proper
21 filing officer. The committee shall retain the obligation to
22 submit a new registration under Section 1-19-26.1 NMSA 1978 in
23 the event that its future activities should meet the requisites
24 for registration under that section.

25 H. A reporting individual who is a candidate within

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1 the meaning of the Campaign Reporting Act because of the amount
2 of contributions the candidate receives or expenditures the
3 candidate makes and who does not ultimately file a declaration
4 of candidacy or a nominating petition with the proper filing
5 officer and does not file a statement of no activity shall file
6 biannual reports in accordance with Subsection A of this
7 section.

8 I. Reports required by this section shall be
9 subscribed and sworn to by the candidate or the treasurer of
10 the political committee or independent expenditure committee
11 or, in the case of candidates for judicial office, by the
12 treasurer of the candidate's campaign committee. A report
13 filed electronically shall be electronically authenticated by
14 the candidate or the treasurer of the [~~political~~] committee
15 using an electronic signature in conformance with the
16 Electronic Authentication of Documents Act and the Uniform
17 Electronic Transactions Act. For the purposes of the Campaign
18 Reporting Act, a report that is electronically authenticated in
19 accordance with the provisions of this subsection shall be
20 deemed to have been subscribed and sworn to by the candidate or
21 the treasurer of the [~~political~~] committee who was required to
22 file the report.

23 J. Reports required by this section shall be filed
24 electronically by all reporting individuals.

25 K. Reporting individuals may apply to the secretary

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1 of state for exemption from electronic filing in case of
2 hardship, which shall be defined by the secretary of state."

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

5 "1-19-31. CONTENTS OF REPORT.--~~[A.]~~ Each required report
6 of expenditures and contributions shall be typed or printed
7 legibly, or on a computer disc or format approved by the
8 secretary of state, and shall include:

9 ~~[(1)]~~ A. the name and address of the person or
10 entity to whom ~~[an]~~ a contribution or a campaign, coordinated
11 or independent expenditure was made or from whom a contribution
12 was received during the previous twelve months and not
13 previously reported, except as provided for anonymous
14 contributions or contributions received from special events as
15 provided in Section 1-19-34 NMSA 1978; provided that for
16 contributors, the name of the entity or the first and last
17 names of any individual shall be the full name of the entity or
18 individual, and initials only shall not constitute a full name
19 unless that is the complete legal name;

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

24 ~~[(3)]~~ C. the amount of the campaign, coordinated or
25 independent expenditure or contribution or value thereof;

1 ~~[(4)]~~ D. the purpose of the campaign, coordinated
 2 or independent expenditure; ~~[and~~

3 ~~(5)]~~ E. the date that the campaign, coordinated or
 4 independent expenditure was made or the contribution was made
 5 or received; and

6 F. for campaign committees, candidates and public
 7 officials that have not closed their campaign accounts, in
 8 addition to the information required by Subsections A through E
 9 of this section, the:

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

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

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

15 (3) opening and closing cash balance for the
 16 ~~[bank]~~ campaign account maintained by the reporting individual
 17 during the reporting period and the name of the financial
 18 institution; and

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

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

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

24 "1-19-34. CANDIDATES--POLITICAL, CAMPAIGN OR INDEPENDENT
 25 EXPENDITURE COMMITTEES--TREASURER--BANK ACCOUNT--ANONYMOUS

.192734.1

underscored material = new
 [bracketed material] = delete

1 CONTRIBUTIONS--CONTRIBUTIONS FROM SPECIAL EVENTS.--

2 A. ~~[It is unlawful for the members of any]~~ A
3 political, campaign or independent expenditure committee or any
4 candidate ~~[to make any expenditure or solicit or accept any~~
5 ~~contribution for a political purpose unless]~~ shall ensure that:

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

12 (2) all ~~[disbursements of money and]~~ receipts
13 of contributions and all contributions and campaign,
14 coordinated or independent expenditures made are authorized by
15 and through the candidate or treasurer;

16 (3) a ~~[separate]~~ bank account has been
17 established and all receipts of money contributions are
18 deposited in and all contributions and campaign, coordinated or
19 independent expenditures ~~[of money are deposited in and]~~ are
20 disbursed from ~~[the one bank account]~~ one or more bank accounts
21 maintained by the treasurer in the name of the candidate or
22 ~~[political]~~ committee ~~[provided that nothing in this section~~
23 ~~shall prohibit investments from the bank account to earn~~
24 ~~interest as long as the investments and earnings are fully~~
25 ~~reported]~~. All ~~[disbursements]~~ campaign, coordinated or

underscored material = new
[bracketed material] = delete

1 independent expenditures except for [~~disbursements~~]
2 expenditures made from a petty cash fund of one hundred dollars
3 (\$100) or less shall be [~~by check made payable to the person or~~
4 ~~entity receiving the disbursement and not to "cash" or~~
5 ~~"bearer"~~] made in a form such that the date, amount and payee
6 of the transaction are automatically recorded; and

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

17 B. An independent expenditure committee shall not
18 make contributions to candidates, campaign committees or
19 political committees or make coordinated expenditures.

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

.192734.1

1 dollars (\$500) for all other races.

2 ~~[E-]~~ D. Cash contributions received at special
3 events that are unidentifiable as to specific contributor but
4 identifiable as to the special event are not subject to the
5 anonymous contribution limits provided for in this section so
6 long as no single special event raises, after expenses, more
7 than ~~[one thousand dollars (\$1,000)]~~ five thousand dollars
8 (\$5,000) in such cash contributions. For those contributions,
9 due diligence and best efforts shall be made to disclose on a
10 special prescribed form the sponsor, date, place, total amount
11 received, expenses incurred, estimated number of persons in
12 attendance and other identifiable factors that describe the
13 special event. For purposes of this subsection, "special
14 event" includes an event such as a barbecue or similar
15 fundraiser where tickets costing ~~[fifteen dollars (\$15.00)]~~
16 twenty-five dollars (\$25.00) or less are sold or an event such
17 as a coffee, tea or similar reception.

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

25 **SECTION 9.** Section 1-19-34.1 NMSA 1978 (being Laws 1993,

.192734.1

1 Chapter 46, Section 12, as amended) is amended to read:

2 "1-19-34.1. LEGISLATIVE SESSION--FUNDRAISING
3 PROHIBITION.--

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

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

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

22 "1-19-34.6. CIVIL PENALTIES.--

23 A. If the secretary of state reasonably believes
24 that a person committed, or is about to commit, a violation of
25 the Campaign Reporting Act, the secretary of state shall refer

.192734.1

1 the matter to the attorney general or a district attorney for
2 enforcement.

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

19 C. With or without a referral from the secretary of
20 state, the attorney general or district attorney may institute
21 a civil action in district court if a violation has occurred or
22 to prevent a violation of any provision of the Campaign
23 Reporting Act other than that specified in Subsection B of this
24 section. Relief may include a permanent or temporary
25 injunction, a restraining order or any other appropriate order,

1 including an order for a civil penalty of [~~fifty dollars~~
 2 ~~(\$50.00)~~] up to one thousand dollars (\$1,000) for each
 3 violation not to exceed [~~five thousand dollars (\$5,000)~~] a
 4 total of twenty thousand dollars (\$20,000)."

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

7 "1-19-34.7. CONTRIBUTION LIMITATIONS--CANDIDATES--
 8 POLITICAL COMMITTEES.--

9 A. The following contributions by the following
 10 persons are prohibited:

11 (1) from a person, not including a political
 12 committee, to a:

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

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

25 (c) political committee in an amount

.192734.1

1 that will cause that person's total contributions to the
2 political committee to exceed five thousand dollars (\$5,000)
3 during a primary election cycle or five thousand dollars
4 (\$5,000) during a general election cycle; and

5 (2) from a political committee to:

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

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

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

22 C. A person, including a political committee, shall
23 not knowingly accept or solicit a contribution, directly or
24 indirectly, including a contribution earmarked or otherwise
25 directed or coordinated through another person, including a

1 political committee, that violates the contribution limits
2 provided for in this section.

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

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

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

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

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

.192734.1

1 office; and

2 (2) ~~"general election" means the period~~
3 ~~beginning on the day after the primary for the applicable~~
4 ~~office and ending on the day of the general election for that~~
5 ~~office.]"~~

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

8 "1-19-36. PENALTIES [~~CRIMINAL ENFORCEMENT~~].--

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

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

19 SECTION 13. REPEAL.--Sections 1-19-16 and 1-19-17 NMSA
20 1978 (being Laws 1973, Chapter 401, Sections 1 and 2) are
21 repealed.

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