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AN ACT

RELATING TO PUBLIC FINANCING OF ELECTIONS; REMOVING SEED MONEY REQUIREMENTS; ALLOWING CERTAIN CONTRIBUTIONS; CHANGING DISTRIBUTION AND MATCHING FUND AMOUNTS; CLARIFYING PENALTY PROVISIONS; AMENDING, REPEALING AND ENACTING SECTIONS OF THE VOTER ACTION ACT.

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

SECTION 1. Section 1-19A-1 NMSA 1978 (being Laws 2003, Chapter 14, Section 1) is amended to read:

"1-19A-1. SHORT TITLE.--Chapter 1, Article 19A NMSA 1978 may be cited as the "Voter Action Act"."

SECTION 2. Section 1-19A-2 NMSA 1978 (being Laws 2003, Chapter 14, Section 2, as amended) is amended to read:

"1-19A-2. DEFINITIONS.--As used in the Voter Action Act:

A. "applicant candidate" means a candidate who is running for a covered office and who is seeking to be a certified candidate in a primary or general election;

B. "certified candidate" means a candidate running for a covered office who chooses to obtain financing pursuant to the Voter Action Act and is certified as a Voter Action Act candidate;

C. "contested election" means an election in which there are more candidates for a position than the number to

1 be elected to that position;

2 D. "covered office" means any office of the  
3 judicial department subject to statewide elections and the  
4 office of public regulation commissioner;

5 E. "election cycle" means the primary and general  
6 elections for the same term of the same covered office,  
7 beginning on the day after the last general election for the  
8 office and ending with the general election; the primary  
9 election cycle begins on the first day of the election cycle  
10 and ends on the day of the primary election; the general  
11 election begins on the day after the primary election and  
12 ends on the day of the general election;

13 F. "fund" means the public election fund;

14 G. "qualifying contribution" means a donation of  
15 five dollars (\$5.00) in the form of cash or a check or money  
16 order payable to the fund in support of an applicant  
17 candidate that is:

18 (1) made by a voter who is eligible to vote  
19 for the covered office that the applicant candidate is  
20 seeking;

21 (2) made during the designated qualifying  
22 period and obtained through efforts made with the knowledge  
23 and approval of the applicant candidate; and

24 (3) acknowledged by a receipt that  
25 identifies the contributor's name and residential address on

1 forms provided by the bureau of elections and that is signed  
2 by the contributor, one copy of which is attached to the list  
3 of contributors and sent to the bureau of elections;

4 H. "qualifying period" means:

5 (1) for major party applicant candidates for  
6 covered offices, the period beginning October 1 immediately  
7 preceding the election year and ending at 5:00 p.m. on the  
8 third Tuesday of March of the election year; and

9 (2) for independent and minor party  
10 candidates, the period beginning January 1 of the election  
11 year and ending that year at 5:00 p.m. on the filing date for  
12 independent or minor party candidates for the office for  
13 which the candidate is running; and

14 I. "secretary" means the secretary of state or the  
15 office of the secretary of state."

16 SECTION 3. Section 1-19A-3 NMSA 1978 (being Laws 2003,  
17 Chapter 14, Section 3) is amended to read:

18 "1-19A-3. TERMS OF PARTICIPATION--DECLARATION OF  
19 INTENT.--

20 A. A person choosing to obtain financing pursuant  
21 to the Voter Action Act shall first file with the secretary a  
22 declaration of intent to participate in that act as an  
23 applicant candidate for a stated covered office. The  
24 declaration of intent shall be filed with the secretary prior  
25 to or during the qualifying period according to forms and

1 procedures developed by the secretary.

2 B. To become an applicant candidate and  
3 participate in the Voter Action Act, a person shall submit a  
4 declaration of intent prior to collecting any qualifying  
5 contributions or other contributions and make explicit in the  
6 declaration that the candidate has complied with and will  
7 continue to comply with that act's contribution and  
8 expenditure limits and all other requirements set forth in  
9 that act and rules issued by the secretary.

10 C. A person shall not be eligible to become an  
11 applicant candidate if the person has accepted contributions  
12 totaling more than one hundred dollars (\$100) from any one  
13 contributor during the election cycle in which the person is  
14 running for office."

15 SECTION 4. Section 1-19A-6 NMSA 1978 (being Laws 2003,  
16 Chapter 14, Section 6) is amended to read:

17 "1-19A-6. CERTIFICATION.--

18 A. Upon receipt of a final submittal of qualifying  
19 contributions by an applicant candidate, the secretary shall  
20 determine from the applicant candidate's statement whether  
21 the applicant candidate has:

22 (1) signed and filed a declaration of intent  
23 to obtain financing pursuant to the Voter Action Act in  
24 accordance with the requirements of that act;

25 (2) collected and submitted the appropriate

1 number of qualifying contributions after filing a declaration  
2 of intent;

3 (3) the qualifications to be a candidate  
4 pursuant to other applicable state election law;

5 (4) complied with contribution and  
6 expenditure restrictions; and

7 (5) otherwise met the requirements for  
8 obtaining financing pursuant to the Voter Action Act.

9 B. The secretary shall certify applicant  
10 candidates complying with the requirements of this section as  
11 certified candidates as soon as possible and no later than  
12 ten days after final submittal of qualifying contributions  
13 and certification as a candidate pursuant to other applicable  
14 state election law.

15 C. A certified candidate shall comply with all  
16 requirements of the Voter Action Act after certification and  
17 throughout the primary election and general election cycles.  
18 A certified candidate who accepts public campaign finance  
19 funds for the primary election shall comply with all the  
20 requirements of the Voter Action Act for the remainder of the  
21 election cycle in question, even if the certified candidate  
22 decides not to accept such funds for the general election."

23 SECTION 5. Section 1-19A-7 NMSA 1978 (being Laws 2003,  
24 Chapter 14, Section 7, as amended) is amended to read:

25 "1-19A-7. GUIDELINES AND RESTRICTIONS FOR CONTRIBUTIONS

1 TO AND EXPENDITURES OF CERTIFIED CANDIDATES.--

2 A. All money distributed to a certified candidate  
3 shall be used for that candidate's campaign-related purposes  
4 in the election cycle in which the money was distributed.

5 B. A certified candidate shall return to the fund  
6 any amount that is unspent or unencumbered at the time that  
7 person ceases to be a candidate before a primary or general  
8 election for which the fund money was distributed.

9 C. A certified candidate shall limit total  
10 campaign expenditures and debts to the amount of money  
11 distributed to that candidate from the fund, money received  
12 from a political party pursuant to Section 1-19A-8 NMSA 1978  
13 and contributions collected pursuant to Section 8 of this  
14 2013 act. A certified candidate shall not accept  
15 contributions or loans from any other source except the  
16 certified candidate's political party, as specified in  
17 Section 1-19A-8 NMSA 1978 and contributions collected  
18 pursuant to Section 8 of this 2013 act.

19 D. A certified candidate shall, within thirty days  
20 after the primary election, transfer to the secretary for  
21 deposit in the fund any amount received from the fund, from a  
22 political party pursuant to Section 1-19A-8 NMSA 1978 or from  
23 private contributors pursuant to Section 8 of this 2013 act  
24 that remains unspent or unencumbered by the date of the  
25 primary election.

1           E. A certified candidate shall, within thirty days  
2 after the general election, transfer to the secretary for  
3 deposit in the fund any amount received from the fund, from a  
4 political party pursuant to Section 1-19A-8 NMSA 1978 or from  
5 private contributors pursuant to Section 8 of this 2013 act  
6 that remains unspent or unencumbered by the date of the  
7 general election.

8           F. If a certified candidate withdraws his or her  
9 candidacy or otherwise ceases to be a certified candidate,  
10 the candidate shall, within thirty days thereafter, transfer  
11 to the secretary for deposit in the fund any amount received  
12 from the fund, from a political party pursuant to Section  
13 1-19A-8 NMSA 1978 or from private contributors pursuant to  
14 Section 8 of this 2013 act that remains unspent or  
15 unencumbered by the date the candidate withdraws or otherwise  
16 ceases to be a certified candidate."

17           SECTION 6. Section 1-19A-9 NMSA 1978 (being Laws 2003,  
18 Chapter 14, Section 9) is amended to read:

19           "1-19A-9. CANDIDATE REPORTING REQUIREMENTS.--

20           A. The secretary shall publish guidelines  
21 outlining permissible campaign-related expenditures and  
22 penalties for violations of the Voter Action Act by  
23 January 1, 2014.

24           B. Applicant candidates shall file a report  
25 listing contributions and expenditures with their application

1 for certification.

2 C. Applicant candidates shall file qualifying  
3 contributions with the secretary during the qualifying period  
4 according to procedures developed by the secretary. In  
5 developing these procedures, the secretary shall use existing  
6 campaign reporting procedures and deadlines whenever  
7 practical.

8 D. Certified candidates shall report all  
9 contributions and expenditures according to the campaign  
10 reporting schedule specified in the Campaign Reporting Act."

11 SECTION 7. Section 1-19A-10 NMSA 1978 (being Laws 2003,  
12 Chapter 14, Section 10, as amended) is amended to read:

13 "1-19A-10. PUBLIC ELECTION FUND--CREATION--USE.--

14 A. There is created in the state treasury the  
15 "public election fund" solely for the purposes of:

16 (1) financing the election campaigns of  
17 certified candidates for covered offices;

18 (2) paying administrative and enforcement  
19 costs of the Voter Action Act; and

20 (3) carrying out all other specified  
21 provisions of the Voter Action Act.

22 B. The state treasurer shall invest the funds as  
23 other state funds are invested, and all income derived from  
24 the fund shall be credited directly to the fund. Remaining  
25 balances at the end of a fiscal year shall remain in the



1 election fund and not revert to the general fund.

2 C. Money received from the following sources shall  
3 be deposited directly into the fund:

4 (1) qualifying contributions that have been  
5 submitted to the secretary;

6 (2) any recurring balance of unspent fund  
7 money distributed to a certified candidate who does not  
8 remain a candidate through the primary or general election  
9 period for which the money was distributed;

10 (3) money that remains unspent or  
11 unencumbered by a certified candidate following the date of  
12 the primary election;

13 (4) money that remains unspent or  
14 unencumbered by a certified candidate following the date of  
15 the general election;

16 (5) unspent contributions to a candidate;

17 (6) money distributed to the fund from funds  
18 received pursuant to the Uniform Unclaimed Property Act  
19 (1995); and

20 (7) money appropriated by the legislature.

21 D. A subaccount shall be established in the fund,  
22 and money in the subaccount shall only be used to pay the  
23 costs of carrying out the provisions of the Voter Action Act  
24 related to public regulation commission elections.

25 E. Three hundred thousand dollars (\$300,000) per

1 year shall be collected and deposited in the subaccount for  
2 public regulation commission elections as follows:

3 (1) one hundred thousand dollars (\$100,000)  
4 from inspection and supervision fees collected pursuant to  
5 Section 62-8-8 NMSA 1978;

6 (2) one hundred thousand dollars (\$100,000)  
7 from utility and carrier inspection fees collected pursuant  
8 to Section 63-7-20 NMSA 1978; and

9 (3) one hundred thousand dollars (\$100,000)  
10 from the insurance premium tax collected pursuant to Section  
11 59A-6-2 NMSA 1978."

12 SECTION 8. A new section of the Voter Action Act is  
13 enacted to read:

14 "ALLOWABLE CONTRIBUTIONS.--

15 A. An applicant candidate may collect  
16 contributions during the sixty days immediately preceding the  
17 qualifying period and throughout the qualifying period from  
18 qualified electors registered to vote in the candidate's  
19 district. An applicant candidate shall not accept  
20 contributions from any other source.

21 B. A certified candidate may collect contributions  
22 from qualified electors registered to vote in the candidate's  
23 district. A certified candidate shall not accept  
24 contributions from any other source except as allowed  
25 pursuant to Section 1-19A-8 NMSA 1978.

1 C. Total contributions from a qualified elector to  
2 a candidate may not exceed one hundred dollars (\$100) per  
3 election cycle."

4 SECTION 9. Section 1-19A-14 NMSA 1978 (being Laws 2003,  
5 Chapter 14, Section 14, as amended) is amended to read:

6 "1-19A-14. MATCHING FUNDS.--

7 A. After the initial distribution pursuant to  
8 Section 1-19A-13 NMSA 1978, the secretary shall distribute  
9 matching funds from the fund to a certified candidate in an  
10 amount equal to four times the amount of contributions that  
11 the candidate collected as an applicant candidate and as a  
12 certified candidate, subject to the limitation in Subsection  
13 B of this section. Matching funds shall be distributed  
14 within three days after the certified candidate has filed a  
15 campaign report required by the Campaign Reporting Act that  
16 indicates that the candidate has collected contributions in  
17 accordance with the provisions of Section 8 of this 2013 act.

18 B. The amount of all public money distributed to a  
19 certified candidate in an election is limited to three times  
20 the amount of the initial distribution allowed for that  
21 candidate pursuant to Section 1-19A-13 NMSA 1978.

22 C. No matching funds shall be distributed to a  
23 candidate in an uncontested election."

24 SECTION 10. Section 1-19A-17 NMSA 1978 (being Laws  
25 2003, Chapter 14, Section 17) is amended to read:

1 "1-19A-17. PENALTIES.--

2 A. In addition to other penalties that may be  
3 applicable, a person who violates a provision of the Voter  
4 Action Act is subject to a civil penalty of up to ten  
5 thousand dollars (\$10,000) per violation. In addition to a  
6 fine, a certified candidate found in violation of that act  
7 may be required to return to the fund all amounts distributed  
8 to the candidate from the fund. If the secretary makes a  
9 determination that a violation of that act has occurred, the  
10 secretary shall impose a fine and transmit the finding to the  
11 attorney general for criminal prosecution pursuant to  
12 Subsection B of this section. In determining whether a  
13 certified candidate is in violation of the expenditure limits  
14 of that act, the secretary may consider as a mitigating  
15 factor any circumstances out of the candidate's control.

16 B. A person who willfully or knowingly violates  
17 the provisions of the Voter Action Act or rules of the  
18 secretary or knowingly makes a false statement in a report  
19 required by that act, including reports required by the  
20 Campaign Reporting Act, is guilty of a fourth degree felony  
21 and, if the person is a certified candidate, shall return to  
22 the fund all money distributed to that candidate."

23 SECTION 11. REPEAL.--Section 1-19A-5 NMSA 1978 (being  
24 Laws 2003, Chapter 14, Section 5, as amended) is repealed.\_\_\_\_\_