

1 HOUSE BILL 278

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 James E. Smith and Peter Wirth

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10 AN ACT

11 RELATING TO CAMPAIGN FINANCE; REQUIRING REPORTING OF
12 INDEPENDENT EXPENDITURES AND COVERED TRANSFERS; REDEFINING
13 "POLITICAL COMMITTEE"; DEFINING "ADVERTISEMENT", "BALLOT
14 MEASURE", "CAMPAIGN EXPENDITURE", "COORDINATED EXPENDITURE",
15 "INDEPENDENT EXPENDITURE" AND OTHER TERMS; ADJUSTING
16 CONTRIBUTION AND EXPENDITURE REPORTING REQUIREMENTS, LIMITS AND
17 THRESHOLDS; CHANGING PENALTIES; PROVIDING PENALTIES; AMENDING,
18 REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

19
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

21 SECTION 1. A new section of the Campaign Reporting Act is
22 enacted to read:

23 "[NEW MATERIAL] INDEPENDENT EXPENDITURES--COVERED
24 TRANSFERS--REPORTING REQUIREMENTS.--

25 A. A person who makes an independent expenditure or

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1 covered transfer not otherwise required to be reported under
2 the Campaign Reporting Act in an amount that exceeds one
3 thousand dollars (\$1,000), or in an amount that, when added to
4 the aggregate amount of the independent expenditures or covered
5 transfers made by the same person during the preceding twelve
6 months, exceeds one thousand dollars (\$1,000), shall file a
7 report with the secretary of state within:

8 (1) twenty-four hours after making an
9 independent expenditure or covered transfer of three thousand
10 dollars (\$3,000) or more within fourteen days before a primary
11 or general election; or

12 (2) three days after making any other
13 independent expenditure or covered transfer for which a report
14 is required by this section.

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 independent expenditure or covered transfer;

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

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1 (3) for each contribution or covered transfer
2 to the person who made the independent expenditure or covered
3 transfer that either was earmarked by the contributor to be
4 used to make independent expenditures or covered transfers or
5 was made in response to a solicitation for contributions to
6 fund independent expenditures or covered transfers, the amount
7 of each contribution or covered transfer made by, and the name
8 and address of, each contributor who made such a contribution
9 or covered transfer and who contributed more than two hundred
10 dollars (\$200) in the aggregate during the twelve months
11 preceding the independent expenditure or covered transfer to
12 the person who made the independent expenditure or covered
13 transfer.

14 C. For an independent expenditure or covered
15 transfer of more than three thousand dollars (\$3,000) or an
16 independent expenditure or covered transfer in an amount that,
17 when added to the aggregate amount of the independent
18 expenditures or covered transfers made by the same person
19 during the preceding twelve months, exceeds three thousand
20 dollars (\$3,000), the report required by Subsection A of this
21 section shall also state:

22 (1) if the independent expenditure or covered
23 transfer was made from a segregated bank account that consists
24 only of funds contributed to the account by individuals for the
25 purpose of making independent expenditures or covered

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1 transfers, the name and address of, and the amount of each
2 contribution not previously reported for, each contributor who
3 contributed more than two hundred dollars (\$200) in the
4 aggregate to the account during the twelve months preceding the
5 report; or

6 (2) if the independent expenditure or covered
7 transfer was made from funds other than those described in
8 Paragraph (1) of this subsection, the name and address of, and
9 amount of each contribution not previously reported for, each
10 contributor who contributed more than five thousand dollars
11 (\$5,000) in the aggregate to the person who made the
12 independent expenditure or covered transfer during the twelve
13 months preceding the report; provided, however, that a
14 contribution is exempt from reporting pursuant to this
15 paragraph if the contributor requested in writing that the
16 contribution not be used to fund independent or coordinated
17 expenditures or make contributions to a candidate, campaign
18 committee, political committee or independent expenditure
19 committee.

20 D. Independent expenditures and covered transfers
21 shall be reported electronically using software provided or
22 approved by the secretary of state. The secretary of state may
23 make exceptions on a case-by-case basis for a person who lacks
24 the technological ability to file reports using the electronic
25 means provided or approved by the secretary of state.

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1 E. Failure of any person to report electronically
2 pursuant to this section is a violation of the Campaign
3 Reporting Act."

4 **SECTION 2.** A new section of the Campaign Reporting Act is
5 enacted to read:

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

7 A. A person who makes a campaign expenditure, a
8 coordinated expenditure or an independent expenditure for an
9 advertisement in an amount that exceeds three thousand dollars
10 (\$3,000), or in an amount that, when added to the aggregate
11 amount of the campaign expenditures, coordinated expenditures
12 and independent expenditures for advertisements made by the
13 same person during the preceding twelve months, exceeds three
14 thousand dollars (\$3,000), shall ensure that the advertisement
15 contains:

16 (1) the name of the candidate who authorized
17 the advertisement or whose campaign committee authorized the
18 advertisement; or

19 (2) if the advertisement is not authorized by
20 any candidate or campaign committee, the name and the phone
21 number or web address of the person who authorized and paid for
22 the advertisement.

23 B. An advertisement paid for by an independent
24 expenditure that is reportable pursuant to Subsection A of this
25 section shall include, in addition to any disclaimer statements

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1 required by Paragraph (2) of Subsection A of this section, a
2 statement that clearly lists the top three funders described in
3 Subsection C of this section.

4 C. For the purposes of this section, "top three
5 funders" means:

6 (1) the three persons who made the largest
7 aggregate donations to the person making the independent
8 expenditure that were designated to be used for the
9 advertisement at issue and who were required to be identified
10 in any report filed by the organization pursuant to Section 1
11 of this 2015 act; or

12 (2) if fewer than three persons meet the
13 requirements of Paragraph (1) of this subsection, the three or
14 fewer persons who made the largest aggregate donations of any
15 type to the person making the independent expenditure and who
16 were required to be identified in any report filed by the
17 organization under Section 1 of this 2015 act during the
18 twelve-month period that ends on the date of the expenditure
19 for the advertisement at issue.

20 D. The requirements of Subsections A through C of
21 this section do not apply to the following:

22 (1) bumper stickers, pins, buttons, pens and
23 similar small items upon which the disclaimer cannot be
24 conveniently printed; or

25 (2) skywriting, water towers, wearing apparel

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1 or other means of displaying an advertisement of such a nature
2 that the inclusion of a disclaimer would be impracticable.

3 E. The disclaimer statements required by Subsection
4 A of this section shall be set forth legibly on any
5 advertisement that is disseminated or displayed by visual
6 media. If the advertisement is transmitted by audio media, the
7 statement shall be clearly spoken at the end of the
8 advertisement. If the advertisement is transmitted by
9 audiovisual media, the statement shall be both written legibly
10 and spoken clearly at the end of the advertisement."

11 SECTION 3. A new section of the Campaign Reporting Act is
12 enacted to read:

13 "[NEW MATERIAL] COORDINATION OF EXPENDITURES--EXAMPLES OF
14 COORDINATION.--

15 A. A coordinated expenditure shall be considered a
16 contribution from the person who made the expenditure to the
17 candidate, campaign committee or political party by whom or by
18 whose agent or representative the expenditure was directed or
19 requested or with whom or with whose agent or representative
20 the expenditure was made in cooperation, consultation or
21 concert.

22 B. Examples of proof that will establish that an
23 expenditure was made "at the request or suggestion of, or in
24 consultation, cooperation or concert with" a candidate,
25 campaign committee or political party within the meaning of

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1 Paragraph (2) of Subsection I of Section 1-19-26 NMSA 1978
2 include proof of the facts or occurrences listed in any of
3 Paragraphs (1) through (4) of this subsection. These examples
4 are by way of illustration and do not limit or exclude other
5 kinds of proof that may be used to establish the making of
6 coordinated expenditures:

7 (1) the person making the expenditure finances
8 an advertisement that disseminates, distributes or republishes,
9 in whole or in part, any broadcast or any written, graphic or
10 other form of campaign materials prepared by the candidate, a
11 campaign committee or a political party;

12 (2) the person making the expenditure is,
13 directly or indirectly, formed or established by or at the
14 request or suggestion of, or with the encouragement of, the
15 candidate, campaign committee or political party or the agent
16 of the candidate, campaign committee or political party;

17 (3) the candidate, campaign committee or
18 political party or the agent of the candidate, campaign
19 committee or political party has solicited funds or engaged in
20 other fundraising activity on behalf of the person making the
21 expenditure during the twelve-month period preceding the date
22 of the expenditure, including by providing the person making
23 the expenditure with names of potential donors or other lists
24 to be used by that person in engaging in fundraising activity,
25 regardless of whether or not the person pays fair market value

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1 for the names or lists provided; and

2 (4) the person making the expenditure has
3 employed, retained or accepted a donation of the professional
4 services of any person who, during the twelve-month period
5 preceding the date of the expenditure, has provided or is
6 providing to the candidate, campaign committee or political
7 party professional advice concerning the formation of the
8 candidate's campaign strategy or the content of the candidate's
9 campaign messaging."

10 SECTION 4. Section 1-19-26 NMSA 1978 (being Laws 1979,
11 Chapter 360, Section 2, as amended by Laws 2009, Chapter 67,
12 Section 1 and by Laws 2009, Chapter 68, Section 2) is amended
13 to read:

14 "1-19-26. DEFINITIONS.--As used in the Campaign Reporting
15 Act:

16 ~~[A. "advertising campaign" means an advertisement~~
17 ~~or series of advertisements used for a political purpose and~~
18 ~~disseminated to the public either in print, by radio or~~
19 ~~television broadcast or by any other electronic means,~~
20 ~~including telephonic communications, and may include direct or~~
21 ~~bulk mailings of printed materials;]~~

22 A. "advertisement" means a communication referring
23 to a candidate, ballot measure or election that is published,
24 disseminated, distributed or displayed to the public by print,
25 broadcast, satellite, cable or electronic media, including

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1 recorded phone messages, or by printed materials, including
2 mailers, handbills, signs and billboards, and that can
3 reasonably be expected to be seen or heard by at least five
4 hundred persons; but "advertisement" does not include:

5 (1) a communication by a membership
6 organization or corporation to its current members,
7 stockholders or executive or administrative personnel unless
8 the membership organization or corporation is a campaign
9 committee or a political committee;

10 (2) a communication appearing in a news story
11 or editorial distributed through a print, broadcast, satellite,
12 cable or electronic medium, unless the communication is
13 sponsored or paid for, or the medium controlled or owned, by a
14 candidate, campaign committee or political committee;

15 (3) a candidate debate or forum or a
16 communication announcing a candidate debate or forum paid for
17 on behalf of the debate or forum sponsor; provided that two or
18 more candidates for the same position have been invited to
19 participate; or

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

23 B. "anonymous contribution" means a contribution
24 the contributor of which is unknown to the candidate or the
25 candidate's agent or the political committee or its agent who

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1 accepts the contribution;

2 C. "ballot measure" means a constitutional
3 amendment or other question submitted to the voters in an
4 election;

5 [~~E.~~] D. "bank account" means an account in a
6 financial institution [~~located in New Mexico~~] chartered and
7 regulated by the United States or a state of the United States;

8 [~~D.~~] E. "campaign committee" means an association
9 of two or more persons, [~~authorized by a candidate~~] or an
10 entity whose primary purpose is to raise, collect [~~or~~] and
11 expend contributions on [~~the candidate's~~] behalf of and with
12 the authorization of the candidate for the purpose of electing
13 the candidate to office;

14 F. "campaign expenditure" means an expenditure that
15 is made by a campaign committee or by a candidate or public
16 official in support of the candidate's or public official's
17 campaign in an election;

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

23 (1) for a nonstatewide office, has received
24 contributions or made expenditures of more than one thousand
25 dollars (\$1,000) [~~or more~~] or authorized another person or

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1 campaign committee to receive contributions or make
2 expenditures of more than one thousand dollars (\$1,000) [~~or~~
3 ~~more~~] for the purpose of seeking election to the office; or

4 (2) for a statewide office, has received
5 contributions or made expenditures of [~~two thousand five~~
6 ~~hundred dollars (\$2,500) or~~] more than three thousand dollars
7 (\$3,000) or authorized another person or campaign committee to
8 receive contributions or make expenditures of [~~two thousand~~
9 ~~five hundred dollars (\$2,500) or~~] more than three thousand
10 dollars (\$3,000) for the purpose of seeking election to the
11 office or for candidacy exploration purposes in the years prior
12 to the year of the election;

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

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

19 (2) includes a coordinated expenditure; and

20 (3) does not include the value of services
21 provided without compensation or unreimbursed travel or other
22 personal expenses of individuals who volunteer a portion or all
23 of their time on behalf of a candidate or political committee
24 [~~nor does it include the administrative or solicitation~~
25 ~~expenses of a political committee that are paid by an~~

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1 ~~organization that sponsors the committee];~~

2 I. "coordinated expenditure" means an expenditure
3 that is made:

4 (1) by a person other than a candidate or
5 campaign committee;

6 (2) at the request or suggestion of, or in
7 cooperation, consultation or concert with, a candidate,
8 campaign committee or political party or any agent or
9 representative of such a candidate, campaign committee or
10 political party; and

11 (3) in order to pay for an advertisement that:

12 (a) promotes, supports, attacks or
13 opposes a clearly identified candidate; or

14 (b) refers to a clearly identified
15 candidate, can reasonably be expected to be seen or heard by at
16 least five hundred persons eligible to vote for the candidate
17 and is published or disseminated within thirty days before the
18 primary election or sixty days before the general election at
19 which the candidate is on the ballot;

20 J. "covered transfer" means a transfer or payment
21 of funds from one person to another person for a political
22 purpose if:

23 (1) the transferor designates, requests or
24 suggests that the funds be used to make independent
25 expenditures, coordinated expenditures or contributions to one

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1 or more candidates, campaign committees or political
2 committees, or for making a transfer to another person for the
3 purpose of making or paying for such independent expenditures
4 or contributions;

5 (2) the transfer or payment is made in
6 response to a solicitation or other request for a donation or
7 payment for the making of independent expenditures, coordinated
8 expenditures or contributions to one or more candidates,
9 campaign committees or political committees, or making a
10 transfer to another person for the purpose of making or paying
11 for such independent expenditures or contributions; or

12 (3) the transferor knew or reasonably should
13 have known that, at the time the transfer was made, the person
14 receiving the transfer was an entity whose primary purpose was
15 to make transfers or payments of funds, or to assist in making
16 transfers or payments of funds, to one or more candidates,
17 campaign committees or political committees;

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

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

25 [~~F.~~] M. "election year" means an even-numbered year

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1 in which an election covered by the Campaign Reporting Act is
2 held;

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

11 O. "independent expenditure" means an expenditure
12 that is:

13 (1) made by a person other than a candidate or
14 campaign committee;

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

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

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

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

24 (c) refers to a clearly identified
25 candidate or ballot measure, can reasonably be expected to be

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1 seen or heard by at least five hundred persons eligible to vote
2 for the candidate or ballot measure and is published or
3 disseminated within thirty days before the primary election or
4 sixty days before the general election at which the candidate
5 or ballot measure is on the ballot;

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

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

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

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

21 ~~(3) a person or an organization of two or more~~
22 ~~persons that within one calendar year expends funds in excess~~
23 ~~of five hundred dollars (\$500) to conduct an advertising~~
24 ~~campaign for a political purpose];~~

25 (1) a political party;

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1 (2) an association that consists of two or
2 more persons whose primary purpose is to make contributions to
3 candidates, campaign committees or political committees or make
4 coordinated expenditures or any combination thereof; or

5 (3) an association that consists of two or
6 more persons; whose primary purpose is to make independent
7 expenditures; and that has received more than three thousand
8 dollars (\$3,000) in contributions or made independent
9 expenditures of more than three thousand dollars (\$3,000) in
10 the preceding twelve months;

11 R. "political party" means an association that has
12 qualified as a political party pursuant to the provisions of
13 Section 1-7-2 NMSA 1978;

14 [M-] S. "political purpose" means ~~[influencing or~~
15 ~~attempting to influence an election or pre-primary convention,~~
16 ~~including a constitutional amendment or other question~~
17 ~~submitted to the voters] for the purpose of supporting or
18 opposing the nomination or election of candidates or the
19 passage of ballot measures;~~

20 [N-] T. "prescribed form" means a form or
21 electronic format prepared and prescribed by the secretary of
22 state;

23 [Ø-] U. "proper filing officer" means ~~[either]~~ the
24 secretary of state; ~~[or the county clerk as provided in Section~~
25 ~~1-19-27 NMSA 1978;~~

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1 P-] V. "public official" means a person elected to
2 an office in an election covered by the Campaign Reporting Act
3 or a person appointed to an office that is subject to an
4 election covered by that act; and

5 [Q-] W. "reporting individual" means every public
6 official, candidate or treasurer of a campaign committee and
7 every treasurer of a political committee."

8 SECTION 5. Section 1-19-26.1 NMSA 1978 (being Laws 1993,
9 Chapter 46, Section 2, as amended) is amended to read:

10 "1-19-26.1. POLITICAL COMMITTEES--REGISTRATION--
11 DISCLOSURES.--

12 A. It is unlawful for [~~any~~] a political committee
13 [~~that receives, contributes or expends in excess of five~~
14 ~~hundred dollars (\$500) in any calendar year]~~ to continue to
15 receive or make any contribution or expenditure for a political
16 purpose [~~unless that political committee appoints and maintains~~
17 ~~a treasurer and registers with the secretary of state]~~ if that
18 committee fails to meet the requirements of Subsections B and C
19 of this section.

20 B. A political committee shall [~~register~~] appoint
21 and maintain a treasurer and file a statement of organization
22 with the secretary of state within [~~ten~~] three days of
23 receiving, contributing or expending in excess of [~~five hundred~~
24 dollars (\$500)] one thousand dollars (\$1,000) by paying a
25 filing fee of fifty dollars (\$50.00) and filing a statement of

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1 organization.

2 C. A statement of organization required by
3 Subsection B of this section shall be made under oath on a
4 prescribed form showing:

5 (1) the full name of the [political]
6 committee, which shall fairly and accurately reflect the
7 identity of the committee, including any sponsoring
8 organization, and its address;

9 (2) a statement of the purpose for which the
10 [political] committee was organized;

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

13 ~~(4)]~~ (3) the names and addresses of the
14 officers of the committee; and

15 [~~(5)]~~ (4) an identification of [the] any bank
16 account used by the committee [~~for all expenditures or~~] to
17 receive or make contributions [~~made or received~~] or make
18 expenditures.

19 [~~G. The provisions of this section do not apply to~~
20 ~~a political committee that is located in another state and is~~
21 ~~registered with the federal election commission if the~~
22 ~~political committee reports on federal reporting forms filed~~
23 ~~with the federal election commission all expenditures for and~~
24 ~~contributions made to reporting individuals in New Mexico and~~
25 ~~files with the secretary of state, according to the schedule~~

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1 ~~required for the filing of forms with the federal election~~
2 ~~commission, a copy of either the full report or the cover sheet~~
3 ~~and the portions of the federal reporting forms that contain~~
4 ~~the information on expenditures for and contributions made to~~
5 ~~reporting individuals in New Mexico.]"~~

6 SECTION 6. Section 1-19-27 NMSA 1978 (being Laws 1979,
7 Chapter 360, Section 3, as amended) is amended to read:

8 "1-19-27. REPORTS REQUIRED--~~[PROPER FILING OFFICER]~~
9 ELECTRONIC REPORTING SYSTEM.--

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

14 ~~B. The proper filing officer for filing reports of~~
15 ~~expenditures and contributions by a political committee is the~~
16 ~~secretary of state.~~

17 ~~C. The proper filing officer for filing reports of~~
18 ~~expenditures and contributions or statements of no activity is~~
19 ~~the secretary of state for all candidates and public~~
20 ~~officials.]~~

21 A. All reporting individuals shall file with the
22 secretary of state reports of expenditures and contributions
23 and statements of no activity when required by the Campaign
24 Reporting Act on forms prescribed by the secretary of state.

25 ~~[D.]~~ B. The secretary of state shall develop or

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1 contract for services to develop an electronic reporting system
2 for receiving and for public inspection of reports of
3 expenditures and contributions and statements of no activity to
4 the Campaign Reporting Act. The electronic reporting system
5 shall:

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

8 (2) provide for encrypted transmissions."

9 SECTION 7. Section 1-19-29 NMSA 1978 (being Laws 1993,
10 Chapter 46, Section 5, as amended) is amended to read:

11 "1-19-29. TIME AND PLACE OF FILING REPORTS.--

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

21 B. In an election year, instead of the biannual
22 reports provided for in Subsection A of this section, all
23 reporting individuals, except for public officials who are not
24 candidates in an election that year, shall file reports of all
25 expenditures made and contributions received or, if applicable,

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1 statements of no activity, according to the following schedule:

2 (1) by [~~5:00 p.m.~~] midnight on the second
3 Monday in April, a report of all 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 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 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 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 expenditures made and contributions received by
21 5:00 p.m. on the Tuesday before the election and not previously
22 reported. Any contribution or pledge to contribute that is
23 made or received after 5:00 p.m. on the Tuesday before the
24 election and that is for [~~five hundred dollars (\$500) or~~] more
25 than one thousand dollars (\$1,000) in a legislative or

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1 nonstatewide judicial election, or [~~two thousand five hundred~~
2 ~~dollars (\$2,500) or~~] more than three thousand dollars (\$3,000)
3 in a statewide election, shall be reported to the proper filing
4 officer either in a supplemental report on a prescribed form
5 within twenty-four hours of receipt or in the report to be
6 filed by [~~5:00 p.m.~~] midnight on the Thursday before a primary
7 or general [~~or statewide special~~] election, except that any
8 such contribution or pledge to contribute that is received
9 after 5:00 p.m. on the Friday before the election may be
10 reported by 12:00 noon on the Monday before the election; [~~and~~]

11 (6) by the earlier of midnight on the Thursday
12 before a primary or general election, or within twenty-four
13 hours of the independent expenditure, a report of each
14 independent expenditure made after 5:00 p.m. on the Tuesday
15 before the election that is for more than one thousand dollars
16 (\$1,000) in a legislative or nonstatewide judicial election or
17 more than three thousand dollars (\$3,000) in a statewide
18 election. Such expenditures shall be reported to the proper
19 filing officer either in a supplemental report on a prescribed
20 form within twenty-four hours of being made or in the report to
21 be filed by midnight on the Thursday before a primary or
22 general election, except that any such expenditure that is made
23 after 5:00 p.m. on the Friday before the election may be
24 reported by 12:00 noon on the Monday before the election;

25 [~~(6)~~] (7) by [~~5:00 p.m.~~] midnight on the

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1 thirtieth day after a primary [~~general or statewide special~~]
2 election, a report by all reporting individuals, except those
3 individuals that become candidates after the primary election,
4 of all expenditures made and contributions made or received on
5 or before the twenty-fifth day after the primary election and
6 not previously reported; and

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

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

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

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

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

13 (1) there are no outstanding campaign debts;

14 (2) all money has been expended in accordance
15 with the provisions of Section 1-19-29.1 NMSA 1978; and

16 (3) the bank account has been closed.

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

22 H. A reporting individual who is a candidate within
23 the meaning of the Campaign Reporting Act because of the amount
24 of contributions the candidate receives or expenditures the
25 candidate makes and who does not ultimately file a declaration

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1 of candidacy or a nominating petition with the proper filing
2 officer and does not file a statement of no activity shall file
3 biannual reports in accordance with Subsection A of this
4 section.

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

19 J. Reports required by this section shall be filed
20 electronically by all reporting individuals.

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

24 SECTION 8. Section 1-19-31 NMSA 1978 (being Laws 1979,
25 Chapter 360, Section 7, as amended) is amended to read:

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

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

15 ~~[(2)]~~ B. the occupation ~~[or]~~, name and type of
16 business, as applicable, of any ~~[person]~~ individual or entity
17 making contributions of two hundred fifty dollars (\$250) or
18 more in the aggregate per election;

19 ~~[(3)]~~ C. the amount of the expenditure or
20 contribution or value thereof;

21 ~~[(4)]~~ D. the purpose of the expenditure; ~~[and]~~

22 ~~[(5)]~~ E. the date that the expenditure was made or
23 the contribution was made or received;

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

25 F. the opening and closing cash balance for the

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1 bank account maintained by the reporting individual during the
2 reporting period and the name of the financial institution; and

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

4 G. the amount of each unpaid debt and the identity
5 of the person to whom the debt is owed."

6 SECTION 9. Section 1-19-34 NMSA 1978 (being Laws 1979,
7 Chapter 360, Section 10, as amended) is amended to read:

8 "1-19-34. CANDIDATES--POLITICAL OR CAMPAIGN COMMITTEES--
9 TREASURER--BANK ACCOUNT--ANONYMOUS CONTRIBUTIONS--CONTRIBUTIONS
10 FROM SPECIAL EVENTS.--

11 A. ~~[It is unlawful for the members of any]~~ A
12 political or campaign committee or any candidate ~~[to make any~~
13 ~~expenditure or solicit or accept any contribution for a~~
14 ~~political purpose unless]~~ shall ensure that:

15 (1) a treasurer has been appointed and is
16 constantly maintained; provided, however, that when a duly
17 appointed treasurer is unable for any reason to continue as
18 treasurer, the candidate or ~~[political]~~ committee shall appoint
19 a successor; and provided further that a candidate may serve as
20 the candidate's own treasurer;

21 (2) all disbursements of money and receipts of
22 contributions are authorized by and through the candidate or
23 treasurer;

24 (3) a separate bank account has been
25 established and all receipts of money contributions are

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1 deposited in and all expenditures of money are [~~deposited in~~
2 ~~and~~] disbursed from [~~the~~] one or more bank [~~account~~] accounts
3 maintained by the treasurer in the name of the candidate or
4 [~~political~~] committee; provided that nothing in this section
5 shall prohibit investments from the bank account to earn
6 interest as long as the investments and earnings are fully
7 reported. All disbursements except for disbursements made from
8 a petty cash fund of one hundred dollars (\$100) or less shall
9 be made in a form such that the date, amount and payee of the
10 transaction are automatically recorded or by check made payable
11 to the person or entity receiving the disbursement and not to
12 "cash" or "bearer"; and

13 (4) the treasurer, upon disbursing or
14 receiving money or other things of value, immediately enters
15 and thereafter keeps a proper record preserved by the
16 treasurer, including a full, true and itemized statement and
17 account of each sum disbursed or received, the date of such
18 disbursal or receipt, to whom disbursed or from whom received
19 and the object or purpose for which it was disbursed or
20 received.

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

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1 ~~dollars (\$2,000)]~~ be more than three thousand dollars (\$3,000)
2 for statewide races and [~~five hundred dollars (\$500)]~~ one
3 thousand dollars (\$1,000) for all other races.

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

21 D. Any contributions received pursuant to this
22 section in excess of the limits established in Subsections B
23 and C of this section shall be donated to the state general
24 fund or an organization to which a federal income tax deduction
25 would be available under Subparagraph (A) of Paragraph (1) of

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1 Subsection (b) of Section 170 of the Internal Revenue Code of
2 1986, as amended."

3 SECTION 10. Section 1-19-34.1 NMSA 1978 (being Laws 1993,
4 Chapter 46, Section 12, as amended) is amended to read:

5 "1-19-34.1. LEGISLATIVE SESSION--FUNDRAISING
6 PROHIBITION.--

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

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

23 SECTION 11. Section 1-19-34.6 NMSA 1978 (being Laws 1995,
24 Chapter 153, Section 19) is amended to read:

25 "1-19-34.6. CIVIL PENALTIES.--

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1 A. If the secretary of state reasonably believes
2 that a person committed, or is about to commit, a violation of
3 the Campaign Reporting Act, the secretary of state shall refer
4 the matter to the attorney general or a district attorney for
5 enforcement.

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

22 C. With or without a referral from the secretary of
23 state, the attorney general or district attorney may institute
24 a civil action in district court if a violation has occurred or
25 to prevent a violation of any provision of the Campaign

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1 Reporting Act other than that specified in Subsection B of this
2 section. Relief may include a permanent or temporary
3 injunction, a restraining order or any other appropriate order,
4 including an order for a civil penalty of [~~fifty dollars~~
5 ~~(\$50.00)~~] up to one thousand dollars (\$1,000) for each
6 violation not to exceed [~~five thousand dollars (\$5,000)~~] a
7 total of twenty thousand dollars (\$20,000)."

8 SECTION 12. Section 1-19-34.7 NMSA 1978 (being Laws 2009,
9 Chapter 68, Section 1) is amended to read:

10 "1-19-34.7. CONTRIBUTION LIMITATIONS--CANDIDATES--
11 POLITICAL COMMITTEES.--

12 A. Except as provided in Subsections F and G of
13 this section, the following contributions by the following
14 persons are prohibited:

15 (1) from a person, not including a political
16 committee, to a:

17 (a) candidate for nonstatewide 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 two thousand three hundred dollars (\$2,300) during
21 [~~the~~] a primary election cycle or two thousand three hundred
22 dollars (\$2,300) during [~~the~~] a general election cycle;

23 (b) candidate for statewide office,
24 including the candidate's campaign committee, in an amount that
25 will cause that person's total contributions to the candidate

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1 to exceed five thousand dollars (\$5,000) during [~~the~~] a primary
2 election cycle or five thousand dollars (\$5,000) during [~~the~~] a
3 general election cycle; or

4 (c) political committee in an amount
5 that will cause that person's total contributions to the
6 political committee to exceed five thousand dollars (\$5,000)
7 during a primary election cycle or five thousand dollars
8 (\$5,000) during a general election cycle; and

9 (2) from a political committee to:

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

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

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

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1 C. A person, including a political committee, shall
2 not knowingly accept or solicit a contribution, directly or
3 indirectly, including a contribution earmarked or otherwise
4 directed or coordinated through another person, including a
5 political committee, that violates the contribution limits
6 provided for in this section.

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

18 E. All contributions in excess of the limits
19 imposed by the provisions of this section shall be deposited in
20 the public election fund upon a finding by the secretary of
21 state that the contribution limits have been exceeded.

22 F. The limitation on contributions to a candidate
23 provided for in Subsection A of this section shall not apply to
24 a candidate's own contribution from the candidate's personal
25 funds to the candidate's own campaign.

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

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

6 ~~(2) "general election" means the period~~
7 ~~beginning on the day after the primary for the applicable~~
8 ~~office and ending on the day of the general election for that~~
9 ~~office.]~~

10 G. The limitations on contributions to political
11 committees provided for in Subsection A of this section shall
12 not apply to a political committee that makes only independent
13 expenditures or to any contribution to a political committee
14 that is deposited in a segregated bank account that may only be
15 used to make independent expenditures."

16 SECTION 13. Section 1-19-36 NMSA 1978 (being Laws 1979,
17 Chapter 360, Section 12, as amended) is amended to read:

18 "1-19-36. PENALTIES [~~CRIMINAL ENFORCEMENT~~].--

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

24 B. The Campaign Reporting Act may be enforced by
25 the attorney general or the district attorney in the county

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1 where the candidate resides, where a political committee or
2 independent expenditure committee has its principal place of
3 business or where the violation occurred."

4 SECTION 14. REPEAL.--Sections 1-19-16 and 1-19-17 NMSA
5 1978 (being Laws 1973, Chapter 401, Sections 1 and 2) are
6 repealed.

7 SECTION 15. EFFECTIVE DATE.--The effective date of the
8 provisions of this act is July 1, 2015.

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