

HOUSE SAFETY AND CIVIL AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 278

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

AN ACT

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

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
REQUIREMENTS.--

A. A person who makes an independent expenditure

.200678.3

underscoring material = new
[bracketed material] = delete

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

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

12 (2) three days after making any other
13 independent expenditure for which a report is required by this
14 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;

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 independent expenditure. If no reasonable
22 estimate of the monetary value of a particular expenditure is
23 practicable, it is sufficient to report instead a description
24 of the services, property or rights furnished through the
25 expenditure; and

1 (3) the source of the contributions used to
2 make the independent expenditure as provided in Subsections C
3 and D of this section.

4 C. A person who makes independent expenditures
5 totaling three thousand dollars (\$3,000) or less that are
6 required to be reported pursuant to this section shall report
7 the name and address of, and amount of contributions made by,
8 each person who:

9 (1) contributed more than a total of two
10 hundred dollars (\$200) in the previous twelve months; and

11 (2) earmarked, or responded to a solicitation
12 for, contributions to fund independent expenditures.

13 D. A person who makes independent expenditures
14 totaling more than three thousand dollars (\$3,000) that are
15 required to be reported pursuant to this section, in addition
16 to reporting the information specified in Subsection C of this
17 section, shall either:

18 (1) establish a segregated bank account
19 consisting only of funds contributed to the account by
20 individuals to be used for making independent expenditures and
21 report the name and address of, and amount of each contribution
22 made by, each contributor to that account; or

23 (2) report the name and address of, and amount
24 of each contribution made by, each contributor who contributed
25 more than a total of five thousand dollars (\$5,000) to the

.200678.3

1 person in the previous twelve months; provided, however, that a
2 contribution is exempt from reporting pursuant to this
3 paragraph if the contributor requested in writing that the
4 contribution not be used to fund independent or coordinated
5 expenditures or make contributions to a candidate, campaign
6 committee or political committee.

7 E. Independent expenditures shall be reported
8 electronically using software provided or approved by the
9 secretary of state.

10 F. Failure of any person to report electronically
11 pursuant to this section is a violation of the Campaign
12 Reporting Act."

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

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

16 A. A person who makes a campaign expenditure, a
17 coordinated expenditure or an independent expenditure for an
18 advertisement in an amount that exceeds three thousand dollars
19 (\$3,000), or in an amount that, when added to the aggregate
20 amount of the campaign expenditures, coordinated expenditures
21 and independent expenditures for advertisements made by the
22 same person during the preceding twelve months, exceeds three
23 thousand dollars (\$3,000), shall ensure that the advertisement
24 contains the name of the candidate, committee or other person
25 who authorized and paid for the advertisement.

.200678.3

1 B. The requirements of Subsection A of this section
2 do not apply to the following:

3 (1) bumper stickers, pins, buttons, pens and
4 similar small items upon which the disclaimer cannot be
5 conveniently printed; or

6 (2) skywriting, water towers, wearing apparel
7 or other means of displaying an advertisement of such a nature
8 that the inclusion of a disclaimer would be impracticable.

9 C. The disclaimer statements required by Subsection
10 A of this section shall be set forth legibly on any
11 advertisement that is disseminated or displayed by visual
12 media. If the advertisement is transmitted by audio media, the
13 statement shall be clearly spoken at the end of the
14 advertisement. If the advertisement is transmitted by
15 audiovisual media, the statement shall be both written legibly
16 and spoken clearly at the end of the advertisement."

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

21 "1-19-26. DEFINITIONS.--As used in the Campaign Reporting
22 Act:

23 ~~[A. "advertising campaign" means an advertisement~~
24 ~~or series of advertisements used for a political purpose and~~
25 ~~disseminated to the public either in print, by radio or~~

.200678.3

1 ~~television broadcast or by any other electronic means,~~
2 ~~including telephonic communications, and may include direct or~~
3 ~~bulk mailings of printed materials;]~~

4 A. "advertisement" means a communication for which
5 an expenditure of at least fifty dollars (\$50.00) is made
6 referring to a candidate or ballot measure that is published,
7 disseminated, distributed or displayed to the public by print,
8 broadcast, satellite, cable or electronic media, including
9 recorded phone messages, or by printed materials, including
10 mailers, handbills, signs and billboards, but "advertisement"
11 does not include:

12 (1) a communication by a membership
13 organization or corporation to its current members,
14 stockholders or executive or administrative personnel;

15 (2) a communication appearing in a news story
16 or editorial distributed through a print, broadcast, satellite,
17 cable or electronic medium, unless the communication is paid
18 for, or the medium is controlled or owned by, a candidate,
19 campaign committee or political committee;

20 (3) a candidate debate or forum or a
21 communication announcing a candidate debate or forum paid for
22 on behalf of the debate or forum sponsor; provided that two or
23 more candidates for the same position have been invited to
24 participate; or

25 (4) nonpartisan voter guides allowed by the

1 federal Internal Revenue Code of 1986 for Section 501(c)(3)
 2 organizations;

3 B. "anonymous contribution" means a contribution
 4 the contributor of which is unknown to the candidate or the
 5 candidate's agent or the political committee or its agent who
 6 accepts the contribution;

7 C. "ballot measure" means a constitutional
 8 amendment or other question submitted to the voters in an
 9 election;

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

13 [~~D.~~] E. "campaign committee" means an association
 14 of two or more persons, authorized by a candidate to [raise,
 15 collect or expend contributions] act on the candidate's behalf
 16 for the purpose of electing the candidate to office; provided
 17 that a candidate may have only one campaign committee;

18 F. "campaign expenditure" means an expenditure that
 19 is made by a campaign committee or by a candidate or public
 20 official in support of the candidate's or public official's
 21 campaign in an election;

22 [~~E.~~] G. "candidate" means an individual who seeks
 23 or considers an office in an election covered by the Campaign
 24 Reporting Act, including a public official, who either has
 25 filed a declaration of candidacy or nominating petition and has

.200678.3

1 not subsequently filed a statement of withdrawal or:

2 (1) for a nonstatewide office, has received
3 contributions or made expenditures of more than one thousand
4 dollars (\$1,000) [~~or more~~] or authorized another person or
5 campaign committee to receive contributions or make
6 expenditures of more than one thousand dollars (\$1,000) [~~or~~
7 ~~more~~] for the purpose of seeking election to the office; or

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

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

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

23 (2) includes a coordinated expenditure; and

24 (3) does not include the value of services
25 provided without compensation or unreimbursed travel or other

1 personal expenses of individuals who volunteer a portion or all
 2 of their time on behalf of a candidate or political committee
 3 nor does it include the administrative or solicitation expenses
 4 of a political committee that are paid by an organization that
 5 sponsors the committee;

6 I. "coordinated expenditure" means an expenditure
 7 of five hundred dollars (\$500) or more that is made:

8 (1) by a person other than a candidate or
 9 campaign committee;

10 (2) at the request or suggestion of, or in
 11 cooperation, consultation or concert with, a candidate,
 12 campaign committee or political party or any agent or
 13 representative of such a candidate, campaign committee or
 14 political party; and

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

16 (a) promotes, supports, attacks or
 17 opposes a clearly identified candidate; or

18 (b) refers to a clearly identified
 19 candidate and is published or disseminated in New Mexico within
 20 thirty days before the primary election or sixty days before
 21 the general election at which the candidate is on the ballot;

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

25 [~~H.~~] K. "election" means any primary or general [~~or~~

1 ~~statewide special~~] election in New Mexico and includes county
2 and judicial retention elections but excludes federal,
3 municipal, school board and special district elections;

4 ~~[F.]~~ L. "election year" means an even-numbered year
5 in which an election covered by the Campaign Reporting Act is
6 held;

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

15 N. "independent expenditure" means an expenditure
16 that is:

17 (1) made by a person other than a candidate or
18 campaign committee;

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

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

22 (a) expressly advocates the election or
23 defeat of a clearly identified candidate or the passage or
24 defeat of a clearly identified ballot measure;

25 (b) is susceptible to no other

1 reasonable interpretation than as an appeal to vote for or
 2 against a clearly identified candidate or ballot measure; or
 3 (c) refers to a clearly identified
 4 candidate or ballot measure and is published or disseminated in
 5 New Mexico within thirty days before the primary election or
 6 sixty days before the general election at which the candidate
 7 or ballot measure is on the ballot;

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

9 ~~[L.]~~ P. "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~~

.200678.3

1 ~~campaign for a political purpose]:~~

2 (1) a political party;

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

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

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

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

22 ~~[N.]~~ S. "prescribed form" means a form or
23 electronic format prepared and prescribed by the secretary of
24 state;

25 ~~[O.]~~ T. "proper filing officer" means ~~[either]~~ the

1 secretary of state; ~~[or the county clerk as provided in Section~~
 2 ~~1-19-27 NMSA 1978;~~

3 ~~P.] U.~~ U. "public official" means a person elected to
 4 an office in an election covered by the Campaign Reporting Act
 5 or a person appointed to an office that is subject to an
 6 election covered by that act; and

7 ~~[Q.] V.~~ V. "reporting individual" means every public
 8 official, candidate or treasurer of a campaign committee and
 9 every treasurer of a political committee."

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

12 "1-19-26.1. POLITICAL COMMITTEES--REGISTRATION--
 13 DISCLOSURES.--

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

22 B. A political committee shall ~~[register]~~ appoint
 23 and maintain a treasurer and file a statement of organization
 24 with the secretary of state within ~~[ten]~~ three days of
 25 receiving, contributing or expending in excess of ~~[five hundred~~

.200678.3

1 ~~dollars (\$500)]~~ one thousand dollars (\$1,000) by paying a
2 filing fee of fifty dollars (\$50.00) and filing a statement of
3 organization.

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

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

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

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

15 ~~(4)]~~ (3) the names and addresses of the
16 officers of the committee; and

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

21 [~~G.~~] D. The provisions of this section do not apply
22 to a political committee that [~~is located in another state and~~]
23 is registered with the federal election commission if the
24 political committee reports on federal reporting forms filed
25 with the federal election commission all expenditures for and

1 contributions made to reporting individuals in New Mexico not
 2 otherwise reported and files with the secretary of state,
 3 according to the schedule required for the filing of forms with
 4 the federal election commission, a copy of either the full
 5 report or the cover sheet and the portions of the federal
 6 reporting forms that contain the information on expenditures
 7 for and contributions made to reporting individuals in New
 8 Mexico."

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

11 "1-19-27. REPORTS REQUIRED--~~[PROPER FILING OFFICER]~~
 12 ELECTRONIC REPORTING SYSTEM.--

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

17 ~~B. The proper filing officer for filing reports of~~
 18 ~~expenditures and contributions by a political committee is the~~
 19 ~~secretary of state.~~

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

24 A. All reporting individuals shall file with the
 25 secretary of state reports of expenditures and contributions

.200678.3

1 and statements of no activity when required by the Campaign
2 Reporting Act on forms prescribed by the secretary of state.

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

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

11 (2) provide for encrypted transmissions."

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

14 "1-19-29. TIME AND PLACE OF FILING REPORTS.--

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

24 B. In an election year, instead of the biannual
25 reports provided for in Subsection A of this section, all

1 reporting individuals, except for public officials who are not
2 candidates in an election that year, shall file reports of all
3 expenditures made and contributions received or, if applicable,
4 statements of no activity, according to the following schedule:

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

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

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

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

21 (5) by [~~5:00 p.m.~~] midnight on the Thursday
22 before a primary or general [~~or statewide special~~] election, a
23 report of all expenditures made and contributions received by
24 5:00 p.m. on the Tuesday before the election and not previously
25 reported. Any contribution or pledge to contribute that is

.200678.3

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

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

1 after 5:00 p.m. on the Friday before the election may be
 2 reported by 12:00 noon on the Monday before the election;

3 ~~[(6)]~~ (7) by ~~[5:00 p.m.]~~ midnight on the
 4 thirtieth day after a primary ~~[general or statewide special]~~
 5 election, a report by all reporting individuals, except those
 6 individuals that become candidates after the primary election,
 7 of all expenditures made and contributions made or received on
 8 or before the twenty-fifth day after the primary election and
 9 not previously reported; and

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

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

24 D. In an election year, a public official who is
 25 not a candidate shall file biannual reports of expenditures

.200678.3

1 made and contributions received or statements of no activity in
2 accordance with the schedule provided for in Subsection A of
3 this section.

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

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

16 (1) there are no outstanding campaign debts;

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

19 (3) the bank account has been closed.

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

25 H. A reporting individual who is a candidate within

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

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

24 K. Reporting individuals may apply to the secretary
25 of state for exemption from electronic filing in case of

.200678.3

1 hardship, which shall be defined by the secretary of state."

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

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

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

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

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

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

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

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

2 F. the opening and closing cash balance for the
3 bank account maintained by the reporting individual during the
4 reporting period and the name of the financial institution; and

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

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

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

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

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

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

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

.200678.3

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

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

23 B. No anonymous contributions may be accepted [~~in~~
24 ~~excess of~~] for more than one hundred dollars (\$100). The
25 aggregate amount of anonymous contributions received by a

1 reporting individual during a primary or general election or a
 2 statewide special election shall not [~~exceed two thousand~~
 3 ~~dollars (\$2,000)~~] be more than three thousand dollars (\$3,000)
 4 for statewide races and [~~five hundred dollars (\$500)~~] one
 5 thousand dollars (\$1,000) for all other races.

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

23 D. Any contributions received pursuant to this
 24 section in excess of the limits established in Subsections B
 25 and C of this section shall be donated to the state general

.200678.3

1 fund or an organization to which a federal income tax deduction
2 would be available under Subparagraph (A) of Paragraph (1) of
3 Subsection (b) of Section 170 of the Internal Revenue Code of
4 1986, as amended."

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

7 "1-19-34.1. LEGISLATIVE SESSION--FUNDRAISING
8 PROHIBITION.--

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

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

25 SECTION 10. Section 1-19-34.3 NMSA 1978 (being Laws 1993,

1 Chapter 46, Section 14, as amended) is amended to read:

2 "1-19-34.3. CONTRIBUTIONS IN ONE NAME GIVEN FOR ANOTHER
3 PROHIBITED--CONCEALING SOURCE OF CONTRIBUTIONS USED FOR
4 INDEPENDENT EXPENDITURES.--

5 A. It is unlawful for a person to make a
6 contribution in the name of another person, and no person shall
7 knowingly accept a contribution made by one person in the name
8 of another person.

9 B. No person may make contributions or expenditures
10 to conceal the names of persons who are the true source of
11 funds used to make independent expenditures."

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

14 "1-19-34.6. CIVIL PENALTIES.--

15 A. If the secretary of state reasonably believes
16 that a person committed, or is about to commit, a violation of
17 the Campaign Reporting Act, the secretary of state shall refer
18 the matter to the attorney general or a district attorney for
19 enforcement.

20 B. With or without a referral from the secretary of
21 state, the attorney general or district attorney may institute
22 a civil action in district court for any violation of the
23 Campaign Reporting Act or to prevent a violation of that act
24 that involves an unlawful solicitation or the making or
25 acceptance of an unlawful contribution. An action for relief

.200678.3

1 may include a permanent or temporary injunction, a restraining
2 order or any other appropriate order, including a civil penalty
3 of [~~two hundred fifty dollars (\$250)~~] up to one thousand
4 dollars (\$1,000) for each violation not to exceed [~~five~~
5 ~~thousand dollars (\$5,000)~~] a total of twenty thousand dollars
6 (\$20,000), and forfeiture of any contribution received as a
7 result of an unlawful solicitation or unlawful contribution.
8 Each unlawful solicitation and each unlawful contribution made
9 or accepted shall be deemed a separate violation of the
10 Campaign Reporting Act.

11 C. With or without a referral from the secretary of
12 state, the attorney general or district attorney may institute
13 a civil action in district court if a violation has occurred or
14 to prevent a violation of any provision of the Campaign
15 Reporting Act other than that specified in Subsection B of this
16 section. Relief may include a permanent or temporary
17 injunction, a restraining order or any other appropriate order,
18 including an order for a civil penalty of [~~fifty dollars~~
19 ~~(\$50.00)~~] up to one thousand dollars (\$1,000) for each
20 violation not to exceed [~~five thousand dollars (\$5,000)~~] a
21 total of twenty thousand dollars (\$20,000)."

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

24 "1-19-34.7. CONTRIBUTION LIMITATIONS--CANDIDATES--
25 POLITICAL COMMITTEES.--

.200678.3

1 A. Except as provided in Subsections F and G of
 2 this section, [the following] contributions [by the following
 3 persons] are prohibited

4 ~~[(1)]~~ from a person, ~~[not]~~ including a
 5 political committee, to a:

6 ~~[(a)]~~ (1) candidate for nonstatewide office,
 7 including the candidate's campaign committee, in an amount that
 8 will cause that person's total contributions to the candidate
 9 to exceed ~~[two thousand three hundred dollars (\$2,300)]~~ five
 10 thousand dollars (\$5,000) during ~~[the]~~ a primary election cycle
 11 or ~~[two thousand three hundred dollars (\$2,300)]~~ five thousand
 12 dollars (\$5,000) during ~~[the]~~ a general election cycle;

13 ~~[(b)]~~ (2) candidate for statewide 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 five thousand dollars (\$5,000) during ~~[the]~~ a primary
 17 election cycle or five thousand dollars (\$5,000) during ~~[the]~~ a
 18 general election cycle; or

19 ~~[(c)]~~ (3) political committee in an amount
 20 that will cause that person's total contributions to the
 21 political committee to exceed five thousand dollars (\$5,000)
 22 during a primary election cycle or five thousand dollars
 23 (\$5,000) during a general election cycle. ~~[and~~

24 ~~(2) from a political committee to:~~

25 ~~(a) a candidate for office, including~~

1 ~~the candidate's campaign committee, in an amount that will~~
2 ~~cause the political committee's total contributions to the~~
3 ~~candidate to exceed five thousand dollars (\$5,000) during the~~
4 ~~primary election or five thousand dollars (\$5,000) during the~~
5 ~~general election; or~~

6 ~~(b) another political committee in an~~
7 ~~amount that will cause that political committee's total~~
8 ~~contributions to the political committee to exceed five~~
9 ~~thousand dollars (\$5,000) during a primary election or five~~
10 ~~thousand dollars (\$5,000) during a general election.]~~

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

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

22 D. On the day after each general election, the
23 contribution amounts provided in Subsection A of this section
24 shall be increased by the percentage of the preceding two
25 calendar years' increase of the consumer price index for all

1 urban consumers, United States city average for all items,
 2 published by the United States department of labor. The amount
 3 of the increase shall be rounded to the nearest multiple of one
 4 hundred dollars (\$100). The secretary of state shall publish
 5 by October 1 before each general election the adjusted
 6 contribution limits that shall take effect the day after the
 7 following general election.

8 E. All contributions in excess of the limits
 9 imposed by the provisions of this section shall be deposited in
 10 the public election fund upon a finding by [~~the secretary of~~
 11 ~~state~~] a district court that the contribution limits have been
 12 exceeded.

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

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

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

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

.200678.3

1 G. The limitations on contributions to political
2 committees provided for in Subsection A of this section shall
3 not apply to a political committee that makes only independent
4 expenditures or to any contribution to a political committee
5 that is deposited in a segregated bank account that may only be
6 used to make independent expenditures."

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

9 "1-19-36. PENALTIES [~~CRIMINAL ENFORCEMENT~~].--

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

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

20 SECTION 14. TEMPORARY PROVISION.--The secretary of state,
21 in consultation with the attorney general, shall promulgate
22 rules to implement the amendatory provisions of this act by
23 December 31, 2015.

24 SECTION 15. REPEAL.--Sections 1-19-16 and 1-19-17 NMSA
25 1978 (being Laws 1973, Chapter 401, Sections 1 and 2) are

.200678.3

1 repealed.

2 SECTION 16. EFFECTIVE DATE.--The effective date of the
3 provisions of this act is July 1, 2015.

4 - 33 -

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

underscoring = new
~~[bracketed material]~~ = delete