

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 96

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

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

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underscored 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 election cycle, exceeds one thousand dollars  
6 (\$1,000), shall file a report with the secretary of state  
7 within three days of making an expenditure for which a report  
8 is required by this section, or, if an independent expenditure  
9 of three thousand dollars (\$3,000) or more is made within  
10 fourteen days before a primary or general election, within  
11 twenty-four hours after making the expenditure.

12 B. The report required by Subsection A of this  
13 section shall state:

14 (1) the name and address of the person who  
15 made the independent expenditure;

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

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

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1           C. A person who makes independent expenditures  
2 totaling three thousand dollars (\$3,000) or less that are  
3 required to be reported pursuant to this section shall report  
4 the name and address of each person who has made contributions  
5 of more than a total of two hundred dollars (\$200) in the  
6 election cycle that were earmarked or made in response to a  
7 solicitation to fund independent expenditures, and shall report  
8 the amount of each such contribution made by that person.

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

14                   (1) establish a segregated bank account,  
15 consisting only of funds contributed to the account by  
16 individuals to be used for making independent expenditures, and  
17 report the name and address of, and amount of each contribution  
18 made by, each contributor who contributed more than two hundred  
19 dollars (\$200) to that account in the election cycle; or

20                   (2) report the name and address of, and amount  
21 of each contribution made by, each contributor who contributed  
22 more than a total of five thousand dollars (\$5,000) to the  
23 person in the election cycle; provided, however, that a  
24 contribution is exempt from reporting pursuant to this  
25 paragraph if the contributor requested in writing that the

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1 contribution not be used to fund independent or coordinated  
2 expenditures or make contributions to a candidate, campaign  
3 committee or political committee."

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 one thousand dollars  
10 (\$1,000), 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 election cycle, exceeds one thousand  
14 dollars (\$1,000), shall ensure that the advertisement contains  
15 the name of the candidate, committee or other person who  
16 authorized and paid for the advertisement.

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

19 (1) bumper stickers, pins, buttons, pens and  
20 similar small items upon which the disclaimer cannot be  
21 conveniently printed; or

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

25 C. The disclaimer statements required by Subsection

1 A of this section shall be set forth legibly on any  
 2 advertisement that is disseminated or displayed by visual  
 3 media. If the advertisement is transmitted by audio media, the  
 4 statement shall be clearly spoken during the advertisement. If  
 5 the advertisement is transmitted by audiovisual media, the  
 6 statement shall be both written legibly and spoken clearly  
 7 during the advertisement."

8 SECTION 3. Section 1-1-3.1 NMSA 1978 (being Laws 2003,  
 9 Chapter 356, Section 1, as amended) is amended to read:

10 "1-1-3.1. ELECTION CYCLE.--Except as otherwise provided,  
 11 as used in the Election Code:

12 A. "election cycle" means the period beginning on  
 13 [~~the day~~] January 1 after the last general election and ending  
 14 on [~~the day of~~] December 31 after the general election;

15 B. "general election cycle" means the period  
 16 beginning on the day after the primary election and ending on  
 17 [~~the day of~~] December 31 after the general election; and

18 C. "primary election cycle" means the period  
 19 beginning on [~~the day~~] January 1 after the last general  
 20 election and ending on the day of the primary election."

21 SECTION 4. Section 1-19-26 NMSA 1978 (being Laws 1979,  
 22 Chapter 360, Section 2, as amended by Laws 2009, Chapter 67,  
 23 Section 1 and by Laws 2009, Chapter 68, Section 2) is amended  
 24 to read:

25 "1-19-26. DEFINITIONS.--As used in the Campaign Reporting

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1 Act:

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

8 A. "advertisement" means a communication referring  
9 to a candidate or ballot measure that is published  
10 disseminated, distributed or displayed to the public by print,  
11 broadcast, satellite, cable or electronic media, including  
12 recorded phone messages, or by printed materials, including  
13 mailers, handbills, signs and billboards, but "advertisement"  
14 does not include:

15 (1) a communication by a membership  
16 organization or corporation to its current members,  
17 stockholders or executive or administrative personnel;

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

23 (3) a candidate debate or forum or a  
24 communication announcing a candidate debate or forum paid for  
25 on behalf of the debate or forum sponsor; provided that two or

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1 more candidates for the same position have been invited to  
 2 participate; or

3 (4) nonpartisan voter guides allowed by the  
 4 federal Internal Revenue Code of 1986 for Section 501(c)(3)  
 5 organizations;

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

10 C. "ballot measure" means a constitutional  
 11 amendment or other question submitted to the voters in an  
 12 election;

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

16 [~~D.~~] E. "campaign committee" means an association  
 17 of two or more persons, authorized by a candidate to [raise,  
 18 collect or expend contributions] act on the candidate's behalf  
 19 for the purpose of electing the candidate to office; provided  
 20 that a candidate may not authorize more than one campaign  
 21 committee;

22 F. "campaign expenditure" means an expenditure that  
 23 is made by a campaign committee or by a candidate in support of  
 24 the candidate's campaign in an election;

25 [~~E.~~] G. "candidate" means an individual who seeks

1 or considers an office in an election covered by the Campaign  
2 Reporting Act, including a public official, who either has  
3 filed a declaration of candidacy or nominating petition and has  
4 not subsequently filed a statement of withdrawal or:

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

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

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

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



1                   (2) includes a coordinated expenditure; and  
2                   (3) does not include the value of services  
3 provided without compensation or unreimbursed travel or other  
4 personal expenses of individuals who volunteer a portion or all  
5 of their time on behalf of a candidate or political committee  
6 nor does it include the administrative or solicitation expenses  
7 of a political committee that are paid by an organization that  
8 sponsors the committee;

9                   I. "coordinated expenditure" means an expenditure  
10 that is made:

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

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

18                   (3) for the purpose of:

19                   (a) supporting or opposing the  
20 nomination or election of a candidate; or

21                   (b) paying for an advertisement that  
22 refers to a clearly identified candidate and is published and  
23 disseminated to the relevant electorate in New Mexico within  
24 thirty days before the primary election or sixty days before  
25 the general election in which the candidate is on the ballot;

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

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

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

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

19           N. "independent expenditure" means an expenditure  
20 that is:

21                   (1) made by a person other than a candidate or  
22 campaign committee;

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

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

1                   (a) expressly advocates the election or  
 2 defeat of a clearly identified candidate or the passage or  
 3 defeat of a clearly identified ballot measure;

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

7                   (c) refers to a clearly identified  
 8 candidate or ballot measure and is published and disseminated  
 9 to the relevant electorate in New Mexico within thirty days  
 10 before the primary election or sixty days before the general  
 11 election at which the candidate or ballot measure is on the  
 12 ballot;

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

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

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

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

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

7                   (1) a political party;

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

12                   (3) an association that consists of two or  
13 more persons whose primary purpose is to make independent  
14 expenditures and that has received more than five thousand  
15 dollars (\$5,000) in contributions or made independent  
16 expenditures of more than five thousand dollars (\$5,000) in the  
17 election cycle;

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

21                   [M.] R. "political purpose" means [influencing or  
22 attempting to influence an election or pre-primary convention,  
23 including a constitutional amendment or other question  
24 submitted to the voters] for the purpose of supporting or  
25 opposing a ballot measure or the nomination or election of a

1 candidate;

2 [N.] S. "prescribed form" means a form or  
3 electronic format prepared and prescribed by the secretary of  
4 state;

5 [O.] T. "proper filing officer" means ~~[either]~~ the  
6 secretary of state; ~~[or the county clerk as provided in Section~~  
7 ~~1-19-27 NMSA 1978;~~

8 P.] U. "public official" means a person elected to  
9 an office in an election covered by the Campaign Reporting Act  
10 or a person appointed to an office that is subject to an  
11 election covered by that act; and

12 [Q.] V. "reporting individual" means every public  
13 official, candidate or treasurer of a campaign committee and  
14 every treasurer of a political committee."

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

17 "1-19-26.1. POLITICAL COMMITTEES--REGISTRATION--  
18 DISCLOSURES.--

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

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1 of this section.

2 B. A political committee shall [~~register~~] appoint  
3 and maintain a treasurer and file a statement of organization  
4 with the secretary of state [~~within ten days of receiving,~~  
5 ~~contributing or expending in excess of five hundred dollars~~  
6 ~~(\$500)~~] by paying a filing fee of fifty dollars (\$50.00) and  
7 filing a statement of organization.

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

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

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

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

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

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

25 [~~C. The provisions of this section do not apply to~~

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

12 SECTION 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. on~~] no later than the second Monday in  
 18 April and October a report of all expenditures made and  
 19 contributions received on or before the first Monday in those  
 20 months and not previously reported. The report shall be filed  
 21 biannually until the [~~reporting individual's bank account has~~  
 22 ~~been closed and the other~~] provisions specified in Subsection  
 23 F, G or H of 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

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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. on~~] no later than the second  
6 Monday in April, a report of all expenditures made and  
7 contributions received on or before the first Monday in April  
8 and not previously reported;

9 (2) [~~by 5:00 p.m. on~~] no later than the second  
10 Monday in May, a report of all expenditures made and  
11 contributions received on or before the first Monday in May and  
12 not previously reported;

13 (3) [~~by 5:00 p.m. on~~] no later than the second  
14 Monday in September, a report of all expenditures made and  
15 contributions received on or before the first Monday in  
16 September and not previously reported;

17 (4) [~~by 5:00 p.m. on~~] no later than the second  
18 Monday in October, a report of all expenditures made and  
19 contributions received on or before the first Monday in October  
20 and not previously reported;

21 (5) [~~by 5:00 p.m. on~~] no later than the  
22 Thursday before a primary, general or statewide special  
23 election, a report of all expenditures made and contributions  
24 received by 5:00 p.m. on the Tuesday before the election and  
25 not previously reported. Any contribution or pledge to



1 contribute that is received after 5:00 p.m. on the Tuesday  
 2 before the election and that is for [~~five hundred dollars~~  
 3 ~~(\$500) or~~] more than one thousand dollars (\$1,000) in a  
 4 [~~legislative or~~] nonstatewide [~~judicial~~] election, or [~~two~~  
 5 ~~thousand five hundred dollars (\$2,500) or~~] more than three  
 6 thousand dollars (\$3,000) in a statewide election, shall be  
 7 reported to the proper filing officer either in a supplemental  
 8 report on a prescribed form within twenty-four hours of receipt  
 9 or in the report to be filed [~~by 5:00 p.m. on~~] no later than  
 10 the Thursday before a primary, general or statewide special  
 11 election, except that any such contribution or pledge to  
 12 contribute that is received after 5:00 p.m. on the Friday  
 13 before the election may be reported by 12:00 noon on the Monday  
 14 before the election; [~~and~~]

15 (6) no later than the Thursday before a  
 16 primary or general election, or within twenty-four hours of the  
 17 independent expenditure, a report of each independent  
 18 expenditure made after 5:00 p.m. on the Tuesday before the  
 19 election that is for more than one thousand dollars (\$1,000) in  
 20 a nonstatewide election or more than three thousand dollars  
 21 (\$3,000) in a statewide election. Such expenditures shall be  
 22 reported to the proper filing officer either in a supplemental  
 23 report on a prescribed form within twenty-four hours of being  
 24 made or in the report to be filed no later than the Thursday  
 25 before a primary or general election, except that any such

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

4 [~~(6) by 5:00 p.m. on~~] (7) no later than the  
5 thirtieth day after a primary [general or statewide special]  
6 election, a report by all reporting individuals, except those  
7 individuals that become candidates after the primary election,  
8 of all expenditures made and contributions received on or  
9 before the twenty-fifth day after the primary election and not  
10 previously reported;

11 (8) no later than on the thirtieth day after a  
12 statewide special election, a report of all expenditures made  
13 and contributions received on or before the twenty-fifth day  
14 after the statewide special election and not previously  
15 reported; and

16 (9) no later than January 7 after a general  
17 election, a report of all expenditures made and contributions  
18 received on or before December 31 after the general election  
19 and not previously reported.

20 C. If a candidate, political committee, campaign  
21 committee or public official has not received any contributions  
22 and has not made any expenditures since the candidate's,  
23 committee's or official's last report was filed with the proper  
24 filing officer, the candidate, committee or official shall only  
25 be required to file a statement of no activity, which shall not

1 be required to be notarized, in lieu of a full report when that  
2 report would otherwise be due and shall not be required to file  
3 a full report until the next required filing date occurring  
4 after an expenditure is made or a contribution is received.

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

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

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

- 22 (1) there are no outstanding campaign debts;  
23 (2) all money has been expended in accordance  
24 with the provisions of Section 1-19-29.1 NMSA 1978; and  
25 (3) the bank [~~account has~~] accounts have been

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1 closed.

2 G. ~~[Each treasurer of a political committee shall~~  
3 ~~file a report of expenditures and contributions pursuant to the~~  
4 ~~filing schedules set forth in this section until the treasurer~~  
5 ~~files a report that affirms that the committee has dissolved or~~  
6 ~~no longer exists and that its bank account has been closed]~~ If,  
7 during a nonelection year, a political committee has not  
8 received any contributions or made any coordinated or  
9 independent expenditures since it filed its last report  
10 pursuant to this section, it need not file any report under  
11 this section until the next reporting period, if any, in which  
12 it receives contributions or makes such expenditures. A  
13 political committee that has not received any contributions or  
14 made any coordinated or independent expenditures for a  
15 continuous period of at least one year may thereupon cancel its  
16 registration as a political committee by submitting an  
17 appropriate request in writing to the proper filing officer.  
18 The committee shall retain the obligation to submit a new  
19 registration pursuant to Section 1-19-26.1 NMSA 1978 in the  
20 event that its future activities should meet the requisites for  
21 registration under that section.

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 7. 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, except as provided for anonymous  
8 contributions or contributions received from special events as  
9 provided in Section 1-19-34 NMSA 1978; provided that for  
10 contributors, the name of the entity or the first and last  
11 names of any individual shall be the full name of the entity or  
12 individual, and initials only shall not constitute a full name  
13 unless that is the complete legal name;

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

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

20 ~~[(4)]~~ D. the purpose of the expenditure; ~~[and~~  
21 ~~(5)]~~ E. the date that the expenditure was made or  
22 the contribution was received;

23 ~~[B. Each report shall contain an]~~  
24 F. the opening and closing cash balance for the  
25 bank ~~[account]~~ accounts maintained by the reporting individual

1 during the reporting period and the name of the financial  
2 institution for each account; 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 8. 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~~] a 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



1 dollars (\$2,000) for statewide races and five hundred dollars  
2 (\$500) for all other races.

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

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

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1 1986, as amended."

2 SECTION 9. Section 1-19-34.3 NMSA 1978 (being Laws 1993,  
3 Chapter 46, Section 14, as amended) is amended to read:

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

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

11 B. No person may make contributions or expenditures  
12 with an intent to conceal the names of persons who are the true  
13 source of funds used to make independent expenditures or the  
14 true recipients of the expenditures."

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

17 "1-19-34.6. CIVIL PENALTIES.--

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

23 B. With or without a referral from the secretary of  
24 state, the attorney general or district attorney may institute  
25 a civil action in district court for any violation of the

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

14 C. With or without a referral from the secretary of  
 15 state, the attorney general or district attorney may institute  
 16 a civil action in district court if a violation has occurred or  
 17 to prevent a violation of any provision of the Campaign  
 18 Reporting Act other than that specified in Subsection B of this  
 19 section. Relief may include a permanent or temporary  
 20 injunction, a restraining order or any other appropriate order,  
 21 including an order for a civil penalty of [~~fifty dollars~~  
 22 ~~(\$50.00)~~] up to one thousand dollars (\$1,000) for each  
 23 violation not to exceed [~~five thousand dollars (\$5,000)~~] a  
 24 total of twenty thousand dollars (\$20,000)."

25 SECTION 11. Section 1-19-34.7 NMSA 1978 (being Laws 2009,

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1 Chapter 68, Section 1) is amended to read:

2 "1-19-34.7. CONTRIBUTION LIMITATIONS--CANDIDATES--  
3 POLITICAL COMMITTEES.--

4 A. ~~[The following contributions by the following~~  
5 ~~persons are prohibited:~~

6 ~~(1) from a person, not including a political~~  
7 ~~committee, to a:~~

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

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

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

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

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

7                   ~~(b) another political committee in an~~  
8 ~~amount that will cause that political committee's total~~  
9 ~~contributions to the political committee to exceed five~~  
10 ~~thousand dollars (\$5,000) during a primary election or five~~  
11 ~~thousand dollars (\$5,000) during a general election] Except as~~  
12 ~~provided in Subsections F and G of this section, a person,~~  
13 ~~including a political committee, shall not make a contribution~~  
14 ~~to a candidate, including the candidate's campaign committee,~~  
15 ~~or to a political committee in an amount that will cause that~~  
16 ~~person's total contributions to the candidate or political~~  
17 ~~committee to exceed five thousand dollars (\$5,000) during a~~  
18 ~~primary election cycle or five thousand dollars (\$5,000) during~~  
19 ~~a general election cycle. A primary election candidate who~~  
20 ~~does not become a candidate on the general election ballot~~  
21 ~~shall remain subject to the contribution limits of the primary~~  
22 ~~election cycle and shall not accept a contribution from a~~  
23 ~~person who has contributed the maximum allowable amount during~~  
24 ~~the primary election cycle to pay for primary election~~  
25 ~~expenditures of the campaign.~~

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1           B. All contributions made by a person to a  
2 candidate, either directly or indirectly, including  
3 contributions that are in any way earmarked or otherwise  
4 directed through another person to a candidate, shall be  
5 treated as contributions from the person to that candidate.

6           C. A person, including a political committee, shall  
7 not knowingly accept or solicit a contribution, directly or  
8 indirectly, including a contribution earmarked or otherwise  
9 directed or coordinated through another person, including a  
10 political committee, that violates the contribution limits  
11 provided for in this section.

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

23           E. All contributions in excess of the limits  
24 imposed by the provisions of this section shall be deposited in  
25 the public election fund upon a finding by [~~the secretary of~~

1 ~~state]~~ a district court that the contribution limits have been  
 2 exceeded.

3 F. The limitation on contributions to a candidate  
 4 provided for in Subsection A of this section shall not apply to  
 5 a candidate's own contribution from the candidate's personal  
 6 funds to the candidate's own campaign.

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

8 (1) ~~"primary election" means the period~~  
 9 ~~beginning on the day after the general election for the~~  
 10 ~~applicable office and ending on the day of the primary for that~~  
 11 ~~office; and~~

12 (2) ~~"general election" means the period~~  
 13 ~~beginning on the day after the primary for the applicable~~  
 14 ~~office and ending on the day of the general election for that~~  
 15 ~~office.]~~

16 G. The limitations on contributions to political  
 17 committees provided for in Subsection A of this section shall  
 18 not apply to a political committee that makes only independent  
 19 expenditures or to any contribution to a political committee  
 20 that is deposited in a segregated bank account that may only be  
 21 used to make independent expenditures."

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

24 "1-19-36. PENALTIES [~~CRIMINAL ENFORCEMENT~~].--

25 A. Any person who knowingly and willfully violates

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1 any provision of the Campaign Reporting Act is guilty of a  
2 misdemeanor and shall be punished by a fine of not more than  
3 one thousand dollars (\$1,000) or by imprisonment for not more  
4 than one year or both.

5 B. The Campaign Reporting Act may be enforced by  
6 the attorney general or the district attorney in the county  
7 where the candidate resides, where a political committee has  
8 its principal place of business or where the violation  
9 occurred."

10 SECTION 13. TEMPORARY PROVISION.--The secretary of state,  
11 in consultation with the attorney general, shall promulgate  
12 rules to implement the amendatory provisions of this act by  
13 August 1, 2017.

14 SECTION 14. REPEAL.--Sections 1-19-16 and 1-19-17 NMSA  
15 1978 (being Laws 1973, Chapter 401, Sections 1 and 2) are  
16 repealed.

17 SECTION 15. EFFECTIVE DATE.--The effective date of the  
18 provisions of this act is July 1, 2017.