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

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
not otherwise required to be reported under the Campaign
Reporting Act in an amount that exceeds one thousand dollars
($1,000), or in an amount that, when added to the aggregate
amount of the independent expenditures made by the same person
during the election cycle, exceeds one thousand dollars
($1,000), shall file a report with the secretary of state
within three days of making an expenditure for which a report
is required by this section, or, if an independent expenditure
of three thousand dollars ($3,000) or more is made within
fourteen days before a primary or general election, within
twenty-four hours after making the expenditure.

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

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

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

(3) the source of the contributions used to
make the independent expenditure as provided in Subsections C
and D of this section.
C. A person who makes independent expenditures totaling three thousand dollars ($3,000) or less that are required to be reported pursuant to this section shall report the name and address of each person who has made contributions of more than a total of two hundred dollars ($200) in the election cycle that were earmarked or made in response to a solicitation to fund independent expenditures, and shall report the amount of each such contribution made by that person.

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

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

2. report the name and address of, and amount of each contribution made by, each contributor who contributed more than a total of five thousand dollars ($5,000) to the person in the election cycle; provided, however, that a contribution is exempt from reporting pursuant to this paragraph if the contributor requested in writing that the
section not be used to fund independent or coordinated
expenditures or make contributions to a candidate, campaign
committee or political committee."

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

"[NEW MATERIAL] DISCLAIMERS IN ADVERTISEMENTS.--

A. A person who makes a campaign expenditure, a
coordinated expenditure or an independent expenditure for an
advertisement in an amount that exceeds one thousand dollars
($1,000), or in an amount that, when added to the aggregate
amount of the campaign expenditures, coordinated expenditures
and independent expenditures for advertisements made by the
same person during the election cycle, exceeds one thousand
dollars ($1,000), shall ensure that the advertisement contains
the name of the candidate, committee or other person who
authorized and paid for the advertisement.

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

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

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

C. The disclaimer statements required by Subsection
A of this section shall be set forth legibly on any advertisement that is disseminated or displayed by visual media. If the advertisement is transmitted by audio media, the statement shall be clearly spoken during the advertisement. If the advertisement is transmitted by audiovisual media, the statement shall be both written legibly and spoken clearly during the advertisement."

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

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

A. "election cycle" means the period beginning on January 1 after the last general election and ending on December 31 after the general election;

B. "general election cycle" means the period beginning on the day after the primary election and ending on December 31 after the general election; and

C. "primary election cycle" means the period beginning on January 1 after the last general election and ending on the day of the primary election."

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

"1-19-26. DEFINITIONS.--As used in the Campaign Reporting .206794.2
Act:

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

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

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

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

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

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

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

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

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

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

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

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

(1) for a nonstatewide office, has received contributions or made expenditures of more than one thousand dollars ($1,000) or authorized another person or campaign committee to receive contributions or make expenditures of more than one thousand dollars ($1,000) for the purpose of seeking election to the office; or

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

[F-] H. "contribution":

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

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

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

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

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

(3) for the purpose of:

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

(b) paying for an advertisement that refers to a clearly identified candidate and is published and disseminated to the relevant electorate in New Mexico within thirty days before the primary election or sixty days before the general election in which the candidate is on the ballot;
[G.] "deliver" or "delivery" means to deliver by certified or registered mail, telecopier, electronic transmission or facsimile or by personal service;

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

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

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

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

1. made by a person other than a candidate or campaign committee;

2. not a coordinated expenditure as defined in the Campaign Reporting Act; and

3. made to pay for an advertisement that:

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

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

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

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

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

(1) political parties, political action committees or similar organizations composed of employees or members of any corporation, labor organization, trade or professional association or any other similar group that raises, collects, expends or contributes money or any other thing of value for a political purpose;
(2) a single individual whose actions represent that the individual is a political committee; and

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

(1) a political party;

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

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

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

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

[N.1] S. "prescribed form" means a form or
electronic format prepared and prescribed by the secretary of
state;

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

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

[Q.1] V. "reporting individual" means every public
official, candidate or treasurer of a campaign committee and
every treasurer of a political committee."

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

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

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

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

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

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

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

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

(4) the names and addresses of the officers of the committee; and

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

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

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

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

A. Except as otherwise provided in this section,
all reporting individuals shall file with the proper filing
officer [by 5:00 p.m. on] no later than the second Monday in
April and October a report of all expenditures made and
contributions received on or before the first Monday in those
months and not previously reported. The report shall be filed
biannually until the [reporting individual's bank account has
been closed and the other] provisions specified in Subsection
F, G or H of this section have been satisfied.

B. In an election year, instead of the biannual
reports provided for in Subsection A of this section, all
reporting individuals, except for public officials who are not
candidates in an election that year, shall file reports of all
expenditures made and contributions received or, if applicable,
statements of no activity, according to the following schedule:

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

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

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

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

(5) [by 5:00 p.m. on] no later than the
Thursday before a primary, general or statewide special
election, a report of all expenditures made and contributions
received by 5:00 p.m. on the Tuesday before the election and
not previously reported. Any contribution or pledge to
contribute that is received after 5:00 p.m. on the Tuesday
before the election and that is for [five hundred dollars
($500) or] more than one thousand dollars ($1,000) in a
[legislative or] nonstatewide [judicial] election, or [two
thousand five hundred dollars ($2,500) or] more than three
thousand dollars ($3,000) in a statewide election, shall be
reported to the proper filing officer either in a supplemental
report on a prescribed form within twenty-four hours of receipt
or in the report to be filed [by 5:00 p.m. on] no later than
the Thursday before a primary, general or statewide special
election, except that any such contribution or pledge to
contribute that is received after 5:00 p.m. on the Friday
before the election may be reported by 12:00 noon on the Monday
before the election; [and]

(6) no later than the Thursday before a
primary or general election, or within twenty-four hours of the
independent expenditure, a report of each independent
expenditure made after 5:00 p.m. on the Tuesday before the
election that is for more than one thousand dollars ($1,000) in
a nonstatewide election or more than three thousand dollars
($3,000) in a statewide election. Such expenditures shall be
reported to the proper filing officer either in a supplemental
report on a prescribed form within twenty-four hours of being
made or in the report to be filed no later than the Thursday
before a primary or general election, except that any such
expenditure that is made after 5:00 p.m. on the Friday before
the election may be reported by 12:00 noon on the Monday before
the election;

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

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

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

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

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

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

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

1) there are no outstanding campaign debts;

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

3) the bank [account has] accounts have been
closed.

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

H. A reporting individual who is a candidate within the meaning of the Campaign Reporting Act because of the amount of contributions the candidate receives or expenditures the candidate makes and who does not ultimately file a declaration
of candidacy or a nominating petition with the proper filing
tofficer and does not file a statement of no activity shall file
biannual reports in accordance with Subsection A of this
section.

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

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

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

SECTION 7. Section 1-19-31 NMSA 1978 (being Laws 1979,
Chapter 360, Section 7, as amended) is amended to read:
"1-19-31. CONTENTS OF REPORT.--[A.] Each required report of expenditures and contributions shall be typed or printed legibly, or on a computer disc or format approved by the secretary of state, and shall include:

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

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

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

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

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

[F. Each report shall contain an] F. the opening and closing cash balance for the bank [account] accounts maintained by the reporting individual
during the reporting period and the name of the financial institution for each account; and

G. Each report shall specify the amount of each unpaid debt and the identity of the person to whom the debt is owed."

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

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

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

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

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

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

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

B. No anonymous contributions may be accepted [in excess of] for more than one hundred dollars ($100). The aggregate amount of anonymous contributions received by a reporting individual during a primary or general election or a statewide special election shall not exceed two thousand
dollars ($2,000) for statewide races and five hundred dollars
($500) for all other races.

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

D. Any contributions received pursuant to this
section in excess of the limits established in Subsections B
and C of this section shall be donated to the state general
fund or an organization to which a federal income tax deduction
would be available under Subparagraph (A) of Paragraph (1) of
Subsection (b) of Section 170 of the Internal Revenue Code of
SECTION 9. Section 1-19-34.3 NMSA 1978 (being Laws 1993, Chapter 46, Section 14, as amended) is amended to read:

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

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

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

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

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

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

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

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

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

"1-19-34.7. CONTRIBUTION LIMITATIONS--CANDIDATES--

POLITICAL COMMITTEES.--

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

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

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

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

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

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

(b) another political committee in an
amount that will cause that political committee's total
contributions to the political committee to exceed five
thousand dollars ($5,000) during a primary election or five
thousand dollars ($5,000) during a general election. Except as
provided in Subsections F and G of this section, a person,
including a political committee, shall not make a contribution
to a candidate, including the candidate's campaign committee,
or to a political committee in an amount that will cause that
person's total contributions to the candidate or political
committee to exceed five thousand dollars ($5,000) during a
primary election cycle or five thousand dollars ($5,000) during
a general election cycle. A primary election candidate who
does not become a candidate on the general election ballot
shall remain subject to the contribution limits of the primary
election cycle and shall not accept a contribution from a
person who has contributed the maximum allowable amount during
the primary election cycle to pay for primary election
expenditures of the campaign.
B. All contributions made by a person to a candidate, either directly or indirectly, including contributions that are in any way earmarked or otherwise directed through another person to a candidate, shall be treated as contributions from the person to that candidate.

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

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

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

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

[G. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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