

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

RELATING TO ELECTIONS; PROVIDING REQUIREMENTS FOR
CONTRIBUTIONS MADE TO A CANDIDATE OR A POLITICAL COMMITTEE
VIA THE INTERNET BY CREDIT OR DEBIT CARD.

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

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

"1-19-34. CANDIDATES--POLITICAL COMMITTEES--TREASURER--
BANK ACCOUNT--ANONYMOUS CONTRIBUTIONS--CONTRIBUTIONS FROM
SPECIAL EVENTS--CREDIT AND DEBIT CARD CONTRIBUTIONS.--

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

(1) a treasurer has been appointed and is
constantly maintained; provided, however, 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 and all

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

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

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

1 races.

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

18 D. Any contributions received pursuant to this
19 section in excess of the limits established in Subsections B
20 and C of this section shall be donated to the state general
21 fund or an organization to which a federal income tax
22 deduction would be available under Subparagraph (A) of
23 Paragraph (1) of Subsection (b) of Section 170 of the
24 Internal Revenue Code of 1986, as amended.

25 E. A candidate or political committee shall not

1 accept a contribution made by a credit card or a debit card
2 via the internet or where the card is not physically present
3 unless, at the time the contribution is made, the contributor
4 provides the card security code assigned to and printed or
5 imprinted on the card and the billing address associated with
6 the card." _____

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25