

1 HOUSE BILL 428

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO PUBLIC FINANCING OF ELECTIONS; INCLUDING CANDIDATES
12 FOR THE SECRETARY OF STATE IN THE VOTER ACTION ACT; AMENDING
13 SECTIONS OF THE VOTER ACTION ACT; MAKING AN APPROPRIATION.

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

16 SECTION 1. Section 1-19A-1 NMSA 1978 (being Laws 2003,
17 Chapter 14, Section 1) is amended to read:

18 "1-19A-1. SHORT TITLE.--~~[Sections 1 through 17 of this~~
19 ~~act]~~ Chapter 1, Article 19A NMSA 1978 may be cited as the
20 "Voter Action Act"."

21 SECTION 2. Section 1-19A-2 NMSA 1978 (being Laws 2003,
22 Chapter 14, Section 2, as amended) is amended to read:

23 "1-19A-2. DEFINITIONS.--As used in the Voter Action Act:

24 A. "applicant candidate" means a candidate who is
25 running for a covered office and who is seeking to be a

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1 certified candidate in a primary or general election;

2 B. "certified candidate" means a candidate running
3 for a covered office who chooses to obtain financing pursuant
4 to the Voter Action Act and is certified as a Voter Action Act
5 candidate;

6 C. "contested election" means an election in which
7 there are more candidates for a position than the number to be
8 elected to that position;

9 D. "covered office" means any office of the
10 judicial department subject to statewide elections, the office
11 of secretary of state and the office of public regulation
12 commissioner;

13 E. "election cycle" means the primary and general
14 elections for the same term of the same covered office,
15 beginning on the day after the last general election for the
16 office and ending with the general election. The primary
17 election cycle begins on the first day of the election cycle
18 and ends on the day of the primary election. The general
19 election begins on the day after the primary election and ends
20 on the day of the general election;

21 F. "fund" means the public election fund;

22 G. "noncertified candidate" means either a
23 candidate running for a covered office who does not choose to
24 participate in the Voter Action Act and who is not seeking to
25 be a certified candidate or a candidate who files a declaration

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1 of intent to participate but who fails to qualify;

2 H. "qualifying contribution" means a donation of
3 five dollars (\$5.00) in the form of cash or a check or money
4 order payable to the fund in support of an applicant candidate
5 that is:

6 (1) made by a [~~registered~~] voter who is
7 eligible to vote for the covered office that the applicant
8 candidate is seeking;

9 (2) made during the designated qualifying
10 period and obtained through efforts made with the knowledge and
11 approval of the applicant candidate; and

12 (3) acknowledged by a receipt that identifies
13 the contributor's name and residential address on forms
14 provided by the bureau of elections and that is signed by the
15 contributor, one copy of which is attached to the list of
16 contributors and sent to the bureau of elections;

17 I. "qualifying period" means:

18 (1) for major party applicant candidates for
19 covered offices, the period beginning October 1 immediately
20 preceding the election year and ending at 5:00 p.m. on the
21 third Tuesday of March of the election year; and

22 (2) for independent and minor party
23 candidates, the period beginning February 1 of the election
24 year and ending that year at 5:00 p.m. on the filing date for
25 independent or minor party candidates for the office for which

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1 the candidate is running;

2 J. "secretary" means the secretary of state or the
3 office of the secretary of state; and

4 K. "seed money" means a contribution raised for the
5 primary purpose of enabling applicant candidates to collect
6 qualifying contributions and petition signatures."

7 SECTION 3. Section 1-19A-4 NMSA 1978 (being Laws 2003,
8 Chapter 14, Section 4, as amended) is amended to read:

9 "1-19A-4. QUALIFYING CONTRIBUTIONS.--

10 A. Applicant candidates shall obtain qualifying
11 contributions as follows:

12 (1) for all statewide judicial elective
13 offices, the number of qualifying contributions equal to one-
14 tenth [~~of one~~] percent of the number of voters in the state;
15 [~~and~~]

16 (2) for the office of public regulation
17 commissioner, the number of qualifying contributions equal to
18 one-tenth [~~of one~~] percent of the number of voters in the
19 district of the office for which the candidate is running; and

20 (3) for the office of secretary of state, the
21 number of qualifying contributions equal to one-tenth percent
22 of the number of voters in the state.

23 B. Applicant candidates may accept qualifying
24 contributions from persons who become registered within the
25 statutory time frame that would enable that person to vote in

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1 the primary election.

2 C. Voters registered as independent are not
3 excluded from making qualifying contributions but shall be
4 registered within the statutory time frame as independent.

5 D. No payment, gift or anything of value shall be
6 given in exchange for a qualifying contribution."

7 SECTION 4. Section 1-19A-13 NMSA 1978 (being Laws 2003,
8 Chapter 14, Section 13, as amended) is amended to read:

9 "1-19A-13. AMOUNT OF FUND DISTRIBUTION.--

10 A. By [~~August 1, 2007~~] September 1 of each odd-
11 numbered year, the secretary shall determine the amount of
12 money to be distributed to each certified candidate for the
13 election cycle ending with the next general election [~~in 2008~~],
14 based on the type of election and the provisions of Subsections
15 B through F of this section.

16 B. For contested primary elections, the amount of
17 money to be distributed to a certified candidate is equal to
18 the following:

19 (1) for the office of public regulation
20 commissioner, twenty-five cents (\$.25) for each voter of the
21 candidate's party in the district of the office for which the
22 candidate is running; and

23 (2) for the office of secretary of state,
24 justice of the supreme court and judge of the court of appeals,
25 fifteen cents (\$.15) for each voter of the candidate's party in

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1 the state.

2 C. For uncontested primary elections, the amount of
3 money to be distributed to a certified candidate is equal to
4 fifty percent of the amount specified in Subsection B of this
5 section.

6 D. For contested general elections, the amount of
7 money to be distributed to a certified candidate is equal to
8 the following:

9 (1) for the office of public regulation
10 commissioner, twenty-five cents (\$.25) for each voter in the
11 district of the office for which the candidate is running; and

12 (2) for the office of secretary of state,
13 justice of the supreme court and judge of the court of appeals,
14 fifteen cents (\$.15) for each voter in the state.

15 E. For uncontested general elections, except as
16 provided in Subsection I of this section, the amount of money
17 to be distributed to a certified candidate is equal to fifty
18 percent of the amount specified in Subsection D of this
19 section. If a general election race that is initially
20 uncontested later becomes contested because of the
21 qualification of an independent or minor party candidate to
22 appear on the ballot for that race, an additional amount of
23 money shall be distributed to the certified candidate to make
24 that candidate's total distribution amount equal to the amount
25 distributed pursuant to Subsection D of this section.

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1 F. Once the certification for candidates for the
2 primary election has been completed, the secretary shall
3 calculate the total amount of money to be distributed in the
4 primary election cycle, based on the number of certified
5 candidates and the allocations specified in this section. The
6 secretary shall increase the total amount by twenty percent to
7 provide funds for additional matching funds in the primary
8 election. The secretary shall also prepare an estimate of the
9 total amount of money that might be distributed in the general
10 election cycle. This estimate shall be increased by twenty
11 percent to provide funds for additional matching funds in the
12 general election. If the total amount to be distributed in the
13 primary election cycle, plus the added twenty percent and the
14 estimated total amount to be distributed in the general
15 election cycle, plus the added twenty percent, all taken
16 together, exceed the amount expected to be available in the
17 fund, the secretary shall allocate the amount available between
18 the primary and general election cycles. This allocation shall
19 be based on the ratio of the two total amounts.

20 G. If the allocation specified in Subsection F of
21 this section is greater than the total amount available for
22 distribution, then the amounts to be distributed to individual
23 candidates, specified in Subsections B through E of this
24 section, shall each be reduced by the same percentage as the
25 reduction by which the total amount needed has been reduced

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1 relative to the total amount available.

2 H. At least every two years after January 1, 2007,
3 the secretary shall evaluate and modify as necessary the dollar
4 values originally determined by Subsections B through E of this
5 section and shall consider and account for inflation in the
6 evaluations.

7 I. No money shall be distributed to candidates in
8 judicial retention elections. No money shall be distributed to
9 judicial candidates in uncontested general elections; provided
10 that if a general election race that is initially uncontested
11 later becomes contested, the certified judicial candidate shall
12 receive a distribution in accordance with Subsection D of this
13 section."

14 SECTION 5. APPROPRIATION.--Five hundred thousand dollars
15 (\$500,000) is appropriated from the general fund to the public
16 election fund for expenditure in fiscal year 2020 and
17 subsequent fiscal years to carry out the purposes of the fund.
18 Any unexpended or unencumbered balance remaining at the end of
19 a fiscal year shall not revert to the general fund.

20 SECTION 6. EFFECTIVE DATE.--The effective date of the
21 provisions of this act is July 1, 2019.