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SENATE BILL 3

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

INTRODUCED BY
Peter Wirth

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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1 not otherwise required to be reported under the Campaign
2 Reporting Act shall file a report with the secretary of state
3 within:

4 (1) three days of making the expenditure if
5 the expenditure, by itself or aggregated with all independent
6 expenditures made by the same person during the election cycle,
7 exceeds one thousand dollars (\$1,000) in a nonstatewide
8 election or three thousand dollars (\$3,000) in a statewide
9 election; or

10 (2) twenty-four hours of making the
11 expenditure if the expenditure is in an amount of three
12 thousand dollars (\$3,000) or more and is made within seven days
13 before a nonstatewide or statewide election.

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

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

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

25 (3) the source of the contributions used to

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1 make the independent expenditure as provided in Subsections C
2 and D of this section.

3 C. A person who makes independent expenditures
4 required to be reported under this section in an amount
5 totaling three thousand dollars (\$3,000) or less in a
6 nonstatewide election or nine thousand dollars (\$9,000) or less
7 in a statewide election shall report the name and address of
8 each person who has made contributions of more than a total of
9 two hundred dollars (\$200) in the election cycle that were
10 earmarked or made in response to a solicitation to fund
11 independent expenditures and shall report the amount of each
12 such contribution made by that person.

13 D. A person who makes independent expenditures
14 required to be reported under this section in an amount
15 totaling more than three thousand dollars (\$3,000) in a
16 nonstatewide election or nine thousand dollars (\$9,000) in a
17 statewide election, in addition to reporting the information
18 specified in Subsection C of this section, shall either:

19 (1) if the expenditures were made exclusively
20 from a segregated bank account consisting only of funds
21 contributed to the account by individuals to be used for making
22 independent expenditures, report the name and address of, and
23 amount of each contribution made by, each contributor who
24 contributed more than two hundred dollars (\$200) to that
25 account in the election cycle; or

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1 (2) if the expenditures were made in whole or
2 part from funds other than those described in Paragraph (1) of
3 this subsection, report the name and address of, and amount of
4 each contribution made by, each contributor who contributed
5 more than a total of five thousand dollars (\$5,000) during the
6 election cycle to the person making the expenditures; provided,
7 however, that a contribution is exempt from reporting pursuant
8 to this paragraph if the contributor requested in writing that
9 the contribution not be used to fund independent or coordinated
10 expenditures or to make contributions to a candidate, campaign
11 committee or political committee.

12 E. If a person who has made a report required by
13 this section is required to make subsequent reports during the
14 election cycle, the information concerning contributions in the
15 subsequent reports shall cover only contributions not
16 previously reported."

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

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

20 A. A person who makes a campaign expenditure, a
21 coordinated expenditure or an independent expenditure for an
22 advertisement in an amount that exceeds one thousand dollars
23 (\$1,000), or in an amount that, when added to the aggregate
24 amount of the campaign expenditures, coordinated expenditures
25 and independent expenditures for advertisements made by the

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1 same person during the election cycle, exceeds one thousand
2 dollars (\$1,000), shall ensure that the advertisement contains
3 the name of the candidate, committee or other person who
4 authorized and paid for the advertisement.

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

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

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

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

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

23 "1-1-3.1. ELECTION CYCLE.--Except as otherwise provided,
24 as used in the Election Code:

25 A. "election cycle" means the period beginning on

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1 ~~[the day]~~ January 1 after the last general election and ending
2 on ~~[the day of]~~ December 31 after the general election;

3 B. "general election cycle" means the period
4 beginning on the day after the primary election and ending on
5 ~~[the day of]~~ December 31 after the general election; and

6 C. "primary election cycle" means the period
7 beginning on ~~[the day]~~ January 1 after the last general
8 election and ending on the day of the primary election."

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

13 "1-19-26. DEFINITIONS.--As used in the Campaign Reporting
14 Act:

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

21 A. "advertisement" means a communication referring
22 to a candidate or ballot measure that is published,
23 disseminated, distributed or displayed to the public by print,
24 broadcast, satellite, cable or electronic media, including
25 recorded phone messages, or by printed materials, including

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1 mailers, handbills, signs and billboards, but "advertisement"
2 does not include:

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

6 (2) a communication appearing in a news story
7 or editorial distributed through a print, broadcast, satellite,
8 cable or electronic medium;

9 (3) a candidate debate or forum or a
10 communication announcing a candidate debate or forum paid for
11 on behalf of the debate or forum sponsor; provided that two or
12 more candidates for the same position have been invited to
13 participate or, in the case of an uncontested election, that
14 the single candidate for the position has been invited to
15 participate;

16 (4) nonpartisan voter guides allowed by the
17 federal Internal Revenue Code of 1986, as amended, for Section
18 501(c)(3) organizations; or

19 (5) statements made to a court or
20 administrative board in the course of a formal judicial or
21 administrative proceeding;

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

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

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

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

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

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

21 (1) for a nonstatewide office, has received
22 contributions or made expenditures of more than one thousand
23 dollars (\$1,000) [~~or more~~] or authorized another person or
24 campaign committee to receive contributions or make
25 expenditures of more than one thousand dollars (\$1,000) [~~or~~

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1 ~~more~~] for the purpose of seeking election to the office; or
2 (2) for a statewide office, has received
3 contributions or made expenditures of [~~two thousand five~~
4 ~~hundred dollars (\$2,500) or~~] more than three thousand dollars
5 (\$3,000) or authorized another person or campaign committee to
6 receive contributions or make expenditures of [~~two thousand~~
7 ~~five hundred dollars (\$2,500) or~~] more than three thousand
8 dollars (\$3,000) for the purpose of seeking election to the
9 office or for candidacy exploration purposes in the years prior
10 to the year of the election;

11 [~~F-~~] H. "contribution":

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

17 (2) includes a coordinated expenditure;

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

25 (4) does not include the value of the

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1 incidental use of the candidate's personal property, home or
2 business office for campaign purposes; provided that for each
3 occurrence, the fair market value does not exceed fifty dollars
4 (\$50.00);

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

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

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

14 (3) for the purpose of:

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

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

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

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

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

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

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

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

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

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

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

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

25 (b) is susceptible to no other

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1 reasonable interpretation than as an appeal to vote for or
2 against a clearly identified candidate or ballot measure; or

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

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

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

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

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

24 ~~(3) a person or an organization of two or more~~
25 ~~persons that within one calendar year expends funds in excess~~

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1 ~~of five hundred dollars (\$500) to conduct an advertising~~
2 ~~campaign for a political purpose]:~~

3 (1) a political party;

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

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

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

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

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

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1 ~~[O. "proper filing officer" means either the~~
2 ~~secretary of state; or the county clerk as provided in Section~~
3 ~~1-19-27 NMSA 1978;~~

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

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

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

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

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

23 B. A political committee shall ~~[register]~~ appoint
24 and maintain a treasurer, file a statement of organization with
25 the secretary of state ~~[within ten days of receiving,~~

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1 ~~contributing or expending in excess of five hundred dollars~~
2 ~~(\$500) by paying]~~ and pay a filing fee of fifty dollars
3 (\$50.00). [~~and filing]~~

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

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

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

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

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

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

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

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1 contributions made to reporting individuals in New Mexico and
2 files with the secretary of state, according to the schedule
3 required for the filing of forms with the federal election
4 commission, a copy of either the full report or the cover sheet
5 and the portions of the federal reporting forms that contain
6 the information on expenditures for and contributions made to
7 reporting individuals in New Mexico."

8 SECTION 6. Section 1-19-28 NMSA 1978 (being Laws 1979,
9 Chapter 360, Section 4, as amended) is amended to read:

10 "1-19-28. FURNISHING REPORT FORMS--POLITICAL COMMITTEES--
11 CANDIDATES.--

12 A. The secretary of state annually shall furnish to
13 all reporting individuals the prescribed forms for the
14 reporting of expenditures and contributions, supplemental
15 reports and a statement of no activity and the specific dates
16 the reports and statement are due.

17 B. In addition to the provisions of Subsection A of
18 this section, at the time of filing a declaration of candidacy
19 or a nominating petition, the [~~proper filing officer~~] secretary
20 of state shall give the candidate the prescribed reporting
21 forms and the schedule of specific dates for filing the
22 required reports or a statement of no activity. The prescribed
23 forms shall also be made available to all reporting individuals
24 at the office of the secretary of state and in each county at
25 the office of the county clerk."

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1 SECTION 7. Section 1-19-29 NMSA 1978 (being Laws 1993,
2 Chapter 46, Section 5, as amended) is amended to read:

3 "1-19-29. TIME AND PLACE OF FILING REPORTS.--

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

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

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

23 (2) [~~by 5:00 p.m. on~~] no later than the second
24 Monday in May, a report of all expenditures made and
25 contributions received on or before the first Monday in May and

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1 not previously reported;

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

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

10 (5) [~~by 5:00 p.m. on~~] no later than the
11 Thursday before a primary, general or statewide special
12 election, a report of all expenditures made and contributions
13 received by 5:00 p.m. on the Tuesday before the election and
14 not previously reported. Any contribution or pledge to
15 contribute that is received after 5:00 p.m. on the Tuesday
16 before the election and that is for [~~five hundred dollars~~
17 ~~(\$500) or~~] more than one thousand dollars (\$1,000) in a
18 [~~legislative or~~] nonstatewide [~~judicial~~] election, or [~~two~~
19 ~~thousand five hundred dollars (\$2,500) or~~] more than three
20 thousand dollars (\$3,000) in a statewide election, shall be
21 reported to the [~~proper filing officer~~] secretary of state
22 either in a supplemental report on a prescribed form within
23 twenty-four hours of receipt or in the report to be filed [~~by~~
24 ~~5:00 p.m. on~~] no later than the Thursday before a primary,
25 general or statewide special election, except that any such

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1 contribution or pledge to contribute that is received after
2 5:00 p.m. on the Friday before the election may be reported by
3 12:00 noon on the Monday before the election; ~~and~~

4 (6) ~~[by 5:00 p.m. on]~~ 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 (7) no later than 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 (8) 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

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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~~] secretary of
22 state stating that:

- 23 (1) there are no outstanding campaign debts;
24 (2) all money has been expended in accordance
25 with the provisions of Section 1-19-29.1 NMSA 1978; and

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1 (3) the bank [~~account has~~] accounts have been
2 closed.

3 [~~G. Each treasurer of a political committee shall~~
4 ~~file a report of expenditures and contributions pursuant to the~~
5 ~~filing schedules set forth in this section until the treasurer~~
6 ~~files a report that affirms that the committee has dissolved or~~
7 ~~no longer exists and that its bank account has been closed.]~~

8 G. If, during a nonelection year, a political
9 committee has not received any contributions or made any
10 coordinated or independent expenditures since it filed its last
11 report pursuant to this section, it need not file any report
12 under this section until the next reporting period, if any, in
13 which it receives contributions or makes expenditures. A
14 political committee that has not received any contributions or
15 made any coordinated or independent expenditures for a
16 continuous period of at least one year may cancel its
17 registration as a political committee by submitting an
18 appropriate request in writing to the secretary of state. The
19 committee shall retain the obligation to submit a new
20 registration pursuant to Section 1-19-26.1 NMSA 1978 in the
21 event that its future activities meet the requisites for
22 registration under that section.

23 H. A reporting individual who is a candidate within
24 the meaning of the Campaign Reporting Act because of the amount
25 of contributions the candidate receives or expenditures the

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1 candidate makes and who does not ultimately file a declaration
2 of candidacy or a nominating petition with the [~~proper filing~~
3 ~~officer~~] secretary of state and does not file a statement of no
4 activity shall file biannual reports in accordance with
5 Subsection A of this section.

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

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

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

25 SECTION 8. Section 1-19-31 NMSA 1978 (being Laws 1979,

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1 Chapter 360, Section 7, as amended) is amended to read:

2 "1-19-31. CONTENTS OF REPORT.--~~[A.]~~ Each required report
3 of expenditures and contributions shall be typed or printed
4 legibly, or on a computer disc or format approved by the
5 secretary of state, and shall include:

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

15 ~~[(2)]~~ B. the occupation ~~[or]~~, name and type of
16 business, as applicable, of any ~~[person]~~ individual or entity
17 making contributions of ~~[two hundred fifty dollars (\$250)]~~ two
18 hundred dollars (\$200) or more in the aggregate per election;

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

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

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

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

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1 maintained by the reporting individual during the reporting
2 period and the name of the financial institution for each
3 account; and

4 ~~[G. Each report shall specify]~~ G. the amount of
5 each unpaid debt and the identity of the person to whom the
6 debt is owed."

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

9 "1-19-34. CANDIDATES--POLITICAL OR CAMPAIGN COMMITTEES--
10 TREASURER--BANK ACCOUNT--ANONYMOUS CONTRIBUTIONS--CONTRIBUTIONS
11 FROM SPECIAL EVENTS--CREDIT AND DEBIT CARD CONTRIBUTIONS.--

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

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

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

25 (3) a ~~[separate]~~ bank account has been

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

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

21 B. No anonymous contributions [~~may~~] shall be
22 accepted [~~in excess of~~] for more than one hundred dollars
23 (\$100). The aggregate amount of anonymous contributions
24 received by a reporting individual during a primary or general
25 election or a statewide special election shall not exceed two

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1 thousand dollars (\$2,000) for statewide races and five hundred
2 dollars (\$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 candidate shall accept
19 contributions of more than twenty-five dollars (\$25.00) in cash
20 at a special event from any one contributor.

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

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1 Subsection (b) of Section 170 of the federal Internal Revenue
2 Code of 1986, as amended.

3 E. A candidate or political committee shall not
4 accept a contribution made by a credit card or a debit card via
5 the internet or where the card is not physically present
6 unless, at the time the contribution is made, the contributor
7 provides the card security code assigned to and printed or
8 imprinted on the card and the billing address associated with
9 the card."

10 SECTION 10. Section 1-19-34.3 NMSA 1978 (being Laws 1993,
11 Chapter 46, Section 14, as amended) is amended to read:

12 "1-19-34.3. CONTRIBUTIONS IN ONE NAME GIVEN FOR ANOTHER
13 PROHIBITED--CONCEALING SOURCE OF CONTRIBUTIONS USED FOR
14 INDEPENDENT EXPENDITURES.--

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

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

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

25 "1-19-34.6. CIVIL PENALTIES.--

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

6 B. With or without a referral from the secretary of
7 state, the attorney general or district attorney may institute
8 a civil action in district court for any violation of the
9 Campaign Reporting Act or to prevent a violation of that act
10 that involves an unlawful solicitation or the making or
11 acceptance of an unlawful contribution. An action for relief
12 may include a permanent or temporary injunction, a restraining
13 order or any other appropriate order, including a civil penalty
14 of [~~two hundred fifty dollars (\$250)~~] up to one thousand
15 dollars (\$1,000) for each violation not to exceed [~~five~~
16 ~~thousand dollars (\$5,000)~~] a total of twenty thousand dollars
17 (\$20,000), and forfeiture of any contribution received as a
18 result of an unlawful solicitation or unlawful contribution.
19 Each unlawful solicitation and each unlawful contribution made
20 or accepted shall be deemed a separate violation of the
21 Campaign Reporting Act.

22 C. With or without a referral from the secretary of
23 state, the attorney general or district attorney may institute
24 a civil action in district court if a violation has occurred or
25 to prevent a violation of any provision of the Campaign

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1 Reporting Act other than that specified in Subsection B of this
2 section. Relief may include a permanent or temporary
3 injunction, a restraining order or any other appropriate order,
4 including an order for a civil penalty of [~~fifty dollars~~
5 ~~(\$50.00)~~] up to one thousand dollars (\$1,000) for each
6 violation not to exceed [~~five thousand dollars (\$5,000)~~] a
7 total of twenty thousand dollars (\$20,000)."

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

10 "1-19-34.7. CONTRIBUTION LIMITATIONS--CANDIDATES--
11 POLITICAL COMMITTEES.--

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

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

16 (~~a) candidate for nonstatewide office,~~
17 ~~including the candidate's campaign committee, in an amount that~~
18 ~~will cause that person's total contributions to the candidate~~
19 ~~to exceed two thousand three hundred dollars (\$2,300) during~~
20 ~~the primary election or two thousand three hundred dollars~~
21 ~~(\$2,300) during the general election;~~

22 (~~b) candidate for statewide office,~~
23 ~~including the candidate's campaign committee, in an amount that~~
24 ~~will cause that person's total contributions to the candidate~~
25 ~~to exceed five thousand dollars (\$5,000) during the primary~~

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1 ~~election or five thousand dollars (\$5,000) during the general~~
2 ~~election; or~~

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

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

9 ~~(a) a candidate for office, including~~
10 ~~the candidate's campaign committee, in an amount that will~~
11 ~~cause the political committee's total contributions to the~~
12 ~~candidate to exceed five thousand dollars (\$5,000) during the~~
13 ~~primary election or five thousand dollars (\$5,000) during the~~
14 ~~general election; or~~

15 ~~(b) another political committee in an~~
16 ~~amount that will cause that political committee's total~~
17 ~~contributions to the political committee to exceed five~~
18 ~~thousand dollars (\$5,000) during a primary election or five~~
19 ~~thousand dollars (\$5,000) during a general election.]~~

20 A. Except as provided in Subsections F and G of
21 this section:

22 (1) a person, including a political committee,
23 shall not make a contribution to a candidate, including the
24 candidate's campaign committee, or to a political committee in
25 an amount that will cause that person's total contributions to

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1 the candidate or political committee to exceed five thousand
2 dollars (\$5,000) during a primary election cycle or five
3 thousand dollars (\$5,000) during a general election cycle;
4 provided that a person may make a contribution attributable to
5 the general election cycle during the primary election cycle
6 even though the person has contributed the maximum amount
7 allowed for the primary election cycle:

8 (a) if that contribution is not used to
9 pay for any expenditure related to the primary election; and

10 (b) if the candidate is not on the
11 general election ballot, all contributions made to the
12 candidate for the general election are returned to the persons
13 who made the contributions or deposited in the public election
14 fund; and

15 (2) a primary election candidate who does not
16 become a candidate on the general election ballot shall remain
17 subject to the contribution limits of the primary election
18 cycle and shall not accept a contribution from a person who has
19 contributed the maximum allowable amount during the primary
20 election cycle to pay for primary election expenditures of the
21 campaign.

22 B. All contributions made by a person to a
23 candidate, either directly or indirectly, including
24 contributions that are in any way earmarked or otherwise
25 directed through another person to a candidate, shall be

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1 treated as contributions from the person to that candidate.

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

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

20 E. All contributions in excess of the limits
21 imposed by the provisions of this section shall be deposited in
22 the public election fund upon a finding by the secretary of
23 state that the contribution limits have been exceeded.

24 F. The limitation on contributions to a candidate
25 provided for in Subsection A of this section shall not apply to

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1 a candidate's own contribution from the candidate's personal
2 funds to the candidate's own campaign.

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

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

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

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

18 SECTION 13. Section 1-19-35 NMSA 1978 (being Laws 1979,
19 Chapter 360, Section 11, as amended) is amended to read:

20 "1-19-35. REPORTS AND STATEMENTS--LATE FILING PENALTY--
21 FAILURE TO FILE.--

22 A. Except for the report required to be filed and
23 delivered the Thursday prior to the election and any
24 supplemental report, as required in Paragraph (5) of Subsection
25 B of Section 1-19-29 NMSA 1978, that is due prior to the

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1 election, and subject to the provisions of Section 1-19-34.4
2 NMSA 1978, if a statement of no activity or a report of
3 expenditures and contributions contains false or incomplete
4 information or is filed after any deadline imposed by the
5 Campaign Reporting Act, the responsible reporting individual or
6 political committee, in addition to any other penalties or
7 remedies prescribed by the Election Code, shall be liable for
8 and shall pay to the secretary of state fifty dollars (\$50.00)
9 per day for each regular working day after the time required by
10 the Campaign Reporting Act for the filing of statements of no
11 activity or reports of expenditures and contributions until the
12 complete or true statement or report is filed, up to a maximum
13 of five thousand dollars (\$5,000).

14 B. If any reporting individual files a false,
15 intentionally incomplete or late report of expenditures and
16 contributions due on the Thursday prior to the election, the
17 reporting individual or political committee shall be liable and
18 pay to the secretary of state five hundred dollars (\$500) for
19 the first working day and fifty dollars (\$50.00) for each
20 subsequent working day after the time required for the filing
21 of the report until the true and complete report is filed, up
22 to a maximum of five thousand dollars (\$5,000).

23 C. If a reporting individual fails to file or files
24 a late supplemental report of expenditures and contributions as
25 required in Paragraph (5) of Subsection B of Section 1-19-29

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1 NMSA 1978, the reporting individual or political committee
2 shall be liable for and pay to the secretary of state a penalty
3 equal to the amount of each contribution received or pledged
4 after the Tuesday before the election that was not timely
5 filed.

6 D. All sums collected for the penalty shall be
7 deposited in the state general fund. A report or statement of
8 [~~exception~~] no activity shall be deemed timely filed only if it
9 is received by the [~~proper filing officer~~] secretary of state
10 by the date and time prescribed by law.

11 E. Any candidate who fails or refuses to file a
12 report of expenditures and contributions or statement of no
13 activity or to pay a penalty imposed by the secretary of state
14 as required by the Campaign Reporting Act shall not, in
15 addition to any other penalties provided by law:

16 (1) have the candidate's name printed upon the
17 ballot if the violation occurs before and through the final
18 date for the withdrawal of candidates; or

19 (2) be issued a certificate of nomination or
20 election, if the violation occurs after the final date for
21 withdrawal of candidates or after the election, until the
22 candidate satisfies all reporting requirements of the Campaign
23 Reporting Act and pays all penalties owed.

24 F. Any candidate who loses an election and who
25 failed or refused to file a report of expenditures and

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1 contributions or a statement of no activity or to pay a penalty
2 imposed by the secretary of state as required by the Campaign
3 Reporting Act shall not be, in addition to any other penalties
4 provided by law, permitted to file a declaration of candidacy
5 or nominating petition for any future election until the
6 candidate satisfies all reporting requirements of that act and
7 pays all penalties owed."

8 SECTION 14. Section 1-19-36 NMSA 1978 (being Laws 1979,
9 Chapter 360, Section 12, as amended) is amended to read:

10 "1-19-36. PENALTIES [~~CRIMINAL ENFORCEMENT~~].--

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

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

21 SECTION 15. TEMPORARY PROVISION.--The secretary of state,
22 in consultation with the attorney general, shall promulgate
23 rules to implement the amendatory provisions of this act by
24 August 1, 2019.

25 SECTION 16. REPEAL.--Sections 1-19-16 and 1-19-17 NMSA

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1 1978 (being Laws 1973, Chapter 401, Sections 1 and 2) are
2 repealed.

3 SECTION 17. EFFECTIVE DATE.--The effective date of the
4 provisions of this act is July 1, 2019.

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