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AN ACT

RELATING TO CAMPAIGN FINANCE; REQUIRING REPORTING OF  
INDEPENDENT EXPENDITURES; REDEFINING "POLITICAL COMMITTEE";  
DEFINING "ADVERTISEMENT", "BALLOT QUESTION", "CAMPAIGN  
EXPENDITURE", "COORDINATED EXPENDITURE", "INDEPENDENT  
EXPENDITURE", "LEGISLATIVE CAUCUS COMMITTEE" 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:

"INDEPENDENT EXPENDITURES--REPORTING REQUIREMENTS.--

A. A person who makes an independent expenditure  
not otherwise required to be reported under the Campaign  
Reporting Act shall file a report with the secretary of state  
within:

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

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

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

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

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

16                   (3) the source of the contributions used to  
17 make the independent expenditure as provided in Subsections C  
18 and D of this section.

19                   C. A person who makes independent expenditures  
20 required to be reported under this section in an amount  
21 totaling three thousand dollars (\$3,000) or less in a  
22 nonstatewide election or nine thousand dollars (\$9,000) or  
23 less in a statewide election shall report the name and  
24 address of each person who has made contributions of more  
25 than a total of two hundred dollars (\$200) in the election

1 cycle that were earmarked or made in response to a  
2 solicitation to fund independent expenditures and shall  
3 report the amount of each such contribution made by that  
4 person.

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

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

18 (2) if the expenditures were made in whole  
19 or part from funds other than those described in Paragraph  
20 (1) of this subsection, report the name and address of, and  
21 amount of each contribution made by, each contributor who  
22 contributed more than a total of five thousand dollars  
23 (\$5,000) during the election cycle to the person making the  
24 expenditures; provided, however, that a contribution is  
25 exempt from reporting pursuant to this paragraph if the

1 contributor requested in writing that the contribution not be  
2 used to fund independent or coordinated expenditures or to  
3 make contributions to a candidate, campaign committee or  
4 political committee.

5 E. If a person who has made a report required by  
6 this section is required to make subsequent reports during  
7 the election cycle, the information concerning contributions  
8 in the subsequent reports shall cover only contributions not  
9 previously reported."

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

12 "DISCLAIMERS IN ADVERTISEMENTS.--

13 A. A person who makes a campaign expenditure, a  
14 coordinated expenditure or an independent expenditure for an  
15 advertisement in an amount that exceeds one thousand dollars  
16 (\$1,000), or in an amount that, when added to the aggregate  
17 amount of the campaign expenditures, coordinated expenditures  
18 and independent expenditures for advertisements made by the  
19 same person during the election cycle, exceeds one thousand  
20 dollars (\$1,000), shall ensure that the advertisement  
21 contains the name of the candidate, committee or other person  
22 who authorized and paid for the advertisement.

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

25 (1) bumper stickers, pins, buttons, pens and

1 similar small items upon which the disclaimer cannot be  
2 conveniently printed; or

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

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

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

17 "1-1-3.1. ELECTION CYCLE.--Except as otherwise  
18 provided, as used in the Election Code:

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

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

25 C. "primary election cycle" means the period

1 beginning on January 1 after the last general election and  
2 ending on the day of the primary election."

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

7 "1-19-26. DEFINITIONS.--As used in the Campaign  
8 Reporting Act:

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

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

19 (2) a communication appearing in a news  
20 story or editorial distributed through a print, broadcast,  
21 satellite, cable or electronic medium;

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

1 participate or, in the case of an uncontested election, that  
2 the single candidate for the position has been invited to  
3 participate;

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

7 (5) statements made to a court or  
8 administrative board in the course of a formal judicial or  
9 administrative proceeding;

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

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

17 D. "bank account" means an account in a financial  
18 institution regulated by the United States or a state of the  
19 United States;

20 E. "campaign committee" means an association of  
21 two or more persons authorized by a candidate to act on the  
22 candidate's behalf for the purpose of electing the candidate  
23 to office; provided that a candidate shall not authorize more  
24 than one campaign committee;

25 F. "campaign expenditure" means an expenditure

1 that is made by a campaign committee or by a candidate in  
2 support of the candidate's campaign in an election;

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

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

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

22 H. "contribution":

23 (1) means a gift, subscription, loan,  
24 advance or deposit of money or other thing of value,  
25 including the estimated value of an in-kind contribution,



1 that is made or received for a political purpose, including  
2 payment of a debt incurred in an election campaign;

3 (2) includes a coordinated expenditure;

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

11 (4) does not include the value of the  
12 incidental use of the candidate's personal property, home or  
13 business office for campaign purposes;

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

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

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

23 (3) for the purpose of:

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

1 (b) paying for an advertisement that  
2 refers to a clearly identified candidate and is published and  
3 disseminated to the relevant electorate in New Mexico within  
4 thirty days before the primary election or sixty days before  
5 the general election in which the candidate is on the ballot;

6 J. "deliver" or "delivery" means to deliver by  
7 certified or registered mail, telecopier, electronic  
8 transmission or facsimile or by personal service;

9 K. "election" means any primary, general or  
10 statewide special election in New Mexico and includes county  
11 and judicial retention elections but excludes federal,  
12 municipal, school board and special district elections;

13 L. "election year" means an even-numbered year in  
14 which an election covered by the Campaign Reporting Act is  
15 held;

16 M. "expenditure" means a payment, transfer or  
17 distribution or obligation or promise to pay, transfer or  
18 distribute any money or other thing of value for a political  
19 purpose, including payment of a debt incurred in an election  
20 campaign or pre-primary convention;

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

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

25 (2) not a coordinated expenditure as defined

1 in the Campaign Reporting Act; and

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

3 (a) expressly advocates the election or  
4 defeat of a clearly identified candidate or the passage or  
5 defeat of a clearly identified ballot question;

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

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

15 O. "legislative caucus committee" means a  
16 political committee established by the members of a political  
17 party in a chamber of the legislature;

18 P. "person" means an individual or entity;

19 Q. "political committee" means:

20 (1) a political party;

21 (2) a legislative caucus committee;

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

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

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

10 S. "political purpose" means for the purpose of  
11 supporting or opposing a ballot question or the nomination or  
12 election of a candidate;

13 T. "prescribed form" means a form or electronic  
14 format prepared and prescribed by the secretary of state;

15 U. "public official" means a person elected to an  
16 office in an election covered by the Campaign Reporting Act  
17 or a person appointed to an office that is subject to an  
18 election covered by that act; and

19 V. "reporting individual" means a public official,  
20 candidate or treasurer of a campaign committee or a treasurer  
21 of a political committee."

22 SECTION 5. Section 1-19-26.1 NMSA 1978 (being Laws  
23 1993, Chapter 46, Section 2, as amended) is amended to read:

24 "1-19-26.1. POLITICAL COMMITTEES--REGISTRATION--  
25 DISCLOSURES.--

1           A. It is unlawful for a political committee to  
2 continue to receive or make any contribution or expenditure  
3 for a political purpose if the committee fails to meet the  
4 requirements of Subsections B and C of this section.

5           B. A political committee shall appoint and  
6 maintain a treasurer, file a statement of organization with  
7 the secretary of state and pay a filing fee of fifty dollars  
8 (\$50.00).

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

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

16                   (2) a statement of the purpose for which the  
17 committee was organized;

18                   (3) the names and addresses of the officers  
19 of the committee; and

20                   (4) an identification of any bank account  
21 used by the committee to receive or make contributions or  
22 make expenditures.

23           D. Any changes to the information provided in the  
24 statement of organization shall be reported to the secretary  
25 of state within ten days.

1           E. The provisions of this section do not apply to  
2 a political committee that is located in another state and is  
3 registered with the federal election commission if the  
4 political committee reports on federal reporting forms filed  
5 with the federal election commission all expenditures for and  
6 contributions made to reporting individuals in New Mexico and  
7 files with the secretary of state, according to the schedule  
8 required for the filing of forms with the federal election  
9 commission, a copy of either the full report or the cover  
10 sheet and the portions of the federal reporting forms that  
11 contain the information on expenditures for and contributions  
12 made to reporting individuals in New Mexico."

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

15           "1-19-28. FURNISHING REPORT FORMS--POLITICAL  
16 COMMITTEES--CANDIDATES.--

17           A. The secretary of state annually shall furnish  
18 to all reporting individuals the prescribed forms for the  
19 reporting of expenditures and contributions, supplemental  
20 reports and a statement of no activity and the specific dates  
21 the reports and statement are due.

22           B. In addition to the provisions of Subsection A  
23 of this section, at the time of filing a declaration of  
24 candidacy or a nominating petition, the secretary of state  
25 shall give the candidate the prescribed reporting forms and

1 the schedule of specific dates for filing the required  
2 reports or a statement of no activity. The prescribed forms  
3 shall also be made available to all reporting individuals at  
4 the office of the secretary of state and in each county at  
5 the office of the county clerk."

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

8 "1-19-29. TIME AND PLACE OF FILING REPORTS.--

9 A. Except as otherwise provided in this section,  
10 all reporting individuals shall file with the secretary of  
11 state no later than the second Monday in April and October a  
12 report of all expenditures made and contributions received on  
13 or before the first Monday in those months and not previously  
14 reported. The report shall be filed biannually until the  
15 provisions specified in Subsection F, G or H of this section  
16 have been satisfied.

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

24 (1) no later than the second Monday in  
25 April, a report of all expenditures made and contributions

1 received on or before the first Monday in April and not  
2 previously reported;

3 (2) no later than the second Monday in May,  
4 a report of all expenditures made and contributions received  
5 on or before the first Monday in May and not previously  
6 reported;

7 (3) no later than the second Monday in  
8 September, a report of all expenditures made and  
9 contributions received on or before the first Monday in  
10 September and not previously reported;

11 (4) no later than the second Monday in  
12 October, a report of all expenditures made and contributions  
13 received on or before the first Monday in October and not  
14 previously reported; provided that if the second Monday of  
15 October is a state holiday, the report shall be made on the  
16 following day;

17 (5) no later than the Thursday before a  
18 primary, general or statewide special election, a report of  
19 all expenditures made and contributions received by 5:00 p.m.  
20 on the Tuesday before the election and not previously  
21 reported. Any contribution or pledge to contribute that is  
22 received after 5:00 p.m. on the Tuesday before the election  
23 and that is for more than one thousand dollars (\$1,000) in a  
24 nonstatewide election, or more than three thousand dollars  
25 (\$3,000) in a statewide election, shall be reported to the



1 secretary of state either in a supplemental report on a  
2 prescribed form within twenty-four hours of receipt or in the  
3 report to be filed no later than the Thursday before a  
4 primary, general or statewide special election, except that  
5 any such contribution or pledge to contribute that is  
6 received after 5:00 p.m. on the Friday before the election  
7 may be reported by 12:00 noon on the Monday before the  
8 election;

9 (6) no later than the thirtieth day after a  
10 primary election, a report by all reporting individuals,  
11 except those individuals that become candidates after the  
12 primary election, of all expenditures made and contributions  
13 received on or before the twenty-fifth day after the primary  
14 election and not previously reported;

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

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

24 C. If a candidate, political committee, campaign  
25 committee or public official has not received any

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

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

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

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

1 the secretary of state stating that:

2 (1) there are no outstanding campaign debts;

3 (2) all money has been expended in  
4 accordance with the provisions of Section 1-19-29.1 NMSA  
5 1978; and

6 (3) the bank accounts have been closed.

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

22 H. A reporting individual who is a candidate  
23 within the meaning of the Campaign Reporting Act because of  
24 the amount of contributions the candidate receives or  
25 expenditures the candidate makes and who does not ultimately

1 file a declaration of candidacy or a nominating petition with  
2 the secretary of state and does not file a statement of no  
3 activity shall file biannual reports in accordance with  
4 Subsection A of this section.

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

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

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

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

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

2 "1-19-31. CONTENTS OF REPORT.--Each required report of  
3 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 A. the name and address of the person or entity to  
7 whom an expenditure was made or from whom a contribution was  
8 received, except as provided for anonymous contributions or  
9 contributions received from special events as provided in  
10 Section 1-19-34 NMSA 1978; provided that for contributors,  
11 the name of the entity or the first and last names of any  
12 individual shall be the full name of the entity or  
13 individual, and initials only shall not constitute a full  
14 name unless that is the complete legal name;

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

19 C. the amount of the expenditure or contribution  
20 or value thereof;

21 D. the purpose of the expenditure;

22 E. the date that the expenditure was made or the  
23 contribution was received;

24 F. the opening and closing cash balance for the  
25 bank accounts maintained by the reporting individual during

1 the reporting period and the name of the financial  
2 institution for each account; and

3 G. the amount of each unpaid debt and the identity  
4 of the person to whom the debt is owed."

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

7 "1-19-34. CANDIDATES--POLITICAL OR CAMPAIGN  
8 COMMITTEES--TREASURER--BANK ACCOUNT--ANONYMOUS  
9 CONTRIBUTIONS--CONTRIBUTIONS FROM SPECIAL EVENTS--CREDIT AND  
10 DEBIT CARD CONTRIBUTIONS.--

11 A. A political or campaign committee or a  
12 candidate shall ensure that:

13 (1) a treasurer has been appointed and is  
14 constantly maintained; provided, however, that when a duly  
15 appointed treasurer is unable for any reason to continue as  
16 treasurer, the candidate or committee shall appoint a  
17 successor and notify the secretary of state within ten days;  
18 and provided further that a candidate may serve as the  
19 candidate's own treasurer;

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

23 (3) a bank account has been established and  
24 all receipts of money contributions are deposited in and all  
25 expenditures of money are disbursed from one or more bank

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

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

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

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

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



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

8           SECTION 10. Section 1-19-34.3 NMSA 1978 (being Laws  
9 1993, Chapter 46, Section 14, as amended) is amended to read:

10           "1-19-34.3. CONTRIBUTIONS IN ONE NAME GIVEN FOR ANOTHER  
11 PROHIBITED--CONCEALING SOURCE OF CONTRIBUTIONS USED FOR  
12 INDEPENDENT EXPENDITURES.--

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

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

21           SECTION 11. Section 1-19-34.6 NMSA 1978 (being Laws  
22 1995, Chapter 153, Section 19) is amended to read:

23           "1-19-34.6. CIVIL PENALTIES.--

24           A. If the secretary of state reasonably believes  
25 that a person committed, or is about to commit, a violation

1 of the Campaign Reporting Act, the secretary of state shall  
2 refer the matter to the attorney general or a district  
3 attorney for enforcement.

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

19 C. With or without a referral from the secretary  
20 of state, the attorney general or district attorney may  
21 institute a civil action in district court if a violation has  
22 occurred or to prevent a violation of any provision of the  
23 Campaign Reporting Act other than that specified in  
24 Subsection B of this section. Relief may include a permanent  
25 or temporary injunction, a restraining order or any other

1 appropriate order, including an order for a civil penalty of  
2 up to one thousand dollars (\$1,000) for each violation not to  
3 exceed a total of twenty thousand dollars (\$20,000)."

4 SECTION 12. Section 1-19-34.7 NMSA 1978 (being Laws  
5 2009, Chapter 68, Section 1) is amended to read:

6 "1-19-34.7. CONTRIBUTION LIMITATIONS--CANDIDATES--  
7 POLITICAL COMMITTEES.--

8 A. Except as provided in Subsections H through J  
9 of this section:

10 (1) a person, including a political  
11 committee, shall not make a contribution to a candidate,  
12 including the candidate's campaign committee, or to a  
13 political committee in an amount that will cause that  
14 person's total contributions to the candidate or political  
15 committee to exceed five thousand dollars (\$5,000) during a  
16 primary election cycle or five thousand dollars (\$5,000)  
17 during a general election cycle; provided that a person may  
18 make a contribution attributable to the general election  
19 cycle during the primary election cycle even though the  
20 person has contributed the maximum amount allowed for the  
21 primary election cycle:

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

24 (b) if the candidate is not on the  
25 general election ballot, all contributions made to the

1 candidate for the general election are returned to the  
2 persons who made the contributions or deposited in the public  
3 election fund; and

4 (2) a primary election candidate who does  
5 not become a candidate on the general election ballot shall  
6 remain subject to the contribution limits of the primary  
7 election cycle and shall not accept a contribution from a  
8 person who has contributed the maximum allowable amount  
9 during the primary election cycle to pay for primary election  
10 expenditures of the campaign.

11 B. A person, including a political committee,  
12 shall not make a contribution to a candidate committee  
13 authorized for the purpose of electing a candidate for  
14 governor in an amount that will cause that person's total  
15 contributions to the committee to exceed two times the limit  
16 imposed pursuant to Subsection A of this section.

17 C. Except as provided in Subsection K of this  
18 section, a person, including a political committee, shall not  
19 make a contribution to a political party or legislative  
20 caucus committee in an amount that will cause that person's  
21 total contributions to the political party or legislative  
22 caucus committee to exceed five times the limit imposed  
23 pursuant to Subsection A of this section.

24 D. All contributions made by a person to a  
25 candidate, either directly or indirectly, including

1 contributions that are in any way earmarked or otherwise  
2 directed through another person to a candidate, shall be  
3 treated as contributions from the person to that candidate.

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

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

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

25 H. The limitation on contributions to a candidate

1 provided for in Subsection A of this section shall not apply  
2 to a candidate's own contribution from the candidate's  
3 personal funds to the candidate's own campaign.

4 I. The limitations on contributions to political  
5 committees provided for in Subsection A of this section shall  
6 not apply to a political committee that makes only  
7 independent expenditures or to a contribution to a political  
8 committee that is deposited in a segregated bank account that  
9 may only be used to make independent expenditures.

10 J. The limitations on contributions to candidates  
11 or campaign committees provided for in Subsection A of this  
12 section shall not apply to the value of in-kind contributions  
13 from a political party or legislative caucus committee to a  
14 candidate nominated by that party in a general election  
15 cycle.

16 K. The limitations on contributions to political  
17 parties or legislative caucus committees provided for in  
18 Subsection C of this section shall not apply to contributions  
19 from a campaign committee authorized for the purpose of  
20 electing a candidate from that party in a primary or general  
21 election cycle. For purposes of this subsection, "campaign  
22 committee" includes a candidate committee regulated by the  
23 federal election commission.

24 L. The members of a political party in a chamber  
25 of the legislature shall not maintain more than one

1 legislative caucus committee in each chamber."

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

4 "1-19-35. REPORTS AND STATEMENTS--LATE FILING PENALTY--  
5 FAILURE TO FILE.--

6 A. Except for the report required to be filed and  
7 delivered the Thursday prior to the election and any  
8 supplemental report, as required in Paragraph (5) of  
9 Subsection B of Section 1-19-29 NMSA 1978, that is due prior  
10 to the election, and subject to the provisions of Section  
11 1-19-34.4 NMSA 1978, if a statement of no activity or a  
12 report of expenditures and contributions contains false or  
13 incomplete information or is filed after any deadline imposed  
14 by the Campaign Reporting Act, the responsible reporting  
15 individual or political committee, in addition to any other  
16 penalties or remedies prescribed by the Election Code, shall  
17 be liable for and shall pay to the secretary of state fifty  
18 dollars (\$50.00) per day for each regular working day after  
19 the time required by the Campaign Reporting Act for the  
20 filing of statements of no activity or reports of  
21 expenditures and contributions until the complete or true  
22 statement or report is filed, up to a maximum of five  
23 thousand dollars (\$5,000).

24 B. If any reporting individual files a false,  
25 intentionally incomplete or late report of expenditures and

1 contributions due on the Thursday prior to the election, the  
2 reporting individual or political committee shall be liable  
3 and pay to the secretary of state five hundred dollars (\$500)  
4 for the first working day and fifty dollars (\$50.00) for each  
5 subsequent working day after the time required for the filing  
6 of the report until the true and complete report is filed, up  
7 to a maximum of five thousand dollars (\$5,000).

8 C. If a reporting individual fails to file or  
9 files a late supplemental report of expenditures and  
10 contributions as required in Paragraph (5) of Subsection B of  
11 Section 1-19-29 NMSA 1978, the reporting individual or  
12 political committee shall be liable for and pay to the  
13 secretary of state a penalty equal to the amount of each  
14 contribution received or pledged after the Tuesday before the  
15 election that was not timely filed.

16 D. All sums collected for the penalty shall be  
17 deposited in the state general fund. A report or statement  
18 of no activity shall be deemed timely filed only if it is  
19 received by the secretary of state by the date and time  
20 prescribed by law.

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



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

4 (2) be issued a certificate of nomination or  
5 election, if the violation occurs after the final date for  
6 withdrawal of candidates or after the election, until the  
7 candidate satisfies all reporting requirements of the  
8 Campaign Reporting Act and pays all penalties owed.

9 F. Any candidate who loses an election and who  
10 failed or refused to file a report of expenditures and  
11 contributions or a statement of no activity or to pay a  
12 penalty imposed by the secretary of state as required by the  
13 Campaign Reporting Act shall not be, in addition to any other  
14 penalties provided by law, permitted to file a declaration of  
15 candidacy or nominating petition for any future election  
16 until the candidate satisfies all reporting requirements of  
17 that act and pays all penalties owed."

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

20 "1-19-36. PENALTIES.--

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

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

6           SECTION 15. LEGISLATIVE CAUCUS COMMITTEE.--

7           A. No later than thirty days after the effective  
8 date of this 2019 act, the speaker and minority floor leader  
9 of the house of representatives and the majority floor leader  
10 and the minority floor leader of the senate shall establish  
11 or designate the political committee that is the legislative  
12 caucus committee.

13           B. The speaker and minority floor leader of the  
14 house of representatives and the majority floor leader and  
15 the minority floor leader of the senate shall be the  
16 designated leaders of the legislative caucus committees for  
17 the members of their political party in their legislative  
18 chamber unless two-thirds of the members of a political party  
19 in a legislative chamber vote to designate a different leader  
20 for the legislative caucus committee from among their  
21 members. The results of that vote shall be recorded with the  
22 secretary of state.

23           C. Upon a change of the designated leader of the  
24 legislative caucus committee, no funds shall be expended by  
25 the legislative caucus committee until the secretary of state

1 has been notified of the change in designated leader of the  
2 legislative caucus committee.

3 D. Funds belonging to a legislative caucus  
4 committee shall be managed by the designated leader or the  
5 leader's designee.

6 SECTION 16. TEMPORARY PROVISION.--The secretary of  
7 state, in consultation with the attorney general, shall  
8 promulgate rules to implement the amendatory provisions of  
9 this act by August 1, 2019.

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

13 SECTION 18. EFFECTIVE DATE.--The effective date of the  
14 provisions of this act is July 1, 2019. \_\_\_\_\_

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