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AN ACT
RELATING TO ELECTIONS; INCLUDING CANDIDATES FOR THE OFFICE OF
DISTRICT JUDGE IN THE VOTER ACTION ACT; PRESCRIBING
DISTRIBUTION AMOUNTS AND QUALIFYING CONTRIBUTIONS BASED ON
THE NUMBER OF VOTERS IN A DISTRICT; MAKING CONFORMING
CHANGES; AMENDING AND REPEALING SECTIONS OF THE VOTER ACTION
ACT.

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

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

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

A. "applicant candidate" means a candidate who is
running for a covered office and who is seeking to be a
certified candidate in a primary or general election;

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

C. "contested" means there are more candidates for
a position than the number to be elected to that position;

D. "contribution" means a gift, subscription,
loan, advance or deposit of money or other thing of value,
including the estimated value of an in-kind contribution,

1 that is made or received for the purpose of supporting or
2 opposing the nomination for election or election of a
3 candidate for public office, including payment of a debt
4 incurred in an election campaign and also including a
5 coordinated expenditure, but "contribution" does not include:

6 (1) a qualifying contribution;

7 (2) the value of services provided without
8 compensation or unreimbursed travel or other personal
9 expenses of individuals who volunteer a portion or all of
10 their time on behalf of a candidate; or

11 (3) the value of the incidental use of the
12 candidate's personal property, home or business office for
13 campaign purposes;

14 E. "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 such 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 that is
3 published and disseminated to the relevant electorate in
4 New Mexico within thirty days before the primary election or
5 sixty days before the general election in which the candidate
6 is on the ballot;

7 F. "covered office" means any office of the
8 judicial department subject to statewide elections and the
9 office of district judge;

10 G. "expenditure" means a payment, transfer or
11 distribution of, or a promise to pay, transfer or distribute,
12 any money or other thing of value for the purpose of
13 supporting or opposing the nomination or election of a
14 candidate;

15 H. "fund" means the public election fund;

16 I. "qualifying contribution" means a donation of
17 five dollars (\$5.00) in the form of cash, a check, a money
18 order or an electronic form of payment, as prescribed by the
19 secretary, and payable to the fund in support of an applicant
20 candidate that is:

21 (1) made by a voter who is eligible to vote
22 for the covered office that the applicant candidate is
23 seeking;

24 (2) made during the designated qualifying
25 period and obtained through efforts made with the knowledge

1 and approval of the applicant candidate; and

2 (3) acknowledged by a receipt that
3 identifies the contributor's name and residential address on
4 forms provided by the bureau of elections and that is signed
5 by the contributor, one copy of which is attached to the list
6 of contributors and sent to the bureau of elections;

7 J. "qualifying period" means:

8 (1) for candidates who are seeking public
9 financing for a primary election or for both a primary and a
10 general election, the period beginning October 1 immediately
11 preceding the election year and ending at 5:00 p.m. on the
12 third Tuesday of March of the election year; and

13 (2) for candidates who are seeking public
14 financing only for a general election, the period beginning
15 January 1 of the election year and ending that year at
16 5:00 p.m. on the twenty-third day following the primary
17 election for the office for which the candidate is running;
18 and

19 K. "secretary" means the secretary of state or the
20 office of the secretary of state."

21 SECTION 2. Section 1-19A-4 NMSA 1978 (being Laws 2003,
22 Chapter 14, Section 4, as amended) is amended to read:

23 "1-19A-4. QUALIFYING CONTRIBUTIONS.--

24 A. Applicant candidates shall obtain qualifying
25 contributions as follows:

1 (1) for all statewide judicial elective
2 offices, the number of qualifying contributions equal to
3 one-tenth percent of the number of voters in the state; and

4 (2) for the office of district judge:

5 (a) four hundred qualifying
6 contributions in a district with four hundred thousand or
7 more voters;

8 (b) three hundred qualifying
9 contributions in a district with two hundred thousand or more
10 but fewer than four hundred thousand voters;

11 (c) two hundred qualifying
12 contributions in a district with one hundred thousand or more
13 but fewer than two hundred thousand voters; and

14 (d) one hundred qualifying
15 contributions in a district with fewer than one hundred
16 thousand voters.

17 B. Applicant candidates may accept qualifying
18 contributions from persons who become registered within the
19 statutory time frame that would enable those persons to vote
20 in the primary election.

21 C. Voters registered as independent are not
22 excluded from making qualifying contributions but shall be
23 registered within the statutory time frame as independent.

24 D. A payment, gift or anything of value shall not
25 be given in exchange for a qualifying contribution."

1 SECTION 3. Section 1-19A-10 NMSA 1978 (being Laws 2003,
2 Chapter 14, Section 10, as amended) is amended to read:

3 "1-19A-10. PUBLIC ELECTION FUND--CREATION--USE.--

4 A. There is created in the state treasury the
5 "public election fund" solely for the purposes of:

6 (1) financing the election campaigns of
7 certified candidates for covered offices;

8 (2) paying administrative and enforcement
9 costs of the Voter Action Act; and

10 (3) carrying out all other specified
11 provisions of the Voter Action Act.

12 B. The state treasurer shall invest the funds as
13 other state funds are invested, and all income derived from
14 the fund shall be credited directly to the fund. Remaining
15 balances at the end of a fiscal year shall remain in the fund
16 and not revert to the general fund.

17 C. Money received from the following sources shall
18 be deposited directly into the fund:

19 (1) qualifying contributions that have been
20 submitted to the secretary;

21 (2) any recurring balance of unspent fund
22 money distributed to a certified candidate who does not
23 remain a candidate through the primary or general election
24 period for which the money was distributed;

25 (3) money that remains unspent or

1 unencumbered by a certified candidate following the date of
2 the primary election;

3 (4) money that remains unspent or
4 unencumbered by a certified candidate following the date of
5 the general election;

6 (5) unspent contributions to a candidate;

7 (6) money distributed to the fund from funds
8 received pursuant to the Uniform Unclaimed Property Act
9 (1995); and

10 (7) money appropriated by the legislature or
11 as otherwise provided by law."

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

14 "1-19A-13. AMOUNT OF FUND DISTRIBUTION.--

15 A. By September 1 of each odd-numbered year, the
16 secretary shall determine the amount of money to be
17 distributed to each certified candidate for the election
18 cycle ending with the next general election, based on the
19 type of election and the provisions of Subsections B through
20 G of this section.

21 B. For contested primary elections, the amount of
22 money to be distributed to a certified candidate is equal to
23 the following:

24 (1) for the office of district judge, for
25 each voter of the candidate's party in the district of the

1 office for which the candidate is running:

2 (a) fifteen cents (\$.15) in a district
3 with four hundred thousand or more voters;

4 (b) twenty-five cents (\$.25) in a
5 district with two hundred thousand or more but fewer than
6 four hundred thousand voters;

7 (c) forty cents (\$.40) in a district
8 with one hundred thousand or more but fewer than two hundred
9 thousand voters; and

10 (d) fifty-five cents (\$.55) in a
11 district with fewer than one hundred thousand voters; and

12 (2) for the office of justice of the supreme
13 court or judge of the court of appeals, fifteen cents (\$.15)
14 for each voter of the candidate's party in the state.

15 C. For uncontested primary elections in which
16 another candidate has filed a declaration of candidacy for
17 nomination in another party's primary for the same office and
18 that candidate's primary is contested, the amount of money to
19 be distributed to a certified candidate is equal to twenty
20 percent of the amount specified in Subsection B of this
21 section.

22 D. For uncontested primary elections in which
23 another candidate has filed a declaration of candidacy for
24 nomination in another party's primary for the same office,
25 but no primary for the office is contested, the amount of

1 money to be distributed to a certified candidate is equal to
2 the average of the amount each candidate would receive
3 pursuant to Subsection B of this section.

4 E. For contested general elections, the amount of
5 money to be distributed to a certified candidate is equal to
6 the following:

7 (1) for the office of district judge, for
8 each voter in the district of the office for which the
9 candidate is running:

10 (a) fifteen cents (\$.15) in a district
11 with four hundred thousand or more voters;

12 (b) twenty-five cents (\$.25) in a
13 district with two hundred thousand or more but fewer than
14 four hundred thousand voters;

15 (c) forty cents (\$.40) in a district
16 with one hundred thousand or more but fewer than two hundred
17 thousand voters; and

18 (d) fifty-five cents (\$.55) in a
19 district with fewer than one hundred thousand voters; and

20 (2) for the office of justice of the supreme
21 court or judge of the court of appeals, fifteen cents (\$.15)
22 for each voter in the state.

23 F. If a general election race that is initially
24 uncontested later becomes contested because of the
25 qualification of a candidate for that race, an amount of

1 money shall be distributed to the certified candidate to make
2 that candidate's distribution amount equal to the amount
3 distributed pursuant to Subsection E of this section.

4 G. Once the certification for candidates for the
5 primary election has been completed, the secretary shall
6 calculate the total amount of money to be distributed in the
7 primary election cycle, based on the number of certified
8 candidates and the allocations specified in this section.
9 The secretary shall also prepare an estimate of the total
10 amount of money that might be distributed in the general
11 election cycle. If the total amount to be distributed in the
12 primary election cycle and the estimated total amount to be
13 distributed in the general election cycle taken together
14 exceed the amount expected to be available in the fund, the
15 secretary shall allocate the amount available between the
16 primary and general election cycles. This allocation shall
17 be based on the ratio of the two total amounts.

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

25 I. At least every two years, the secretary shall

1 evaluate and modify as necessary the dollar values originally
2 determined by Subsections B through F of this section and
3 shall increase the amounts by the percentage of the preceding
4 two calendar years' increase of the consumer price index for
5 all urban consumers, United States city average for all
6 items, published by the United States department of labor.

7 J. No money shall be distributed to candidates in
8 judicial retention elections, and except as provided in
9 Subsections C, D and F of this section, no money shall be
10 distributed to a candidate in an uncontested election."

11 SECTION 5. REPEAL.--Laws 2020, Chapter 9, Sections 10
12 through 13 are repealed. _____

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