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SENATE BILL 116

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Dede Feldman

AN ACT

RELATING TO ELECTIONS; LIMITING CONTRIBUTIONS BY PERSONS AND
POLITICAL COMMITTEES TO CANDIDATES AND POLITICAL COMMITTEES IN
ELECTIONS COVERED BY THE CAMPAIGN REPORTING ACT.

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] CONTRIBUTIONS LIMITATIONS--CANDIDATES--
POLITICAL COMMITTEES.--

A. The following contributions shall not knowingly
be made by the following persons, directly or indirectly,
including a contribution earmarked or otherwise directed or
coordinated through a third party:

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

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1 (a) candidate for nonstatewide office,
2 including the candidate's campaign committee, in an amount that
3 will cause that person's aggregate amount of contributions to
4 the candidate to exceed two thousand three hundred dollars
5 (\$2,300) during the primary election cycle or two thousand
6 three hundred dollars (\$2,300) during the general election
7 cycle; or

8 (b) candidate for statewide office,
9 including the candidate's campaign committee, on or after
10 January 1, 2011, in an amount that will cause that person's
11 aggregate amount of contributions to the candidate to exceed
12 five thousand dollars (\$5,000) during the primary election
13 cycle or five thousand dollars (\$5,000) during the general
14 election cycle; and

15 (2) from a political committee to:

16 (a) a nonstatewide candidate for office,
17 including the candidate's campaign committee, in an amount that
18 will cause that political committee's aggregate amount of
19 contributions to the candidate to exceed five thousand dollars
20 (\$5,000) during the primary election cycle or five thousand
21 dollars (\$5,000) during the general election cycle; or

22 (b) a statewide candidate for office,
23 including the candidate's campaign committee, on or after
24 January 1, 2011, in an amount that will cause that political
25 party's aggregate amount of contributions to the candidate to

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1 exceed ten thousand dollars (\$10,000) during the primary
2 election cycle or ten thousand dollars (\$10,000) during the
3 general election cycle.

4 B. The following contributions shall not knowingly
5 be made by the following persons, directly or indirectly,
6 including contributions earmarked or otherwise directed by or
7 coordinated through a third party:

8 (1) from a person, not including a political
9 committee, to a political committee in an amount that will
10 cause that person's aggregate amount of contributions to the
11 political committee to exceed five thousand dollars (\$5,000) in
12 a calendar year; or

13 (2) from a political committee to another
14 political committee in an amount that will cause that political
15 committee's aggregate amount of contributions to the other
16 political committee to exceed ten thousand dollars (\$10,000) in
17 a calendar year.

18 C. All contributions made by a person, either
19 directly or indirectly, including contributions that are in any
20 way earmarked or otherwise directed through an intermediary or
21 conduit to a candidate, shall be treated as contributions from
22 the person to that candidate.

23 D. A person shall not knowingly accept or solicit a
24 contribution, directly or indirectly, including a contribution
25 earmarked or otherwise directed or coordinated through a third

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1 party, that violates the contribution limits provided for in
2 this section.

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

14 F. The limitation on contributions to a candidate
15 provided for in Subsection A of this section shall not apply to
16 a candidate's own contribution from the candidate's personal
17 funds to the candidate's own campaign.

18 G. For the purposes of this section:

19 (1) "primary election cycle" means the period
20 beginning on the day after the general election for the
21 applicable office and ending on the day of the primary for that
22 office; and

23 (2) "general election cycle" means the period
24 beginning on the day after the primary for the applicable
25 office and ending on the day of the general election for that

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1 office."

2 Section 2. Section 1-19-34.3 NMSA 1978 (being Laws 1993,
3 Chapter 46, Section 14, as amended) is amended to read:

4 "1-19-34.3. CONTRIBUTIONS IN ONE NAME GIVEN FOR ANOTHER
5 PROHIBITED.--It is unlawful for a person [~~or political~~
6 ~~committee to make, or a candidate or his agent to accept, a~~
7 ~~contribution that is reported as coming from one person or~~
8 ~~entity when the candidate or his agent knows that the~~
9 ~~contribution is actually from another person or entity that~~
10 ~~directed that the contribution not be publicly reported] to
11 make a contribution in the name of another person, and no
12 person shall knowingly accept a contribution made by one person
13 in the name of another person."~~

14 Section 3. EFFECTIVE DATE.--The effective date of the
15 provisions of this act is July 1, 2009.

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