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SENATE BILL 247

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

INTRODUCED BY  
John C. Ryan

AN ACT

RELATING TO ELECTIONS; REQUIRING ORGANIZATIONS EMPLOYING  
REGISTRATION AGENTS OR USING VOLUNTEER REGISTRATION AGENTS FOR  
REGISTERING VOTERS TO REGISTER WITH THE SECRETARY OF STATE;  
REQUIRING REGISTRATION UNDER THE CAMPAIGN REPORTING ACT FOR A  
REGISTRATION AGENT AND AN ORGANIZATION THAT HAS UNLIMITED  
ABILITY TO LOBBY FOR LEGISLATION AND PARTICIPATE IN POLITICAL  
CAMPAIGNS.

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

Section 1. Section 1-4-49 NMSA 1978 (being Laws 2005,  
Chapter 270, Section 17, as amended) is amended to read:

"1-4-49. THIRD-PARTY REGISTRATION AGENTS--REGISTRATION  
REQUIRED--PROCEDURES--REPORTS--PENALTY.--

A. Registration agents who either register or  
assist persons to register to vote on behalf of an organization  
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1 that is not a state or federal agency shall register with the  
2 secretary of state, and the organization shall register and  
3 provide the secretary of state with:

4 (1) the names of the officers of the  
5 organization and the name and permanent address of the  
6 organization;

7 (2) the names, permanent addresses, temporary  
8 addresses, if any, and dates of birth of each person  
9 registering persons to vote in the state on behalf of the  
10 organization; and

11 (3) a sworn statement from each registration  
12 agent employed by or volunteering for the organization stating  
13 that the agent will obey all state laws and rules regarding the  
14 registration of voters on a form that gives notice of the  
15 criminal penalties for false registration.

16 B. Organizations employing registration agents or  
17 using volunteer registration agents shall deliver or mail a  
18 certificate of registration to the secretary of state or county  
19 clerk within forty-eight hours of its completion by the person  
20 registering to vote or deliver it the next business day if the  
21 appropriate office is closed for that forty-eight-hour period.

22 C. Organizations employing registration agents or  
23 using volunteer registration agents are required to register  
24 pursuant to the Campaign Reporting Act.

25 [~~C.~~] D. The secretary of state may issue rules to

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1 ensure the integrity of the registration process, including  
2 rules requiring that organizations account for all state and  
3 federal registration forms used by their registration agents.

4 ~~[D-]~~ E. A person who intentionally violates the  
5 provisions of this section is guilty of a petty misdemeanor and  
6 the person's third-party registration agent status shall be  
7 revoked. If the person who violates a provision of this  
8 section is an employee of an organization and has decision-  
9 making authority involving the organization's voter  
10 registration activities or is an officer of the organization,  
11 that organization shall be subject to civil penalties as  
12 described in Subsection ~~[E]~~ F of this section.

13 ~~[E-]~~ F. If the secretary of state reasonably  
14 believes that a person committed a violation of the provisions  
15 of this section, the secretary of state shall refer the matter  
16 to the attorney general or a district attorney for enforcement.  
17 The attorney general or district attorney may institute a civil  
18 action in district court for a violation of the provisions of  
19 this section or to prevent a violation of the provisions of  
20 this section. An action for relief may include a permanent or  
21 temporary injunction, a restraining order or any other  
22 appropriate order, including a civil penalty of two hundred  
23 fifty dollars (\$250) for each violation, not to exceed five  
24 thousand dollars (\$5,000)."

25 Section 2. Section 1-19-26 NMSA 1978 (being Laws 1979,

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1 Chapter 360, Section 2, as amended) is amended to read:

2 "1-19-26. DEFINITIONS.--As used in the Campaign Reporting  
3 Act:

4 A. "advertising campaign" means an advertisement or  
5 series of advertisements used for a political purpose and  
6 disseminated to the public either in print, by radio or  
7 television broadcast or by any other electronic means,  
8 including telephonic communications, and may include direct or  
9 bulk mailings of printed materials;

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

14 C. "bank account" means an account in a financial  
15 institution located in New Mexico;

16 D. "campaign committee" means two or more persons  
17 authorized by a candidate to raise, collect or expend  
18 contributions on the candidate's behalf for the purpose of  
19 electing [~~him~~] the candidate to office;

20 E. "candidate" means an individual who seeks or  
21 considers an office in an election covered by the Campaign  
22 Reporting Act, including a public official, who either has  
23 filed a declaration of candidacy or nominating petition or:

24 (1) for a nonstatewide office, has received  
25 contributions or made expenditures of one thousand dollars

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1 (\$1,000) or more or authorized another person or campaign  
2 committee to receive contributions or make expenditures of one  
3 thousand dollars (\$1,000) or more for the purpose of seeking  
4 election to the office; or

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

13 F. "contribution" means a gift, subscription, loan,  
14 advance or deposit of money or other thing of value, including  
15 the estimated value of an in-kind contribution, that is made or  
16 received for a political purpose, including payment of a debt  
17 incurred in an election campaign, but does not include the  
18 value of services provided without compensation or unreimbursed  
19 travel or other personal expenses of individuals who volunteer  
20 a portion or all of their time on behalf of a candidate or  
21 political committee, nor does it include the administrative or  
22 solicitation expenses of a political committee that are paid by  
23 an organization that sponsors the committee;

24 G. "deliver" or "delivery" means to deliver by  
25 certified or registered mail, telecopier, electronic

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1 transmission or facsimile or by personal service;

2 H. "election" means any primary, general or  
3 statewide special election in New Mexico and includes county  
4 and judicial retention elections but excludes municipal, school  
5 board and special district elections;

6 I. "election year" means an even-numbered year in  
7 which an election covered by the Campaign Reporting Act is  
8 held;

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

17 K. "person" means an individual or entity;

18 L. "political committee" means two or more persons,  
19 other than members of a candidate's immediate family or  
20 campaign committee or a husband and wife who make a  
21 contribution out of a joint account, who are selected,  
22 appointed, chosen, associated, organized or operated primarily  
23 for a political purpose; and "political committee" includes:

24 (1) political action committees or similar  
25 organizations composed of employees or members of any

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1 corporation, labor organization, trade or professional  
2 association or any other similar group that raises, collects,  
3 expends or contributes money or any other thing of value for a  
4 political purpose;

5 (2) a single individual ~~[who by his]~~ whose  
6 actions ~~[represents]~~ represent that ~~[he]~~ the individual is a  
7 political committee; ~~[and]~~

8 (3) a person or an organization of two or more  
9 persons that within one calendar year expends funds in excess  
10 of five hundred dollars (\$500) to conduct an advertising  
11 campaign for a political purpose;

12 (4) an organization defined by the internal  
13 revenue service as a 501(c)(4) organization or another  
14 organization that has unlimited ability to lobby for  
15 legislation and participate in political campaigns, whose net  
16 earnings are devoted exclusively to charitable, educational or  
17 recreational purposes and that also promotes social welfare;  
18 and

19 (5) an organization employing registration  
20 agents or using volunteer registration agents to register  
21 voters pursuant to Chapter 1, Article 4 NMSA 1978.

22 M. "political purpose" means influencing or  
23 attempting to influence an election or pre-primary convention,  
24 including a constitutional amendment or other question  
25 submitted to the voters;

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1 N. "prescribed form" means a form or electronic  
2 format prepared and prescribed by the secretary of state;

3 O. "proper filing officer" means either the  
4 secretary of state or the county clerk as provided in Section  
5 1-19-27 NMSA 1978;

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

10 Q. "reporting individual" means every public  
11 official, candidate or treasurer of a campaign committee and  
12 every treasurer of a political committee; and

13 R. "statement of exception" or "statement" means  
14 the prescribed form subscribed and sworn to by a candidate to  
15 indicate that the candidate does not intend to raise or expend  
16 the minimum amount required for the filing of a report of  
17 expenditures and contributions as provided in Section 1-19-33  
18 NMSA 1978."