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HOUSE BILL 92

**49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010**

INTRODUCED BY

Al Park

AN ACT

RELATING TO GOVERNMENTAL CONDUCT; RESTRICTING THE USE OF  
FEDERAL, STATE AND LOCAL FUNDS FOR ADVERTISEMENTS OR PUBLIC  
SERVICE ANNOUNCEMENTS BY STATE OR LOCAL OFFICERS WHO ARE  
DECLARED CANDIDATES FOR FEDERAL, STATE OR LOCAL OFFICE.

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

Section 1. A new section of the Governmental Conduct Act  
is enacted to read:

"[NEW MATERIAL] LIMITS ON ADVERTISING AND PUBLIC SERVICE  
ANNOUNCEMENTS BY DECLARED CANDIDATES FOR OFFICE.--

A. For purposes of this section, "declared  
candidate" means a person who has indicated an intention to run  
for federal, state or local office, either by actual public  
announcement, by the solicitation of contributions for the  
purpose of running for a federal, state or local office or by

underscoring material = new  
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1 filing a declaration of intent with the appropriate official.

2 B. During the year in which a general election is  
3 held, a state or local officer who is a declared candidate for  
4 a federal, state or local office that is on the ballot shall  
5 not use or permit the use of federal, state or local public  
6 funds for any advertisement or public service announcement in a  
7 newspaper, on radio, on television or on the internet that  
8 contains that declared candidate's name, picture, likeness or  
9 voice, except:

10 (1) in case of a state or national emergency  
11 and only if the announcement is reasonably necessary to the  
12 officer's official function; or

13 (2) the advertisement or public service  
14 announcement occurs after the day of the general election."