

SENATE BILL 3

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Peter Wirth

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO CAMPAIGN FINANCE; REQUIRING REPORTING OF  
INDEPENDENT EXPENDITURES; REDEFINING "POLITICAL COMMITTEE";  
DEFINING "ADVERTISEMENT", "BALLOT SJC→~~MEASURE~~←SJC  
SJC→QUESTION←SJC", "CAMPAIGN EXPENDITURE", "COORDINATED  
EXPENDITURE", "INDEPENDENT EXPENDITURE" HJC→, "LEGISLATIVE  
CAUCUS COMMITTEE"←HJC 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.

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

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] 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

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

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

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

(2) the name and address of the person to whom the independent expenditure was made and the amount, date and purpose of the independent expenditure. If no reasonable

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

estimate of the monetary value of a particular expenditure is practicable, it is sufficient to report instead a description of the services, property or rights furnished through the expenditure; and

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

C. A person who makes independent expenditures required to be reported under this section in an amount totaling three thousand dollars (\$3,000) or less in a nonstatewide election or nine thousand dollars (\$9,000) or less in a statewide election shall report the name and address of each person who has made contributions of more than a total of two hundred dollars (\$200) in the election cycle that were earmarked or made in response to a solicitation to fund independent expenditures and shall report the amount of each such contribution made by that person.

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

(1) if the expenditures were made exclusively from a segregated bank account consisting only of funds

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

contributed to the account by individuals to be used for making independent expenditures, report the name and address of, and amount of each contribution made by, each contributor who contributed more than two hundred dollars (\$200) to that account in the election cycle; or

(2) if the expenditures were made in whole or part from funds other than those described in Paragraph (1) of this subsection, report the name and address of, and amount of each contribution made by, each contributor who contributed more than a total of five thousand dollars (\$5,000) during the election cycle to the person making the expenditures; provided, however, that a contribution is exempt from reporting pursuant to this paragraph if the contributor requested in writing that the contribution not be used to fund independent or coordinated expenditures or to make contributions to a candidate, campaign committee or political committee.

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

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

"[NEW MATERIAL] DISCLAIMERS IN ADVERTISEMENTS.--

A. A person who makes a campaign expenditure, a

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

coordinated expenditure or an independent expenditure for an advertisement in an amount that exceeds one thousand dollars (\$1,000), or in an amount that, when added to the aggregate amount of the campaign expenditures, coordinated expenditures and independent expenditures for advertisements made by the same person during the election cycle, exceeds one thousand dollars (\$1,000), shall ensure that the advertisement contains the name of the candidate, committee or other person who authorized and paid for the advertisement.

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

(1) bumper stickers, pins, buttons, pens and similar small items upon which the disclaimer cannot be conveniently printed; or

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

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

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

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

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

A. "election cycle" means the period beginning on ~~[the day]~~ January 1 after the last general election and ending on ~~[the day of]~~ December 31 after the general election;

B. "general election cycle" means the period beginning on the day after the primary election and ending on ~~[the day of]~~ December 31 after the general election; and

C. "primary election cycle" means the period beginning on ~~[the day]~~ January 1 after the last general election and ending on the day of the primary election."

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

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

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

.211122.4

underscored material = new

[bracketed material] = delete

Amendments: new = →bold, blue, highlight←

delete = →bold, red, highlight, strikethrough←

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

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

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

(3) a candidate debate or forum or a communication announcing a candidate debate or forum paid for on behalf of the debate or forum sponsor; provided that two or more candidates for the same position have been invited to participate or, in the case of an uncontested election, that the single candidate for the position has been invited to participate;

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

(5) statements made to a court or administrative board in the course of a formal judicial or

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

administrative proceeding;

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

C. ballot SJC→measure←SJC SJC→question←SJC"  
means a constitutional amendment or other question submitted to the voters in an election;

[E-] D. "bank account" means an account in a financial institution [~~located in New Mexico~~] SJC→chartered  
and←SJC regulated by the United States or a state of the United States;

[D-] E. "campaign committee" means an association of two or more persons authorized by a candidate to [raise, collect or expend contributions] act on the candidate's behalf for the purpose of electing the candidate to office; provided that a candidate shall not authorize more than one campaign committee;

F. "campaign expenditure" means an expenditure that is made by a campaign committee or by a candidate in support of the candidate's campaign in an election;

[E-] G. "candidate" means an individual who seeks or considers an office in an election covered by the Campaign Reporting Act, including a public official, who SJC→either←SJC has filed a declaration of candidacy SJC→or nominating

.211122.4



underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

~~petition~~←SJC and has not subsequently filed a statement of withdrawal or:

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

(2) for a statewide office, has received contributions or made expenditures of [~~two thousand five hundred dollars (\$2,500) or~~] more than three thousand dollars (\$3,000) or authorized another person or campaign committee to receive contributions or make expenditures of [~~two thousand five hundred dollars (\$2,500) or~~] more than three thousand dollars (\$3,000) for the purpose of seeking election to the office or for candidacy exploration purposes in the years prior to the year of the election;

[F-] H. "contribution":

(1) means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made or received for a political purpose, including payment of a debt incurred in an election campaign [~~but "contribution"~~];

(2) includes a coordinated expenditure;

(3) does not include the value of services

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee; and

(4) does not include the value of the incidental use of the candidate's personal property, home or business office for campaign purposes; SJC→~~provided that for each occurrence, the fair market value does not exceed fifty dollars (\$50.00);~~←SJC

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

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

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

(3) for the purpose of:

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

(b) paying for an advertisement that refers to a clearly identified candidate and is published and

.211122.4

underscored material = new

[bracketed material] = delete

Amendments: new = → bold, blue, highlight ↕

delete = → bold, red, highlight, strikethrough ↕

disseminated to the relevant electorate in New Mexico within thirty days before the primary election or sixty days before the general election in which the candidate is on the ballot;

[G.] J. "deliver" or "delivery" means to deliver by certified or registered mail, telecopier, electronic transmission or facsimile or by personal service;

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

[I.] L. "election year" means an even-numbered year in which an election covered by the Campaign Reporting Act is held;

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

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

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

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

(2) not a coordinated expenditure as defined in the Campaign Reporting Act; and

(3) made to pay for an advertisement that:

(a) expressly advocates the election or defeat of a clearly identified candidate or the passage or defeat of a clearly identified ballot SJC→measure←SJC  
SJC→question←SJC;

(b) is susceptible to no other reasonable interpretation than as an appeal to vote for or against a clearly identified candidate or ballot  
SJC→measure←SJC SJC→question←SJC; or

(c) refers to a clearly identified candidate or ballot SJC→measure←SJC SJC→question←SJC and is published and disseminated to the relevant electorate in New Mexico within thirty days before the primary election or sixty days before the general election at which the candidate or ballot SJC→measure←SJC SJC→question←SJC is on the ballot;

HJC→0. "legislative caucus committee" means a political committee established by the members of a political party in a chamber of the legislature;←HJC

[K.] HJC→0. P.←HJC "person" means an individual or entity;

[L.] HJC→P. Q.←HJC "political committee" means [two or more persons, other than members of a candidate's immediate family or campaign committee or a husband and wife who make a

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

~~contribution out of a joint account, who are selected,  
appointed, chosen, associated, organized or operated primarily  
for a political purpose; and "political committee" includes:~~

~~(1) political parties, political action  
committees or similar organizations composed of employees or  
members of any corporation, labor organization, trade or  
professional association or any other similar group that  
raises, collects, expends or contributes money or any other  
thing of value for a political purpose;~~

~~(2) a single individual whose actions  
represent that the individual is a political committee; and~~

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

(1) a political party;

HJC→(2) a legislative caucus committee;←HJC

HJC→(2) (3)←HJC an association that consists of  
two or more persons whose primary purpose is to make  
contributions to candidates, campaign committees or political  
committees or make coordinated expenditures or any combination  
thereof; or

HJC→(3) (4)←HJC an association that consists of  
two or more persons whose primary purpose is to make  
independent expenditures and that has received more than five

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

thousand dollars (\$5,000) in contributions or made independent expenditures of more than five thousand dollars (\$5,000) in the election cycle;

HJC→~~Q.~~ R.←HJC "political party" means an association that has qualified as a political party pursuant to the provisions of Section 1-7-2 NMSA 1978;

[M.] HJC→~~R.~~ S.←HJC "political purpose" means [~~influencing or attempting to influence an election or pre-primary convention, including a constitutional amendment or other question submitted to the voters~~] for the purpose of supporting or opposing a ballot SJC→measure←SJC SJC→question←SJC or the nomination or election of a candidate;

[N.] HJC→~~S.~~ T.←HJC "prescribed form" means a form or electronic format prepared and prescribed by the secretary of state;

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

P.] HJC→~~F.~~ U←HJC "public official" means a person elected to an office in an election covered by the Campaign Reporting Act or a person appointed to an office that is subject to an election covered by that act; and

[Q.] HJC→~~U.~~ V.←HJC "reporting individual" means [~~every~~] a public official, candidate or treasurer of a campaign committee [and every] or a treasurer of a political committee."

.211122.4

underscored material = new

[bracketed material] = delete

Amendments: new = →bold, blue, highlight↵

delete = →bold, red, highlight, strikethrough↵

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

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

A. It is unlawful for [~~any~~] a political committee [~~that receives, contributes or expends in excess of five hundred dollars (\$500) in any calendar year~~] to continue to receive or make any contribution or expenditure for a political purpose [~~unless that political committee appoints and maintains a treasurer and registers with the secretary of state~~] if the committee fails to meet the requirements of Subsections B and C of this section.

B. A political committee shall [~~register~~] appoint and maintain a treasurer, file a statement of organization with the secretary of state [~~within ten days of receiving, contributing or expending in excess of five hundred dollars (\$500) by paying~~] and pay a filing fee of fifty dollars (\$50.00). [~~and filing~~]

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

(1) the full name of the [~~political~~] committee, which shall fairly and accurately reflect the identity of the committee, including any sponsoring organization, and its address;

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

(2) a statement of the purpose for which the  
[political] committee was organized;

~~[(3) the name, address and relationship of any  
connected or associated organization or entity;~~

~~(4)]~~ (3) the names and addresses of the  
officers of the committee; and

~~[(5)]~~ (4) an identification of [the] any bank  
account used by the committee [for all expenditures or] to  
receive or make contributions [made or received] or make  
expenditures.

SJC→D. Any changes to the information provided in  
the statement of organization shall be reported to the  
secretary of state within ten days.←SJC

~~[(6-)]~~ SJC→D. E.←SJC The provisions of this section  
do not apply to a political committee that is located in  
another state and is registered with the federal election  
commission if the political committee reports on federal  
reporting forms filed with the federal election commission all  
expenditures for and contributions made to reporting  
individuals in New Mexico and files with the secretary of  
state, according to the schedule required for the filing of  
forms with the federal election commission, a copy of either  
the full report or the cover sheet and the portions of the  
federal reporting forms that contain the information on  
expenditures for and contributions made to reporting

.211122.4



underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight↔  
delete = →bold, red, highlight, strikethrough↔

individuals in New Mexico."

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

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

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

B. In addition to the provisions of Subsection A of this section, at the time of filing a declaration of candidacy or a nominating petition, the [~~proper filing officer~~] secretary of state shall give the candidate the prescribed reporting forms and the schedule of specific dates for filing the required reports or a statement of no activity. The prescribed forms shall also be made available to all reporting individuals at the office of the secretary of state and in each county at the office of the county clerk."

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

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

A. Except as otherwise provided in this section, all reporting individuals shall file with the [~~proper filing officer by 5:00 p.m. on~~] secretary of state no later than the

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = bold, blue, highlight  
delete = bold, red, highlight, strikethrough

second Monday in April and October a report of all expenditures made and contributions received on or before the first Monday in those months and not previously reported. The report shall be filed biannually until the [~~reporting individual's bank account has been closed and the other~~] provisions specified in Subsection F, G or H of this section have been satisfied.

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

(1) [~~by 5:00 p.m. on~~] no later than the second Monday in April, a report of all expenditures made and contributions received on or before the first Monday in April and not previously reported;

(2) [~~by 5:00 p.m. on~~] no later than the second Monday in May, a report of all expenditures made and contributions received on or before the first Monday in May and not previously reported;

(3) [~~by 5:00 p.m. on~~] no later than the second Monday in September, a report of all expenditures made and contributions received on or before the first Monday in September and not previously reported;

(4) [~~by 5:00 p.m. on~~] no later than the second

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

Monday in October, a report of all expenditures made and contributions received on or before the first Monday in October and not previously reported; SJC→provided that if the second Monday of October is a state holiday, the report shall be made on the following day;←SJC

(5) [~~by 5:00 p.m. on~~] no later than the Thursday before a primary, general or statewide special election, a report of all expenditures made and contributions received by 5:00 p.m. on the Tuesday before the election and not previously reported. Any contribution or pledge to contribute that is received after 5:00 p.m. on the Tuesday before the election and that is for [~~five hundred dollars (\$500) or~~] more than one thousand dollars (\$1,000) in a [~~legislative or~~] nonstatewide [~~judicial~~] election, or [~~two thousand five hundred dollars (\$2,500) or~~] more than three thousand dollars (\$3,000) in a statewide election, shall be reported to the [~~proper filing officer~~] secretary of state either in a supplemental report on a prescribed form within twenty-four hours of receipt or in the report to be filed [~~by 5:00 p.m. on~~] no later than the Thursday before a primary, general or statewide special election, except that any such contribution or pledge to contribute that is received after 5:00 p.m. on the Friday before the election may be reported by 12:00 noon on the Monday before the election; [~~and~~]

(6) [~~by 5:00 p.m. on~~] no later than the

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

thirtieth day after a primary [~~general or statewide special~~] election, a report by all reporting individuals, except those individuals that become candidates after the primary election, of all expenditures made and contributions received on or before the twenty-fifth day after the primary election and not previously reported;

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

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

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

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = → bold, blue, highlight  
delete = → bold, red, highlight, strikethrough

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

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

F. Except for candidates, campaign committees and public officials who file a statement of no activity, each ~~[reporting individual]~~ candidate, campaign committee or public official shall file a report of expenditures and contributions pursuant to the filing schedules set forth in this section, regardless of whether any expenditures were made or contributions were received during the reporting period. Reports shall be required until the reporting individual delivers a report to the ~~[proper filing officer]~~ secretary of state stating that:

- (1) there are no outstanding campaign debts;
- (2) all money has been expended in accordance with the provisions of Section 1-19-29.1 NMSA 1978; and
- (3) the bank ~~[account has]~~ accounts have been closed.

~~[G. Each treasurer of a political committee shall file a report of expenditures and contributions pursuant to the~~

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = → bold, blue, highlight ←  
delete = → bold, red, highlight, strikethrough ←

~~filing schedules set forth in this section until the treasurer files a report that affirms that the committee has dissolved or no longer exists and that its bank account has been closed.]~~

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

H. A reporting individual who is a candidate within the meaning of the Campaign Reporting Act because of the amount of contributions the candidate receives or expenditures the candidate makes and who does not ultimately file a declaration of candidacy or a nominating petition with the ~~[proper filing officer]~~ secretary of state and does not file a statement of no activity shall file biannual reports in accordance with

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

Subsection A of this section.

I. Reports required by this section shall be subscribed and sworn to by the candidate or the treasurer of the political committee or, in the case of candidates for judicial office, by the treasurer of the candidate's campaign committee. A report filed electronically shall be electronically authenticated by the candidate or the treasurer of the [political] committee using an electronic signature in conformance with the Electronic Authentication of Documents Act and the Uniform Electronic Transactions Act. For the purposes of the Campaign Reporting Act, a report that is electronically authenticated in accordance with the provisions of this subsection shall be deemed to have been subscribed and sworn to by the candidate or the treasurer of the [political] committee who was required to file the report.

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

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

**SECTION 8.** Section 1-19-31 NMSA 1978 (being Laws 1979, Chapter 360, Section 7, as amended) is amended to read:

"1-19-31. CONTENTS OF REPORT.--[A.] Each required report of expenditures and contributions shall be typed or printed legibly, or on a computer disc or format approved by the

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = → bold, blue, highlight  
delete = → bold, red, highlight, strikethrough

secretary of state, and shall include:

~~[(1)]~~ A. the name and address of the person or entity to whom an expenditure was made or from whom a contribution was received, except as provided for anonymous contributions or contributions received from special events as provided in Section 1-19-34 NMSA 1978; provided that for contributors, the name of the entity or the first and last names of any individual shall be the full name of the entity or individual, and initials only shall not constitute a full name unless that is the complete legal name;

~~[(2)]~~ B. the occupation ~~[or]~~, name and type of business, as applicable, of any ~~[person]~~ individual or entity making contributions of ~~[two hundred fifty dollars (\$250)]~~ two hundred dollars (\$200) or more in the aggregate per election;

~~[(3)]~~ C. the amount of the expenditure or contribution or value thereof;

~~[(4)]~~ D. the purpose of the expenditure; ~~[and~~

~~(5)]~~ E. the date that the expenditure was made or the contribution was received;

~~[B. Each report shall contain an]~~ F. the opening and closing cash balance for the bank ~~[account]~~ accounts maintained by the reporting individual during the reporting period and the name of the financial institution for each account; and

~~[G. Each report shall specify]~~ G. the amount of

.211122.4



underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

each unpaid debt and the identity of the person to whom the debt is owed."

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

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

A. [~~It is unlawful for the members of any~~] A political or campaign committee or [~~any~~] a candidate [~~to make any expenditure or solicit or accept any contribution for a political purpose unless~~] shall ensure that:

(1) a treasurer has been appointed and is constantly maintained; provided, however, that when a duly appointed treasurer is unable for any reason to continue as treasurer, the candidate or [~~political~~] committee shall appoint a successor SJC→and notify the secretary of state within ten days←SJC; and provided further that a candidate may serve as the candidate's own treasurer;

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

(3) a [~~separate~~] bank account has been established and all receipts of money contributions are deposited in and all expenditures of money are [~~deposited in and~~] disbursed from [~~the~~] one or more bank [~~account~~] accounts

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight↔  
delete = →bold, red, highlight, strikethrough↔

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

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

B. No anonymous contributions [~~may~~] shall be accepted [~~in excess of~~] for more than one hundred dollars (\$100). The aggregate amount of anonymous contributions received by a reporting individual during a primary or general election or a statewide special election shall not exceed two thousand dollars (\$2,000) for statewide races and five hundred dollars (\$500) for all other races.

C. Cash contributions received at special events

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

that are unidentifiable as to specific contributor but identifiable as to the special event are not subject to the anonymous contribution limits provided for in this section so long as no single special event raises, after expenses, more than one thousand dollars (\$1,000) in such cash contributions. For those contributions, due diligence and best efforts shall be made to disclose on a special prescribed form the sponsor, date, place, total amount received, expenses incurred, estimated number of persons in attendance and other identifiable factors that describe the special event. For purposes of this subsection, "special event" includes an event such as a barbecue or similar fundraiser where tickets costing [~~fifteen dollars (\$15.00)~~] twenty-five dollars (\$25.00) or less are sold or an event such as a coffee, tea or similar reception; provided that no candidate shall accept contributions of more than twenty-five dollars (\$25.00) in cash at a special event from any one contributor.

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

E. A candidate or political committee shall not

.211122.4

underscoring material = new  
[bracketed material] = delete  
Amendments: new = → bold, blue, highlight  
delete = → bold, red, highlight, strikethrough

accept a contribution made by a credit card or a debit card via the internet or where the card is not physically present unless, at the time the contribution is made, the contributor provides the card security code assigned to and printed or imprinted on the card and the billing address associated with the card."

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

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

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

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

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

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

A. If the secretary of state reasonably believes that a person committed, or is about to commit, a violation of the Campaign Reporting Act, the secretary of state shall refer

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

the matter to the attorney general or a district attorney for enforcement.

B. With or without a referral from the secretary of state, the attorney general or district attorney may institute a civil action in district court for any violation of the Campaign Reporting Act or to prevent a violation of that act that involves an unlawful solicitation or the making or acceptance of an unlawful contribution. An action for relief may include a permanent or temporary injunction, a restraining order or any other appropriate order, including a civil penalty of [~~two hundred fifty dollars (\$250)~~] up to one thousand dollars (\$1,000) for each violation not to exceed [~~five thousand dollars (\$5,000)~~] a total of twenty thousand dollars (\$20,000), and forfeiture of any contribution received as a result of an unlawful solicitation or unlawful contribution. Each unlawful solicitation and each unlawful contribution made or accepted shall be deemed a separate violation of the Campaign Reporting Act.

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

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight↔  
delete = →bold, red, highlight, strikethrough↔

including an order for a civil penalty of [~~fifty dollars~~  
~~(\$50.00)~~] up to one thousand dollars (\$1,000) for each  
violation not to exceed [~~five thousand dollars (\$5,000)~~] a  
total of twenty thousand dollars (\$20,000)."

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

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

~~[A. The following contributions by the following  
persons are prohibited:~~

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

~~(a) candidate for nonstatewide office,  
including the candidate's campaign committee, in an amount that  
will cause that person's total contributions to the candidate  
to exceed two thousand three hundred dollars (\$2,300) during  
the primary election or two thousand three hundred dollars  
(\$2,300) during the general election;~~

~~(b) candidate for statewide office,  
including the candidate's campaign committee, in an amount that  
will cause that person's total contributions to the candidate  
to exceed five thousand dollars (\$5,000) during the primary  
election or five thousand dollars (\$5,000) during the general  
election; or~~

~~(c) political committee in an amount~~

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

~~that will cause that person's total contributions to the political committee to exceed five thousand dollars (\$5,000) during a primary election or five thousand dollars (\$5,000) during a general election; and~~

~~(2) from a political committee to:~~

~~(a) a candidate for office, including the candidate's campaign committee, in an amount that will cause the political committee's total contributions to the candidate to exceed five thousand dollars (\$5,000) during the primary election or five thousand dollars (\$5,000) during the general election; or~~

~~(b) another political committee in an amount that will cause that political committee's total contributions to the political committee to exceed five thousand dollars (\$5,000) during a primary election or five thousand dollars (\$5,000) during a general election.]~~

A. Except as provided in Subsections HJC→F and

G←HJC HJC→H through J←HJC of this section:

(1) a person, including a political committee, shall not make a contribution to a candidate, including the candidate's campaign committee, or to a political committee in an amount that will cause that person's total contributions to the candidate or political committee to exceed five thousand dollars (\$5,000) during a primary election cycle or five thousand dollars (\$5,000) during a general election cycle;

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight↔  
delete = →bold, red, highlight, strikethrough↔

provided that a person may make a contribution attributable to the general election cycle during the primary election cycle even though the person has contributed the maximum amount allowed for the primary election cycle:

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

(b) if the candidate is not on the general election ballot, all contributions made to the candidate for the general election are returned to the persons who made the contributions or deposited in the public election fund; and

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

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

**C. Except as provided in Subsection K of this**

.211122.4



underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

section, a person, including a political committee, shall not make a contribution to a political party or legislative caucus committee in an amount that will cause that person's total contributions to the political party or legislative caucus committee to exceed five times the limit imposed pursuant to Subsection A of this section.←HJC

HJC→B. D.←HJC All contributions made by a person to a candidate, either directly or indirectly, including contributions that are in any way earmarked or otherwise directed through another person to a candidate, shall be treated as contributions from the person to that candidate.

HJC→C. E.←HJC A person, including a political committee, shall not knowingly accept or solicit a contribution, directly or indirectly, including a contribution earmarked or otherwise directed or coordinated through another person, including a political committee, that violates the contribution limits provided for in this section.

HJC→D. F.←HJC On [~~the day~~] January 1 after each general election, the contribution amounts provided in Subsection A of this section shall be increased by the percentage of the preceding two calendar [~~year's~~] years' increase of the consumer price index for all urban consumers, United States city average for all items, published by the United States department of labor. The amount of the increase shall be rounded to the nearest multiple of one hundred dollars

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

(\$100). The secretary of state shall publish by October 1 before each general election the adjusted contribution limits that shall take effect the [~~day after the~~] January 1 following general election.

HJC→~~E.~~ **G.**←HJC All contributions in excess of the limits imposed by the provisions of this section shall be deposited in the public election fund upon a finding by the secretary of state that the contribution limits have been exceeded.

HJC→~~F.~~ **H.**←HJC The limitation on contributions to a candidate provided for in Subsection A of this section shall not apply to a candidate's own contribution from the candidate's personal funds to the candidate's own campaign.

~~[G. For the purposes of this section:~~

~~(1) "primary election" means the period beginning on the day after the general election for the applicable office and ending on the day of the primary for that office; and~~

~~(2) "general election" means the period beginning on the day after the primary for the applicable office and ending on the day of the general election for that office.]~~

HJC→~~G.~~ **I.**←HJC The limitations on contributions to political committees provided for in Subsection A of this section shall not apply to a political committee that makes

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

only independent expenditures or to a contribution to a political committee that is deposited in a segregated bank account that may only be used to make independent expenditures.

HJC→"←HJC

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

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

L. The members of a political party in a chamber of the legislature shall not maintain more than one legislative caucus committee in each chamber."←HJC

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

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

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

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

B. If any reporting individual files a false, intentionally incomplete or late report of expenditures and contributions due on the Thursday prior to the election, the reporting individual or political committee shall be liable and pay to the secretary of state five hundred dollars (\$500) for the first working day and fifty dollars (\$50.00) for each subsequent working day after the time required for the filing of the report until the true and complete report is filed, up

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

to a maximum of five thousand dollars (\$5,000).

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

D. All sums collected for the penalty shall be deposited in the state general fund. A report or statement of [~~exception~~] no activity shall be deemed timely filed only if it is received by the [~~proper filing officer~~] secretary of state by the date and time prescribed by law.

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

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

(2) be issued a certificate of nomination or election, if the violation occurs after the final date for withdrawal of candidates or after the election, until the

underscored material = new  
[bracketed material] = delete  
Amendments: new = bold, blue, highlight  
delete = bold, red, highlight, strikethrough

candidate satisfies all reporting requirements of the Campaign Reporting Act and pays all penalties owed.

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

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

"1-19-36. PENALTIES [~~CRIMINAL ENFORCEMENT~~].--

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

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

HJC → SECTION 15. LEGISLATIVE CAUCUS COMMITTEE.--

.211122.4

underscored material = new

[bracketed material] = delete

Amendments: new = →bold, blue, highlight↔

delete = →bold, red, highlight, strikethrough↔

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

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

C. Upon a change of the designated leader of the legislative caucus committee, no funds shall be expended by the legislative caucus committee until the secretary of state has been notified of the change in designated leader of the legislative caucus committee.

D. Funds belonging to a legislative caucus committee shall be managed by the designated leader or the

.211122.4

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

leader's designee.←HJC

SECTION HJC→15. 16.←HJC TEMPORARY PROVISION.--The secretary of state, in consultation with the attorney general, shall promulgate rules to implement the amendatory provisions of this act by August 1, 2019.

SECTION HJC→16. 17.←HJC REPEAL.--Sections 1-19-16 and 1-19-17 NMSA 1978 (being Laws 1973, Chapter 401, Sections 1 and 2) are repealed.

SECTION HJC→17. 18.←HJC EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2019.