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SENATE BILL 112

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

RICHARD M ROMERO

AN ACT

RELATING TO ELECTIONS; ENACTING THE CAMPAIGN FINANCE REFORM ACT;
PROVIDING CAMPAIGN CONTRIBUTION LIMITS; PRESCRIBING CIVIL
PENALTIES; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

Section 1. SHORT TITLE. -- This act may be cited as the
"Campaign Finance Reform Act".

Section 2. PURPOSE OF ACT. -- The purpose of the Campaign
Finance Reform Act is to help restore public trust in elections
and government, attract new political candidates and reduce the
influence of lobbyists and special interests.

Section 3. DEFINITIONS. -- As used in the Campaign Finance
Reform Act:

A. "campaign committee" means two or more persons
authorized by a candidate to raise, collect or expend

1 contributions on the candidate's behalf for the purpose of
2 electing the candidate to office;

3 B. "candidate" means an individual who seeks or
4 considers an office, other than a federal office, in an election
5 covered by the Campaign Finance Reform Act, including a public
6 official, who either has filed a declaration of candidacy or
7 nominating petition or:

8 (1) for a nonstatewide office, has received
9 contributions or made expenditures of one thousand dollars
10 (\$1,000) or more or authorized another person or campaign
11 committee to receive contributions or make expenditures of one
12 thousand dollars (\$1,000) or more for the purpose of seeking
13 election to the office; or

14 (2) for a statewide office, has received
15 contributions or made expenditures of two thousand five hundred
16 dollars (\$2,500) or more or authorized another person or
17 campaign committee to receive contributions or make expenditures
18 of two thousand five hundred dollars (\$2,500) or more for the
19 purpose of seeking election to the office or for candidacy
20 exploration purposes in the years prior to the year of the
21 election;

22 C. "contribution" means a gift, subscription, loan,
23 advance or deposit of money or other thing of value, including
24 the estimated value of an in-kind contribution, that is made or
25 received for a political purpose, including payment of a debt

1 incurred in an election campaign, but does not include the value
2 of services provided without compensation or unreimbursed travel
3 or other personal expenses of individuals who volunteer a
4 portion or all of their time on behalf of a candidate or
5 political committee, nor does it include the administrative or
6 solicitation expenses of a political committee that are paid by
7 an organization that sponsors the committee;

8 D. "election" means any primary, general or statewide
9 special election in New Mexico and includes judicial retention
10 elections but excludes county, municipal, school board and
11 special district elections;

12 E. "person" means an individual or entity;

13 F. "political committee" means two or more persons,
14 other than members of a candidate's immediate family or campaign
15 committee or a husband and wife who make a contribution out of a
16 joint account, who are selected, appointed, chosen, associated,
17 organized or operated primarily for a political purpose and
18 includes political action committees or similar organizations
19 composed of employees or members of any corporation, labor
20 organization, trade or professional association or any other
21 similar group that raises, collects, expends or contributes
22 money or any other thing of value for a political purpose;
23 provided that a "political committee" includes a single
24 individual who by his actions represents that he is a political
25 committee; and

1 G. "political purpose" means influencing or attempting
2 to influence an election or pre-primary convention, including a
3 constitutional amendment or other question submitted to the
4 voters.

5 Section 4. CAMPAIGN CONTRIBUTION LIMITS--RESTRICTIONS AND
6 REQUIREMENTS. --

7 A. No person or political committee shall make
8 contributions that, in the aggregate, exceed:

9 (1) two hundred fifty dollars (\$250) to a
10 candidate or his campaign committee with respect to an election
11 for a state legislative or nonstatewide judicial office;

12 (2) five hundred dollars (\$500) to a candidate or
13 his campaign committee with respect to an election for a
14 statewide office; and

15 (3) five hundred dollars (\$500) to a political
16 committee in any calendar year.

17 B. A candidate may make contributions of any amount of
18 his personal funds to his campaign committee. However, with
19 respect to an election for a nonfederal office covered by the
20 Campaign Finance Reform Act, if a candidate for:

21 (1) a state legislative or nonstatewide judicial
22 office makes contributions that, in the aggregate, exceed two
23 thousand five hundred dollars (\$2,500) of his personal funds to
24 his campaign committee, except as provided in Subsection E of
25 this section, then the restrictions on contributions in excess

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1 of the limit in Paragraph (1) of Subsection A of this section do
2 not apply to the candidate's opponents and the opponents'
3 campaign committees, but remain in effect for the candidate and
4 his campaign committee; or

5 (2) a statewide office makes contributions that,
6 in the aggregate exceed five thousand dollars (\$5,000) of his
7 personal funds to his campaign committee, except as provided in
8 Subsection E of this section, then the restrictions on
9 contributions in excess of the limit in Paragraph (2) of
10 Subsection A of this section do not apply to the candidate's
11 opponents and the opponents' campaign committees, but remain in
12 effect for the candidate and his campaign committee.

13 C. Each candidate shall file a declaration of
14 voluntary compliance with the provisions of this section with
15 the proper filing officer at the time the candidate files his
16 declaration of candidacy or nominating petition. For the
17 primary election, the declaration of voluntary compliance shall
18 be filed no later than the deadline for filing for a primary
19 election. For the general election, the declaration of
20 voluntary compliance shall be filed no later than thirty days
21 after the primary election. Nominees appointed to fill a
22 vacancy shall file a declaration of voluntary compliance within
23 one week of their nomination. The declarations shall state
24 whether the candidate agrees to be bound by the voluntary limit
25 on his personal funds, as set forth in Subsection B of this

1 section. Once filed, the declaration of voluntary compliance
2 shall not be withdrawn, rescinded or changed.

3 D. If a candidate agrees to be bound by the voluntary
4 contribution limit for an election, he shall not exceed the
5 voluntary contribution limit for that election. If a candidate
6 in a primary election agrees to be bound by the voluntary
7 contribution limit for an election and exceeds that limit, then
8 his name will not be printed upon the general election ballot
9 unless he pays a fine of three times the amount by which he
10 exceeded the limit within thirty days after the primary
11 election. If a candidate in a general election agrees to be
12 bound by the voluntary contribution limit for an election and
13 exceeds the limit, then he shall not receive his certificate of
14 election unless he pays a fine of three times the amount by
15 which he exceeded the limit within thirty days after the general
16 election. A candidate who fails or refuses to file a
17 declaration of voluntary compliance shall not have his name
18 printed upon the ballot.

19 E. No candidate shall personally make outstanding
20 loans to his campaign or campaign committee that total at any
21 one time more than ten thousand dollars (\$10,000).

22 F. For the purposes of this section:

23 (1) a contribution made to a candidate or his
24 campaign committee following the last election year for the
25 office that the candidate is seeking and prior to December 31 of

1 the year of the election in which the candidate is participating
2 shall be considered to be made for the election in which the
3 candidate is participating. This provision shall only apply to
4 contributions made after November 1, 1996; and

5 (2) all contributions made by political
6 committees established, maintained or controlled by the same
7 person shall be considered to be made by a single person and
8 such contributions shall be aggregated.

9 Section 5. ADOPTION OF RULES AND REGULATIONS. --The
10 secretary of state may adopt and promulgate rules and
11 regulations to implement the provisions of the Campaign Finance
12 Reform Act in accordance with the State Rules Act.

13 Section 6. CIVIL PENALTY. --The attorney general or district
14 attorney may institute a civil action in district court for a
15 violation of a provision of the Campaign Finance Reform Act. An
16 action for relief may include a permanent or temporary
17 injunction, a restraining order or any other appropriate order,
18 including a civil penalty not to exceed three times the amount
19 of any contribution in violation of the provisions of the
20 Campaign Finance Reform Act and the forfeiture of that illegal
21 contribution.

22 Section 7. APPLICABILITY. --The provisions of the Campaign
23 Finance Reform Act do not apply to a candidate subject to the
24 provisions of federal law pertaining to campaign practices and
25 campaign finance.

1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997
3
4

5 February 6, 1997
6

7 Mr. President:
8

9 Your RULES COMMITTEE, to whom has been referred
10

11 SENATE BILL 112
12

13 has had it under consideration and reports same with
14 recommendation that it DO PASS, and thence referred to the
15 JUDICIARY COMMITTEE.
16

17 Respectfully submitted,
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21 _____
22 Gloria Howes , Chairman
23
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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

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Date _____

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: None

Absent: None

S0112RU1

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1 FORTY-THIRD LEGISLATURE

2 FIRST SESSION, 1997

SB 112/a

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4
5 February 6, 1997

6
7 Mr. President:

8
9 Your RULES COMMITTEE, to whom has been referred

10
11 SENATE BILL 112

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS, amended as follows:

15
16 1. On page 3, between lines 12 and 13, insert the following
17 new subsection to read:

18
19 "F. "personal funds" means any funds over which the
20 candidate has control, including funds in a joint bank account and
21 any money loaned to the candidate or his campaign committee by a
22 financial institution or individual;".

23
24 2. Reletter the succeeding subsections accordingly.

25
3. On page 3, line 25, strike "and".

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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4. On page 4, line 4, strike the period and insert in lieu thereof "; and".

5. On page 4, between lines 4 and 5, insert the following new subsection:

"I. "proper filing office" means the county clerk for a candidate seeking election to a state legislative office wholly within one county and the secretary of state for all other candidates covered by the Campaign Finance Reform Act. "

6. On page 5, line 13, after "declaration" strike the remainder of the line, strike line 14 through "section" and insert in lieu thereof:

"stating whether the candidate agrees to be bound by the voluntary limit on his personal funds, as set forth in Subsection B of this section. "

7. On page 5, line 17, strike "of voluntary compliance" and insert in lieu thereof "concerning the voluntary limit on the candidate's personal funds".

8. On page 5, line 19, after "declaration" strike the
. 113427. 2

Underscored material = new
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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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remainder of the line, strike line 20 through "compliance" and insert in lieu thereof "concerning the voluntary limit on the candidate's personal funds".

9. On page 5, line 22, strike "a declaration of voluntary compliance" and insert in lieu thereof "the declaration concerning the voluntary limits on the candidate's personal funds".

10. On page 5, line 23, after the period strike the remainder of the line, strike lines 24 and 25 and on page 6, strike line 1 and insert in lieu thereof:

"Once filed, the declaration concerning the voluntary limits on the candidate's personal funds".

11. On page 6, strike lines 17 and 18 and insert in lieu thereof:

"declaration concerning the voluntary limits on the candidate's personal funds shall be presumed to have stated an intent not to abide by the voluntary limits, as set forth in Subsection B of this section."

12. On page 7, between lines 8 and 9, insert the following
. 113427.2

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FIRST SESSION, 1997**

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new subsection:

"G. Any unexpended campaign contributions retained by a candidate's campaign committee for use in a subsequent election cycle may be expended by the candidate without limit. Expenditure of these unexpended campaign contributions by the candidate's campaign committee is not prohibited by the Campaign Finance Reform Act or subject to the limits and restrictions placed on campaign contributions by this section."

13. On page 7, strike lines 9 through 12 and insert in lieu thereof:

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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"Section 5. DUTIES OF THE SECRETARY OF STATE-- ENFORCEMENT--
RULES AND REGULATIONS. --

A. The secretary of state shall:

(1) administer the provisions of the Campaign
Finance Reform Act;

(2) prepare forms for candidates to declare their
voluntary compliance with the contribution limits established by
the Campaign Finance Reform Act;

(3) make any declarations filed with the secretary
of state's office available for public inspection and may charge a
reasonable fee for providing copies of the declarations;

(4) impose penalties against a campaign committee,
candidate, person or political committee that violates a provision
of the Campaign Finance Reform Act; and

(5) adopt and promulgate rules and regulations to
implement the provisions of the Campaign Finance Reform Act in
accordance with the State Rules Act.

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B. Any person who believes that a violation of the Campaign Finance Reform Act has occurred may file a written complaint with the secretary of state no later than ninety days after the alleged violation. The secretary of state may also initiate investigations if the secretary determines that a violation has occurred. ". ,

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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and thence referred to the JUDICIARY COMMITTEE.

Respectfully submitted,

Gloria Howes, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: None

Absent: None

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 3, 1997

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

SENATE BILL 112, as amended

has had it under consideration and reports same with
recommendation that it DO NOT PASS, but that

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 112

DO PASS, and thence referred to the FINANCE COMMITTEE.

Respectfully submitted,

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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Fernando R. Macias, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Lopez, Sanchez, Vernon

Absent: None

S0112JU1

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 11, 1997

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

**SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 112**

**has had it under consideration and reports same with recommendation
that it DO PASS.**

Respectfully submitted,

Ben D. Altamirano, Chairman

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

SRC/SB 112

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

No: None

Excused: Carraro, Ingle, McKibben

Absent: None

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 13, 1997

**SENATE FLOOR AMENDMENT number _____ to SENATE JUDICIARY COMMITTEE
SUBSTITUTE FOR SENATE BILL 112, as amended**

AMENDMENT sponsored by SENATOR KIDD

1. On page 4, line 10, after "campaign committee" insert a comma and the words "political party".

2. On page 8, line 13, after "person" insert a comma and the words "political party".

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**FORTY-THIRD LEGISLATURE
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Senator Don Kidd

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

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**FORTY-THIRD LEGISLATURE
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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 13, 1997

**SENATE FLOOR AMENDMENT number _____ to SENATE JUDICIARY COMMITTEE
SUBSTITUTE FOR SENATE BILL 112, as amended**

AMENDMENT sponsored by SENATOR INGLE

1. On page 4, line 14, strike the word "and".
2. On page 4, line 16, strike the period and insert the period
and insert the word and punctuation "; and".

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3. On page 4, line 17 add the following:

(4) "no registered lobbyist shall make contributions to
any candidate seeking public office. "

Senator Stuart Ingle

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

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**FORTY-THIRD LEGISLATURE
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S0112FS2

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 13, 1997

**SENATE FLOOR AMENDMENT number _____ to SENATE JUDICIARY COMMITTEE
SUBSTITUTE FOR SENATE BILL 112, with emergency clause**

AMENDMENT sponsored by SENATOR PAYNE

1. On page 3, line 18, insert a comma after the word "committees" and insert the words "political party,".

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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Senator William H. Payne

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

S0112FS3

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