

1 SENATE BILL 42

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Peter Wirth and Katy M. Duhigg

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10 AN ACT

11 RELATING TO CAMPAIGN FINANCE; AMENDING THE CAMPAIGN REPORTING  
12 ACT; REQUIRING DISCLOSURES RELATING TO ELECTRONIC  
13 COMMUNICATIONS; CLARIFYING AND CHANGING CERTAIN REQUIREMENTS  
14 RELATING TO CONTRIBUTIONS AND DONATIONS; AMENDING CERTAIN  
15 REPORTING REQUIREMENTS; PROHIBITING USING CAMPAIGN FUNDS TO  
16 REPAY LOANS MADE BY THE CANDIDATE THAT ARE SUBJECT TO A RATE OF  
17 INTEREST; AMENDING PROVISIONS RELATED TO FUNDRAISING DURING  
18 LEGISLATIVE SESSIONS.

19  
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

21 SECTION 1. Section 1-19-26 NMSA 1978 (being Laws 1979,  
22 Chapter 360, Section 2, as amended) is amended to read:

23 "1-19-26. DEFINITIONS.--As used in the Campaign Reporting  
24 Act:

25 A. "advertisement" means a communication referring

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1 to a candidate or ballot question that is published,  
2 disseminated, distributed or displayed to the public by print,  
3 broadcast, satellite, cable or electronic media, including  
4 recorded phone messages, or by printed materials, including  
5 mailers, handbills, signs and billboards, but "advertisement"  
6 does not include:

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

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

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

20 (4) nonpartisan voter guides allowed by the  
21 federal Internal Revenue Code of 1986, as amended, for Section  
22 501(c)(3) organizations; or

23 (5) statements made to a court or  
24 administrative board in the course of a formal judicial or  
25 administrative proceeding;

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

5           C. "ballot question" means a constitutional  
6 amendment or other question submitted to the voters in an  
7 election;

8           D. "bank account" means an account in a financial  
9 institution regulated by the United States or a state of the  
10 United States;

11           E. "campaign committee" means an association of two  
12 or more persons authorized by a candidate to act on the  
13 candidate's behalf for the purpose of electing the candidate to  
14 office; provided that a candidate shall not authorize more than  
15 one campaign committee;

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

19           G. "candidate" means an individual who seeks or  
20 considers an office in an election covered by the Campaign  
21 Reporting Act, including a public official, who has filed a  
22 declaration of candidacy and has not subsequently filed a  
23 statement of withdrawal or:

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

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1 dollars (\$1,000) or authorized another person or campaign  
2 committee to receive contributions or make expenditures of more  
3 than one thousand dollars (\$1,000) 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 more than three thousand  
7 dollars (\$3,000) or authorized another person or campaign  
8 committee to receive contributions or make expenditures of more  
9 than three thousand dollars (\$3,000) for the purpose of seeking  
10 election to the office or for candidacy exploration purposes in  
11 the years prior to the year of the election;

12 H. "contribution":

13 (1) means a gift, subscription, loan, advance,  
14 or deposit of money or other thing of value, including the  
15 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;

18 (2) includes a coordinated expenditure;

19 (3) does not include the value of services  
20 provided without compensation or unreimbursed travel or other  
21 personal expenses of individuals who volunteer a portion or all  
22 of their time on behalf of a candidate or political committee  
23 nor does it include the administrative or solicitation expenses  
24 of a political committee that are paid by an organization that  
25 sponsors the committee; and

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1 (4) does not include the value of the  
2 incidental use of the candidate's personal property, home or  
3 business office for campaign purposes;

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

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

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

13 (3) for the purpose of:

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

16 (b) paying for an advertisement that  
17 refers to a clearly identified candidate and is published and  
18 disseminated to the relevant electorate in New Mexico within  
19 thirty days before the primary election or sixty days before  
20 the general election in which the candidate is on the ballot;

21 J. "deliver" or "delivery" means to deliver by  
22 certified or registered mail, telecopier, electronic  
23 transmission or facsimile or by personal service;

24 K. "election" means any primary, general or  
25 statewide special election in New Mexico and includes county

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1 and judicial retention elections but excludes federal,  
2 municipal, school board and special district elections;

3 L. "election year" means an even-numbered year in  
4 which an election covered by the Campaign Reporting Act is  
5 held;

6 M. "expenditure" means a payment, transfer or  
7 distribution or obligation or promise to pay, transfer or  
8 distribute any money or other thing of value, [~~for a political~~  
9 ~~purpose~~] including payment of a debt incurred in an election  
10 campaign or pre-primary convention:

11 (1) by a campaign committee or a political  
12 committee;

13 (2) by a public official or candidate in  
14 support of the public official's or candidate's campaign for  
15 office in an election covered by the Campaign Reporting Act; or

16 (3) to pay for an advertisement that refers to  
17 a candidate or ballot question;

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

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

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

24 (3) made to pay for an advertisement that:

25 (a) expressly advocates the election or

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1 defeat of a clearly identified candidate or the passage or  
2 defeat of a clearly identified ballot question;

3 (b) is susceptible to no other  
4 reasonable interpretation than as an appeal to vote for or  
5 against a clearly identified candidate or ballot question; or

6 (c) refers to a clearly identified  
7 candidate or ballot question and is published and disseminated  
8 to the relevant electorate in New Mexico within thirty days  
9 before the primary election or sixty days before the general  
10 election at which the candidate or ballot question is on the  
11 ballot;

12 O. "legislative caucus committee" means a political  
13 committee established by the members of a political party in a  
14 chamber of the legislature;

15 P. "person" means an individual or entity;

16 Q. "political committee" means:

17 (1) a political party;

18 (2) a legislative caucus committee;

19 (3) an association that consists of two or  
20 more persons whose primary purpose is to make contributions to  
21 candidates, campaign committees or political committees or make  
22 coordinated expenditures or any combination thereof; or

23 (4) an association that consists of two or  
24 more persons whose primary purpose is to make independent  
25 expenditures and that has received more than five thousand

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

4 R. "political party" means an association that has  
5 qualified as a political party pursuant to the provisions of  
6 Section 1-7-2 NMSA 1978;

7 S. "political purpose" means for the purpose of  
8 supporting or opposing a ballot question or the nomination or  
9 election of a candidate;

10 T. "prescribed form" means a form or electronic  
11 format prepared and prescribed by the secretary of state;

12 U. "public official" means a person elected to an  
13 office in an election covered by the Campaign Reporting Act or  
14 a person appointed to an office that is subject to an election  
15 covered by that act; and

16 V. "reporting individual" means a public official,  
17 candidate or treasurer of a campaign committee or a treasurer  
18 of a political committee."

19 SECTION 2. Section 1-19-26.3 NMSA 1978 (being Laws 2002,  
20 Chapter 89, Section 1) is amended to read:

21 "1-19-26.3. CAMPAIGN COMMITTEE AND POLITICAL COMMITTEE  
22 EXPENDITURES--DISCLOSURE--TELEPHONE CALLS OR ELECTRONIC  
23 COMMUNICATIONS--RECORDS.--

24 A. A campaign committee or political committee that  
25 is required to register pursuant to the Campaign Reporting Act  
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1 shall not expend campaign or political committee funds to,  
2 directly or indirectly, pay for a telephone call or electronic  
3 communication without disclosing to the recipient the name of  
4 the organization that authorized or paid for the call or  
5 electronic communication if the call or electronic  
6 communication:

7 (1) is one of five hundred or more calls or  
8 electronic communications that are similar in nature made  
9 during an election cycle by an individual or individuals, or by  
10 electronic means; and

11 (2) advocates support for, or opposition to, a  
12 candidate for public office or ballot measure.

13 B. The campaign committee or political committee  
14 that pays for a call or electronic communication referred to in  
15 Subsection A of this section shall be disclosed in the call or  
16 electronic communication unless the organization that  
17 authorized the call or electronic communication and in whose  
18 name it is placed has filing obligations pursuant to the  
19 Campaign Reporting Act and the name announced in the call or  
20 electronic communication is either:

21 (1) the full name by which the organization or  
22 individual is identified in any statement or report required to  
23 be filed pursuant to the Campaign Reporting Act; or

24 (2) the name by which the organization or  
25 individual is commonly known.

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1 C. A campaign committee or political committee that  
2 pays directly or indirectly for telephone calls or electronic  
3 communications as described in Subsection A of this section  
4 shall maintain a record of the script of the calls or  
5 electronic communications for at least ninety days following  
6 election day. If any of the calls or electronic communications  
7 qualifying pursuant to Subsection A of this section are  
8 recorded messages, a copy of the recording shall also be  
9 maintained for that period.

10 D. A campaign committee or political committee may  
11 not contract with a phone bank vendor or electronic  
12 communication vendor that does not disclose the information  
13 required to be disclosed by Subsection A or B of this section."

14 SECTION 3. Section 1-19-27.3 NMSA 1978 (being Laws 2019,  
15 Chapter 262, Section 1) is amended to read:

16 "1-19-27.3. INDEPENDENT EXPENDITURES--REPORTING  
17 REQUIREMENTS.--

18 A. A person who makes an independent expenditure  
19 [~~not otherwise required to be reported under the Campaign~~  
20 ~~Reporting Act]~~ shall file a report with the secretary of state  
21 within:

22 (1) three days of making the expenditure if  
23 the expenditure, by itself or aggregated with all independent  
24 expenditures made by the same person during the election cycle,  
25 exceeds one thousand dollars (\$1,000) in a nonstatewide

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1 election or three thousand dollars (\$3,000) in a statewide  
2 election; or

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

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

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

11 (2) the name and address of the person to whom  
12 the independent expenditure was made and the amount, date and  
13 purpose of the independent expenditure. If no reasonable  
14 estimate of the monetary value of a particular expenditure is  
15 practicable, it is sufficient to report instead a description  
16 of the services, property or rights furnished through the  
17 expenditure; and

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

21 C. A person who makes independent expenditures  
22 required to be reported under this section in an amount  
23 totaling three thousand dollars (\$3,000) or less in a  
24 nonstatewide election or nine thousand dollars (\$9,000) or less  
25 in a statewide election shall report the name and address of

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1 each person who has made [~~contributions~~] donations of more than  
2 a total of two hundred dollars (\$200) in the election cycle  
3 that were earmarked for or made in response to a solicitation  
4 to fund independent expenditures and shall report the amount of  
5 each such [~~contribution~~] donation made by that person.

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

12 (1) if the expenditures were made exclusively  
13 from a segregated bank account consisting only of funds  
14 [~~contributed~~] donated to the account by individuals to be used  
15 for making independent expenditures, report the name and  
16 address of, and amount of each [~~contribution~~] donation made by,  
17 each [~~contributor~~] donor who [~~contributed~~] donated more than  
18 two hundred dollars (\$200) to that account in the election  
19 cycle; or

20 (2) if the expenditures were made in whole or  
21 part from funds other than those described in Paragraph (1) of  
22 this subsection, report the name and address of, and amount of  
23 each [~~contribution~~] donation made by, each [~~contributor~~] donor  
24 who [~~contributed~~] donated more than a total of five thousand  
25 dollars (\$5,000) during the election cycle to the person making

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1 the expenditures; provided, however, that a ~~[contribution]~~  
2 donation is exempt from reporting pursuant to this paragraph  
3 if:

4 (a) the ~~[contributor]~~ donor requested in  
5 writing that the ~~[contribution]~~ donation not be used to fund  
6 independent or coordinated expenditures or to make  
7 contributions to a candidate, campaign committee or political  
8 committee; and

9 (b) the donation is deposited in a  
10 segregated bank account that is not used to fund independent or  
11 coordinated expenditures or to make contributions to a  
12 candidate, campaign committee or political committee.

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

18 F. For the purposes of this section, "donation"  
19 means a payment or transfer, or promise of payment or transfer,  
20 of money or other thing of value to a person who makes  
21 independent expenditures, but "donation" does not include:

22 (1) a payment or transfer made in a commercial  
23 transaction in the ordinary course of a trade or business;

24 (2) compensation for services rendered,  
25 capital invested or payment for a sale of property that is

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1 reasonable in amount and commensurate with the value of the  
2 services rendered, the magnitude of the risk undertaken on the  
3 investment or the property sold;

4 (3) a commercially reasonable loan made in the  
5 ordinary course of business by an institution authorized by the  
6 laws of the state to engage in the business of making loans;

7 (4) a gift on a special occasion from a family  
8 member or close personal friend; or

9 (5) a personal loan from a family member or a  
10 repayment of such a loan."

11 SECTION 4. Section 1-19-29 NMSA 1978 (being Laws 1993,  
12 Chapter 46, Section 5, as amended) is amended to read:

13 "1-19-29. TIME AND PLACE OF FILING REPORTS.--

14 A. Except as otherwise provided in this section,  
15 all reporting individuals shall file with the secretary of  
16 state no later than the second Monday in April and October a  
17 report of all expenditures made and contributions received on  
18 or before the first Monday in those months and not previously  
19 reported; provided that, if the date falls on a state holiday,  
20 the report shall be filed no later than the next business day.

21 The report shall be filed biannually until the provisions  
22 specified in Subsection F or G [~~or~~ H] of this section have been  
23 satisfied.

24 B. In an election year, instead of the biannual  
25 reports provided for in Subsection A of this section, all

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1 reporting individuals, except for public officials who are not  
2 candidates in an election that year, shall file reports of all  
3 expenditures made and contributions received or, if applicable,  
4 statements of no activity, according to the following schedule:

5 (1) no later than the second Monday in April,  
6 a report of all expenditures made and contributions received on  
7 or before the first Monday in April and not previously  
8 reported;

9 (2) no later than the second Monday in May, a  
10 report of all expenditures made and contributions received on  
11 or before the first Monday in May and not previously reported;

12 (3) no later than the second Monday in  
13 September, a report of all expenditures made and contributions  
14 received on or before the first Monday in September and not  
15 previously reported;

16 (4) no later than the second Monday in  
17 October, a report of all expenditures made and contributions  
18 received on or before the first Monday in October and not  
19 previously reported; provided that if the second Monday of  
20 October is a state holiday, the report shall be made on the  
21 following day;

22 (5) no later than the Thursday before a  
23 primary, general or statewide special election, a report of all  
24 expenditures made and contributions received by 5:00 p.m. on  
25 the Tuesday before the election and not previously reported.

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1 Any expenditure that is made or contribution or pledge to  
2 contribute that is received after 5:00 p.m. on the Tuesday  
3 before the election and that is for more than one thousand  
4 dollars (\$1,000) in a nonstatewide election, or more than three  
5 thousand dollars (\$3,000) in a statewide election, shall be  
6 reported to the secretary of state either in a supplemental  
7 report on a prescribed form within twenty-four hours [~~of~~  
8 ~~receipt~~] or in the report to be filed no later than the  
9 Thursday before a primary, general or statewide special  
10 election, except that any such expenditure that is made or  
11 contribution or pledge to contribute that is received after  
12 5:00 p.m. on the Friday before the election may be reported by  
13 12:00 noon on the Monday before the election;

14 (6) no later than the thirtieth day after a  
15 primary election, a report by all reporting individuals, except  
16 those individuals that become candidates after the primary  
17 election, of all expenditures made and contributions received  
18 on or before the twenty-fifth day after the primary election  
19 and not previously reported;

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

25 (8) no later than January 7 after a general

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1 election, a report of all expenditures made and contributions  
2 received on or before December 31 after the general election  
3 and not previously reported.

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

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

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

22 F. Except for candidates, campaign committees and  
23 public officials who file a statement of no activity, each  
24 candidate, campaign committee or public official shall file a  
25 report of expenditures and contributions pursuant to the filing

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1 schedules set forth in this section, regardless of whether any  
2 expenditures were made or contributions were received during  
3 the reporting period. Reports shall be required until the  
4 reporting individual delivers a report to the secretary of  
5 state stating that:

6 (1) there are no outstanding campaign debts;

7 (2) all money has been expended in accordance  
8 with the provisions of Section 1-19-29.1 NMSA 1978; and

9 (3) the bank accounts have been closed.

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

25 H.] G. A reporting individual who is a candidate

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1 within the meaning of the Campaign Reporting Act because of the  
2 amount of contributions the candidate receives or expenditures  
3 the candidate makes and who does not ultimately file a  
4 declaration of candidacy or a nominating petition with the  
5 secretary of state and does not file a statement of no activity  
6 shall file biannual reports in accordance with Subsection A of  
7 this section.

8 ~~[F.]~~ H. Reports required by this section shall be  
9 subscribed and sworn to by the candidate or the treasurer of  
10 the political committee or, in the case of candidates for  
11 judicial office, by the treasurer of the candidate's campaign  
12 committee. A report filed electronically shall be  
13 electronically authenticated by the candidate or the treasurer  
14 of the committee using an electronic signature in conformance  
15 with the Electronic Authentication of Documents Act and the  
16 Uniform Electronic Transactions Act. For the purposes of the  
17 Campaign Reporting Act, a report that is electronically  
18 authenticated in accordance with the provisions of this  
19 subsection shall be deemed to have been subscribed and sworn to  
20 by the candidate or the treasurer of the committee who was  
21 required to file the report.

22 ~~[J.]~~ I. Reports required by this section shall be  
23 filed electronically by all reporting individuals.

24 ~~[K.]~~ J. Reporting individuals may apply to the  
25 secretary of state for exemption from electronic filing in case

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1 of hardship, which shall be defined by the secretary of state."

2 SECTION 5. Section 1-19-29.1 NMSA 1978 (being Laws 1993,  
3 Chapter 46, Section 6, as amended) is amended to read:

4 "1-19-29.1. CAMPAIGN FUNDS--LIMITATION ON USE.--

5 A. It is unlawful for a candidate or the  
6 candidate's agent to make an expenditure of contributions  
7 received, except for the following purposes or as otherwise  
8 provided in this section:

9 (1) expenditures of the campaign;

10 (2) expenditures of legislators that are  
11 reasonably related to performing the duties of the office held,  
12 including mail, telephone and travel expenditures to serve  
13 constituents, but excluding personal and legislative session  
14 living expenses;

15 (3) donations to the state general fund;

16 (4) donations to an organization to which a  
17 federal income tax deduction would be permitted under  
18 Subparagraph (A) of Paragraph (1) of Subsection (b) of Section  
19 170 of the Internal Revenue Code of 1986, as amended;

20 (5) expenditures to eliminate the campaign  
21 debt of the candidate for the office sought or expenditures  
22 incurred by the candidate when seeking election to another  
23 public office covered by the Campaign Reporting Act;

24 (6) donations to a political committee or to  
25 another candidate seeking election to public office covered by

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1 the Campaign Reporting Act; or

2 (7) disbursements to return unused funds pro  
3 rata to the contributors if no campaign debt exists.

4 B. It is unlawful for a candidate or the  
5 candidate's agent to make an expenditure to repay a loan that  
6 is received from the candidate and that includes a rate of  
7 interest.

8 [~~B.~~] C. A judge subject to a nonpartisan retention  
9 election or a candidate for judicial office shall solicit or  
10 accept campaign funds and return unused funds in accordance  
11 with the provisions of the Code of Judicial Conduct.

12 [~~C.~~] D. No contributions solicited for or received  
13 in a federal election campaign may be used in a state election  
14 campaign."

15 SECTION 6. Section 1-19-31 NMSA 1978 (being Laws 1979,  
16 Chapter 360, Section 7, as amended) is amended to read:

17 "1-19-31. CONTENTS OF REPORT.--Each required report of  
18 expenditures and contributions shall be typed or printed  
19 legibly, or on a computer disc or format approved by the  
20 secretary of state, and shall include:

21 A. the name and address of the person or entity to  
22 whom an expenditure was made or from whom a contribution was  
23 received, except as provided for anonymous contributions or  
24 contributions received from special events as provided in  
25 Section 1-19-34 NMSA 1978; provided that for contributors, the

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1 name of the entity or the first and last names of any  
2 individual shall be the full name of the entity or individual,  
3 and initials only shall not constitute a full name unless that  
4 is the complete legal name;

5 B. the occupation, name and type of business, as  
6 applicable, of any individual or entity making contributions of  
7 two hundred dollars (\$200) or more in the aggregate per  
8 election;

9 C. the amount of the expenditure or contribution or  
10 value thereof;

11 D. the purpose of the expenditure;

12 E. the date that the expenditure was made or the  
13 contribution was received;

14 F. the opening and closing cash balance for the  
15 bank accounts maintained by the reporting individual during the  
16 reporting period and the name of the financial institution for  
17 each account; and

18 G. the amount of each unpaid debt and the identity  
19 of the person to whom the debt is owed, the terms of any loan  
20 that a candidate makes to the candidate's campaign committee  
21 and evidence of any loan that a candidate makes to the  
22 candidate's campaign committee."

23 SECTION 7. Section 1-19-34.1 NMSA 1978 (being Laws 1993,  
24 Chapter 46, Section 12, as amended) is amended to read:

25 "1-19-34.1. LEGISLATIVE SESSION FUNDRAISING

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1 PROHIBITION.--

2 A. It is unlawful during the prohibited period for  
3 ~~[a state legislator, the attorney general, the secretary of~~  
4 ~~state, the state treasurer, the commissioner of public lands or~~  
5 ~~the state auditor or a candidate for state legislator, attorney~~  
6 ~~general, secretary of state, state treasurer, commissioner of~~  
7 ~~public lands or state auditor, or any agent on behalf of the~~  
8 ~~attorney general, the secretary of state, the state treasurer,~~  
9 ~~the commissioner of public lands or the state auditor or a~~  
10 ~~candidate for attorney general, the secretary of state, state~~  
11 ~~treasurer, commissioner of public lands or state auditor] an~~  
12 incumbent or candidate for a proscribed office, a campaign  
13 committee or a legislative caucus committee to [knowingly]:

14 (1) solicit a contribution governed by the  
15 Campaign Reporting Act; ~~[For purposes of this subsection,~~  
16 ~~"prohibited period" means that period beginning January 1 prior~~  
17 ~~to any regular session of the legislature or, in the case of a~~  
18 ~~special session, after the proclamation has been issued, and~~  
19 ~~ending on adjournment of the regular or special session.~~

20 B. ~~It is unlawful during the prohibited period for~~  
21 ~~the governor or the lieutenant governor, or any agent on the~~  
22 ~~governor's or the lieutenant governor's behalf, to knowingly~~  
23 ~~solicit a contribution governed by the Campaign Reporting Act.~~  
24 ~~For purposes of this subsection, "prohibited period" means that~~  
25 ~~period beginning January 1 prior to any regular session of the~~

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1 ~~legislature or, in the case of a special session, after the~~  
2 ~~proclamation has been issued, and ending on the twentieth day~~  
3 ~~following the adjournment of the regular or special session.]~~

4 (2) accept a contribution from a lobbyist,  
5 lobbyist's employer, incumbent or candidate, campaign committee  
6 or political committee;

7 (3) accept a contribution from any person,  
8 other than a person excluded by Paragraph (2) of this  
9 subsection, who prior to the start of a prohibited period  
10 signed up to have an automated, recurring contribution of more  
11 than one hundred dollars (\$100) per month; or

12 (4) accept a contribution from any person,  
13 other than a person excluded by Paragraph (2) of this  
14 subsection or allowed by Paragraph (3) of this subsection, of  
15 more than one hundred dollars (\$100); provided that the  
16 aggregate of contributions of one hundred dollars (\$100) or  
17 less accepted during the prohibited period shall not exceed:

18 (a) two thousand dollars (\$2,000) for a  
19 campaign committee, a legislative caucus committee or an  
20 incumbent or candidate for a statewide office; and

21 (b) five hundred dollars (\$500) for any  
22 other incumbent or candidate for a proscribed office.

23 B. Any contribution received during the prohibited  
24 period in excess of the limits established in this section  
25 shall be returned to the donor or donated to the public

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1 election fund prior to the end of the reporting period in which  
2 the excess donation was received.

3 C. As used in this section:

4 (1) "incumbent or candidate" means:

5 (a) a person currently holding an office  
6 subject to election;

7 (b) a person who is a candidate for an  
8 office subject to election;

9 (c) a campaign committee; or

10 (d) an agent on behalf of a person or a  
11 committee described in Subparagraphs (a) through (c) of this  
12 paragraph;

13 (2) "lobbyist" means a person who is required  
14 to register as a lobbyist pursuant to the provisions of the  
15 Lobbyist Regulation Act;

16 (3) "lobbyist's employer" means the person  
17 whose interests are being represented and by whom a lobbyist is  
18 directly or indirectly retained, compensated or employed;

19 (4) "prohibited period" means:

20 (a) for an incumbent or candidate for  
21 any proscribed office other than governor or lieutenant  
22 governor and for a campaign committee or a legislative caucus  
23 committee, the period beginning January 1 prior to any regular  
24 session of the legislature or, in the case of a special or  
25 extraordinary session, the lesser of the period beginning after

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1 the proclamation has been issued or seventy-two hours prior to  
2 the start of the special or extraordinary session, and ending  
3 on the first calendar day after adjournment of the regular,  
4 special or extraordinary session; and

5 (b) for an incumbent or candidate for  
6 governor or lieutenant governor, the period beginning January 1  
7 prior to any regular session of the legislature or, in the case  
8 of a special or extraordinary session, the lesser of the period  
9 beginning after the proclamation has been issued or seventy-two  
10 hours prior to the start of the special or extraordinary  
11 session, and ending on the earlier of the twenty-first day  
12 following adjournment of the regular, special or extraordinary  
13 session or the first calendar day after all bills passed by the  
14 legislature have been signed or vetoed and deposited with the  
15 secretary of state; and

16 (5) "proscribed office" means:

17 (a) governor;

18 (b) lieutenant governor;

19 (c) secretary of state;

20 (d) attorney general;

21 (e) state auditor;

22 (f) state treasurer;

23 (g) commissioner of public lands;

24 (h) state senator; and

25 (i) state representative."