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HOUSE BILL 466

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

Linda M. Trujillo

AN ACT

RELATING TO ELECTIONS; REQUIRING DISCLOSURE OF SPONSORS ON  
CERTAIN CAMPAIGN ADVERTISEMENTS IN SCHOOL DISTRICT ELECTIONS.

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

SECTION 1. A new section of the School District Campaign  
Reporting Act is enacted to read:

"[NEW MATERIAL] DISCLOSURE IN ADVERTISEMENTS.--

A. A person who makes an expenditure in any school  
district election for an advertisement in an amount that  
exceeds five hundred dollars (\$500), or in an amount that, when  
added to the aggregate amount of expenditures for  
advertisements made by the same person during the preceding  
twelve months, exceeds five hundred dollars (\$500), shall  
ensure that the advertisement contains the name and address of  
the candidate, committee or other person who authorized and

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underscoring material = new  
~~[bracketed material] = delete~~

underscored material = new  
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1 paid for the advertisement.

2 B. The disclosure requirements of Subsection C of  
3 this section do not apply to the following:

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

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

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

18 SECTION 2. Section 1-22A-1 NMSA 1978 (being Laws 2013,  
19 Chapter 180, Section 1) is amended to read:

20 "1-22A-1. SHORT TITLE.--~~[This act]~~ Chapter 1, Article  
21 22A NMSA 1978 may be cited as the "School District Campaign  
22 Reporting Act"."

23 SECTION 3. Section 1-22A-2 NMSA 1978 (being Laws 2013,  
24 Chapter 180, Section 2) is amended to read:

25 "1-22A-2. DEFINITIONS.--As used in the School District  
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1 Campaign Reporting Act:

2 A. "advertisement" means a communication referring  
3 to a candidate or ballot measure in a school election that is  
4 published, disseminated, distributed or displayed to the public  
5 by print, broadcast, satellite, cable or electronic media,  
6 including recorded phone messages, or by printed materials,  
7 including mailers, handbills, signs and billboards, but  
8 "advertisement" does not include:

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

12 (2) a communication appearing in a news story  
13 or editorial distributed through a print, broadcast, satellite,  
14 cable or electronic medium, unless the communication is paid  
15 for or the medium is controlled or owned by a candidate or  
16 campaign committee, or a political committee required to  
17 register pursuant to the provisions of the Campaign Reporting  
18 Act;

19 (3) a candidate debate or forum or a  
20 communication announcing a candidate debate or forum paid for  
21 on behalf of the debate or forum sponsor; provided that two or  
22 more candidates for the same position have been invited to  
23 participate; or

24 (4) nonpartisan voter guides allowed by the  
25 federal Internal Revenue Code of 1986 for Section 501(c)(3)

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~~[bracketed material] = delete~~

1 organizations;

2 B. "ballot measure" means a question submitted to  
3 the voters in an election;

4 ~~[A-]~~ C. "campaign committee" means one or more  
5 persons authorized by a candidate to raise, collect or expend  
6 contributions on the candidate's behalf for the purpose of  
7 electing the candidate to office;

8 ~~[B-]~~ D. "candidate" means a person who seeks or  
9 considers an office in an election covered by the School  
10 District Campaign Reporting Act and who either has filed a  
11 declaration of candidacy or has received contributions or made  
12 expenditures of five hundred dollars (\$500) or more or  
13 authorized another person or campaign committee to receive  
14 contributions or make expenditures of five hundred dollars  
15 (\$500) or more for the purpose of seeking election to a covered  
16 office;

17 ~~[G-]~~ E. "contribution" means a gift, subscription,  
18 loan, advance or deposit of money or other thing of value,  
19 including the estimated value of an in-kind contribution, that  
20 is made or received for a political purpose, including payment  
21 of a debt incurred in an election campaign; but "contribution"  
22 does not include the value of services provided without  
23 compensation or unreimbursed travel or other personal expenses  
24 of individuals who volunteer a portion or all of their time on  
25 behalf of a candidate or campaign committee;

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