

1 SENATE BILL 547

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Peter Wirth

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10 AN ACT

11 RELATING TO ELECTIONS; REDEFINING "POLITICAL COMMITTEE";
12 DEFINING "ADVERTISEMENT", "BALLOT MEASURE", "CAMPAIGN
13 EXPENDITURE", "COORDINATED EXPENDITURE", "INDEPENDENT
14 EXPENDITURE" AND "INDEPENDENT EXPENDITURE COMMITTEE"; REQUIRING
15 REPORTING OF INDEPENDENT EXPENDITURES; REQUIRING DISCLAIMERS IN
16 ADVERTISEMENTS; AMENDING, REPEALING AND ENACTING SECTIONS OF
17 THE NMSA 1978.

18
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

22 "[NEW MATERIAL] INDEPENDENT EXPENDITURES--REPORTING
23 REQUIREMENTS.--

24 A. Within three days after making an independent
25 expenditure that is not otherwise required to be reported

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1 pursuant to the Campaign Reporting Act, the person who made the
2 expenditure shall file a report of the expenditure with the
3 secretary of state.

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

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

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

14 (3) the amount and the name and address of the
15 contributor of each contribution of one hundred dollars (\$100)
16 or more that was:

17 (a) earmarked by the contributor to be
18 used to make the independent expenditure covered by the report;
19 or

20 (b) made in response to a solicitation
21 for contributions to be used to make the specific independent
22 expenditure covered by the report.

23 C. Independent expenditures shall be reported
24 electronically using software provided or approved by the
25 secretary of state. The secretary of state may make exceptions

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1 on a case-by-case basis for a person who lacks the
2 technological ability to file reports using the electronic
3 means provided or approved by the secretary of state.

4 D. Failure of any person to report electronically
5 pursuant to this section is a violation of the Campaign
6 Reporting Act."

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

9 "[NEW MATERIAL] DISCLAIMERS IN ADVERTISEMENTS.--

10 A. A person who makes an expenditure of three
11 hundred dollars (\$300) or more for an advertisement shall
12 ensure that the advertisement contains:

13 (1) the name of the candidate who authorized
14 the advertisement or whose campaign committee authorized the
15 advertisement;

16 (2) if the advertisement is not authorized by
17 any candidate or campaign committee, the name of the person who
18 authorized it;

19 (3) the name of the person who paid for the
20 advertisement; and

21 (4) the phone number, email address or web
22 address of the person who paid for the advertisement.

23 B. Disclaimer statements required by Subsection A
24 of this section shall be set forth legibly on any advertisement
25 that is disseminated or displayed by visual media. If the

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1 advertisement is transmitted by audio media, the statement
2 shall be clearly spoken at the end of the communication. If
3 the advertisement is transmitted by audio-visual media, the
4 statement shall be both written legibly and spoken clearly at
5 the end of the advertisement."

6 SECTION 3. Section 1-19-26 NMSA 1978 (being Laws 1979,
7 Chapter 360, Section 2, as amended by Laws 2009, Chapter 67,
8 Section 1 and by Laws 2009, Chapter 68, Section 2) is amended
9 to read:

10 "1-19-26. DEFINITIONS.--As used in the Campaign Reporting
11 Act:

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

18 A. "advertisement" means a communication referring
19 to a candidate, ballot measure or election that is published,
20 disseminated, distributed or displayed to the public by print,
21 broadcast, satellite, cable or electronic media, including
22 recorded phone messages, or by printed materials, including
23 mailers, handbills, signs and billboards, and that can
24 reasonably be expected to be seen or heard by at least one
25 thousand persons; but "advertisement" does not include:

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1 (1) an internal political communication
2 primarily limited to the contributors to a qualified political
3 party, political committee or independent expenditure
4 committee, the officers, management, staff and stockholders of
5 a corporation or similar enterprise, or the members of a labor
6 organization or other membership organization;

7 (2) communications appearing in a news story,
8 commentary or editorial distributed through print, broadcast,
9 satellite, cable or electronic media, unless such media are
10 owned or controlled by a candidate, political party, political
11 committee or independent expenditure committee; or

12 (3) nonpartisan voter guides, nonpartisan
13 get-out-the-vote materials or announcements of candidate
14 debates or forums;

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

19 C. "ballot measure" means a constitutional
20 amendment or other question submitted to the voters in an
21 election;

22 [~~G.~~] D. "bank account" means an account in a
23 financial institution located in New Mexico;

24 [~~D.~~] E. "campaign committee" means two or more
25 persons authorized by a candidate to raise, collect or expend

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

3 F. "campaign expenditure" means a payment or
4 transfer or promise to pay or transfer money or other thing of
5 value that is made by a campaign committee or by a candidate in
6 furtherance of the candidate's campaign in an election;

7 ~~[E-]~~ G. "candidate" means an individual who seeks
8 or considers an office in an election covered by the Campaign
9 Reporting Act, including a public official, who either has
10 filed a declaration of candidacy or nominating petition or:

11 (1) for a non-statewide office, has received
12 contributions or made expenditures of one thousand dollars
13 (\$1,000) or more or authorized another person or campaign
14 committee to receive contributions or make expenditures of one
15 thousand dollars (\$1,000) or more for the purpose of seeking
16 election to the office; or

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

25 ~~[F-]~~ H. "contribution":

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

6 (a) made to a candidate to be used in
7 the candidate's campaign for election to an office covered by
8 the Campaign Reporting Act;

9 (b) made to a campaign committee,
10 political committee or independent expenditure committee;

11 (c) earmarked by the contributor to be
12 used for an independent expenditure; or

13 (d) made in response to a solicitation
14 for contributions to be used for an independent expenditure;

15 (2) includes a coordinated expenditure; and

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

23 I. "coordinated expenditure":

24 (1) means a payment or transfer or promise to
25 pay or transfer money or other thing of value that is made:

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

3 (b) at the direction, suggestion or
4 request of, or in consultation with, a candidate, campaign
5 committee or political committee other than the person making
6 the expenditure, or by any agent or representative of a
7 candidate, campaign committee or political committee other than
8 the person making the expenditure; and

9 (c) in order to pay for an advertisement
10 that: 1) expressly advocates the election or defeat of a
11 clearly identified candidate; 2) is susceptible of no other
12 reasonable interpretation than as an appeal to vote for or
13 against a clearly identified candidate; or 3) refers to a
14 clearly identified candidate, is published or disseminated
15 within sixty days before the general election or thirty days
16 before the primary election at which the candidate is on the
17 ballot and can reasonably be expected to be seen or heard by at
18 least five hundred persons eligible to vote for the candidate;
19 and

20 (2) is deemed to constitute a contribution
21 from the person who made the expenditure to the candidate,
22 campaign committee or political committee by whom or by whose
23 agent or representative the expenditure was directed, suggested
24 or requested or in consultation with whom or with whose agent
25 or representative the expenditure was made;

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

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

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

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

20 N. "independent expenditure" means a payment or
21 transfer or promise to pay or transfer money or other thing
22 having a value of three hundred dollars (\$300) or more that is:

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

25 (2) not a coordinated expenditure as defined

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1 in the Campaign Reporting Act; and

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

3 (a) expressly advocates the election or
4 defeat of a clearly identified candidate or the passage or
5 defeat of a clearly identified ballot measure;

6 (b) is susceptible of no other
7 reasonable interpretation than as an appeal to vote for or
8 against a clearly identified candidate or ballot measure; or

9 (c) refers to a clearly identified
10 candidate or ballot measure, is published or disseminated
11 within sixty days before the general election or thirty days
12 before the primary election at which the candidate or ballot
13 measure is on the ballot and can reasonably be expected to be
14 seen or heard by at least five hundred persons eligible to vote
15 for the candidate or ballot measure;

16 O. "independent expenditure committee" means an
17 association of two or more persons the primary purpose of which
18 is to make independent expenditures and that has expended two
19 thousand dollars (\$2,000) or more for that purpose in a
20 calendar year;

21 ~~[K.]~~ P. "person" means an individual or entity;

22 ~~[L.]~~ Q. "political committee" means ~~[two or more~~
23 ~~persons, other than members of a candidate's immediate family~~
24 ~~or campaign committee or a husband and wife who make a~~
25 ~~contribution out of a joint account, who are selected,~~

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1 ~~appointed, chosen, associated, organized or operated primarily~~
2 ~~for a political purpose; and "political committee" includes:~~

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

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

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

15 ~~M. "political purpose" means influencing or~~
16 ~~attempting to influence an election or pre-primary convention,~~
17 ~~including a constitutional amendment or other question~~
18 ~~submitted to the voters] a qualified political party or an~~
19 ~~association of two or more persons the primary purpose of which~~
20 ~~is to make coordinated expenditures;~~

21 ~~[N.] R. "prescribed form" means a form or~~
22 ~~electronic format prepared and prescribed by the secretary of~~
23 ~~state;~~

24 ~~[O.] S. "proper filing officer" means either the~~
25 ~~secretary of state or the county clerk as provided in Section~~

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1 1-19-27 NMSA 1978;

2 [P-] T. "public official" means a person elected to
3 an office in an election covered by the Campaign Reporting Act
4 or a person appointed to an office that is subject to an
5 election covered by that act; and

6 [Q-] U. "reporting individual" means every public
7 official, candidate or treasurer of a campaign committee and
8 every treasurer of a political committee or independent
9 expenditure committee."

10 SECTION 4. Section 1-19-26.1 NMSA 1978 (being Laws 1993,
11 Chapter 46, Section 2, as amended) is amended to read:

12 "1-19-26.1. POLITICAL COMMITTEES AND INDEPENDENT
13 EXPENDITURE COMMITTEES--REGISTRATION--DISCLOSURES.--

14 A. It is unlawful for [any] a political committee
15 [~~that receives, contributes or expends in excess of five~~
16 ~~hundred dollars (\$500) in any calendar year], or an independent
17 expenditure committee that receives or expends in excess of two
18 thousand dollars (\$2,000) in any calendar year, to continue to
19 receive or make [any] a contribution or expenditure [~~for a~~
20 ~~political purpose~~] unless that [political] committee appoints
21 and maintains a treasurer and registers with the secretary of
22 state.~~

23 B. A political committee shall register with the
24 secretary of state within ten days of [~~receiving, contributing~~
25 ~~or expending in excess of five hundred dollars (\$500)]~~

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1 organizing, and an independent expenditure committee shall
2 register with the secretary of state within ten days of
3 receiving or expending in excess of two thousand dollars
4 (\$2,000), by paying a filing fee of fifty dollars (\$50.00) and
5 filing a statement of organization under oath on a prescribed
6 form showing:

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

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

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

15 (4) the names and addresses of the officers of
16 the committee; and

17 (5) an identification of the bank account
18 establish pursuant to Section 1-19-34 NMSA 1978 that is used by
19 the committee for all expenditures or contributions made or
20 received.

21 C. The provisions of this section do not apply to a
22 political committee or independent expenditure committee that
23 is located in another state and is registered with the federal
24 election commission if the [~~political~~] committee reports on
25 federal reporting forms filed with the federal election

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1 commission all expenditures for and contributions made to
2 reporting individuals in New Mexico and files with the
3 secretary of state, according to the schedule required for the
4 filing of forms with the federal election commission, a copy of
5 either the full report or the cover sheet and the portions of
6 the federal reporting forms that contain the information on
7 expenditures for and contributions made to reporting
8 individuals in New Mexico."

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

11 "1-19-29. TIME AND PLACE OF FILING REPORTS.--

12 A. Except as otherwise provided in this section,
13 all reporting individuals shall file with the proper filing
14 officer by 5:00 p.m. on the second Monday in April and October
15 a report of all expenditures made and contributions received on
16 or before the first Monday in those months and not previously
17 reported. The report shall be filed biannually until the
18 reporting individual's bank account has been closed and the
19 other provisions specified in Subsection F of this section have
20 been satisfied.

21 B. In an election year, instead of the biannual
22 reports provided for in Subsection A of this section, all
23 reporting individuals, except for public officials who are not
24 candidates in an election that year, shall file reports of all
25 expenditures made and contributions received or, if applicable,

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1 statements of no activity, according to the following schedule:

2 (1) by 5:00 p.m. on the second Monday in
3 April, a report of all expenditures made and contributions
4 received on or before the first Monday in April and not
5 previously reported;

6 (2) by 5:00 p.m. on the second Monday in May,
7 a report of all expenditures made and contributions received on
8 or before the first Monday in May and not previously reported;

9 (3) by 5:00 p.m. on the second Monday in
10 September, a report of all expenditures made and contributions
11 received on or before the first Monday in September and not
12 previously reported;

13 (4) by 5:00 p.m. on the second Monday in
14 October, a report of all expenditures made and contributions
15 received on or before the first Monday in October and not
16 previously reported;

17 (5) by 5:00 p.m. on the Thursday before a
18 primary, general or statewide special election, a report of all
19 expenditures made and contributions received by 5:00 p.m. on
20 the Tuesday before the election. Any contribution or pledge to
21 contribute that is received after 5:00 p.m. on the Tuesday
22 before the election and that is for five hundred dollars (\$500)
23 or more in a legislative or non-statewide judicial election, or
24 two thousand five hundred dollars (\$2,500) or more in a
25 statewide election, shall be reported to the proper filing

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1 officer either in a supplemental report on a prescribed form
2 within twenty-four hours of receipt or in the report to be
3 filed by 5:00 p.m. on the Thursday before a primary, general or
4 statewide special election, except that any such contribution
5 or pledge to contribute that is received after 5:00 p.m. on the
6 Friday before the election may be reported by 12:00 noon on the
7 Monday before the election; and

8 (6) by 5:00 p.m. on the thirtieth day after a
9 primary, general or statewide special election, a report of all
10 expenditures made and contributions received on or before the
11 twenty-fifth day after the election and not previously
12 reported.

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

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

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1 this section.

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

5 F. Except for candidates and public officials who
6 file a statement of no activity, each reporting individual
7 shall file a report of expenditures and contributions pursuant
8 to the filing schedules set forth in this section, regardless
9 of whether any expenditures were made or contributions were
10 received during the reporting period. Reports shall be
11 required until the reporting individual delivers a report to
12 the proper filing officer stating that:

13 (1) there are no outstanding campaign debts;

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

16 (3) the bank account has been closed.

17 G. Each treasurer of a political committee or
18 independent expenditure committee shall file a report of
19 expenditures and contributions pursuant to the filing schedules
20 set forth in this section until the treasurer files a report
21 that affirms that the committee has dissolved or no longer
22 exists and that its bank account has been closed.

23 H. A reporting individual who is a candidate within
24 the meaning of the Campaign Reporting Act because of the amount
25 of contributions the candidate receives or expenditures the

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1 candidate makes and who does not ultimately file a declaration
2 of candidacy or a nominating petition with the proper filing
3 officer and does not file a statement of no activity shall file
4 biannual reports in accordance with Subsection A of this
5 section.

6 I. Reports required by this section shall be
7 subscribed and sworn to by the candidate or the treasurer of
8 the political committee or independent expenditure committee.
9 A report filed electronically shall be electronically
10 authenticated by the candidate or the treasurer of the
11 [~~political~~] committee using an electronic signature in
12 conformance with the Electronic Authentication of Documents Act
13 and the Uniform Electronic Transactions Act. For the purposes
14 of the Campaign Reporting Act, a report that is electronically
15 authenticated in accordance with the provisions of this
16 subsection shall be deemed to have been subscribed and sworn to
17 by the candidate or the treasurer of the [~~political~~] committee
18 who was required to file the report.

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

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

24 SECTION 6. Section 1-19-34 NMSA 1978 (being Laws 1979,
25 Chapter 360, Section 10, as amended) is amended to read:

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1 "1-19-34. CANDIDATES--POLITICAL, CAMPAIGN OR INDEPENDENT
2 EXPENDITURE COMMITTEES--TREASURER--BANK ACCOUNT--ANONYMOUS
3 CONTRIBUTIONS--CONTRIBUTIONS FROM SPECIAL EVENTS.--

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

8 (1) a treasurer has been appointed and is
9 constantly maintained; provided, however, when a duly appointed
10 treasurer is unable for any reason to continue as treasurer,
11 the candidate or [~~political~~] committee shall appoint a
12 successor; and provided further that a candidate may serve as
13 [~~his~~] the candidate's own treasurer;

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

17 (3) a separate bank account has been
18 established and all receipts of money contributions and all
19 expenditures of money are deposited in and disbursed from the
20 one bank account maintained by the treasurer in the name of the
21 candidate or [~~political~~] committee; provided that nothing in
22 this section shall prohibit investments from the bank account
23 to earn interest as long as the investments and earnings are
24 fully reported. All disbursements except for disbursements
25 made from a petty cash fund of one hundred dollars (\$100) or

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1 less shall be by check made payable to the person or entity
2 receiving the disbursement and not to "cash" or "bearer"; and

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

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

18 C. Cash contributions received at special events
19 that are unidentifiable as to specific contributor but
20 identifiable as to the special event are not subject to the
21 anonymous contribution limits provided for in this section so
22 long as no single special event raises, after expenses, more
23 than one thousand dollars (\$1,000) in such cash contributions.
24 For those contributions, due diligence and best efforts shall
25 be made to disclose on a special prescribed form the sponsor,

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1 date, place, total amount received, expenses incurred,
2 estimated number of persons in attendance and other
3 identifiable factors that describe the special event. For
4 purposes of this subsection, "special event" includes an event
5 such as a barbecue or similar fundraiser where tickets costing
6 fifteen dollars (\$15.00) or less are sold or an event such as a
7 coffee, tea or similar reception.

8 D. Any contributions received pursuant to this
9 section in excess of the limits established in Subsections B
10 and C of this section shall be donated to the state general
11 fund or an organization to which a federal income tax deduction
12 would be available under Subparagraph (A) of Paragraph (1) of
13 Subsection (b) of Section 170 of the Internal Revenue Code of
14 1986, as amended."

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

17 "1-19-34.1. LEGISLATIVE SESSION FUNDRAISING
18 PROHIBITION.--

19 A. It is unlawful during the prohibited period for
20 a state legislator or a candidate for state legislator, or any
21 agent on behalf of either, to knowingly solicit a contribution
22 [~~for a political purpose~~]. For purposes of this subsection,
23 "prohibited period" means that period beginning January 1 prior
24 to any regular session of the legislature or, in the case of a
25 special session, after the proclamation has been issued, and

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1 ending on adjournment of the regular or special session.

2 B. It is unlawful during the prohibited period for
3 the governor, or any agent on [~~his~~] the governor's behalf, to
4 knowingly solicit a contribution [~~for a political purpose~~].
5 For purposes of this subsection, "prohibited period" means that
6 period beginning January 1 prior to any regular session of the
7 legislature or, in the case of a special session, after the
8 proclamation has been issued, and ending on the twentieth day
9 following the adjournment of the regular or special session."

10 SECTION 8. REPEAL.--Sections 1-19-16 and 1-19-17 NMSA
11 1978 (being Laws 1973, Chapter 401, Sections 1 and 2) are
12 repealed.

13 SECTION 9. EFFECTIVE DATE.--The effective date of the
14 provisions of this act is July 1, 2011.